Regulatory Policy Committee	**Opinion**	
Impact Assessment (IA)	Proposed changes to the Poisons Act 1972, Poisons Rules 1982, Poisons List 1982 and associated amendments	
Lead Department/Agency	Home Office	
Stage	Consultation	
IA Number	-	
Origin	Domestic	
Expected date of implementation (and SNR number)	Not known	
Date submitted to RPC	25/09/2013	
RPC Opinion date and reference	25/10/2013	RPC13-HO-1909
Overall Assessment	**GREEN**	

RPC comments

The IA is fit for purpose. The IA would benefit from explanation of the counterfactual. The Department will need to use the consultation to gather more evidence to support the non-monetised costs.

Background (extracts from IA)

What is the problem under consideration? Why is government intervention necessary?

The current regulations do not effectively prevent the abuse of poisons. The poisons register only keeps a record of purchases and does not prevent inappropriate sales. Current controls focus on the retailer rather than the end user who has the potential to misuse the poisons. We have evidence that we can make improvements to the regulatory regime.

What are the policy objectives and the intended effects?

The policy objectives are to:

- Ensure poisons controls are effective in reducing the risk of misuse whilst still enabling legitimate sales.
- Minimise the burden on business.
- Minimise the administrative burdens by implementing at the same time and in the same way as the Marketing and Use of Explosives Precursors Regulation.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 is to make no changes (do nothing).

Option 2 is to make a requirement that home users obtain a licence in advance of a purchase of a Part 1 poison rather than sign a poisons register. Part 1 poisons would still only be sold by registered pharmacists. Retailers would no longer need to apply for a licence to sell Part 2

poisons.

Both Part 1 and 2 poisons would be subject to mandatory suspicious transaction, theft and significant loss reporting for home user and business to business sales. There would also be a requirement to label affected Part 1 products clearly to indicate that the acquisition, possession or use of the product is restricted.

Identification of costs and benefits, and the impacts on business, civil society organisations, the public sector and individuals, and reflection of these in the choice of options

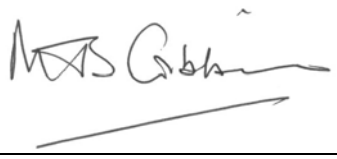
The IA covers the options for proposed changes to control measures for sales of non-medicinal poisons and discusses how removing licensing requirements on retailers will be beneficial to business. The proposal will, instead, require home users to obtain a licence in advance of a purchase. The IA clearly provides analysis to support Option 2 of the proposal. However, the IA provides no discussion for Option 1. The IA would benefit from an explanation of the counterfactual to assist in the consultation. The IA also explains non-monetised costs to business, specifically covering the labelling of affected products. The Department will need to use the consultation to gather more evidence around these non-monetised costs.

Comments on the robustness of the Small & Micro Business Assessment (SaMBA)

As the proposals are deregulatory, a SaMBA is not required. However, the Department could make it explicit within the IA that this is the case.

Comments on the robustness of the OITO assessment.

The IA says that this is a deregulatory proposal that is in scope of OITO and will have a direct net benefit to business (an 'OUT'). Based on the evidence presented, this assessment appears reasonable and is consistent with the current Better Regulation Framework Manual (paragraph 1.9.11).The evidence supporting the estimated Equivalent Annual Net Cost to Business will have to be strengthened so that it can be validated at final stage.

Signed  **Michael Gibbons,** Chairman