2006 No. 182

HEALTH AND SAFETY

The Carriage of Explosives Regulations (Northern Ireland) 2006

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Coming into operation 1st August 2006

Laid before Parliament

ARRANGEMENT OF REGULATIONS

PART 1

INTRODUCTORY PROVISIONS

1. Citation and commencement
2. Interpretation
3. Application
4. Application to international carriage
5. Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment
6. Application to armed forces
7. Exemptions
8. Competent authority

PART II

REQUIREMENTS OF ADR AND OF RID

9. Training
10. Safety obligations
11. Safety advisers
12. Reports on accidents or incidents
13. Emergency plans for marshalling yards
14. Classification of goods
15. Prohibition from carriage
16. Dangerous goods list and special provisions
17. Use of packagings
18. Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs
19. Consignment
20. Construction and testing of packagings and packages

21. Carriage, loading, unloading and handling
22. Vehicle crews, equipment, operation and documentation
23. Construction and approval of vehicles

PART III

COMPETENT AUTHORITY FUNCTIONS

24. Interpretation of Part III and Schedule 1
25. Grant of approvals by the Northern Ireland competent authority
26. Appointment of persons by the Northern Ireland competent authority
27. Recognition of approvals, tests, methods, standards and procedures etc by the Northern Ireland competent authority
28. Imposing of requirements by the Northern Ireland competent authority
29. Issue of safety adviser vocational training certificates by the Northern Ireland competent authority
30. Issue of driver training certificates by the Northern Ireland competent authority
31. Notification under sub-section 1.8.2.2 of ADR or of RID
32. Miscellaneous functions of the Northern Ireland competent authority
33. Exemption certificates, temporary and ad hoc exemptions

PART IV

REQUIREMENTS ADDITIONAL TO ADR AND TO RID

34. Attendant for carriage of class 1 goods by road
35. Duration of carriage and delivery of class 1 goods by road
36. Miscellaneous security requirements for carriage of class 1 goods by road
37. Miscellaneous security requirements for carriage of class 1 goods by rail
38. Security requirement for carriage of class 1 goods by road or by rail
39. Carriage of class 1 goods in vehicles used to carry passengers for hire or reward
40. Carriage of class 1 goods by road in motor vehicles
41. Marshalling and formation of trains
42. Keeping of information by carriers
43. Placards, marks and plate markings for carriage within Northern Ireland

PART V

MISCELLANEOUS

44. Transitional defence
45. Defence and enforcement
46. Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991
47. Consequential amendments
48. Revocations and savings

SCHEDULE 1

COMPETENT AUTHORITY FUNCTIONS

PART 1

GRANT OF APPROVALS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

PART 2

APPOINTMENT OF PERSONS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

PART 3

RECOGNITION OF APPROVALS, TESTS, METHODS, STANDARDS, PROCEDURES ETC BY THE NORTHERN IRELAND COMPETENT AUTHORITY

PART 4

IMPOSING OF REQUIREMENTS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

SCHEDULE 2

FEES FOR CERTIFICATES AND APPLICATIONS FOR APPROVALS

SCHEDULE 3

CARRIAGE OF CLASS 1 GOODS BY ROAD WHERE ATTENDANT NOT REQUIRED

SCHEDULE 4

PLACARDS, MARKS AND PLATE MARKINGS FOR CARRIAGE WITHIN NORTHERN IRELAND

PART 1

CARRIAGE OF GOODS BY ROAD

PART 2

CARRIAGE OF GOODS BY RAIL

SCHEDULE 5

AMENDMENTS TO THE CLASSIFICATION AND LABELLING OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 1991

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

1. Amendment to the Compressed Acetylene Order (Northern Ireland) 1979
2. Amendments to the Explosives in Harbour Areas Regulations (Northern Ireland) 1995

SCHEDULE 7

REVOCATIONS

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 40(2) to (4) and 55(2) of, and paragraphs 1(1) to (4), 2, 3(1), 5, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**a**) as so applied and modified by Article 53 of that Order. In accordance with Article 46(1)(**b**) of that Order he has consulted with the Health and Safety Executive for Northern Ireland(**c**) and such other bodies as appeared to him to be appropriate.

(**a**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)

(**b**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(**c**) Formerly the Health and Safety Agency for Northern Ireland; *see* S.I. 1998/2795 (N.I. 18), Article 3(1)

PART I

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives Regulations (Northern Ireland) 2006 and shall come into operation on 1st August 2006.

Interpretation

2.—(1) In these Regulations—

"ADR" means (except for the purposes of regulation 4) the provisions which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by road which—

(a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2003)(**a**); and

(b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21 November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(**b**),

and "ADR Directive" means the Directive referred to in sub-paragraph (b);

"battery-vehicle" has the meaning in section 1.2.1 of ADR;

"battery-wagon" has the meaning in section 1.2.1 of RID;

"bundle of cylinders" means—

(a) in relation to carriage by road, a "bundle of cylinders" as set out in section 1.2.1 of ADR; or

(b) in relation to carriage by rail, a "bundle of cylinders (frame)" as set out in section 1.2.1 of RID;

"carriage" and "carrier" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"the Carriage of Dangerous Goods Regulations" means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**c**);

"class 1 goods" shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 2 goods" shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 5 goods" shall be construed in accordance with sub-section 2.2.51.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 6 goods" shall be construed in accordance with sub-section 2.2.61.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"compatibility group" shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"compressed gas" has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"consignee", "consignment" and "consignor" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(**a**) 2003 Edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)

(**b**) O.J. No. L319, 12.12.94, p. 7; relevant amending directives are Directive 2000/61/EC of the European Parliament and Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive 2003/28/EC of 7th April 2003 (O.J. No. L90, 8.4.2003. p. 45)

(**c**) S.R. 2006 No. 173

"container" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"COTIF" means the Convention concerning International Carriage by Rail, as revised or reissued from time to time(**a**);

"cylinder" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"dangerous goods" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"demountable tank" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"division 1.1" and "division 1.4" shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"drum" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"EEC-type cylinder" means transportable pressure equipment—

(a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate—

(i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or

(ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives, which conforms to the requirements of the Directives referred to in sub-paragraph (i); and

(b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

"emergency action code" ("EAC") means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004(**b**);

"Executive" means the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978;

"explosive article" shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"explosive substance" shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"EX/II vehicle" and "EX/III vehicle" have the meaning in sub-section 9.1.1.2 of ADR;

"factory" has the meaning in section 175 of the Factories Act (Northern Ireland) 1965(**c**);

"filler" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"flammable gases" shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"FRP tank" means a tank constructed of fibre-reinforced plastics;

"gas" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"goods vehicle examiner" means an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(**d**) who examines goods vehicles within the meaning of Article 2 of that Order;

(**a**) Cmnd. 2232
(**b**) ISBN 0-11-341275-4
(**c**) 1965 c. 20 (N.I.); section 175(2)(n) was amended by regulation 3(1) of, and Schedule 1 to, S.R. 1984 No. 283
(**d**) 1995 No. 2994 (N.I. 18)

"harbour area" has the meaning in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(**a**);

"hazard identification number" ("HIN") shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"IMDG Code" means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization(**b**);

"inland waterway" includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition "member State" does not include the United Kingdom;

"intermediate bulk container" ("IBC") has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"liquefied gas" has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"liquid" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"loader" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"military establishment" means an establishment intended for use for naval, military or air force purposes or the purposes of the Department of the Secretary of State responsible for defence;

"military explosive" has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**c**);

"multiple-element gas container" ("MEGC") has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"Northern Ireland competent authority" means the competent authority for Northern Ireland in accordance with regulation 8(1) to (3);

"old pressure receptacle" means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of class 2 goods, except that—

(a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;

(b) the definition of—

(i) "bundle of cylinders" in section 1.2.1 of ADR; and

(ii) "bundle of cylinders (frame)" in section 1.2.1 of RID,

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed—

(a) in the case of cylinders and cryogenic receptacles, on or before 30th September 2005; and

(b) in the case of other pressure receptacles, on or before 31st July 2006;

"old tank" means—

(a) a tank;

(b) pressure receptacles forming elements of—

(i) a battery-vehicle in relation to carriage by road; or

(ii) a battery-wagon in relation to carriage by rail; and

(c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

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(**a**) S.R. 1995 No. 87

(**b**) Current edition (2004): ISBN 92-801-4184-8

(**c**) S.R. 1991 No. 516

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 31st July 2006;

"operator" means an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"outer packaging" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"owner" means in relation to transportable pressure equipment or an IBC—

(a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it except for a person who buys it solely to use the goods in it before selling it back to the supplier;

(b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or

(c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Northern Ireland—

(i) the agent of that person in Northern Ireland; or

(ii) if there is no such agent, the user;

"package" and "packaging" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"packer" and "packing group" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"piggyback transport" has the meaning in section 1.2.1 of RID;

"portable tank" has the meaning in—

(a) section 1.2.1;

(b) sub-section 6.7.2.1 for the purposes of section 6.7.2;

(c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or

(d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"pressure drum" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"pressure receptacle" means a cylinder, pressure drum, closed cryogenic receptacle or bundle of cylinders;

"Pressure Vessels Framework Directive" means Council Directive 76/767/EEC of 27th July 1976(**a**), as amended, concerning the approximation of laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

"quality assurance" has, for the purposes of Parts II and III, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"quarry" has the meaning in Article 2(2) of the Quarries (Northern Ireland) Order 1983(**b**);

"railway" means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is—

(a) a tramway, that is to say a system of transport used wholly or mainly for the transport of passengers and employing parallel rails and which are laid wholly or mainly along a street or in any place to which the public has access (including a place to which the public has access only on making a payment); or

(b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

"railway infrastructure manager" has the meaning in section 1.2.1 of RID;

(**a**) O.J. No. L262, 27.9.1976, p. 153; relevant amending Directives are Council Directive 87/354/EEC of 25th June 1987 (O.J. No. L192, 11.7.1987, p. 43) and Council Directive 88/66/EEC of 21st December 1988 (O.J. No. L382, 31.12.1988, p. 42)

(**b**) S.I. 1983/150 (N.I. 4)

"railway vehicle" means any conveyance which is used for the carriage of dangerous goods on a railway;

"receptacle" has the meaning given in the definition of "receptacle" in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, except that when used in relation to receptacles for class 1 goods it shall include the items listed in the definition of ""receptacles" (class 1)" in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"RID" means (except for the purposes of regulation 4) the Regulations which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by rail which—

(a) form Annex 1 to Appendix B to COTIF;

(b) are contained in the Annex to Council Directive 96/49/EC of 23rd July 1996, as amended, on the approximation of the laws of the member States with regard to the transport of dangerous goods by rail(**a**); and

(c) include the 2004 Supplement which came into force on 1st January 2004(**b**),

and the "RID Directive" means the Directive referred to in sub-paragraph (b);

"road" means any highway and any road to which the public has access and includes bridges over which a road passes;

"safe and secure place" means a safe and secure place within a factory or magazine—

(a) licensed under the Explosives Act 1875(**c**); or

(b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983(**d**);

"separate Directives" means Council Directives 84/525/EEC of 17th September 1984, 84/526/EEC of 17th September 1984 and 84/527/EEC of 17th September 1984(**e**) concerning the approximation of laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

"standard" means—

(a) a nationally or internationally agreed standard; or

(b) any other document not falling within sub-paragraph (a), which is a technical code within the meaning of that term in ADR in relation to carriage by road or of RID in relation to carriage by rail;

"tank" has the meaning in—

(a) section 1.2.1; or

(b) sub-section 6.7.4.1 when used for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail and in relation to carriage by rail such term includes a demountable tank, tank-container, a tank wagon, a portable tank or fixed tank, including tanks forming elements of battery-wagons or MEGCs;

"tank-container" has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"tank-vehicle" has the meaning in section 1.2.1 of ADR;

"tank wagon" has the meaning in section 1.2.1 of RID;

"train" means—

(a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or

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(**a**) O.J. No. L235, 17.9.96, p. 25; relevant amending Directives are Directive 2000/62/EC of the European Parliament and the Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 44) and Commission Directive 2003/29/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 47)

(**b**) ISBN 0-11-55-2553-X

(**c**) 1875 c. 17

(**d**) S.R. 1983 No. 326

(**e**) O.J. No. L300, 19.11.1984, pp. 1, 20 and 48 respectively

(b) a locomotive not coupled to any other rolling stock;

"train operator" in relation to any train, means any person who has the management of that train for the time being;

"transportable pressure equipment" means a pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC or tank which is used or intended to be used for the carriage by road or by rail or storage of class 2 goods including any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment;

"transport category" means a category to which goods are assigned for the purposes of sub-section 1.1.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, as modified by regulation 3(8);

"transport document" shall mean the document containing the information set out in section 5.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"transport unit" has the meaning in section 1.2.1 of ADR;

"UN certified multiple-element gas container" ("UN-certified MEGC") has the meaning in sub-section 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"vehicle" means (other than for the purposes of the definition of "railway") any conveyance used for the carriage of goods by road; and

"wagon" has the meaning in section 1.2.1 of RID.

(2) In these Regulations a vehicle or a train is owned by the armed forces when it is owned by—

(a) Her Majesty's Forces;

(b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952(**a**); or

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(**b**),

and includes a vehicle which has been provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

(3) In these Regulations a vehicle or a train is under the control of the armed forces when—

(a) a member of the crew on board is a member of the armed forces acting in the course of his duties; or

(b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within sub-paragraph (a).

(4) In paragraph (3) "a member of the armed forces" means—

(a) a member of Her Majesty's Forces;

(b) a member of any visiting force within the meaning of Part 1 of the Visiting Forces Act 1952; or

(c) a civilian who is an employee of Her Majesty's Forces.

(5) In these Regulations, the words "used at work", when referring to transportable pressure equipment, include the filling, emptying, refilling, storage and transport by road or by rail of that equipment at work and an intention to conduct any of those activities.

(6) In these Regulations the "transport of dangerous goods by inland waterway" means the—

(a) transport;

(b) related loading or unloading,

of dangerous goods by inland waterway.

(7) Any document which is—

(a) required to be sent, submitted or otherwise delivered; or

(b) issued pursuant to these Regulations,

(**a**) 1952 c. 67
(**b**) 1964 c. 5

may be sent to the recipient by electronic means.

(8) In these Regulations, references to "UN" followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, and "UN number" shall be construed accordingly.

(9) In these Regulations, the expression "mine" means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(10) For the purposes of these Regulations—

(a) subject to sub-paragraph (b), there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products extracted from the mine or the removal from the mine of the refuse of it;

(b) premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for sale of the minerals extracted from it shall not be deemed to form part of a mine;

(c) premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine, and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969(**a**);

(d) a railway line serving a single mine (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969; and

(e) a conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it or refuse from it shall be deemed to form part of a mine.

(11) In paragraph (10) "owner" means, in relation to a mine, the person for the time being entitled to work it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of paragraph (10) to be an additional owner of the mine.

(12) Where a term is defined in ADR in relation to carriage by road or in RID in relation to carriage by rail and is not defined for the purposes of these Regulations, it bears the meaning as defined in ADR in relation to carriage by road and in RID in relation to carriage by rail.

(13) In these Regulations a reference to a numbered Part, chapter, section or sub-section of ADR in relation to carriage by road or of RID in relation to carriage by rail is a reference to that numbered Part, chapter, section or sub-section of—

(a) ADR in relation to carriage by road; or

(b) RID in relation to carriage by rail.

Application

3.—(1) These Regulations shall apply to explosives and other dangerous goods within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970(**b**) or the Explosives (Northern

(**a**) 1969 c. 6 (N.I.), as amended by S.R. 1999 No. 150. There are other amendments to the Act not relevant to these Regulations
(**b**) 1970 c. 10 (N.I.), as amended by S.R. 1996 No. 1920 (N.I. 17)

Ireland) Order 1972(**a**) and to any regulations, orders or other instruments of a legislative character made or having effect under those provisions.

(2) Part IV (Transportable Pressure Equipment) of the Carriage of Dangerous Goods Regulations shall apply to the carriage of those class 2 goods that fall within the meaning of paragraph (1).

(3) Subject to paragraphs (4) to (18) and to regulations 4 to 6, Parts II to IV of these Regulations, and Schedule 1 to the Carriage of Dangerous Goods Regulations, these Regulations shall apply to and in relation to the carriage of dangerous goods by road and by rail.

(4) Regulation 11(2) shall apply to and in relation to the transport of dangerous goods by inland waterway.

(5) Regulation 11(3) shall apply to and in relation to the carriage of dangerous goods by road and by rail and the transport of dangerous goods by inland waterway.

(6) These Regulations shall not apply to the carriage by road of dangerous goods in a vehicle intended for use on the road which—

(a) has fewer than 4 wheels and has a maximum design speed of 25 kilometres per hour or less;

(b) runs on rails;

(c) is mobile machinery; or

(d) is an agricultural or forestry tractor,

or any trailer being towed by such a vehicle.

(7) Subject to paragraphs (8) and (9), these Regulations shall not apply to or in relation to the carriage of dangerous goods—

(a) by road or transport of dangerous goods by inland waterway in the circumstances and to the extent that section 1.1.3 of ADR provides that the provisions of ADR shall not apply to any such carriage; and

(b) by rail in the circumstances and to the extent that section 1.1.3 of RID provides that the provisions of RID shall not apply in relation to such carriage.

(8) For the purposes of paragraph (7)—

(a) the fifth indent of sub-section 1.1.3.6.2 of ADR in relation to carriage by road shall apply as if "8.1.2.1(a) and (c)" were omitted for the carriage of—

(i) class 2, 5 and 6 goods; and

(ii) class 1 goods where the goods being carried are—

(aa) cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055), cartridges (UN 0012, 0014, 0323 and 0405), fireworks (UN 0337), flares (UN 0404), fuse (UN 0105), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), and signals (UN 0193 and 0373); or

(bb) cartridge cases (UN 0379, 0446 and 0447), cartridges (UN 0054, 0275, 0276, 0277, 0278, 0312, 0327, 0328, 0338, 0339 and 0381), fireworks (UN 0333, 0334, 0335 and 0336), flares (UN 0092, 0093 and 0403), flash powder (UN 0094 and 0305), fuse (UN 0101), igniter cord and igniters (UN 0066, 0121, 0314, 0315 and 0325), primers (UN 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430 and 0431), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0194, 0195, 0196 and 0197), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236) of a net mass of explosive substance of not more than 50 kilograms; or

(cc) black powder (UN 0027 and 0028) and smokeless powder (UN 0160 and 0161) of a net mass of explosive substance of not more than 5 kilograms; and

(b) section 1.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply with the following modifications—

(i) in the table in sub-section 1.1.3.6.3 of ADR and of RID—

(aa) in the second row omit the entry for class 1;

(bb) after the second row insert a new row—

(**a**) 1972 No. 730 (N.I. 3)

“

1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50

”

(cc) in the third row omit the entry for class 1;

(dd) after the third row insert a new row—

“

2A	Class 1: 1.4B to 1.4G and 1.6N	500

”

(ee) at the end, in the note omit the words “0081, 0082, 0084, 0241, 0331, 0332, 0482,”; and

(ii) in sub-section 1.1.3.6.4 of ADR and of RID—

(aa) after the second indent insert—

“the quantity of substances and articles of transport category 1A multiplied by “20”;”;

(bb) at the end of the third indent delete “and”;

(cc) after the third indent insert—

“the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

(9) Notwithstanding paragraph (7), regulations—

(a) 21(5)(a), in so far as it relates to the requirements in section 7.5.2 of ADR in relation to carriage by road;

(b) 22(3), in so far as it relates to the requirements in section 8.3.5 of ADR in relation to carriage by road;

(c) 22(4), in so far as it relates to the requirements in special provisions S1:(3) and S1:(6) of chapter 8.5 of ADR in relation to carriage by road; and

(d) 36 and 38 to 40,

shall apply to the carriage of class 1 goods in the circumstances set out in sub-section 1.1.3.1(c) of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(10) These Regulations shall not apply to or in relation to the carriage of dangerous goods by road by private individuals in the circumstances set out in sub-section 1.1.3.1(a) of ADR where—

(a) the net mass of explosive substance in a transport unit does not exceed in the case of—

(i) fireworks, 50 kilograms; and

(ii) other explosives or a combination of fireworks and other explosives, 30 kilograms; and

(b) the individual has taken all reasonable steps to ensure that—

(i) the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health and safety of any person; and

(ii) there is no unauthorised access to the explosives; and

(c) where the goods are being carried in a vehicle used to carry passengers for hire or reward, the conditions and limits of regulation 39 apply.

(11) Packages, containers, portable tanks and tank-containers which do not meet the—

(a) requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply pursuant to Part II; or

(b) modified placarding, marking and plate marking requirements of regulation 43,

shall be accepted for carriage provided that they comply with the conditions set out in sub-section 1.1.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(12) These Regulations shall not apply to the extent and in the circumstances that sub-section 1.1.4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(13) Parts II and III shall not apply to the extent, in the circumstances and subject to the conditions that chapter 1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(14) These Regulations shall not apply where—

(a) a special provision or special requirement is indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the goods in question; and

(b) that special provision is for an exemption from the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail—

(i) to the extent;

(ii) in the circumstances; and

(iii) subject to any conditions,

set out in that special provision or special requirement of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(15) These Regulations shall not apply to dangerous goods packed in limited quantities as indicated in column (7) of Table A of chapter 3.2 and the table in section 3.4.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail—

(a) to the extent;

(b) in the circumstances; and

(c) subject to the conditions,

set out in chapter 3.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(16) These Regulations shall not apply to or in relation to the carriage of class 2, 5 and 6 goods by road in a vehicle which is used for—

(a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or

(b) passing between one part of private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person including where those parts are separated by a road.

(17) Regulations—

(a) 11;

(b) 17;

(c) 19(2), to the extent that it relates to the requirements in chapter 5.3 of ADR;

(d) 19(3), to the extent that it relates to the requirements in chapter 5.4 of ADR;

(e) 22(1)(a), to the extent that it relates to the requirements in section 8.2.1 of ADR;

(f) 22(1)(b) and 22(3), to the extent that they relate to the requirements in sections 8.1.2 and 8.1.3 of ADR; and

(g) 22(5),

shall not apply to the carriage of class 1 goods by road in a vehicle which is used for the purposes described in paragraph (16).

(18) Parts II to IV of these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where the dangerous goods in question are moved only within an establishment in compliance with such regulations relating to safety as apply to that establishment and where such movement is not on a road or on a railway.

Application to international carriage

4.—(1) Regulations 9, 10 and 14 to 23 and Part III (except in so far as it relates to competent authority functions referred to in chapter 1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail and Parts 8 and 9 of ADR in relation to carriage by road) and Part IV (except regulations 34, 35 and 38) of these Regulations shall not apply to or in relation to the carriage of dangerous goods where the carriage forms part of an international transport operation—

(a) within the meaning of—

(i) COTIF and conforms in every respect with the provisions of RID; or

(ii) article 1(c) of ADR and the carriage conforms in every respect with the provisions of ADR; or

(b) which is subject to a bilateral or multilateral special agreement made under the terms of—

(i) COTIF to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned; or

(ii) article 4.3 of ADR to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned.

(2) In this regulation—

(a) "RID" means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF; and

(b) "ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(**a**).

Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment

5.—(1) Regulations 17 and 20, in so far as they relate to pressure receptacles, shall not apply to pressure receptacles which are old pressure receptacles.

(2) Regulation 18 (except for paragraphs (1)(a) and (3)(a)), in so far as it relates to tanks, shall not apply to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks which are old tanks.

Application to armed forces

6.—(1) Subject to paragraph (5), these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where—

(a) they are carried on a railway which is operated wholly within a military establishment; or

(b) their carriage commences and terminates within the same military establishment.

(2) Subject to paragraph (5) and notwithstanding the requirements in regulations 19(2) and (3) and 22(3), the requirements in chapter 5.3, sections 5.4.0 to 5.4.2 and sub-sections 5.4.3.4 and 8.1.2.3 of ADR shall not apply to the carriage of dangerous goods in a vehicle owned by the armed forces which is being used in connection with—

(a) training—

(i) which has been certified to be training on a special occasion in accordance with regulation 9(1)(a) of the Road Vehicles Lighting Regulations (Northern Ireland) 2000(**b**); and

(ii) in respect of which at least 48 hours' notice has been given to—

(aa) the Chief Constable; and

(bb) the chief fire officer within the meaning of Article 9(2) of the Fire Services (Northern Ireland) Order 1984(**c**); or

(b) manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958(**d**).

(3) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 of ADR which applies to the vehicle in question by virtue of regulation 23 may be deemed to be satisfied to the extent that it is not reasonably practicable for the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

(**a**) 2003 edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)

(**b**) S.R. 2000 No. 169

(**c**) S.I. 1984/1821 (N.I. 11)

(**d**) 1958 c. 7; section 1(3)(a)(i) was substituted by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words 'Environment Agency' were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words 'Countryside Agency' were substituted by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), Article 3. There are other amendments not relevant to these Regulations

(4) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by or under the control of the armed forces, the requirements in regulation 43 shall not apply.

(5) The disapplications in paragraphs (1) to (4) shall not apply where a vehicle or train owned by or under the control of the armed forces is carrying dangerous goods by road or by rail on behalf of a person who is not a member of the armed forces.

Exemptions

7.—(1) Notwithstanding regulation 21(5) and section 7.5.2 of ADR and provided that all reasonably practicable measures have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods, the following dangerous goods may be carried by road together—

(a) detonating cord (UN 0065, 0104, 0289 and 0290), boosters (UN 0042 and 0283), detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361) or blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332) with AMMONIUM NITRATE (UN 1942), and note **d** to the Table in sub-section 7.5.2.1 of ADR shall apply to the carriage of such goods together as it applies to the carriage of the goods referred to in that note;

(b) signals (UN 0191 and 0197), fireworks (UN 0336), aerial flares (UN 0403), pyrotechnic articles (UN 0431) or line-throwing rockets (UN 0453) with—

(i) dangerous goods in transport category 2 (except for flammable gases, class 6.1 or 6.2 goods) or 3; or

(ii) any combination of goods falling within head (i),

provided that the maximum total quantity of the goods in transport category 2 does not exceed 500 kilograms or litres or a combined total of 500 kilograms and litres and the maximum total quantity of the class 1 goods shall not exceed 500 kilograms;

(c) class 1 goods in compatibility group G and division 1.4 with—

(i) class 3 goods and flammable gases in transport category 2;

(ii) non-flammable, non-toxic gases that are—

(aa) of group A or O as referred to in sub-section 2.2.2.1.3 of ADR; and

(bb) in transport category 3; or

(iii) any combination of goods falling within heads (i) and (ii),

provided that the maximum total quantity of dangerous goods per transport unit shall not exceed 200 kilograms or litres or a combined total of 200 kilograms and litres of which the class 1 goods shall not exceed 20 kilograms.

(2) Notwithstanding regulation 21(5), the following dangerous goods may be carried by road or by rail together—

(a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B with explosive articles in compatibility groups D, E or F of which the fuzes are component parts;

(b) class 1 goods in compatibility group F with explosive articles in compatibility groups C, D or E.

(3) Notwithstanding regulation 21(5), and the limits set out in the table in sub-section 7.5.5.2.1 of ADR, the maximum total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.

(4) Notwithstanding regulations 19(1) and 20(1), where—

(a) goods are packaged in limited quantities in accordance with chapter 3.4 of ADR for carriage by road; and

(b) are then removed from their outer packaging for the final stages of the carriage operation from a—

(i) distribution centre to a retailer or end-user; or

(ii) retailer to an end-user,

the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport

unit does not exceed 30 kilograms or litres per substance or article and does not exceed 333 kilograms or litres per transport unit.

(5) Notwithstanding regulation—

(a) 22(3) and section 8.3.3 of ADR, the driver and any other member of the vehicle crew may open a package containing dangerous goods provided that the carrier has authorised him to do so;

(b) 22(1)(b) and 22(3), the requirements in special provisions S1:(4)(d) and (5)(a) of chapter 8.5 of ADR shall only apply where it is practicable for the carrier or the vehicle crew to comply with them;

(c) 22(3), the requirements in special provisions S1:(6) of chapter 8.5 of ADR shall not apply during stops—

(i) within a safe and secure place; or

(ii) within premises which are under the control of the Ministry of Defence,

where the only class 1 goods being carried are cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055, 0379, 0446 and 0447), cartridges (UN 0012, 0014, 0054, 0275, 0276, 0277, 0278, 0312, 0323, 0327, 0328, 0338, 0339, 0381 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), flares (UN 0092, 0093, 0403 and 0404), flash powder (UN 0094 and 0305), fuse (UN 0101 and 0105), fuse lighters (UN 0131), igniter cord and igniters (UN 0066, 0121, 0314, 0315, 0325 and 0454), primers (UN 0044, 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430, 0431 and 0432), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0193, 0194, 0195, 0196, 0197 and 0373), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236); and

(d) 22(3), the requirements in special provision S1:(6) of chapter 8.5 of ADR shall not apply where the following conditions are met—

(i) the load consists of one or more of the following—

(aa) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;

(bb) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or

(cc) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number;

(ii) any of the goods are to be used on the day in question;

(iii) adequate measures for the security of the goods in relation to the vehicle in question have been taken; and

(iv) the vehicle is—

(aa) parked on a site;

(bb) being used for delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or

(cc) being used in passing between one part of private premises and another part of those premises situated in the immediate vicinity of that first part where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road.

(6) Notwithstanding regulation 21(9), a carrier carrying dangerous goods by rail in piggyback transport need not comply with the provisions referred to in that regulation where the road vehicle which is being carried on the wagon displays—

(a) the placards, marks, labels, plate markings and HIN required pursuant to regulation 19(2) and chapter 5.3 of ADR; or

(b) the hazard warning panels referred to in paragraph 5 of Schedule 4 pursuant to regulation 43(1)(b),

provided that those placards or hazard warning panels are clearly visible.

(7) Notwithstanding regulation 19(2), the requirements of section 5.3.4 of RID shall not apply to the carriage of goods by rail.

(8) Notwithstanding the requirements of regulation 10(1)(b), where—

(a) a consignor is carrying dangerous goods on his own behalf; and

(b) the load does not exceed the quantities specified in sub-section 1.1.3.6 of ADR as modified by regulation 3(8),

he need not comply with the requirements of sub-section 1.4.2.1.1(b) of ADR.

(9) In paragraph (1) "maximum total quantity" shall be construed in accordance with sub-section 1.1.3.6.3 of ADR.

Competent authority

8.—(1) Subject to paragraph (2) and regulation 8(2) of the Carriage of Dangerous Goods Regulations, the competent authority for Northern Ireland for competent authority functions referred to in ADR and in RID is the Secretary of State.

(2) The competent authority for Northern Ireland is the Department of the Environment for the functions of the competent authority—

(a) in relation to the inspection of vehicles; and

(b) the issue of certificates following such inspections or copies of the certificates,

in pursuance of chapter 9.1 of Annex B to ADR.

(3) The competent authority for Northern Ireland is the Secretary of State for Defence for the functions of the—

(a) competent authority in relation to the classification of military explosives in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) competent authority in special provisions 16, 178, 266, 271 and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to military explosives;

(c) competent authority in mixed packing instruction MP21 of section 4.1.10, sub-sections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to military explosives;

(d) competent military authority in special provision W2 of section 7.2.4 of RID; and

(e) competent authority in relation to the design approval of containers or compartments for the carriage of military explosives, in accordance with sub-section 7.5.2.2, note **a** of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) The competent authority as regards a state other than the United Kingdom is the authority designated as the competent authority in that State for any purpose in connection with ADR or with RID.

PART II

REQUIREMENTS OF ADR AND OF RID

Training

9. Any person involved in the carriage of dangerous goods by—

(a) road shall ensure that—

(i) he; and

(ii) those of his employees whose responsibilities are concerned with such carriage, except for drivers who are required to receive training in accordance with regulation 22(1),

receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 and section 8.2.3 of ADR;

(b) rail shall ensure that he and those of his employees whose responsibilities are concerned with such carriage, receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 of RID.

Safety obligations

10.—(1) Any person involved in the carriage of dangerous goods by road shall comply with—

(a) in so far as they relate to matters within his control, the general safety measures; and

(b) any particular safety obligations applying to him,

in chapter 1.4 of ADR.

(2) Any person involved in the carriage of dangerous goods by rail shall comply with—

(a) in so far as they relate to matters within his control, the general safety measures; and

(b) any particular safety obligations applying to him,

in chapter 1.4 of RID.

Safety advisers

11.—(1) Subject to paragraph (3), any carrier, filler or loader involved in the carriage of dangerous goods by road or by rail shall comply with the requirements relating to the appointment and duties of safety advisers in sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Subject to paragraph (3), any person who transports dangerous goods by inland waterway shall—

(a) appoint a safety adviser in accordance with sub-section 1.8.3.1 of ADR as if that paragraph applied to those transporting dangerous goods by inland waterway; and

(b) ensure that the duties of that adviser are as set out in sub-sections 1.8.3.3 to 1.8.3.9 of ADR except that those paragraphs shall apply as if they referred to the transport of dangerous goods by inland waterway.

(3) Paragraphs (1) and (2) shall not apply—

(a) to any person—

(i) whose main or secondary activity is not the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway; and

(ii) who occasionally engages in the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway within Northern Ireland which pose little danger or risk of pollution; and

(b) to any person whose activities only concern the carriage by road or by rail or the transport by inland waterway of dangerous goods where the quantity of dangerous goods in each—

(i) transport unit in relation to carriage by road;

(ii) wagon or large container in relation to carriage by rail; or

(iii) vessel in relation to transport by inland waterway,

is less than that specified for the goods in question in sub-section 1.1.3.6, as modified by regulation 3(8), or chapters 3.3 and 3.4 of ADR in relation to carriage by road or transport by inland waterway or of RID in relation to carriage by rail, and in relation to transport of dangerous goods by inland waterway sub-section 1.1.3.6 of ADR shall apply for the purposes of this paragraph as if the references to a "transport unit" were references to a "vessel".

(4) Any person required by paragraph (1) to appoint a safety adviser shall—

(a) when requested to do so by—

(i) the Northern Ireland competent authority in relation to carriage by road or by rail; or

(ii) any goods vehicle examiner in relation to carriage by road,

inform him of the name of the adviser;

(b) when requested to do so by—

(i) the Northern Ireland competent authority in relation to carriage by road or by rail; or

(ii) any goods vehicle examiner in relation to carriage by road,

provide him with a copy of any accident and annual reports which have been prepared pursuant to this regulation in accordance with sub-sections 1.8.3.3 and 1.8.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Reports on accidents or incidents

12. Where a serious accident or incident takes place during the carriage of dangerous goods as described in sub-sections 1.8.5.1 and 1.8.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, the carrier in relation to carriage by road and the railway infrastructure manager in relation to carriage by rail, shall comply with the reporting requirements in sub-section 1.8.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Emergency plans for marshalling yards

13. Where goods are carried by rail, the railway infrastructure manager shall comply with the requirements of chapter 1.10 of RID, relating to the preparation of internal emergency plans for marshalling yards.

Classification of goods

14. A consignor shall not consign dangerous goods for carriage by road or by rail unless the goods have been classified—

(a) in accordance with any general requirements applicable to the goods in question in chapter 2.1 and in so doing shall assign the—

(i) UN number for those goods as indicated in column (1) of Table A of chapter 3.2;

(ii) name and description for those goods as indicated in column (2) of Table A of chapter 3.2; and

(iii) packing group for those goods as indicated in column (4) of Table A of chapter 3.2;

(b) in accordance with any class specific requirements applicable to the goods in question in chapter 2.2 as indicated in columns (3a) and (3b) of Table A of chapter 3.2; and

(c) using the test methods applicable to the goods in question required by chapters 2.2 and 2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Prohibition from carriage

15. A carrier shall not accept for carriage by road or by rail any goods which—

(a) chapter 2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or

(b) sub-section 1.1.4.4 of RID in relation to carriage by rail,

provides may not be so carried.

Dangerous goods list and special provisions

16.—(1) Where a person is required to comply with a special provision indicated in column (6), (9a) or (16) to (19) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part, then that special provision shall prevail to the extent of the conflict.

(2) Where any person refers to a column of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part, that column shall be construed in accordance with section 3.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(3) Where any person complies with any requirement of Parts 2, 5 or 6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, pursuant to this Part, which relates to the use of a "proper shipping name", then that person shall comply with any relevant requirements

relating to the proper shipping name in section 3.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any person involved in the carriage of dangerous goods shall ensure, in so far as they relate to matters within their control, that any special provisions in chapter 3.3, which relate to the goods in question as indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, are complied with, in so far as they impose requirements relating to the carriage of those goods.

Use of packagings

17. Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that the goods are packed in accordance with any—

(a) general packing provisions, applicable to the goods and packaging in question, in sections 4.1.1 to 4.1.3;

(b) packing instruction, applicable to the goods in question, as indicated in column (8) of Table A of chapter 3.2;

(c) special packing provisions, applicable to the goods in question, in sections 4.1.5 and 4.1.6;

(d) special packing provisions, applicable to the goods in question, in chapter 4.1 as indicated in column (9a) of Table A of chapter 3.2; and

(e) special provisions for mixed packing in section 4.1.10, applicable to the goods in question, as indicated in column (9b) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs

18.—(1) Any consignor consigning dangerous goods and any filler filling tanks for the carriage of dangerous goods by road or by rail in a portable tank shall ensure that—

(a) the goods are not consigned and the tank is not filled unless a portable tank instruction is indicated in column (10) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) the tank is used in accordance with any—

(i) general and additional provisions in chapter 4.2;

(ii) requirements referred to in the portable tank instruction indicated in column (10) of Table A of chapter 3.2; and

(iii) special provisions indicated in column (11) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the dangerous goods in question.

(2) Any consignor consigning dangerous goods and any filler filling a UN-certified MEGC for carriage by road or by rail shall ensure that the UN-certified MEGC is used in accordance with the requirements of section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning dangerous goods and any filler filling any battery-vehicle, battery-wagon, MEGC or tank for carriage by road or by rail shall ensure that those goods are not carried in the equipment in question unless—

(a) a tank code is indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) the equipment in question is used in accordance with—

(i) the requirements referred to in the tank code indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(ii) any provisions of chapters 4.3 to 4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment and dangerous goods in question; and

(iii) any special provisions applicable to the equipment and the dangerous goods in question indicated in column (13) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Consignment

19.—(1) Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that packages are—

(a) marked; and

(b) labelled, as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

in accordance with the requirements of sections 5.1.1 to 5.1.4 and chapter 5.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(2) Subject to regulation 43, any loader loading, consignor consigning or carrier carrying dangerous goods for carriage by road or by rail or any filler filling dangerous goods into the following equipment for such carriage shall ensure that any container, MEGC, UN-certified MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the—

(a) placards which correspond to the labels required pursuant to paragraph (1), as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) marks, labels and plate markings; and

(c) HIN indicated in column (20) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

required by chapter 5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning or carrier carrying dangerous goods for carriage by—

(a) road; or

(b) rail, subject to regulation 43(2),

shall ensure that the consignment is accompanied by the documentation required by chapter 5.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Construction and testing of packagings and packages

20.—(1) Any—

(a) person manufacturing a packaging or package which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is manufactured, tested and marked;

(b) person reconditioning a packaging or package which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is reconditioned, tested and marked;

(c) consignor consigning and packer packing dangerous goods into a packaging for carriage by road or by rail shall ensure that it has been manufactured, reconditioned, tested and marked,

in accordance with the requirements of chapters 6.1, 6.5 and 6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the packaging or package in question.

(2) Any manufacturer or subsequent distributor of a packaging or package which is used or intended to be used for the carriage of dangerous goods by road or by rail shall ensure that—

(a) the information referred to in sub-sections 6.1.1.5 and 6.6.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is given to; and

(b) the test report referred to in sub-sections 6.1.5.9.1 and 6.6.5.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is made available to,

the consignor and the packer before the packaging or package in question is presented for carriage.

(3) Any consignor consigning and any packer packing dangerous goods in IBCs for carriage by road or by rail shall ensure that all requirements relating to inspections are carried out as required by sub-section 6.5.1.6.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any consignor consigning or packer packing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment—

(a) meet the requirements of chapter 6.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) have been inspected and tested in accordance with the requirements of sub-sections—

(i) 6.2.1.4 and 6.2.1.6; or

(ii) 6.2.5.2 to 6.2.5.6; and

(c) have been marked in accordance with sub-sections—

(i) 6.2.1.8;

(ii) 6.2.5.7; or

(iii) 6.2.5.8,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the pressure receptacle in question.

Carriage, loading, unloading and handling

21.—(1) Any carrier carrying dangerous goods, or any loader loading dangerous goods for carriage, by road or by rail—

(a) in large containers, portable tanks and tank-containers shall ensure that the requirements in chapter 7.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, which are applicable to the type of equipment or the goods in question, are met;

(b) in packages, shall ensure that—

(i) any special provisions, where indicated in column (16) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(ii) any other requirements,

of chapter 7.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of packages or the goods in question, are met.

(2) Any carrier carrying dangerous goods or any filler filling a vehicle, wagon or container with dangerous goods for carriage by road or by rail, shall ensure that those dangerous goods are not carried in bulk in vehicles, wagons or containers unless—

(a) such carriage is authorised by section 7.3.1 or column (17) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) any requirements specified in that column and in chapter 7.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, which are applicable to the goods, vehicle, wagon or container in question, are met.

(3) Any carrier carrying dangerous goods, and any filler filling a tank with dangerous goods for carriage by road or by rail shall ensure that those dangerous goods are not carried in tanks unless—

(a) such carriage is authorised by chapter 7.4 and—

(i) column (10) of Table A of chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank pursuant to sub-section 6.7.1.3; or

(ii) column (12) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) the requirements relating to carriage in tanks in section 7.4.1 of ADR in relation to carriage by road or of chapter 7.4 of RID in relation to carriage by rail, which are applicable to the tank or the vehicle in question, are met.

(4) Any carrier carrying dangerous goods, and any filler filling a tank with dangerous goods for carriage by road shall ensure that those dangerous goods are not carried in tanks unless the

requirements relating to the type of vehicle to be used in section 7.4.2 of ADR, as indicated in column (14) of Table A of chapter 3.2, are met.

(5) Subject to paragraph (8), any carrier carrying, loader loading or filler filling equipment, a wagon, vehicle or a transport unit with dangerous goods for carriage by road or by rail shall ensure that the requirements in sections—

(a) 7.5.1, 7.5.2, 7.5.5 to 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of ADR in relation to carriage by road; or

(b) 7.5.1 to 7.5.3 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of RID in relation to carriage by rail,

relating to the loading, unloading and handling of the goods which are applicable to the load in question, are met.

(6) Any carrier carrying dangerous goods for carriage by road or by rail shall ensure that the requirements in section 7.5.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail, are met.

(7) Any carrier carrying dangerous goods, and any filler filling equipment or a vehicle with dangerous goods for carriage by road shall ensure that the requirements of section 7.5.10 of ADR are met.

(8) Notwithstanding paragraph (5), the operations referred to in special provision CV1(1) of section 7.5.11 of ADR may be carried out without permission from, or prior notice being given to, the Northern Ireland competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.

(9) Notwithstanding section 1.1.4.4 of RID, vehicles and their contents handed over for piggyback transport may meet the provisions of these Regulations for carriage by road.

(10) Any consignor consigning, carrier carrying or packer packing dangerous goods for carriage by rail shall ensure that such goods are not carried as express goods unless—

(a) such carriage is authorised as indicated in column (19) of Table A of chapter 3.2 of RID; and

(b) any special provisions in chapter 7.6 of RID indicated in that column for the goods in question are met.

Vehicle crews, equipment, operation and documentation

22.—(1) Subject to paragraph (2) any carrier carrying dangerous goods by road shall ensure that any—

(a) driver required to be trained in accordance with sub-section 8.2.1.1 of ADR—

(i) has received training which complies with section 8.2.1 of ADR which is relevant to the goods, person and type of vehicle in question;

(ii) has received any special training required by chapter 8.5 of ADR in relation to the goods in question; and

(iii) holds a certificate issued by the Northern Ireland competent authority stating that the driver has participated in a training course and passed an examination in accordance with the requirements of chapter 8.2 of ADR in relation to the carriage of the dangerous goods in question; and

(b) transport unit complies with—

(i) the requirements of sections 8.1.1 and 8.1.3 to 8.1.5 of ADR; and

(ii) any additional requirements applying to the transport unit in chapter 8.5 of ADR applicable to the goods in question.

(2) For the purposes of paragraph (1)(b)(i)—

(a) sub-section 8.1.4.2 of ADR shall apply as if it referred to sub-section 1.1.3.6 of ADR as modified by regulation 3(8); and

(b) the provisions of section 8.1.4 relating to the provision of fire fighting equipment shall not apply—

(i) during the loading and unloading of any vehicle; or

(ii) to any trailer used for the carriage of dangerous goods when the trailer is not attached to a motor vehicle.

(3) The carrier and each member of the vehicle crew shall ensure that the requirements of section 8.1.2 and chapters 8.3 to 8.5 of ADR (other than those referred to in paragraphs (1)(a)(ii) and (1)(b)), which are applicable to the goods in question, are met.

(4) The relevant requirements of chapter 8.5 of ADR which are applicable to the goods in question, as referred to in paragraphs (1)(a)(ii) and (1)(b), are indicated in column (19) of Table A of chapter 3.2 of ADR.

(5) In the event of an accident or emergency involving the carriage of dangerous goods, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing, required to be carried on the transport unit pursuant to paragraph (3) and sub-section 8.1.2.1(b) of ADR, are complied with.

(6) The driver of any vehicle which is engaged in the carriage of dangerous goods shall, on request, produce to any police constable or goods vehicle examiner the relevant certificate that he holds in accordance with this regulation and regulation 30.

Construction and approval of vehicles

23. Any carrier carrying dangerous goods by road shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 of ADR relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.

PART III

COMPETENT AUTHORITY FUNCTIONS

Interpretation of Part III and Schedule 1

24.—(1) In this Part and in Schedule 1, where a function set out in a provision of ADR in relation to carriage by road or of RID in relation to carriage by rail is conferred on the Northern Ireland competent authority by reference to that provision of ADR or of RID then the Northern Ireland competent authority shall carry out that function in accordance with any requirements of that provision of ADR or of RID which are applicable to the function in question.

(2) Regulations 25(a), 26(1)(a), 27(1)(a), and 28(1)(a) shall be construed as if they included references to related expressions to those contained in the regulation in question.

(3) Any—

(a) approval granted;

(b) appointment made;

(c) matter recognised;

(d) requirement imposed;

(e) notification made;

(f) packing group assigned; or

(g) information provided,

pursuant to this Part, shall be in writing.

Grant of approvals by the Northern Ireland competent authority

25. The Northern Ireland competent authority may grant approvals in respect of those matters—

(a) which are referred to in ADR in relation to carriage by road or in RID in relation to carriage by rail, as—

(i) requiring the approval, permission, authorisation or agreement of the competent authority;

(ii) a matter which may be allowed by or shall be satisfactory or acceptable to the competent authority; or

(iii) being subject to a certificate of approval issued by a competent authority; and

(b) the references to which are set out in paragraph 1 of Part 1 of Schedule 1, and

subject to any conditions set out in paragraph 2 of Part 1 of Schedule 1.

Appointment of persons by the Northern Ireland competent authority

26.—(1) The Northern Ireland competent authority may appoint persons to carry out those functions—

(a) which ADR in relation to carriage by road or which RID in relation to carriage by rail provide may be carried out by a body or expert designated, approved or authorised by the competent authority;

(b) the references to which are set out in paragraph 3 of Part 2 of Schedule 1.

(2) A person appointed under this regulation by reference to sub-section 6.2.5.6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall—

(a) comply with the requirements of sub-sections 6.2.5.6.2.4 and 6.2.5.6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) keep the documentation referred to in sub-section 6.2.5.6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that paragraph.

Recognition of approvals, tests, methods, standards and procedures etc by the Northern Ireland competent authority

27. The Northern Ireland competent authority may recognise approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications or other requirements in respect of those matters—

(a) where ADR in relation to carriage by road or where RID in relation to carriage by rail provide—

(i) for recognition or acceptance by a competent authority of; or

(ii) that the competent authority is satisfied with,

approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications or other requirements;

(b) the references to which are set out in paragraph 4 of Part 3 of Schedule 1.

Imposing of requirements by the Northern Ireland competent authority

28.—(1) The Northern Ireland competent authority may impose requirements which apply to, or in relation to, the carriage of dangerous goods by road or by rail in respect of those matters where—

(a) ADR in relation to carriage by road or RID in relation to carriage by rail provide for—

(i) provisions, conditions, standards, restrictions or other requirements to be specified, imposed, assigned, allocated, determined, established, requested or required by the competent authority;

(ii) a matter to be carried out as required by the competent authority; or

(iii) for a request to be made to the competent authority for further instructions;

(b) the references to which are set out in paragraph 5 of Part 4 of Schedule 1, and

subject to the conditions set out in paragraph 6 of Part 4 of Schedule 1.

(2) The Northern Ireland competent authority may require a consignment of goods to be accompanied by persons specified by him in the circumstances where special provision W2 of section 7.2.4 of RID provides for consignments to be accompanied by order of the competent military authority.

Issue of safety adviser vocational training certificates by the Northern Ireland competent authority

29.—(1) The Northern Ireland competent authority or a person appointed by him may issue a certificate as provided for in sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) The Northern Ireland competent authority or a person appointed by him may only issue a certificate to a person by reference to sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail ("safety adviser vocational training certificate") where that person has—

(a) completed training which complies with sub-section 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) passed an examination, which has been approved by the Northern Ireland competent authority; and

(c) paid the appropriate fee in accordance with Schedule 2.

(3) The examination referred to in paragraph (2)(b) shall—

(a) be organised by the Northern Ireland competent authority or by a person appointed by him in accordance with sub-section 1.8.3.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) comply with sub-sections 1.8.3.11 and 1.8.3.12 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) The training and examination may be limited to one or more—

(a) modes of transport;

(b) of those dangerous goods listed in sub-section 1.8.3.13 of ADR in relation to carriage by road or of RID in relation to carriage by rail and if this is the case the safety adviser vocational training certificate shall clearly indicate that it is only valid for that mode or for the goods in question.

(5) The safety adviser vocational training certificate referred to in paragraph (2)—

(a) shall be in the form set out in sub-section 1.8.3.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) shall be valid for five years from the date of issue; and

(c) may be extended as set out in sub-section 1.8.3.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The Northern Ireland competent authority, or a person appointed by him under paragraph (3)(a), shall keep a list of the questions that have been included in the examination referred to in paragraph (2)(b).

(7) Any current safety adviser vocational training certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive, the RID Directive or to Council Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway(**a**); and

(b) is in the form required by paragraph (5),

shall be deemed to be a safety adviser vocational training certificate issued by the Northern Ireland competent authority under this regulation and where it indicates that it applies to only one or more of the dangerous goods referred to in paragraph (4)(b) it shall be deemed to be limited to those goods.

(8) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities referred to in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978(**b**).

(9) Any vocational training certificate issued in accordance with regulation 7 of the Transport of Explosives by Road (Safety Advisers) Regulations (Northern Ireland) 2000(**c**) shall be deemed to

(**a**) O.J. No. L145, 19.6.1996, p 10
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) S.R. 2000 No. 171

be a safety adviser vocational training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 7(5) of the said 2000 Regulations or paragraph (5)(c).

(10) The Northern Ireland competent authority may issue a safety adviser vocational training certificate under this regulation in relation to transport of dangerous goods by inland waterway and in so doing he shall comply with this regulation and the provisions of ADR to which it refers as if they referred to the transport of dangerous goods by inland waterway.

Issue of driver training certificates by the Northern Ireland competent authority

30.—(1) The Northern Ireland competent authority or a person appointed by him may issue a driver training certificate to a driver of a vehicle to the effect set out in sub-section 8.2.1.1 of ADR.

(2) The Northern Ireland competent authority or a person appointed by him may only issue a driver training certificate to a driver where the driver has—

(a) completed a basic training course as set out in sub-section 8.2.1.2 of ADR and passed an examination in accordance with sub-section 8.2.2.7.1 of ADR;

(b) if applicable—

(i) completed a specialisation course for the vehicle and goods in question where required by section 8.2.1 of ADR; or

(ii) acquired the knowledge referred to in sub-section 8.2.2.8.1(b) of ADR,

and in either case has passed an examination in accordance with sub-section 8.2.2.7.2 of ADR; and

(c) paid the fee in accordance with Schedule 2.

(3) The person carrying out the training shall ensure that those courses shall comply with sub-sections 8.2.2.1 to 8.2.2.6 of ADR.

(4) The examinations referred to in paragraph (2) shall—

(a) be organised by the Northern Ireland competent authority or by a person appointed by him for that purpose; and

(b) comply with the requirements for the examination in question in sub-section 8.2.2.7 of ADR.

(5) The Northern Ireland competent authority or the person appointed by him to organise the examinations shall keep a catalogue of examination questions in accordance with sub-section 8.2.2.7.1.3 of ADR.

(6) The driver training certificate—

(a) shall be in the form required in sub-section 8.2.2.8.3;

(b) shall be valid for five years from the date of issue; and

(c) may be extended as set out in and subject to the requirements in sub-sections 8.2.1.5 and sub-section 8.2.2.8.2 of ADR.

(7) Any current driver training certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive or to article 1 of Council Directive 89/684/EEC on vocational training for certain drivers carrying dangerous goods by road(**a**); and

(b) is in the form required by paragraph (6),

shall be deemed to be a driver training certificate issued by the Northern Ireland competent authority under this regulation.

(8) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.

(9) Any driver training certificate issued in accordance with regulation 4 of the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997(**b**) shall be deemed to be

(**a**) O.J. No L398, 30.12.1989, p. 33
(**b**) S.R. 1997 No. 475

a driver training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 4(6) of the said 1997 Regulations or paragraph (6)(c).

Notification under sub-section 1.8.2.2 of ADR or of RID

31.—(1) The Northern Ireland competent authority shall notify the relevant competent authority in another member State in the circumstances set out in sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) If the Northern Ireland competent authority receives a notification from another member State pursuant to sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail then he shall comply with the requirements of sub-section 1.8.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Miscellaneous functions of the Northern Ireland competent authority

32.—(1) Subject to paragraph (2), the Northern Ireland competent authority may issue certificates of approval where sub-section 9.1.2.1.2 of ADR requires such certificates to be issued by the competent authority in Northern Ireland.

(2) The Northern Ireland competent authority may only issue a certificate of approval where the appropriate fee has been paid in accordance with Schedule 2.

(3) A certificate issued by the Northern Ireland competent authority by reference to sub-section 9.1.2.1.2 of ADR shall—

(a) comply with that sub-section and sub-section 9.1.2.1.5 of ADR;

(b) comply with sub-section—

(i) 1.6.5.2; or

(ii) 1.6.5.3,

of ADR where applicable to the vehicle in question; and

(c) be valid for the period calculated in accordance with sub-section 9.1.2.1.4 of ADR.

(4) Any current certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and

(b) is in the form required by paragraph (3),

shall be deemed to be a certificate issued by the Northern Ireland competent authority under this regulation.

(5) Where a certificate referred to in paragraph (3)(a) is required pursuant to regulation 23 and Part 9 of ADR, in relation to the base vehicle of a new motor vehicle or its trailer, the Northern Ireland competent authority may instead issue a type approval for such a vehicle in the circumstances set out in and in accordance with sub-section 9.1.2.2.1 of ADR.

(6) Any type approval held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and

(b) complies with sub-section 9.1.2.2.1 of ADR,

shall be deemed to be a type approval issued by the Northern Ireland competent authority under this regulation provided that no modification has been made to the base vehicle since the type approval was issued.

(7) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.

(8) In this regulation, "base vehicle" has the meaning in sub-section 9.1.1.2 of ADR.

Exemption certificates, temporary and ad hoc exemptions

33.—(1) Subject to paragraph (2), the Secretary of State, by a certificate in writing, may exempt any—

(a) person or class of persons;

(b) dangerous goods or class of dangerous goods;

(c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulations 34 to 42 of these Regulations and any exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Secretary of State by a further certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

(a) the conditions, if any, which he proposes to attach to the exemption; and

(b) any requirements imposed by or under any statutory provisions which apply to the case,

he is satisfied that the environment, the security of the goods (in the case of class 1 goods) and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it and that the exemption will be compatible with the requirements of the Directives.

(3) For the purposes of paragraph (2), "the Directives" means—

(a) Council Directive 94/55/EC(**a**) on the approximation of the laws of member States with regard to the transport of dangerous goods by road (as amended by Directive 2000/61/EC of the European Parliament and the Council(**b**) and Commission Directive 2003/28/EC(**c**)); and

(b) Council Directive 96/49/EC(**d**) on the approximation of the laws of member States with regard to the transport of dangerous goods by rail (as amended by Directive 2000/62/EC of the European Parliament and the Council(**e**) and Commission Directive 2003/29/EC(**f**)).

(4) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing, exempt any—

(a) military explosive or any vehicle intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations;

(b) person from all or any of the requirements or prohibitions imposed by these Regulations, in so far as they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

(5) Subject to paragraph (6), the Secretary of State may authorise a person or class of persons in writing, in relation to any carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts II and III where such authorisation operates only to extend derogations allowed by a multilateral agreement which is in force at the time the authorisation is made and which has been entered into by the United Kingdom under chapter 1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail or under any provision of ADR or of RID which the said chapter 1.5 re-enacted or replaced.

(6) An authorisation issued under paragraph (5) shall be—

(a) subject to the same conditions as the multilateral agreement in question; and

(b) withdrawn by the Secretary of State by a further communication in writing to the person authorised with effect from the same date as the multilateral agreement in question is terminated and may be so withdrawn by the Secretary of State at any time before that.

(7) The Secretary of State may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts II and III or regulation 43 provided that an authorisation—

(**a**) O.J. No. L319, 12.12.94, p. 7
(**b**) O.J. No. L279, 1.11.2000, p. 40
(**c**) O.J. No. L90, 8.4.2003, p. 45
(**d**) O.J. No. L235, 17.9.96, p. 25
(**e**) O.J. No. L279, 1.11.2000, p. 44
(**f**) O.J. No. L90, 8.4.2003, p. 47

(a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;

(b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Secretary of State by a further communication in writing to the person authorised.

(8) In this regulation—

(a) "ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(**a**);

(b) "equipment" includes any packaging, package, vehicle, wagon, railway vehicle or train; and

(c) "RID" means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to COTIF.

PART IV

REQUIREMENTS ADDITIONAL TO ADR AND TO RID

Attendant for carriage of class 1 goods by road

34.—(1) Subject to paragraph (3), where a carrier is carrying any class 1 goods by road in a transport unit he shall ensure that the driver of the transport unit is accompanied by an attendant when the transport unit is not parked.

(2) The carrier shall ensure that the attendant—

(a) is a person who is competent to ensure the security of the class 1 goods in question;

(b) has received detailed written instructions on his duties to ensure the security of the class 1 goods in question; and

(c) has received training appropriate to his responsibility for the security of the class 1 goods in accordance with chapter 1.3 and section 8.2.3 of ADR.

(3) Paragraph (1) shall not apply where—

(a) the quantity of the class 1 goods in question does not exceed the maximum total quantity per transport unit calculated in accordance with sub-section 1.1.3.6 of ADR as modified by regulation 3(8) and the goods are carried in packages;

(b) the only class 1 goods being carried are those set out in Schedule 3;

(c) the carrier has taken adequate alternative measures to ensure the security of the class 1 goods carried on the transport unit and such measures have been agreed in writing with the Chief Constable; or

(d) the transport unit is in a convoy of more than two transport units unless it is the first or the last transport unit in the convoy.

Duration of carriage and delivery of class 1 goods by road

35.—(1) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods shall ensure that—

(a) the carriage is completed within a reasonable length of time having regard to the distance involved;

(b) the class 1 goods are delivered to—

(i) the consignee or his agent; or

(ii) any other person who is authorised by the consignee to accept custody of the class 1 goods for onward despatch, provided that they are delivered to either—

(**a**) 2003 Edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)

(aa) a safe and secure place or premises under the control of the Ministry of Defence; or

(bb) a designated parking area in an airport, a railway transhipment depot or siding, or a harbour or harbour area,

and if the consignee has compelling reasons not to accept the goods in accordance with sub-section 1.4.2.3 of ADR the consignee shall make arrangements for them to be delivered to an alternative safe and secure place; and

(c) any trailer or container containing class 1 goods is not detached from the vehicle except—

(i) in either a safe and secure place or a designated parking area in an airport, a railway transhipment depot or siding, or a harbour or harbour area; or

(ii) in an emergency.

(2) The carrier, driver and any attendant within the meaning of regulation 34(2) of a vehicle which is being used for the carriage of class 1 goods shall ensure that any class 1 goods intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) The carrier of a vehicle used for the carriage of class 1 goods shall not remove any class 1 goods from the consignor's premises unless he is ready immediately to despatch them to the consignee or other person referred to in paragraph (1)(b)(ii).

(4) In this regulation "designated parking area" means—

(a) in relation to an airport or railway transhipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and

(b) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 33 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(**a**).

Miscellaneous security requirements for carriage of class 1 goods by road

36.—(1) Any consignor consigning for carriage, or carrier carrying, class 1 goods by road in a transport unit or container shall ensure that the transport unit or container is suitable for the security of the class 1 goods being carried.

(2) Where class 1 goods are being carried by road and any accident or emergency occurs, the carrier and each member of the vehicle crew shall ensure that all proper precautions are taken for the security of those goods.

(3) Where class 1 goods are being carried by road and any accident or emergency occurs which cannot be brought under immediate control—

(a) the driver and any attendant within the meaning of regulation 34(2) shall ensure that the carrier is notified by the quickest practical means;

(b) on being informed of the emergency under paragraph (a), the carrier shall inform the Secretary of State by the quickest practical means of the occurrence of that emergency.

(4) The carrier and the driver of a transport unit used for the carriage by road of more than five tonnes of class 1 goods which fall into division 1.1, shall ensure that the route followed is a route which has been agreed with the Chief Constable.

(5) For the purposes of paragraph (4), when calculating the quantity of class 1 goods which fall into division 1.1 regulation 21(5)(a) shall not apply to the extent that it relates to sub-section 7.5.5.2.2 of ADR.

Miscellaneous security requirements for carriage of class 1 goods by rail

37.—(1) The train operator shall ensure that the security of any container or wagon, which is being used for the carriage of class 1 goods by rail, is maintained whenever the train is stationary.

(2) The train operator shall ensure that the carriage of class 1 goods by rail is completed within a reasonable length of time, having regard to the distance involved.

(**a**) S.R. 1995 No. 87

(3) Where class 1 goods have been carried on a train, the consignee shall ensure that they are removed from any track, station or light maintenance depot to which they have been carried as soon as is practicable after their arrival there.

Security requirement for carriage of class 1 goods by road or by rail

38. Any person involved in the carriage of class 1 goods by road or by rail shall take all reasonable steps to ensure that unauthorised access to the goods is prevented.

Carriage of class 1 goods in vehicles used to carry passengers for hire or reward

39.—(1) A person shall not carry class 1 goods in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are that—

(a) the only class 1 goods carried by that person are aerial flares (UN 0404), black powder (UN 0027 and 0028), cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055 and 0379), cartridges (UN 0012, 0014, 0323, 0327, 0328, 0338, 0339 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), safety fuse (UN 0105), signals (UN 0191, 0193, 0195 and 0373), or smokeless powder (UN 0160 and 0161), or any combination of such goods;

(b) the net mass of explosive substances carried by that person does not exceed two kilograms;

(c) the class 1 goods are kept with that person and are kept properly packed; and

(d) all reasonable precautions are taken by that person for the prevention of accidents arising from the class 1 goods.

(3) For the purposes of this regulation, where class 1 goods are being carried by a passenger, the driver and carrier shall not be treated as carrying them.

Carriage of class 1 goods by road in motor vehicles

40. Any person carrying class 1 goods by road in a vehicle, other than an EX/II or EX/III vehicle or a vehicle which is not being used for hire or reward, shall ensure that those goods are segregated from any person travelling in the vehicle by being placed in a suitable container or in a separate load compartment of the vehicle.

Marshalling and formation of trains

41. Where dangerous goods are being carried by train, the train operator shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

Keeping of information by carriers

42. Where the carrier is required to ensure that a transport document accompanies a consignment of dangerous goods pursuant to regulation 19(3), he shall keep a written record of all the information contained within the transport document for a period of three months after the completion of the journey in question.

Placards, marks and plate markings for carriage within Northern Ireland

43.—(1) Subject to the requirements in Part 1 of Schedule 4 in relation to carriage by road or Part 2 of that Schedule in relation to carriage by rail, where dangerous goods are being carried by—

(a) road or by rail in tanks or in bulk and, in the case of carriage by road, on a transport unit registered in Northern Ireland; or

(b) rail in piggyback transport,

and the whole of that carriage operation takes place in Northern Ireland, the loader, filler, consignor and carrier shall comply with the requirements in regulation 19(2) relating to placards, marks or plate markings.

(2) Where, in relation to carriage by rail, the loader, filler, consignor and carrier comply with the requirements in Part 2 of Schedule 4, then regulation 19(3) and sub-section 5.4.1.1.1(j) of RID shall apply as if they required the EAC to be entered in the transport document instead of the HIN.

PART V

MISCELLANEOUS

Transitional defence

44. In any proceedings for an offence consisting of a contravention of regulation 17 in relation to the packing of goods in metal—

(a) IBCs; or

(b) drums,

exceeding 50 litres in capacity, it shall be a defence for the person charged to prove that the IBCs or drums in question were manufactured less than 15 years prior to the date of consignment and prior to 1st July 1995.

Defence and enforcement

45.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations, it shall be a defence, subject to paragraphs (2) and (3), for the person charged to prove that—

(a) the commission of the offence was due to the act or default of another person, not being one of his employees ("the other person"); and

(b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the hearing to determine the mode of trial, he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person, as was then in his possession.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person shall be guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

46. Schedule 5 shall have effect.

Consequential amendments

47. The statutory provisions referred to in Schedule 6 shall be amended as set out in that Schedule.

Revocations and savings

48.—(1) Schedule 7 shall have effect.

(2) In the Order of Secretary of State (No. 9), dated June 23, 1919, relating to compressed acetylene contained in a porous substance(**a**), for the purpose of deeming acetylene not to be an explosive, conditions (1) to (4) and (11) of that Order shall be deemed to have been satisfied in respect of any cylinder which complies with Part IV of the Carriage of Dangerous Goods Regulations(**b**).

(**a**) S.R. & O. 1919/809, amended by S.I. 1974/1885 and to which there are amendments not relevant to these Regulations
(**b**) S.R. 2006 No. 173

(3) Order in Council No. 30(**a**) shall not apply to the importation or use at work of acetylene in transportable pressure equipment which complies with the provisions of Part IV of the Carriage of Dangerous Goods Regulations.

(4) Any approval certificate issued by the Secretary of State for Defence or the Secretary of State under sub-paragraph (e)(i) of Schedule 8 to the Carriage of Explosives by Rail Regulations (Northern Ireland) 2001(**b**) or paragraph 6(f) of Schedule 4 to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997(**c**) in operation immediately before the coming into operation of these Regulations shall be deemed to be an approval certificate issued under regulation 33 of these Regulations.

(5) Any registration by the Secretary of State for Defence or the Secretary of State of a packaging under regulation 11 of the Packaging of Explosives for Carriage Regulations (Northern Ireland)1993(**d**) in operation immediately before the coming into operation of these Regulations shall be deemed to comply with regulation 20 of these Regulations.

Peter Hain

Northern Ireland Office — One of Her Majesty's Principal Secretaries of State

Date 31st March 2006

(**a**) S.R. & O. 1937/54, to which there are amendments not relevant to these Regulations
(**b**) S.R. 2001 No. 387
(**c**) S.R. 1997 No. 474, amended by S.R. 2001 No. 390
(**d**) S.R. 1993 No. 268

SCHEDULE 1 Regulations 25-28

COMPETENT AUTHORITY FUNCTIONS

PART 1

GRANT OF APPROVALS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

1. The references referred to in regulation 25(b) are—

(a) sub-sections 4.1.5.15 and 4.1.5.18, packing instructions P099, and P101 of section 4.1.4, packing instructions IBC99 and LP99 and paragraph (3)(g) of packing instruction P601 of section 4.1.4, sub-section 4.2.1.9.4.1, sub-sections 6.2.1.1.2 and 6.2.1.5.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) sub-section 2.2.1.1.3 and special provisions 178 and 266 of chapter 3.3, special provisions 237 and 271 and special provision 645 of chapter 3.3, additional provision CV1(1) of section 7.5.11 and sub-sections 8.2.1.2, 8.2.2.6.1, 8.2.2.6.5 and 8.2.2.6.7 and additional requirements S1(4)(a) and S9 of chapter 8.5 of ADR in relation to carriage by road; and

(c) sub-section 2.2.1.1.3 and special requirements 178 and 266 and special requirement 237 of chapter 3.3 of RID in relation to carriage by rail.

2. Any approval granted by the Northern Ireland competent authority by reference to sub-section 8.2.2.6.5 of ADR shall comply with requirements in sub-sections 8.2.2.6.2 and 8.2.2.6.6 of ADR.

PART 2

APPOINTMENT OF PERSONS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

3. The references referred to in regulation 26(1)(b) are—

(a) note **a** to sub-section 7.5.2.2 of ADR in relation to carriage by road; and

(b) note **1/** to sub-section 7.5.2.2 of RID in relation to carriage by rail.

PART 3

RECOGNITION OF APPROVALS, TESTS, METHODS, STANDARDS, PROCEDURES ETC BY THE NORTHERN IRELAND COMPETENT AUTHORITY

4. The references referred to in regulation 27(b) are sub-sections 6.6.1.2, 6.6.1.3 and 6.7.2.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

PART 4

IMPOSING OF REQUIREMENTS BY THE NORTHERN IRELAND COMPETENT AUTHORITY

5. The references referred to in regulation 28(1)(b) are—

(a) packing instructions P902 and LP902, paragraph 1(b) of packing instruction P905 of section 4.1.4, and sub-sections 6.1.3.1(g), 6.1.5.1.3 and 6.6.3.1(f) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(b) special provision 16 of chapter 3.3 and sub-section 2.2.1.1.3, and special provision 237 of chapter 3.3 of ADR in relation to carriage by road; and

(c) special requirement 16 of chapter 3.3 and sub-section 2.2.1.1.3, and special requirement 237 of chapter 3.3 of RID in relation to carriage by rail.

6.—(1) Where the Northern Ireland competent authority imposes requirements by reference to sub-section 6.1.3.1(g) of ADR in relation to carriage by road or of RID in relation to carriage by rail, he shall do so in accordance with sub-section 6.1.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Where the Northern Ireland competent authority imposes requirements by reference to sub-sections 6.1.5.1.1 or 6.6.5.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, he shall also approve the procedures required by him in accordance with the paragraph by reference to which the requirement is imposed.

SCHEDULE 2 Regulations 29, 30 and 32

FEES FOR CERTIFICATES AND APPLICATIONS FOR APPROVALS

1. The fee payable to the Secretary of State, or the person designated by him for the purpose of issuing safety adviser vocational certificates, in accordance with regulation 29(2)(c), or an extended certificate in accordance with regulation 29(5)(c), shall be such sum as is reasonable in light of the actual work performed.

2. The fee payable to the Secretary of State for the issue of a driver training certificate under regulation 30(1), or to the person designated by him for the purpose of issuing driver training certificates, will be £3. The fee for a driver training certificate extended in accordance with regulation 30(6)(c) shall be £3.

3. The fee payable to the Secretary of State on each application for an original approval or a renewal of any approval or refresher training in accordance with sub-section 8.2.2.6 of ADR pursuant to regulation 30(3) shall be such sum as is reasonable in light of the actual work performed.

4.—(1) Subject to sub-paragraph (3), the fee for the provision of inspection facilities, including the carrying out of an inspection, and the administrative work carried out upon receipt of an application for an ADR certificate in respect of a vehicle shall be £82.

(2) Subject to sub-paragraph (3), where a vehicle fails to pass an inspection carried out in respect of an application for an ADR certificate, an application for a further inspection shall be treated for the purpose of these Regulations as a separate application for an ADR certificate.

(3) Where a vehicle fails to pass an inspection and within 21 days thereafter arrangements are made for a further inspection to be carried out within that period, sub-paragraph (2) shall not apply but a further fee of £42 shall be payable in respect of such arrangements.

(4) The fees paid in pursuance of sub-paragraph (3) or (6) shall be repaid—

(a) if no appointment for an examination of the vehicle is made or the appointment made is subsequently cancelled by the Northern Ireland competent authority;

(b) if the person for whom the appointment is made gives to the Northern Ireland competent authority notice cancelling the appointment of not less than one clear day before the date of the appointment;

(c) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for a reason other than—

(i) the applicant for the ADR certificate does not, after being requested to do so, produce the notice of appointment (if any) relating to the inspection and—

(aa) in the case of a motor vehicle either the registration document relating to the vehicle or other evidence of the date of its first registration or, in the case of a motor vehicle not registered before the date of the inspection, evidence of the date of its manufacture; and

(bb) in the case of a trailer, evidence of the date of its manufacture;

(ii) the particulars relating to the vehicle and shown in any application relevant to the inspection are found to be substantially incorrect;

(iii) the vehicle is one as respects which it has been stated in the application that it is to be used on roads to draw a trailer and in the last notice of appointment preceding the inspection it was required that the vehicle should be accompanied by a trailer which is to be so drawn, and the vehicle is not accompanied by such a trailer;

(iv) the vehicle is a trailer, and is not accompanied by a motor vehicle suitable for drawing that trailer and capable of operating any braking system with which the trailer is equipped;

(v) there is not permanently affixed to the chassis or main structure of the vehicle in a conspicuous or easily accessible position so as to be readily legible either—

(aa) the chassis or serial number shown in the registration document relating to the vehicle; or

(bb) if no such number is shown or exists, the identification mark allotted to the vehicle by the Northern Ireland competent authority;

(vi) the vehicle or any motor vehicle by which it is accompanied, or any part of any equipment of the vehicle or any such accompanying vehicle is so dirty or dangerous as to make it unreasonable for the inspection to be carried out or the applicant for the ADR certificate does not produce any certificate required in the last notice of appointment preceding the inspection, that a vehicle used for carrying toxic, corrosive or inflammable loads had been properly cleaned or otherwise made safe;

(vii) an inspector is not able to complete the inspection without the vehicle or, in the case of a trailer, the motor vehicle by which it is accompanied being driven and such vehicle or trailer or, as the case may be, the accompanying vehicle is not provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purpose of the examination;

(viii) in the case of a trailer, an inspector is not able to complete the inspection unless the motor vehicle by which it is accompanied is driven on a road, and that motor vehicle cannot be driven without committing an offence under section 29 of the Vehicle Excise and Registration Act 1994(**a**) because no licence under that Act is in force for such vehicle;

(ix) the vehicle or any trailer by which it is accompanied is not loaded or unloaded in the manner (of any) specified for the purpose of the inspection either in the last notice of appointment proceeding the inspection or by the Northern Ireland competent authority; or

(x) an inspector is not able to complete the inspection due to the failure of a part of the vehicle or, in the case of a trailer, any vehicle by which it is drawn or intended to be drawn, which renders the vehicle, or any such accompanying vehicle incapable of being moved in safety under the power of the vehicle or the accompanying vehicle; or

(d) if the person for whom the appointment is made satisfies the Northern Ireland competent authority that the vehicle cannot, or, as the case may be, could not, reasonably be presented for examination on the date of the appointment due to exceptional circumstances occurring not more than seven days before the said date and of which notice is given within three days of the occurrence of it to the Northern Ireland competent authority at the vehicle testing centre where the examination is or was to be held.

(5) The fee for the issue of a copy of an ADR certificate which has been lost or destroyed shall be £12.

(6) An application made to the Northern Ireland competent authority for an ADR certificate shall be accompanied by the appropriate fee determined in accordance with sub-paragraph (1).

(7) The fee payable under sub-paragraph (3) in respect of arrangements for a further inspection of a vehicle shall be paid on or before the date arranged for such further inspection.

(8) Where applications are made for inspections to be carried out in respect of ADR certificates for a vehicle and trailer at the same time or consecutively, separate applications, each accompanied by the appropriate fee, shall be submitted.

(9) Subject to sub-paragraph (10), an application for an ADR certificate shall be accompanied by an application for a test made under regulation 10 of the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003(**b**) (a "goods vehicle test").

(10) An application for an ADR certificate need not be accompanied by an application for a goods vehicle test where—

(a) a motor vehicle having a maximum gross weight exceeding 3,500 kilograms which has not reached the end of the month in which falls the first anniversary of the date on which it was registered;

(b) a trailer which has not yet reached the end of the month in which falls the first anniversary of the date on which it was first sold or supplied by retail; or

(c) it has a current goods vehicle test certificate.

(11) In this paragraph—

(**a**) 1994 c. 22

(**b**) S.R. 2003 No. 304 to which there are amendments not relevant to these Regulations

(a) “ADR certificate” means a certificate of approval issued for a vehicle following inspection of the vehicle in pursuance of section 9.1.3.1 of Annex B to ADR, and references to an inspection of a vehicle or the issue of a certificate or a copy of it are references to such an inspection, or issue of a certificate or copy, by the Northern Ireland competent authority;

(b) “exceptional circumstances” means an accident, a fire, industrial action, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts for it); and

(c) except in sub-paragraphs (3) and (4)(d) (in so far as it relates to seven days), no period of time shall include any day which is a Saturday, Sunday or public holiday and “public holiday” shall not include Good Friday and shall include Easter Tuesday.

SCHEDULE 3

Regulation 34(3)(b)

CARRIAGE OF CLASS 1 GOODS BY ROAD WHERE ATTENDANT NOT REQUIRED

Explosives	*U.N. no.*
AIR BAG INFLATORS or AIR BAG MODULES or SEAT-BELT PRETENSIONERS	0503
ARTICLES, PYROTECHNIC for technical purposes	0428
ARTICLES, PYROTECHNIC for technical purposes	0429
ARTICLES, PYROTECHNIC for technical purposes	0430
ARTICLES, PYROTECHNIC for technical purposes	0431
ARTICLES, PYROTECHNIC for technical purposes	0432
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0014
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0327
CARTRIDGES FOR WEAPONS, BLANK or CARTRIDGES, SMALL ARMS, BLANK	0338
CARTRIDGES FOR WEAPONS, INERT PROJECTILE	0328
CARTRIDGES FOR WEAPONS, INERT PROJECTILE or CARTRIDGES, SMALL ARMS	0012
CARTRIDGES FOR WEAPONS, INERT PROJECTILE or CARTRIDGES, SMALL ARMS	0339
CARTRIDGES, OIL WELL	0277
CARTRIDGES, OIL WELL	0278
CARTRIDGES, POWER DEVICE	0275
CARTRIDGES, POWER DEVICE	0276
CARTRIDGES, POWER DEVICE	0323
CARTRIDGES, POWER DEVICE	0381
CARTRIDGES, SIGNAL	0054
CARTRIDGES, SIGNAL	0312
CARTRIDGES, SIGNAL	0405
CASES, CARTRIDGE, EMPTY, WITH PRIMER	0055
CASES, CARTRIDGE, EMPTY, WITH PRIMER	0379
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0446
CASES, COMBUSTIBLE, EMPTY, WITHOUT PRIMER	0447
CORD, IGNITER	0066
CUTTERS, CABLE, EXPLOSIVE	0070
DINITROSOBENZENE	0406
FIREWORKS	0333
FIREWORKS	0334
FIREWORKS	0335
FIREWORKS	0336
FIREWORKS	0337
FLARES, AERIAL	0093
FLARES, AERIAL	0403
FLARES, AERIAL	0404
FLARES, SURFACE	0092
FLASH POWDER	0094
FLASH POWDER	0305
FUSE, NON-DETONATING	0101
FUSE, SAFETY	0105
IGNITERS	0121
IGNITERS	0314
IGNITERS	0315
IGNITERS	0325
IGNITERS	0454
LIGHTERS, FUSE	0131
5-MERCAPTOTETRAZOL-1-ACETIC ACID	0448
PRIMERS, CAP TYPE	0044
PRIMERS, CAP TYPE	0377

Explosives	*U.N. no.*
PRIMERS, CAP TYPE	0378
ROCKETS, LINE-THROWING	0238
ROCKETS, LINE-THROWING	0240
ROCKETS, LINE-THROWING	0453
SIGNAL DEVICES, HAND	0191
SIGNAL DEVICES, HAND	0373
SIGNALS, DISTRESS, ship	0194
SIGNALS, DISTRESS, ship	0195
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0192
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0193
SIGNALS, SMOKE	0196
SIGNALS, SMOKE	0197
SODIUM DINITRO-o-CRESOLATE, dry or wetted with less than 15% water, by mass	0234
SODIUM PICRAMATE, dry or wetted with less than 20% water by mass	0235
TETRAZOL-1-ACETIC ACID	0407
ZIRCONIUM PICRAMATE, dry or wetted with less than 20% water, by mass	0236

SCHEDULE 4 Regulation 43

PLACARDS, MARKS AND PLATE MARKINGS FOR CARRIAGE WITHIN NORTHERN IRELAND

PART 1

CARRIAGE OF GOODS BY ROAD

1. Where orange-coloured plates bearing a HIN are required to be displayed in accordance with regulation 19(2) and sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR, then the HIN shall be replaced by the appropriate EAC for the substance in question.

2. Subject to paragraphs 3 and 5, where a transport unit or tank-vehicle is carrying one dangerous good in a tank or a transport unit or in a container in bulk—

(a) the orange-coloured plates referred to in paragraph 1, shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the good, transport unit, tank-vehicle or container in question; and

(b) an identical orange-coloured plate shall be affixed to the rear of the transport unit, in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to sub-section 5.3.2.1.1 of ADR.

3. Subject to paragraph 5, where more than one dangerous good is being carried in a tank or in bulk in a transport unit or a tank-vehicle with more than one tank or container—

(a) the orange-coloured plates referred to in paragraph 1, shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the goods, transport unit, tank-vehicle or container in question except that—

(i) only one on each side of the transport unit, tank, tank compartment or container in question, parallel to the longitudinal axis, shall bear the EAC; and

(ii) the remaining plates shall bear only the UN number and shall be 150mm in height; and

(b) an orange-coloured plate shall be affixed to the rear of the transport unit or tank-vehicle in question which shall be identical to the plates referred to in sub-paragraph (a), except that it shall display the EAC only in the top half of the plate.

4.—(1) Subject to sub-paragraph (2), where dangerous goods are being carried in tanks a telephone number where specialist advice concerning the dangerous goods in question can be obtained in English at any time during carriage shall be displayed—

(a) at the rear of the transport unit;

(b) on both sides of—

(i) any tank;

(ii) the frame of any tank; or

(iii) the transport unit; and

(c) in the immediate vicinity of the orange-coloured plates displaying the EACs,

and shall be in black digits of not less than 30mm in height against an orange-coloured background.

(2) The telephone number may be substituted by the phrase “consult local depot” or “contact local depot” provided that—

(a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;

(b) the chief fire officer has been notified in writing of the address and telephone number of the relevant local depot; and

(c) the chief fire officer has indicated in writing that he is satisfied with the arrangements.

5.—(1) The information required to be displayed on placards and orange-coloured plates pursuant to section 5.3.1 of ADR and paragraphs 1 to 3 and the information required to be displayed pursuant to paragraph 4 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—

(a) it shall be displayed in accordance with paragraphs 1 to 3 as if they were orange-coloured plates;

(b) it shall be orange-coloured except the part incorporating the placard which shall be white;

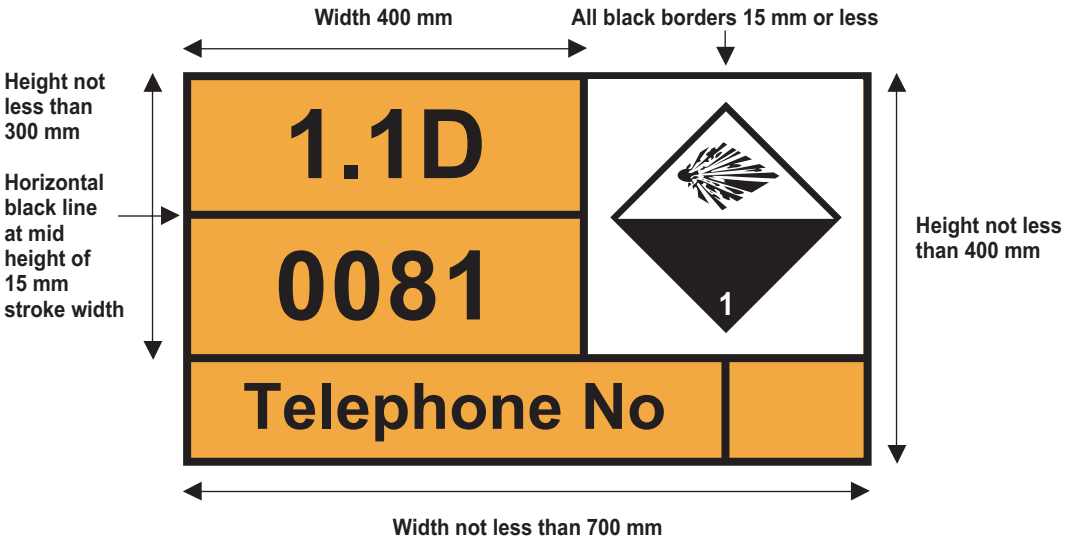
(c) the part incorporating the placard shall be not less than 200mm by 200mm, with a line of the same colour as the relevant symbol not more than 12.5mm inside the edge and running parallel to it;

(d) if more than one placard is to be incorporated in the panel then those placards shall be adjacent in the same horizontal plane;

(e) it shall conform to the figure below; and

(f) it shall be clearly visible.

Hazard Warning Panel



PART 2

CARRIAGE OF GOODS BY RAIL

6. Where orange-coloured plates bearing a HIN are required to be displayed in accordance with regulation 19(2) and section 5.3.2 of RID, then the HIN shall be replaced by the appropriate EAC for the substance in question.

7. Where dangerous goods are being carried in tanks, a telephone number where specialist advice concerning the dangerous goods in question may be obtained in English at any time during carriage shall be displayed—

(a) in the immediate vicinity of each orange-coloured plate; and

(b) against an orange-coloured background in black digits of not less than 30mm in height.

8.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with section 5.3.1 of RID and paragraph 6 and the telephone number required to be displayed pursuant to paragraph 7 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that it shall—

(a) be displayed in accordance with paragraph 7 as if it were an orange-coloured plate; and

(b) comply with the requirements of paragraphs 5(2)(c) to (f).

SCHEDULE 5 Regulation 46

AMENDMENTS TO THE CLASSIFICATION AND LABELLING OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 1991

1. The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**a**) shall be amended as follows.

2. In regulation 2 (interpretation)—

(1) omit the definition of "Class 1";

(2) for the definition of "classified" substitute—

""classified" means classified in accordance with—

(a) regulation 14 of the Carriage of Explosives Regulations (Northern Ireland) 2006(**b**) in relation to carriage by road or by rail;

(b) regulation 11 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(**c**) in relation to carriage by ship; or

(c) regulation 11c of the Air Navigation (Dangerous Goods) Regulations 2002(**d**) in relation to carriage by air;";

(3) omit the definitions of "Compatibility Group" and "Division";

(4) for the definition of "hazard classification code" substitute—

""hazard classification code" means the division number as set out in paragraph 2.1.1.4 of the United Nations Recommendations, followed by the compatibility group letter, as set out in paragraph 2.1.2 of those Recommendations, for the article, substance, combination or unit load in question which is assigned on classification in accordance with regulation 3;";

(5) for the definition of "name" substitute—

""name" means in relation to an explosive article or explosive substance—

(a) the name under which it is or is to be marketed; or

(b) in the case of a military explosive, the name designated in writing for that explosive substance or article by the Secretary of State for Defence;";

(6) at the end of the definition of "unit load", add the following definition—

""the United Nations Recommendations" means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G (XXIII) of 26th April 1957)) [Current Edition (2003): ISBN 92-1-139090-7], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of six months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued; and"; and

(7) for the definition of "United Nations Serial Number" substitute—

""United Nations Serial Number" means the serial number set out in paragraph 3.2.1 of the UN Recommendations which is assigned to the article, substance, combination or unit load in question on classification in accordance with regulation 3 as a means of identification.".

3. In regulation 3 (classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof), for paragraph (2) substitute—

"(2) An article, substance, combination or unit load to which these Regulations apply may not be—

(**a**) S.R. 1991 No. 516
(**b**) S.R. 2006 No. 182
(**c**) S.I. 1997/2367
(**d**) S.I. 2002/2786

(a) imported into the United Kingdom in the course of or for, private use or use at work, or conveyed unless it has been classified and that classification has been approved in writing by the Secretary of State, or, in the case of a military explosive, by the Secretary of State for Defence; and

(b) conveyed, kept or supplied unless it and any packaging comply with any labelling requirements imposed in respect of them by these Regulations.".

4. In regulation 4(1), for sub-paragraphs (b) and (c) substitute the following sub-paragraph—

"(b) which has not been classified or which has been allocated on classification the United Nations Serial Number 0190 and which—

(i) does not include any initiating explosives;

(ii) is a commercial sample or a sample for one or more of the following purposes, namely research and development, quality control, their testing or in connection with an application for their classification; and

(iii) is in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,

and in this sub-paragraph "initiating explosives" means explosives intended solely to cause the detonation of other explosives; or".

5. For regulation 6 (labelling of an article, substance or combination), substitute—

"**Labelling of an article, substance or combination**

6.—(1) A packaged article or substance, or a combination to which these Regulations apply shall bear a label in accordance with paragraph 12 of Schedule 3.

(2) An unpackaged article, other than a firework, to which these Regulations apply, shall bear a label in accordance with paragraph 13 of Schedule 3.".

6. Regulations 7 (labelling of an article, substance or combination not in Class 1) and 9 (labelling or arrangement of a unit load) shall be omitted.

7. In regulation 10 (labelling generally), in paragraph (1), for "6, 7, 8 and 9" substitute "6 and 8".

8. In regulation 12A, in paragraph (a) for "3(2)(b), 6 or 9" substitute "3(2)(b) or 6".

9. In regulation 13(2), for the words from "he is satisfied" to the end of the paragraph substitute "he is satisfied that the environment, the security of the explosives and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it".

10. Omit Schedules 1 and 2.

11. In Schedule 3 (labels)—

(1) omit paragraphs 1 to 11;

(2) in paragraph 12—

(a) in the heading, omit the words "in Class 1";

(b) in the first line for "The other label required by regulation 6(1) and (3)" substitute "The label required by regulation 6(1)"; and

(c) omit sub-paragraph (a);

(3) in paragraph 13—

(a) in the heading, omit the words "in Class 1";

(b) in the first line for "The other label required by regulation 6(2) and (4)" substitute "The label required by regulation 6(2)"; and

(c) omit paragraph (a); and

(4) omit paragraphs 16 and 17.

SCHEDULE 6 Regulation 47

CONSEQUENTIAL AMENDMENTS

Amendment to the Compressed Acetylene Order (Northern Ireland) 1979

1. After Article 1 of the Compressed Acetylene Order (Northern Ireland) 1979(**a**) there shall be inserted—

"**1A.** This Order shall not apply to any transportable pressure equipment which complies with the provisions of Part IV of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**b**).".

Amendments to the Explosives in Harbour Areas Regulations (Northern Ireland) 1995

2.—(1) The Explosives in Harbour Areas Regulations (Northern Ireland) 1995(**c**) shall be amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of "Compatibility Group" and "Compatibility Group Number" substitute—

""Compatibility Group" and "Compatibility Group Number" have the same meaning as in the IMDG Code;"; and

(b) for the definition of "Division" and "Division Number" substitute—

""Division" and "Division Number" have the same meaning as in the IMDG Code;".

(3) For regulation 26 substitute—

"**Receptacles**

26. Where explosives are brought into a harbour or a harbour area from inland in a receptacle, the consignor of those explosives shall ensure that—

(a) the receptacle is designed, constructed, maintained and closed so as to prevent any of the contents escaping when subjected to the stresses and strains of normal handling or transport except that this shall not prevent the fitting of a suitable safety device;

(b) the receptacle and any fastenings are, in so far as they are likely to come into contact with the explosives, made of materials which are neither liable to be adversely affected by the explosives nor liable in conjunction with the explosives to form any other substance which is itself a risk to health or safety; and

(c) the receptacle is correctly filled.".

(**a**) S.R. 1979 No. 290
(**b**) S.R. 2006 No. 173
(**c**) S.R. 1995 No. 87

SCHEDULE 7

Regulation 48(1)

REVOCATIONS

Regulations revoked	*References*	*Extent of revocation*
The Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993	S.R. 1993 No. 268	The whole Regulations
The Carriage of Explosives by Road Regulations (Northern Ireland) 1997	S.R. 1997 No. 474	The whole Regulations
The Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997	S.R. 1997 No. 475	The whole Regulations
The Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000	S.R. 2000 No. 171	The whole Regulations
The Carriage of Explosives by Rail Regulations (Northern Ireland) 2001	S.R. 2001 No. 387	The whole Regulations
The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001	S.R. 2001 No. 390	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements and prohibitions in relation to the carriage by road or by rail of dangerous goods which are controlled by the Explosives Acts (Northern Ireland) 1875-1970 or by the Explosives (Northern Ireland) Order 1972 and any regulations, orders or instruments of a legislative character made or having effect under those provisions.

2. These Regulations implement two Directives and also make other provision. They implement firstly Council Directive 94/55/EC (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of the member States with regard to the transport of dangerous goods by road (as amended by Directive 2000/61/EC of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive 2003/28/EC (O.J. No. L90, 8.4.2003, p. 45)). This Directive applies the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended ("ADR") (2003 Edition).

3. Secondly these Regulations implement Council Directive 96/49/EC (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of member States with regard to the transport of dangerous goods by rail (as amended by Directive 2000/62/EC of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p. 44) and Commission Directive 2003/29/EC (O.J. No. L90, 8.4.2003, p. 47)). This Directive applies the Regulations concerning the International Carriage of Dangerous Goods by Rail ("RID") which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail ("COTIF") (2003 Edition).

4. These Regulations revoke—

(a) The Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993 (S.R. 1993 No. 268);

(b) The Carriage of Explosives by Road Regulations (Northern Ireland) 1997 (S.R. 1997 No. 474);

(c) The Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 475);

(d) The Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 171);

(e) The Carriage of Explosives by Rail Regulations (Northern Ireland) 2001 (S.R. 2001 No. 387);

(f) The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 390),

and other provisions.

5. Part I contains the introductory provisions. Regulation 2 defines terms used in the Regulations. Regulations 3 to 7 define the scope of the Regulations. Regulation 8 defines competent authority functions.

6. Part II imposes the requirements contained within ADR and within RID concerning general requirements (regulations 9 to 13), the classification of dangerous goods, prohibition from carriage and special packing provisions (regulations 14 to 16), packaging of dangerous goods (regulations 17 and 18), consignment procedures (regulation 19), requirements for the construction and testing of packagings and packages (regulation 20), the carriage and handling of dangerous goods (regulation 21 and 22) and the construction and approval of vehicles (regulation 23).

7. Part III sets out the competent authority functions within ADR and within RID.

8. Part IV imposes requirements which are additional to or alternatives to the requirements of ADR and of RID. These concern requirements for the carriage of explosives by road and by rail (regulations 34 to 40), the marshalling and formation of trains (regulation 41), the keeping of documentation (regulation 42) and placarding requirements for carriage within Northern Ireland (regulation 43).

9. Part V contains miscellaneous provisions concerning transitional defence (regulation 44), defence and enforcement (regulation 45), savings, revocations and consequential amendments (regulations 46 to 48).

10. A person who contravenes the Regulations or any requirement or prohibition under them is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.

11. Copies of the following documents may be obtained from the Stationery Office Bookshops, the Stationery Office's Accredited Agents and all good booksellers:

a. the European Agreement concerning the International Carriage of Dangerous Goods by Road ("ADR") (2003 Edition) (ISBN 92-1-139078-8) and corrigenda 1 (February 2003) and 2 (June 2003)
b. the Regulations concerning the International Carriage of Dangerous Goods by Rail ("RID") (2003 Edition) (ISBN 0-11-552553-X)
c. the International Maritime Dangerous Goods Code ("IMDG Code") (2004 Edition) (ISBN 92-801-4184-8)
d. the Dangerous Goods Emergency Action Code List 2004 (ISBN 0-11-341275-4)
e. the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation (2003-2004 Edition) (ISBN 92-9194-010-0 and ISSN 1726-6181).

12. The Convention concerning International Carriage by Rail ("COTIF") can be downloaded free of charge from the OTIF website www.otif.org or purchased from: Intergovernmental Organisation for International Carriage by Rail (OTIF), Gryphenhübeliweg 30, CH — 3006 Berne.

13. In Great Britain, the corresponding Regulations are the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in relation to those Regulations. Copies of that assessment together with a Northern Ireland Supplement prepared by the Secretary of State are held at Firearms and Explosives Branch, Room 4.16, Block B, Castle Buildings, Stormont Estate, Belfast, BT4 3SG, from where copies may be obtained on request.

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