1992 No. 260

HEALTH AND SAFETY

Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992

Made	*9th June 1992*
Coming into operation . .	
for the purposes of all regulations except regulation 7(6) to (9) insofar as those paragraphs apply to the carrying tanks of road tankers and to tank containers which (in either case) are not pressure vessels	*6th July 1992*
for the purposes of regulation 7(6) to (9) insofar as those paragraphs apply to the carrying tanks of road tankers and to tank containers which (in either case) are not pressure vessels	*6th July 1993*

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The Department of Agriculture, the Department of Economic Deveopment, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5) and (6),

(**a**) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

40(2), (3) and (4) and 55(2) of, and paragraphs 1(1), (2), (3) and (4), 2, 3, 5, 8, 11, 13 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**a**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 and, subject to paragraph (2), shall come into operation on 6th July 1992.

(2) Paragraphs (6) to (9) of regulation 7, insofar as they apply to the carrying tanks of road tankers and to tank containers which (in either case) are not pressure vessels, shall come into operation on 6th July 1993.

Interpretation

2.—(1) In these Regulations—

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

"approved list" means the list referred to in regulation 4(1), as revised from time to time in accordance with regulation 4(2);

"carriage" means carriage arising out of or in connection with work and shall be construed in accordance with regulations 2(2)(*b*) and 3(2); and related words shall be construed accordingly;

"classification" means:—

(*a*) (in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list) the classification which is specified in the corresponding entry in Column 4 of that Part; or

(*b*) (in relation to a dangerous substance which is not listed in Column 1 of Part I of the approved list) the classification specified in Column 2 of Part I of Schedule 1 which corresponds with the most hazardous of the characteristic properties of the substance specified in Column 1 of that Part;

"computer" means a computer system including its software;

"the consignor" of a dangerous substance shall be regarded as—

(*a*) the person who, having a place of business in Northern Ireland, consigns (whether as principal or as agent for another) that dangerous substance for carriage; or

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(**a**) S.I. 1978/1039 (N.I. 9)
(**b**) Cmnd. 734

(*b*) if no person satisfies the requirements of sub-paragraph (*a*), the consignee of that dangerous substance;

"Contracting Party" means a country which is a signatory to ADR;

"dangerous substance" means any substance (including any preparation or other mixture) being either—

(*a*) a substance which is listed in Column 1 of Part I of the approved list and which has one or more of the characteristic properties specified in Column 1 of Part I of Schedule 1 (other than when it is carried at such dilution that a risk to the health or safety of any person is not created by that carriage); or

(*b*) any other substance which (having one or more of the characteristic properties specified in Column 1 of Part I of Schedule 1) creates a risk to the health or safety of any person in the course of its carriage which is comparable with a risk created by the carriage of any substance which is specified in Column 1 of Part I of the approved list:

"the Department" means the Department of Economic Development:

"emergency action code" means, in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list, the emergency action code for that substance which is specified in the corresponding entry in Column 3 of that Part and "multi-load emergency action code" means, in relation to a multi-load, the multi-load emergency action code for such a load ascertained in accordance with Part IIB of the approved list;

"flash point" has the same meaning as in regulation 2(1) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**a**);

"hazard warning panel" means a panel required to be displayed on a road tanker or tank container in accordance with regulation 18 or 19 or which may be displayed on a tank container in accordance with regulation 21(5)(*b*);

"the Health and Safety Commission" means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(**b**);

"the IMDG Code" means the International Maritime Dangerous Goods Code issued by the International Maritime Organisation as revised or re-issued from time to time;

"inspector of vehicles" means a person appointed by the Department of the Environment as an inspector of vehicles for the purposes of any provision of the Road Traffic (Northern Ireland) Order 1981(**c**);

"label" means a weather-resistant label required to be displayed on a road tanker or tank container in accordance with regulation 20;

(**a**) S.R. 1985 No. 81; regulation 2(1) was amended by S.R. 1990 No. 303
(**b**) 1974 c. 37
(**c**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations

"motor vehicle" has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"multi-load" means a load consisting of two or more dangerous substances in—

(*a*) separate uncompartmented carrying tanks of a road tanker;

(*b*) separate compartments of a compartmented carrying tank of a road tanker; or

(*c*) separate compartments of a compartmented tank container,

whether or not carried in conjunction with a substance which is not a dangerous substance;

"operator" means the operator of any road tanker, tank container or vehicle carrying a tank container (in each case used for the carriage of any dangerous substance) and shall be construed in accordance with regulation 5;

"petrol" means petroleum-spirit (within the meaning given to that phrase by section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929(**a**)) intended to be used as fuel for motor vehicles, motor vessels or aircraft;

"petroleum filling station" means a petroleum filling station within the meaning of section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929;

"petroleum fuel" includes, petrol, kerosene, diesel oil and liquefied petroleum gas;

"pressure vessel" means a tank container or the tank of a road tanker which is—

(*a*) used or intended to be used for the carriage of a dangerous substance—

(i) at a pressure of more than 500 millibar above or below atmospheric pressure, or

(ii) at a pressure of 500 millibar or less above atmospheric pressure if that pressure is maintained by artificial means and would rise above it if such means were no longer employed; or

(*b*) loaded or discharged at a pressure of more than 500 millibar above or below atmospheric pressure;

"RID" means the Regulations concerning the International Carriage of Dangerous Goods by Rail which are specified in Annex I to the Uniform Rules concerning the Contract for International Carriage of Goods by Rail ("CIM"), which Rules form Appendix B to the Convention concerning International Carriage by Rail(**b**), as revised or re-issued from time to time ("COTIF");

(**a**) 1929 c. 13 (N.I.) to which there are amendments not relevant to these Regulations

(**b**) Cmnd. 8535

"road" means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"road tanker" means a goods vehicle within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981 which has a tank (in these Regulations referred to as a "carrying tank") which is—

(*a*) attached to the frame of the vehicle (whether structurally or otherwise) and (except when empty) is not intended to be removed from the vehicle; or

(*b*) an integral part of the vehicle,

and includes a tube trailer; and any reference in these Regulations to the carrying tank of a road tanker shall be construed as a reference to each carrying tank attached to it or being an integral part of it as aforesaid;

"semi-trailer" has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"single load" means a load consisting of only one dangerous substance (whether or not a substance which is not a dangerous substance is being carried at the same time);

"substance identification number" means, in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list, the substance identification number for that substance which is specified in the corresponding entry in Column 2 of that Part;

"tank" means a tank which is—

(*a*) used for the carriage of a liquid, gaseous, powdery or granular material or a sludge, in bulk; and

(*b*) so constructed that it can be securely closed (except for the purpose of relieving excessive pressure) during the course of carriage;

"tank container" means a tank, whether or not divided into separate compartments, having a total capacity of more than 3 cubic metres (other than the carrying tank of a road tanker) and includes a tube container;

"trailer" means a vehicle drawn by a motor vehicle but does not include a semi-trailer;

"tube container" means a group of gas cylinders connected together with a total capacity greater than 3 cubic metres, fitted into a framework suitable for lifting on or off a vehicle and intended to be used for the carriage of compressed gases;

"tube trailer" means a trailer which has more than one gas cylinder structurally attached to, or forming part of, the trailer and which is intended to be used for the carriage of compressed gases;

"volumetric prover" means a tank or prover pipe with a capacity not exceeding 10 cubic metres intended to be used for the calibration of metering equipment or the measurement of petroleum fuel deliveries

(**a**) S.R. 1989 No. 299

and which is structurally attached to, or is an integral part of, the frame of a vehicle.

(2) For the purposes of these Regulations, a combination of a motor vehicle and one or more trailers or semi-trailers shall be deemed to be a single vehicle for so long as the constituent parts of that combination remain attached; and—

(*a*) dangerous substances contained in different parts of such a vehicle shall accordingly be considered to be contained in the same vehicle; and

(*b*) without prejudice to the generality of regulation 3(2), a trailer or semi-trailer containing any dangerous substance shall not be considered to be engaged in any carriage to which these Regulations apply unless it forms part of such a combination.

(3) For the purposes of these Regulations, a vehicle shall be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971(**a**) or any enactment replaced thereby.

Application of these Regulations

3.—(1) These Regulations shall apply to and in relation to the carriage of any dangerous substance, either in a road tanker or in a tank container carried on a vehicle, except where specified in Schedule 2.

(2) For the purposes of paragraph (1), a road tanker or a tank container carried on a vehicle shall be deemed to be engaged in the carriage of a dangerous substance throughout the period–

(*a*) in the case of a road tanker, from the commencement of loading it with the dangerous substance concerned for the purpose of carrying that substance on a road until the carrying tank of the road tanker and (where appropriate) any compartment of that carrying tank have been cleaned or purged so that any of the substance or its vapour which remains therein is not sufficient to create a risk to the health or safety of any person; or

(*b*) in the case of a tank container carried on a vehicle—

(i) (if the tank container has been loaded with the dangerous substance concerned before being placed on the vehicle) from the time when the tank container is placed on the vehicle for the purpose of carrying the dangerous substance on a road, or

(ii) (if the tank container has been placed on the vehicle before the commencement of loading) from the commencement of loading the tank container with the dangerous substance concerned for the purpose of carrying it by road,

until either—

(**a**) 1971 c. 10

(*aa*) the tank container is removed from the vehicle, or

(*bb*) the tank container and (where appropriate) any compartment of the tank container have been cleaned or purged so that any of the substance or its vapour which remains therein is not sufficient to create a risk to the health or safety of any person;

and, in either case, whether or not the vehicle is on a road at the material time.

Meaning of and revisions to the approved list

4.—(1) In these Regulations "the approved list" means the list approved by the Department and published by the Health and Safety Commission entitled "the Road Tanker Approved List", which contains—

(*a*) in Part I, a list of dangerous substances, and specifying—

(i) in Column 1, the names thereof in alphabetical order.

(ii) in Column 2, the substance identification numbers thereof,

(iii) in Column 3, the emergency action codes therefor,

(iv) in Column 4, the classifications thereof, and

(v) in Column 5, details of special provisions applicable thereto;

(*b*) in Part IIA, an interpretation of the emergency action code;

(*c*) in Part IIB, a method for ascertaining the emergency action codes for multi-loads;

(*d*) in Part III, a numerical list of dangerous substances; and

(*e*) notes and other explanatory material which are requisite for its use.

(2) The Department may approve a revision of the approved list and, when it does so, the Department shall within 3 months of the date of that approval publish a notice specifying the revision, the date on which it was approved and the date on which it takes effect, which last-mentioned date shall be not less than 6 months after the date of the approval of the revision; but during the period before the revision takes effect an operator may—

(*a*) mark a road tanker or tank container in accordance with that revision; and

(*b*) in a case where the Department has approved an entry in the approved list for an organic peroxide, carry that organic peroxide in accordance with that entry.

Meaning of operator

5.—(1) For the purposes of these Regulations, the operator of a road tanker or of any other vehicle carrying a tank container shall be—

(*a*) any person who holds a road freight vehicle licence under section 17 of the Transport Act (Northern Ireland) 1967(**a**) for the use of that vehicle on a road to carry goods for reward other than a person described in sub-section (1)(*b*) or (*c*) of that section; or

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(**a**) 1967 c. 37 (N.I.) to which there are amendments not relevant to these Regulations

(*b*) where sub-paragraph (*a*) does not apply—

(i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle, or

(ii) (in the case of any other vehicle, but subject to paragraph (2)) the keeper of the vehicle; and, for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper.

(2) Where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (*b*)(ii) of paragraph (1) uses that vehicle for the carriage of any dangerous substance on behalf of his employer, that employer shall, notwithstanding that sub-paragraph, be regarded as the operator of the vehicle for the purposes of these Regulations.

(3) For the purposes of these Regulations, the operator of a tank container shall be either—

(*a*) the owner of the tank container, if that person—

(i) has a place of business in Northern Ireland, and

(ii) is identified as the owner of the tank container on the tank container itself or in a document carried in the vehicle on which the tank container is carried; or

(*b*) if no person satisfies the requirements set out in sub-paragraph (*a*), the agent of the owner of the tank container if that agent—

(i) has a place of business in Northern Ireland, and

(ii) is identified as the agent of that owner on the tank container itself or in a document carried in the vehicle on which the tank container is carried; or

(*c*) if no person falls within sub-paragraph (*a*) or (*b*), the operator of the vehicle on which the tank container is carried.

(4) For the purposes of paragraph (3), a person to whom a tank container is leased or hired shall be deemed to be the owner of that tank container unless the lessor or, as the case may be, the hirer has made an agreement in writing with the person to whom he has leased or hired the tank container to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

Construction of vehicles and tank containers

6. The operator of a road tanker or tank container shall not use that road tanker or tank container for the carriage of a dangerous substance unless—

(*a*) it is properly designed, of adequate strength and of good construction from sound and suitable material;

(*b*) it is suitable for the purpose for which it is being used having regard to—

(i) the nature and circumstances of the journey being undertaken, and

(ii) the characteristic properties and quantity of the dangerous substance and of all other substances being carried (including any which are not in themselves dangerous);

(*c*) the carrying tank of the road tanker or the tank container concerned, and any fittings attached thereto—

(i) are designed, constructed and maintained so as to prevent any of the contents escaping, except that this requirement shall not prevent the fitting of a suitable safety device, and

(ii) insofar as they are likely to come into contact with the substance, are made of materials which are neither liable to be adversely affected by the substance nor liable in conjunction with it to significantly increase the risk to the health or safety of any person; and

(*d*) in the case of a road tanker or tank container brought into use for the first time after 6th July 1992 for the carriage of any dangerous substance, he is in possession of sufficient information concerning—

(i) its design, construction, examination and maintenance, and

(ii) any repairs or modifications made to the carrying tank of that road tanker or (as the case may be) to that tank container or to any fittings attached thereto,

as may reasonably foreseeably be needed to enable him to comply with these Regulations insofar as they impose requirements or prohibitions on him.

Testing and examination of the carrying tanks of road tankers and tank containers

7.—(1) A dangerous substance shall not be carried in the carrying tank of a road tanker or in a tank container unless—

(*a*) for the purpose of ensuring that they are properly maintained, there has been prepared and there is carried into effect a suitable written scheme for—

(i) the initial and periodic examination, and

(ii) the initial and (where appropriate) periodic testing,

of the relevant carrying tank or tank container and its fittings by a competent person;

(*b*) before being taken into use for the first time for the carriage of a dangerous substance, the relevant carrying tank or tank container was certified by a competent person as suitable for the purposes for which he understood it was to be used and those purposes were specified in the certificate;

(*c*) there is in existence a current report signed by the competent person who carried out the most recent examination and test in accordance with this paragraph, stating—

(i) the date or dates on which the said examination and test were carried out and the results thereof,

(ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in sub-paragraph (*a*) or such shorter interval as the competent person may specify,

(iii) that the relevant carrying tank or tank container remains suitable either for the purposes specified in the certificate for that tank issued under sub-paragraph (*b*) or for the purposes specified in a further certificate issued under paragraph (10), or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable, and

(iv) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(2) Where, before 6th July 1992, there was in existence in respect of the carrying tank of a road tanker or a tank container and any fittings attached thereto a suitable written scheme drawn up in accordance with regulation 7(2)(*a*) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988(**a**), that written scheme shall be deemed to be a suitable written scheme in existence in respect of that carrying tank or tank container and those fittings drawn up in accordance with paragraph (1)(*a*)..

(3) A dangerous substance shall not be carried in the carrying tank of a road tanker or in a tank container if—

(*a*) the carrying tank or tank container concerned or any fittings attached thereto have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in paragraph (1)(*c*) was issued or (where the carrying tank or tank container is such as is specified in regulation 8(5)) the tank and its fittings were last examined and tested under—

(i) ADR,

(ii) RID, or

(iii) the IMDG Code; or

(*b*) in the case of a pressure vessel, the pressure in the vessel exceeds the maximum working pressure specified in the report referred to in paragraph (1)(*c*).

(4) It shall be sufficient compliance with paragraph (1)(*c*) if—

(*a*) the competent person first enters his report in a computer under the operator's control and then duly authenticates it; or

(*b*) (where the competent person does not enter it in a computer under the operator's control) the report is transferred to such a computer by, or on the instructions of, the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.

(5) The procedure referred to in paragraph (4) may only be used if the report—

(*a*) is capable of being reproduced in written form when required at the appropriate place referred to in regulation 9(1);

(*b*) is secure from unauthorised interference; and

(*c*) can be authenticated only by the competent person.

(**a**) S.R. 1988 No. 24 (revoked by these Regulations)

(6) Every carrying tank of a road tanker and every tank container shall (subject to paragraph (7)) have securely fastened to it (or to any support which is welded to that carrying tank or tank container), in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked—

(*a*) the name or identifying mark of the manufacturer of the carrying tank or tank container;

(*b*) the serial number of the carrying tank or tank container by which it can be identified;

(*c*) the date of the most recent examination and test carried out in accordance with paragraph (1); and

(*d*) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(7) Where compliance with paragraph (6)(*c*) is not possible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be securely fastened to the relevant carrying tank or tank container (or to any support welded thereto) in a readily accessible position; and, in such a case, that additional plate shall also be marked in accordance with paragraph (6)(*a*), (*b*) and (where appropriate) (*d*).

(8) Where any corrosion-resistant plate such as is described in paragraph (6) or (7) and which is securely fastened to the carrying tank of a road tanker or to a tank container is covered by an insulating layer which surrounds that carrying tank or tank container, a duplicate corrosion-resistant plate, indelibly marked with the same information as is marked on the plate which is covered as aforesaid, shall be securely fastened to the exterior of that insulating layer.

(9) Where the carrying tank of a road tanker, a tank container or the fittings of any such tank have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in paragraph (1)(*c*) was issued or (in the case of any carrying tank or tank container such as is specified in regulation 8(5)) that tank and its fittings were last examined and tested under ADR, RID or the IMDG Code, the provisions of paragraph (1) or (as the case may be) ADR, RID or the IMDG Code shall apply in respect of any such tank and its fittings as if the tank had not previously been used for the carriage of a dangerous substance.

(10) Where the competent person is satisfied that the carrying tank of a road tanker or a tank container is suitable for purposes other than those specified in the certificate issued in accordance with paragraph (1)(*b*) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

(11) In this regulation and in sub-paragraphs (*a*)(ii) and (*b*)(i) of regulation 8(3), "competent person" means a competent individual person (other than an employee) or a competent body of persons corporate or unincorporate, and accordingly any reference in the provisions referred to in this paragraph to a competent person performing a function includes a reference to his performing it through his employees.

(12) It shall be the duty of the operator of any road tanker or tank container to comply with the provisions of this regulation.

Exceptions to regulations 6 and 7

8.—(1) Regulations 6 and 7 shall not apply to the carriage from one site to another site of a used underground storage tank containing petrol where it has been removed from the ground at the first site for the purposes of cleaning, demolition or disposal at the second site, if—

(*a*) before the tank is carried—

(i) as much petrol as it is reasonably practicable to remove from the tank by flushing out with water has been so removed and any remaining sludge has been covered by water,

(ii) the remaining space in the tank has been filled with an inert atmosphere,

(iii) as much of the pipework which was connected to the tank as it is reasonably practicable to remove has been so removed,

(iv) subject to head (v), all openings in the tank and any pipework remaining attached to it have been sealed to prevent the escape of vapour or any liquid,

(v) any hole in the tank caused by corrosion or during removal from the ground has been sealed by a safe method to prevent or, where this is not reasonably practicable, minimise, the escape of vapour or any liquid, and

(vi) a notice has been fixed to the tank in a prominent position bearing in letters not less than 50 millimetres high the words "Petrol — Highly Flammable"; and

(*b*) during the course of its carriage—

(i) the tank is securely attached to the vehicle, and

(ii) where the tank has been holed or there are areas of weakness, the tank is in such a position that those holes or areas of weakness are, so far as is reasonably practicable, not below the level of any liquid or sludge in the tank.

(2) Regulation 6(*b*) and (*c*)(i) shall not apply to the operator of a road tanker or tank container which has been damaged and which is being moved (whether or not by the use of a recovery vehicle) to the nearest suitable safe place or depot for repair or for cleaning or purging until arrangements can be made for its safe removal by that operator, if—

(*a*) steps have been taken to make the carrying tank of the road tanker or the tank container as secure from leaks as is reasonable in the circumstances; and

(*b*) the road tanker or other vehicle carrying the tank container is at all relevant times escorted by a vehicle used for police or fire brigade purposes.

(3) Regulation 7 shall not apply to the carriage of any static storage tank which has been, or is to be, used for—

(*a*) the storage of liquid argon, liquid carbon dioxide, liquid helium, liquid hydrogen, liquid nitrogen, liquid nitrous oxide or liquid oxygen, where—

(i) all liquid has been removed from the tank and the residual gas pressure does not exceed 3 bar above atmospheric pressure during the carriage,

(ii) the tank has been thoroughly examined as a static vessel by a competent person and there is in existence a valid report of that examination,

(iii) (in the case of a tank which has been used for such storage) as much of the pipework which was connected to the tank as it was reasonably practicable to remove from it has been so removed, and

(iv) a suitable pressure relief valve (which shall remain operational during the carriage) is fitted to the tank; or

(*b*) the storage of liquefied petroleum gas, where—

(i) the tank has been thoroughly examined as a static vessel by a competent person and there is in existence a valid report of that examination,

(ii) (in the case of a tank which has been used for such storage) as much of the pipework which was connected to the tank as it was reasonably practicable to remove from it has been so removed,

(iii) a suitable pressure relief valve (which shall remain operational during the carriage) is fitted to the tank, and

(iv) (in the case of a tank whose capacity does not exceed 5 cubic metres) the quantity of gas in the tank does not exceed 50 kilograms during the carriage, or

(v) (in the case of a tank whose capacity does not exceed 30 cubic metres) all liquid has been removed from it and the residual gas pressure does not exceed 1 bar above atmospheric pressure during the carriage.

(4) Regulation 7(6) shall not apply to any tube trailer or tube container where the information specified in that paragraph is indelibly marked on each gas cylinder.

(5) Regulation 7(1), (6) and (11) shall not apply to the carrying tank of a road tanker or to any tank container used for the carriage of any dangerous substance where such a tank and its fittings have been examined, tested, certified and plated in accordance with the requirements of—

(*a*) ADR;

(*b*) RID; or

(*c*) the IMDG Code.

Keeping of documents

9.—(1) All the documents referred to in regulations 6 and 7 shall—

(*a*) in the case of any road tanker, be kept by the operator thereof either at the premises from which the tanker operates or at his principal place of business within Northern Ireland; and

(*b*) in the case of any tank container, be kept by the operator thereof at the address within Northern Ireland from which the deployment of the tank container is controlled.

(2) It shall be sufficient compliance with paragraph (1)(*b*) in circumstances where (by virtue of the fact that he does not have a place of business in Northern Ireland) the operator of the tank container is not its owner, if—

(*a*) photocopies of the documents concerned are kept at the operator's place of business; or

(*b*) the documents concerned are readily available from the owner of the tank container.

(3) Where the operator of a road tanker or tank container changes, the previous operator shall, insofar as he is required to keep any document at an address in Northern Ireland in accordance with paragraph (1), give any such document to the new operator.

(4) Where either of the procedures referred to in regulation 7(4) has been used, it shall be sufficient compliance with paragraph (1) in respect of the report referred to in regulation 7(1)(*c*) if that report is kept by the operator concerned in a computer at the appropriate place specified in the said paragraph (1); and without prejudice to the generality of paragraph (3), if the operator changes in circumstances where the report referred to in regulation 7(1)(*c*) is kept in a computer in accordance with this paragraph, the previous operator shall provide the new operator with the information contained in that report in written form.

Information relating to dangerous substances to be received by operators

10.—(1) The consignor of a dangerous substance shall ensure that each operator who is to carry it receives such information as will enable that operator—

(*a*) to comply with his duties under these Regulations; and

(*b*) to be aware of the hazards created by the substance to the health or safety of any person.

(2) An operator shall not carry a dangerous substance unless he is in possession of the information referred to in paragraph (1).

(3) The consignor shall ensure that the information referred to in paragraph (1) is—

(*a*) so far as is reasonably practicable, provided in written form;

(*b*) accurate; and

(*c*) sufficient for the purposes specified in that paragraph.

(4) The operator shall, where the information referred to in paragraph (1) is not received by him in written form—

(*a*) reduce it to written form himself; or

(*b*) ensure that it is entered in a computer under his control by a competent person.

(5) The operator shall keep the information referred to in paragraph (1) for a period of at least two weeks after the completion of the relevant journey.

(6) The information referred to in paragraph (1) may only be entered in a computer in accordance with paragraph (4)(*b*) if it—

(*a*) is capable of being reproduced in written form when required;

(*b*) is secure from unauthorised interference; and

(*c*) can be authenticated only by the person entering it.

Limitation on the carriage of certain substances

11.—(1) The operator of a road tanker shall ensure that—

(*a*) no organic peroxide which is a dangerous substance is carried in that road tanker unless that substance is listed in Column 1 of Part I of the approved list and any conditions specified in that Column are complied with;

(*b*) no other dangerous substance which is not listed in Column 1 of Part I of the approved list is carried in that road tanker unless its characteristic properties, being properties specified in Column 1 of Schedule 1, create no greater risk to health or safety than other substances having similar characteristic properties which are listed in Column 1 of Part I of the approved list; and

(*c*) where a maximum concentration or some other condition is specified for a substance in Column 1 of Part I of the approved list, that substance is not carried in a road tanker except at a concentration equal to or below the maximum concentration or, as the case may be, in accordance with the condition so specified.

(2) The operator of a vehicle carrying a tank container and the operator of that tank container shall ensure that—

(*a*) no organic peroxide which is a dangerous substance is carried in that tank container unless that substance is listed in Column 1 of Part I of the approved list and any conditions specified in that Column are complied with;

(*b*) no other dangerous substance which is not listed in Column 1 of Part I of the approved list is carried in that tank container unless its characteristic properties, being properties specified in Column 1 of Schedule 1, create no greater risk to health or safety than other substances having similar characteristic properties which are listed in Column 1 of Part I of the approved list; and

(*c*) where a maximum concentration or some other condition is specified for a substance in Column 1 of Part I of the approved list, that substance is not carried in that tank container except at a concentration equal to or below the maximum concentration or, as the case may be, in accordance with the condition so specified.

Information in writing to be available during carriage

12.—(1) The operator of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall ensure that the driver of the vehicle concerned has received adequate information in writing about—

(*a*) the identity of the substance;

(*b*) the quantity to be carried; and

(*c*) the nature of the hazards created by the substance and the action to be taken in an emergency concerning it.

(2) The driver of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall ensure that the information in writing relating to that substance received by him in accordance with paragraph (1) is, subject to paragraphs (6) and (7) and regulation 27, kept in the cab of the vehicle and is readily available at all times while the substance is being carried.

(3) Where a dangerous substance has been carried in a road tanker or tank container and the carrying tank of that road tanker or that tank container and (where the carrying tank or tank container concerned is divided into compartments) all the compartments thereof have been emptied and cleaned or purged so that any of the substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, the driver of the road tanker or other vehicle carrying the tank container shall ensure that the information in writing relating to that substance received by him in accordance with paragraph (1) and which he had to keep in the cab of the vehicle in accordance with paragraph (2) is, subject to paragraph (5), destroyed, removed from the relevant vehicle or placed in a securely closed container clearly marked to show that the information relates to no other substance which is being carried.

(4) The driver of a road tanker or of any other vehicle carrying a tank container shall, if that road tanker or tank container is not carrying a dangerous substance, ensure that any information in writing in his possession received by him in accordance with paragraph (1) is destroyed, removed from the vehicle or placed in the securely closed container referred to in paragraph (3).

(5) Nothing in paragraph (3) shall require the destruction, removal or placing in a securely closed container of information in writing received by a driver in accordance with paragraph (1) which relates to any dangerous substance which has been removed from a road tanker or tank container in the manner specified in the said paragraph (3) where that information in writing relates also to a dangerous substance which is being carried, and the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical.

(6) Notwithstanding paragraph (2), where the tractor unit of any articulated vehicle carrying a dangerous substance is detached from the trailer of that vehicle on a road or in premises, the driver of the vehicle shall attach the information in writing relating to that substance received by him in accordance with paragraph (1) to the trailer in a readily visible position or (in the case where the tractor unit is detached as aforesaid in premises) give that information to the occupier of the premises; and in such a case, the occupier shall ensure that the said information is readily available at the premises.

(7) Notwithstanding paragraph (2), the driver of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in

a tank container shall, when so requested in an emergency by any police constable or any member of the fire or ambulance services, produce the information in writing relating to that substance received by him in accordance with paragraph (1) to that constable or other person.

Precautions against fire or explosion

13.—(1) The operator of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall provide that vehicle with adequate fire-fighting equipment.

(2) Every driver of, and every person repairing, maintaining, examining, inspecting, loading, unloading or otherwise dealing with, a road tanker carrying a dangerous substance or any other vehicle carrying a dangerous substance in a tank container shall observe all the precautions necessary for preventing fire or explosion.

Precautions to be taken before loading road tankers and tank containers with dangerous substances

14. The operator of a road tanker or a tank container which is to be loaded with a dangerous substance shall ensure that that dangerous substance will not, in conjunction with any product remaining in the road tanker or tank container concerned, significantly increase the existing risk to the health or safety of any person arising out of the presence of that remaining product.

Prohibition against overfilling road tankers or tank containers

15. The operator of a road tanker or tank container shall ensure that no tank or compartment in the road tanker or tank container concerned is overfilled with any dangerous substance.

Openings in tanks and valves to be securely closed before commencement of journey

16.—(1) Subject to paragraph (2), the driver of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall ensure, so far as is practicable, that—

(*a*) all openings in the carrying tank of the road tanker or in the tank container concerned; and

(*b*) (where any discharge or filling opening in the said carrying tank or tank container is fitted with more than one valve or is fitted with a cap) all such valves and that cap,

are securely closed before the journey is commenced.

(2) Nothing in paragraph (1) shall be taken as permitting the proper functioning of any safety device to be compromised.

Parking and supervision of vehicles containing dangerous substances

17.—(1) The driver of a road tanker or of any other vehicle carrying a tank container shall (when this paragraph applies) ensure that the vehicle concerned is parked in a safe place when it is not being driven, except—

(*a*) when supervised at all times by him or by a competent person over the age of 18 years; or

(*b*) in circumstances where no such competent person is present, when the vehicle has been damaged or has broken down on a road and the driver has left the vehicle to seek assistance.

(2) Paragraph (1) shall apply where the road tanker or tank container is required by these Regulations to display hazard warning panels and the emergency action code (if any) required to be shown on those panels pursuant to Schedule 3 ends with the letter "E", except that that paragraph shall not apply where—

(*a*) any tank or compartment of a tank which formerly contained a substance which has an emergency action code ending with the letter "E" is nominally empty;

(*b*) in the case where the substance identification number 1270 is displayed on the hazard warning panels concerned, no petrol is being carried or any tank or compartment of a tank which formerly contained petrol is nominally empty; or

(*c*) in the case where the substance identification number 1268 is displayed on those hazard warning panels, no toluene or petroleum distillate having a flash point of less than 21°C is being carried or any tank or compartment of a tank which formerly contained any such substance is nominally empty;

and in this paragraph "nominally empty" means, in relation to a tank or compartment of a tank, that as much of the dangerous substance which it contained as it was reasonably practicable to discharge from it has been so discharged.

Road tankers carrying dangerous substances to carry hazard warning panels

18.—(1) Subject to regulation 21, the operator of a road tanker which is being used for the carriage of one or more dangerous substances shall ensure that it is provided with and displays three hazard warning panels, one at the rear and one on each side of the vehicle and—

(*a*) each hazard warning panel shall—

(i) be weather resistant and be indelibly marked on one side only so as to comply with the provisions of Schedule 3 (which relates to the form, specifications, colour and information required);

(ii) be either rigid or fixed so as to be rigid,

(iii) be marked on or securely attached to the vehicle or to the tank in a substantially vertical plane, and if the means of attachment is by a frame, that frame shall carry no other hazard warning panels, and

(iv) have its lower edge at least one metre from the ground or if that is not reasonably practicable as high as is reasonably practicable; and

(*b*) the forward edge of each hazard warning panel required to be displayed on the side of the vehicle shall be as close as is reasonably practicable to the front of the tank or, if there is more than one tank, to the front of the foremost tank.

(2) The driver of any road tanker such as is specified in paragraph (1) shall ensure that the hazard warning panels with which it is required to be provided in accordance with that paragraph are displayed at all times as required thereby.

Tank containers carrying dangerous substances to carry hazard warning panels

19.—(1) Subject to regulation 21, the operator of a tank container which is being used for the carriage of one or more dangerous substances shall ensure that (in the case where the tank container has a capacity greater than 6 cubic metres) it is provided with and displays four hazard warning panels, one of which shall be fitted to each side of the tank container and one of which shall be fitted to each end of the tank container and (in the case where the tank container has a capacity of 6 cubic metres or less) it is provided with and displays two hazard warning panels, one of which shall be fitted to each side of the tank container; and—

(*a*) each hazard warning panel shall—

(i) be weather resistant and be indelibly marked on one side only so as to comply with the provisions of Schedule 3,

(ii) be either rigid or fixed so as to be rigid, and

(iii) be marked on or securely attached to the tank container itself or to the framework in which the tank container sits in a substantially vertical plane and if the means of attachment is by a frame that frame shall carry no other hazard warning panels; and

(*b*) the centre of each hazard warning panel shall, in the case of such a panel required to be fitted to the side of the tank container, be as close as is reasonably practicable to a position midway between the front and rear of the tank container and, in the case of such a panel required to be fitted to an end of the tank container, be as close as is reasonably practicable to a position midway between the lateral edges of that end.

(2) The operator and driver of a vehicle carrying any tank container such as is specified in paragraph (1) shall ensure that the hazard warning panels with which it is required to be provided in accordance with that paragraph are displayed at all times as required thereby.

Additional requirements for labelling road tankers and tank containers carrying multi-loads

20.—(1) Subject to regulation 21, where a multi-load is carried—

(*a*) in separate uncompartmented carrying tanks of a road tanker; or

(*b*) in separate compartments of a compartmented carrying tank of a road tanker,

the operator of the relevant road tanker shall ensure that each such uncompartmented carrying tank or compartment which contains a dangerous substance is provided with two weather-resistant labels (each indelibly marked on one side only so as to comply with the requirements of Schedule 3) and that those labels are displayed in accordance with paragraph (2).

(2) One of the two labels with which any uncompartmented carrying tank or compartment of a compartmented carrying tank containing a dangerous substance must be provided in accordance with paragraph (1) shall be marked on or securely attached to one side of that carrying tank or compartment or, alternatively, to one side of the frame of the road tanker to which the carrying tank concerned is attached or of which it is an integral part, and the second of those two labels shall be marked on or securely attached to the other side of the said uncompartmented carrying tank or compartment or, as the case may be, frame; and the centre of each such label shall be situated as close as possible to a position midway along the length of the uncompartmented carrying tank or compartment to which it relates.

(3) The driver of any road tanker such as is specified in paragraph (1) shall ensure that the labels with which it is required to be provided in accordance with that paragraph are displayed at all times as required by paragraph (2).

(4) Subject to regulation 21, where a multi-load is carried in separate compartments of a compartmented tank container, the operator of that tank container shall ensure that each compartment thereof which contains a dangerous substance is provided with two weather-resistant labels (each indelibly marked on one side only so as to comply with the requirements of Schedule 3) and that those labels are displayed on the compartment in accordance with paragraph (5).

(5) One of the two labels with which any compartment of a compartmented tank container containing a dangerous substance must be provided in accordance with paragraph (4) shall be marked on or securely attached to one side of that compartment and the second of those two labels shall be marked on or securely attached to the other side of the said compartment; and the centre of each such label shall be situated as close as possible to a position midway along the length of the compartment to which it relates.

(6) The operator and driver of a vehicle carrying any tank container such as is specified in paragraph (4) shall ensure that the labels with which it is required to be provided in accordance with that paragraph are displayed at all times as required thereby.

Circumstances in which regulations 18 to 20 do not apply

21.—(1) Regulations 18 to 20 shall not apply where a road tanker or tank container is being used solely for carrying a dangerous substance from—

(*a*) another road tanker or tank container which has been damaged as a result of an accident occurring on a road, or has broken down on a road; or

(*b*) a rail tanker which has been damaged or derailed or has broken down on a railway, other than the siding on which it was loaded,

if either of the conditions specified in paragraph (2) is met.

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

(*a*) that the road tanker or other vehicle carrying the tank container is being escorted by a vehicle being used for police or fire brigade purposes, or

(*b*) that the road tanker or other vehicle carrying the tank container displays at its rear—

(i) the sign shown in Column 3 of Part I of Schedule 1 which adjoins the description of the classification of the substance being carried which is set out in Column 2 of that Part, or

(ii) the sign shown in the said Column 3 which adjoins the classification "other dangerous substance" which is set out in the said Column 2.

each such sign to comply with the specifications contained in Part III of Schedule 1.

(3) Regulations 18 to 20 shall not apply to—

(*a*) the carriage of a dangerous substance in a road tanker or tank container to a port for carriage by sea, or from a port having first been carried by sea, if that tanker or tank container is labelled in accordance with the appropriate provisions of the IMDG Code;

(*b*) any road tanker or tank container which has been used for the carriage of a dangerous substance from a port, that substance having first been carried by sea, and which tanker or tank container is labelled in accordance with the appropriate provisions of the IMDG Code, if that tanker or tank container has discharged its load and has not been cleaned or purged so as to remove any risks to the health or safety of any person or re-loaded;

(*c*) any road tanker or tank container which has been used for the carriage of any dangerous substance in an international transport operation subject to ADR or RID, and which tanker or tank container is labelled in accordance with the appropriate provisions of ADR or RID, if that tanker or tank container has discharged its load and has not been cleaned or purged so as to remove any risks to the health or safety of any person or re-loaded; or

(*d*) the carriage of a dangerous substance in a road tanker or tank container which is labelled in accordance with the provisions of RID—

(i) to a railhead for the international transport by rail of that road tanker or tank container, or

(ii) from a railhead, where the road tanker or tank container concerned has been brought there by international rail transport.

(4) Regulations 18 to 20 shall not apply to the carriage of a dangerous substance in a road tanker or a tank container which is in the service of home forces (as defined by regulation 3(1) of the Road Vehicles Lighting Regulations (Northern Ireland) 1969(**a**) ("the 1969 Regulations")) or of a visiting force (having the same meaning in this paragraph as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952(**b**)) insofar as the relevant road tanker or other vehicle carrying the tank container concerned is being used in connection with training—

(**a**) S.R. & O. 1969 No. 204, to which there are amendments not relevant to these Regulations
(**b**) 1952 c. 67

(*a*) which has been certified in writing for the purposes of regulation 46(*a*) of the 1969 Regulations by the appropriate authority within the meaning of those Regulations to be training on a special occasion, and

(*b*) of which not less than 48 hours' notice has been given by that authority to the Chief Constable of the Royal Ulster Constabulary and to the Chief Fire Officer of the Fire Authority for Northern Ireland.

(5) Regulations 19 and 20 shall not apply—

(*a*) to the carriage of liquid nitrogen in the jacket of a tank container where—

(i) that liquid nitrogen is being carried solely to insulate liquid helium or liquid hydrogen which is also being carried in that tank container, and

(ii) the tank container is indelibly marked as follows, in a readily visible position in letters at least 50 millimetres high and with the blank space filled in with the appropriate figure: "The jacket of this container is permanently charged with . . . tonnes of liquid nitrogen U.N. No. 1977."; or

(*b*) to the carriage of—

(i) any static cryogenic storage tank which has been, or is intended to be, used for the storage of liquid argon, liquid carbon dioxide, liquid helium, liquid hydrogen, liquid nitrogen, liquid nitrous oxide or liquid oxygen,

(ii) any static liquefied petroleum gas storage tank, or

(iii) any used underground storage tank containing petrol,

where three hazard warning panels, indelibly marked on one side only so as to comply with the provisions of Schedule 3, are fixed to the vehicle in such positions that one is visible from each side of the vehicle and one is visible from the rear thereof.

(6) Regulation 20 shall not apply to a multi-load treated as a single load in accordance with the note to Part I of the approved list if the hazard warning panels required to be displayed by these Regulations on the road tanker or tank container in which the multi-load is carried are marked with the emergency action code, classification and appropriate substance identification number specified in that note.

(7) In paragraph (3)(*d*), "railhead" means any place where goods are loaded onto or unloaded from rail wagons.

Prohibition on provision and display of hazard warning panels and labels and additional information

22.—(1) Subject to regulation 23(3), where a road tanker or a tank container—

(*a*) is being used solely for the carriage of any substance which is not a dangerous substance; or

(*b*) is empty,

the operator and driver of the road tanker or other vehicle carrying the tank container shall ensure that the road tanker or tank container concerned does not display and is not provided with any hazard warning panel or label.

(2) The operator and driver of a road tanker or of any other vehicle carrying a tank container shall ensure that nothing is displayed on the road tanker or tank container concerned which would be likely to confuse the emergency services if read in conjunction with any information—

(*a*) required to be displayed on that road tanker or tank container in accordance with regulations 18 to 20; or

(*b*) the display of which on that road tanker or tank container is necessary for the operation of any disapplication specified in regulation 21.

Removal of hazard warning panels and labels

23.—(1) Subject to paragraphs (3) and (4), where one or more dangerous substances have been carried in a road tanker or tank container and the carrying tank of that road tanker or that tank container and (where the carrying tank of the road tanker or the tank container concerned is divided into compartments) all the compartments thereof have been emptied and cleaned or purged so that any of a dangerous substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, the operator and driver of the relevant road tanker or other vehicle carrying the relevant tank container shall ensure that the hazard warning panels and labels referring to any dangerous substance which has been removed as aforesaid and which were required to be displayed on that road tanker or tank container by these Regulations are—

(*a*) completely covered or completely removed;

(*b*) partly covered or partly removed so as to leave visible only the telephone number or the text permitted by paragraphs 3(*d*), 4(*d*) or 5(1)(*d*) of Schedule 3; or

(*c*) placed in a securely closed container clearly marked to show that the panels or labels relate to no other substance then being carried.

(2) Where a multi-load has been carried in separate uncompartmented carrying tanks of a road tanker, in separate compartments of a compartmented carrying tank of a road tanker or in separate compartments of a compartmented tank container and (in the case of a road tanker) each uncompartmented carrying tank or compartment of a compartmented carrying tank and (in the case of a compartmented tank container) each compartment thereof which was carrying one of the dangerous substances concerned has been emptied and cleaned or purged so that any of that dangerous substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, the operator and driver of the relevant road tanker or other vehicle carrying the relevant tank container shall ensure that—

(*a*) the labels referring to the dangerous substance which has been removed as aforesaid and which were required to be displayed on the road tanker or tank container concerned by these Regulations are completely covered, completely removed or placed in a securely

closed container clearly marked to show that the labels relate to no other substance then being carried; and

(*b*) the hazard warning panels and labels required to be displayed on the road tanker or tank container concerned by these Regulations are changed to those appropriate to the remaining load.

(3) Regulation 22(1) and paragraph (1) shall not apply in respect of a road tanker where—

(*a*) the hazard warning panels displayed thereon show one of the following substance identification numbers, namely—

(i) 1270,

(ii) 1203, or

(iii) 1223, and

(*b*) the road tanker concerned is not for the time being, being used for the carriage of any dangerous substance to which any of those substance identification numbers relate, but is for the time being, being used for the carriage of gas oil or diesel oil, or both.

(4) Paragraph (1) shall not apply to the carriage of any dangerous substance whose classification is "other dangerous substance" (which substance, although normally carried at a temperature in excess of 100°C, has reduced its temperature during that carriage to below that figure) or to any tank which, although normally used for the carriage at a temperature in excess of 100°C of any dangerous substance whose classification is "other dangerous substance", is nominally empty within the meaning of regulation 17(2).

Hazard warning panels and labels to be kept clean and free from obstruction

24. The operator and driver of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall ensure that any hazard warning panels and labels referring to that dangerous substance which are required to be displayed on the road tanker or tank container concerned by these Regulations are kept clean and free from obstruction, except that a hazard warning panel may be mounted behind a ladder of light construction which does not prevent the information on the panel from being easily read.

Unloading of petrol at petroleum filling stations and certain other premises licensed for the keeping of petrol

25.—(1) The provisions of Schedule 4 shall have effect for regulating the unloading of petrol from the carrying tank of a road tanker at—

(*a*) any petroleum filling station; and

(*b*) any other premises for which a petroleum-spirit licence authorising the keeping of petrol is in force, except where those premises are licensed for keeping more than 100,000 litres of such petrol in storage tanks,

and the enforcing authority for these Regulations and for Articles 4 to 9 of the Health and Safety at Work (Northern Ireland) Order 1978 in respect of such unloading as is specified in sub-paragraphs (*a*) and (*b*) shall be the petroleum licensing authority, even if the relevant tanker is on a road at the time of the unloading.

(2) In this regulation and in Schedule 4—

(*a*) "the petroleum licensing authority" means the local authority empowered to grant petroleum-spirit licences under the Petroleum (Consolidation) Act (Northern Ireland), 1929 for the petroleum filling station or other premises concerned; and

(*b*) "petroleum-spirit licence" has the same meaning as in section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929.

Instruction and training for drivers

26.—(1) Subject to paragraph (3), the operator of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall ensure that the driver of the vehicle concerned has received adequate instruction and training to enable him to understand—

(*a*) the nature of the dangers to which the substance being carried may give rise and the action he should take in an emergency concerning it; and

(*b*) his duties under these Regulations and Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978.

(2) Each operator shall keep a record of any training received by the driver of a vehicle pursuant to paragraph (1) whilst in his employment and shall make available a copy of that record to the driver concerned.

(3) Nothing in paragraph (1) shall apply to the operator of any road tanker or other vehicle carrying a tank container which—

(*a*) is being towed or otherwise moved by a break-down or recovery vehicle, insofar as—

(i) both vehicles are being escorted by a vehicle used for police or fire brigade purposes, and

(ii) the road tanker or other vehicle concerned is being driven to the nearest suitable safe place or depot with a view to it or any tank container which it is carrying being repaired, cleaned or purged prior to its safe removal;

(*b*) is being towed or otherwise moved by a break-down or recovery vehicle, insofar as the driver of the break-down or recovery vehicle is accompanied by—

(i) the driver of the road tanker or other vehicle which is being towed or otherwise moved as aforesaid, or

(ii) some other person who has received—

(*aa*) such training as is referred to in paragraph (1)(*a*), and

(*bb*) adequate training to enable him to understand a driver's duties under these Regulations and his own duties under Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978;

(*c*) is being driven by a person undergoing training under the immediate supervision of an instructor and the instructor has received—

(i) such training as is referred to in paragraph (1)(*a*), and

(ii) adequate training to enable him to understand a driver's duties under these Regulations and his own duties under Article 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978;

(*d*) is being driven for the purposes of testing the vehicle by a fitter, vehicle tester or any other similar person, and that fitter, vehicle tester or other person—

(i) has received—

(*aa*) such instruction as is referred to in paragraph (1)(*a*), and

(*bb*) adequate instruction to enable him to understand his duties under Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978, or

(ii) is accompanied by a person who has received—

(*aa*) such instruction as is referred to in paragraph (1)(*a*), and

(*bb*) adequate instruction to enable him to understand his duties under Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978; or

(*e*) is being driven by a police constable in an emergency and that constable has received such instruction as is referred to in paragraph (1)(*a*).

(4) In this regulation, "break-down vehicle" has the same meaning as in regulation 2(1) of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990(**a**).

Information to be produced to police constables and inspectors of vehicles

27. Notwithstanding regulation 12(2), the driver of a road tanker carrying a dangerous substance or of any other vehicle carrying a dangerous substance in a tank container shall on request produce to any police constable or inspector of vehicles the information in writing relating to that substance received by him in accordance with regulation 12(1) and such other information in his possession as will enable that constable or inspector to know the identity and quantity of the dangerous substance being carried.

Exemption certificates

28.—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person or class of persons, dangerous substance or class of dangerous substances, from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(2) The Department 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 it proposes to attach to the exemption; and

(**a**) S.R. 1990 No. 224, to which there are amendments not relevant to these Regulations

(*b*) any other requirements imposed by or under any statutory provision which applies to the case;

it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Defence in proceedings for contravening these Regulations

29. In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Revocation and modifications

30.—(1) Sections 5 and 18 of the Petroleum (Consolidation) Act (Northern Ireland), 1929(**a**) shall cease to have effect insofar as they relate to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container.

(2) The Regulations specified in Column 1 of Part I of Schedule 5 are hereby revoked to the extent specified in Column 3 of that Part.

(3) The Regulations specified in Part II of Schedule 5 are hereby modified to the extent specified in that Part.

Sealed with the Official Seal of the Department of Agriculture on 9th June 1992.

(L.S.) *I. C. Henderson*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 8th June 1992.

(L.S.) *Suzanna Cooper*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 8th June 1992.

(L.S.) *Trevor Pearson*
Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 9th June 1992.

(L.S.) *J. Scott*
Assistant Secretary

(a) 1929 c. 13 (N.I.); sections 5 and 18 were applied by S.R. & O. (N.I.) 1930 No. 21 (p. 325) and S.R. & O. (N.I.) 1973 No. 528 to petroleum mixtures and liquid methane respectively

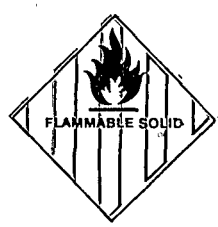
SCHEDULE 1 Regulations 2(1) and 21(2)(*b*) and paragraphs 3(*c*), 4(*c*), 5(1)(*c*) and 10(*a*) and (*b*) of Schedule 3

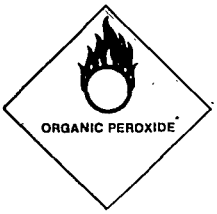
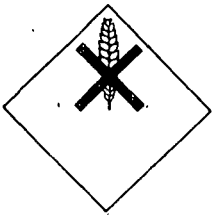
CLASSIFICATIONS AND CHARACTERISTIC PROPERTIES OF AND SIGNS FOR DANGEROUS SUBSTANCES

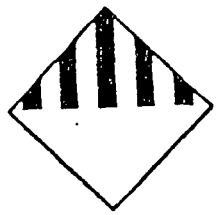
PART I

TABLE OF CHARACTERISTIC PROPERTIES AND CLASSIFICATIONS OF DANGEROUS SUBSTANCES AND LIST OF SIGNS THEREFOR

1 *Characteristic properties of the substance*	2 *Classification*	3 *Sign to be displayed at rear of vehicle or shown on hazard warning panel or label*
A substance which— (*a*) has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bar absolute; and (*b*) is carried at a pressure of more than 500 millibar above atmospheric pressure or in liquefied form; other than a toxic gas or a flammable gas.	Non-flammable compressed gas.	
A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bar absolute and which is toxic.	Toxic gas.	
A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bar absolute and which is flammable.	Flammable gas.	

1 *Characteristic properties of the substance*	2 *Classification*	3 *Sign to be displayed at rear of vehicle or shown on hazard warning panel or label*
A liquid with a flash point of 55°C or below except— (*a*) a liquid which— (i) has a flash point equal to or more than 21°C and less than or equal to 55°C, and (ii) when tested at 55°C in the manner specified in Schedule 2 to the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(**a**) does not support combustion; or (*b*) a viscous preparation which complies with the conditions specified in Part III of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**b**)	Flammable liquid.	
A solid which is readily combustible under conditions encountered in carriage or which may cause or contribute to fire through friction.	Flammable solid.	
A substance which is liable to spontaneous heating under conditions encountered in carriage or heating in contact with air being then liable to catch fire.	Spontaneously combustible substance.	

1 *Characteristic properties of the substance*	2 *Classification*	3 *Sign to be displayed at rear of vehicle or shown on hazard warning panel or label*
A substance which in contact with water is liable to become spontaneously combustible or to give off a flammable gas.	Substance which in contact with water emits flammable gas.	
A substance, other than an organic peroxide, which, although not itself necessarily combustible, may by yielding oxygen or by a similar process cause or contribute to the combustion of other material.	Oxidising substance.	
A substance which is— (*a*) an organic peroxide; and (b) an unstable substance which may undergo exothermic self-accelerating decomposition.	Organic peroxide.	
A substance known to be so toxic to man as to afford a hazard to health during carriage or which, in the absence of adequate data on human toxicity, is presumed to be toxic to man.	Toxic substance.	
A substance known to be toxic to man or, in the absence of adequate data on human toxicity, is presumed to be toxic to man but which is unlikely to afford a serious acute hazard to health during carriage.	Harmful substance.	

1 *Characteristic properties of the substance*	2 *Classification*	3 *Sign to be displayed at rear of vehicle or shown on hazard warning panel or label*
A substance which by chemical action will— (*a*) cause severe damage when in contact with living tissue; or (b) materially damage other freight or equipment if leakage occurs.	Corrosive substance.	
A substance which although not having any of the characteristic properties set out above may nevertheless create a risk to the health or safety of any person in the conditions encountered in carriage by reason— (*a*) of its chemical properties and its presence in Part IA of the approved list; (*b*) that it is carried at a temperature of above 100°C; or (*c*) that it is carried at a temperature above its flash point.	Other dangerous substance.	

SIGN—

(*a*) TO BE SHOWN ON A HAZARD WARNING PANEL WHERE A MULTI-LOAD CONSISTING OF DANGEROUS SUBSTANCES BEARING DIFFERENT CLASSIFICATIONS IS BEING CARRIED; OR

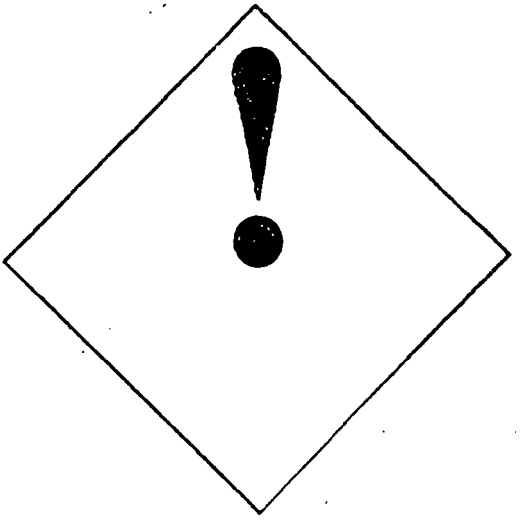
(*b*) WHICH MAY IN CERTAIN CIRCUMSTANCES BE SHOWN—

(i) ON A HAZARD WARNING PANEL WHEN—

(*aa*) A MULTI-LOAD CONSISTING OF DANGEROUS SUBSTANCES BEARING THE SAME CLASSIFICATION IS BEING CARRIED, OR

(*bb*) CERTAIN SINGLE LOADS ARE BEING CARRIED, OR

(ii) ON A LABEL WHEN CERTAIN DANGEROUS SUBSTANCES ARE BEING CARRIED AS PART OF A MULTI-LOAD.



PART III

SPECIFICATIONS FOR SIGNS SHOWN IN COLUMN 3 OF PART I

1. The signs shall conform in form and colour with those shown in Column 3 of Part I, except that—

(*a*) in the case of the signs adjoining the classifications "non-flammable compressed gas", "flammable gas" and "flammable liquid" the symbol and the lettering may be in white;

(*b*) in the case of the sign adjoining the classification "spontaneously combustible substance" the lettering may be in white;

(*c*) in place of the word "toxic" wherever it occurs the word "poison" may be used;

(*d*) in place of the word "flammable" wherever it occurs the word "inflammable" may be used;

(*e*) in the case of the sign adjoining the classification "harmful substance", the word "harmful" may be shown in black lettering under the symbol; and

(*f*) the sign may show the class number in accordance with the IMDG Code.

2. Each sign shall be in the form of a square set with its sides at an angle of 45° to the vertical and the length of the sides shall—

(*a*) in the case of a sign required to be displayed at the rear of a vehicle or shown on a hazard warning panel, be not less than 200 millimetres; or

(*b*) in the case of a sign shown on a label, be not less than 95 millimetres.

3. Each sign shall, for any part of it which is not black, have a black border, and that border shall—

(*a*) in the case of a sign required to be displayed at the rear of a vehicle or shown on a hazard warning panel, be at least 2 millimetres wide;

(*b*) in the case of a sign shown on a label, be at least 1 millimetre wide; or

(*c*) in either case, be a line which would comply with paragraph 3 of Part II of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**a**) as read in conjunction with Column 3 of Part I of that Schedule.

4. The colours of the signs shall so far as is practicable match the following colours identified in Table 1 to the British Standard BS 381C: 1988—

No. 537 Signal Red (where the colour shown in Column 3 is red)

No. 355 Lemon (where the colour shown thus is yellow)

No. 228 Emerald Green (where the colour shown thus is green)

No. 166 French Blue (where the colour shown thus is blue)

(a) S.R. 1985 No. 81; Part II of Schedule 2 was amended by S.R. 1989 No. 182

PART IV

SPECIFICATIONS FOR THE SIGN SHOWN IN PART II

1. The sign shall conform in form and colour with that shown in Part II.

2. The sign shall be in the form of a square set with its sides at an angle of 45° to the vertical and the length of the sides shall—

(*a*) where the sign is shown on a hazard warning panel, be not less than 200 millimetres; or

(*b*) where the sign is shown on a label, be not less than 95 millimetres.

3. The sign shall, for that part of it which is not black, have a black border, and that border shall—

(*a*) where the sign is shown on a hazard warning panel, be at least 2 millimetres wide;

(*b*) where the sign is shown on a label, be at least 1 millimetre wide; or

(*c*) in either case, be a line which would comply with paragraph 3 of Part II of Schedule 2 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 as read in conjunction with Column 3 of Part I of that Schedule.

SCHEDULE 2 Regulation 3(1)

EXCEPTIONS TO THESE REGULATIONS

These Regulations shall not apply to or in relation to the carriage of a dangerous substance in a road tanker or a tank container carried on a vehicle—

(*a*) where the dangerous substance is used solely in connection with the operation of the vehicle;

(*b*) where (in the case of carriage in a tank container) the dangerous substance, other than any liquid nitrogen in the jacket of the tank container which is being carried exclusively for the purpose of insulating any liquid helium or liquid hydrogen which is also being carried in that tank container, is being used solely in connection with the operation of the tank container concerned;

(*c*) where the dangerous substance is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(**a**);

(*d*) (other than in relation to regulations 12 and 26) where—

(i) the vehicle carrying the dangerous substance is engaged in an international transport operation within the meaning of COTIF, and

(ii) such carriage conforms in every respect with the provisions of RID;

(*e*) where—

(i) the vehicle carrying the dangerous substance is engaged in international transport within the meaning of Article 1(*c*) of ADR, and

(ii) such carriage conforms in every respect with the provisions of ADR;

(*f*) where the carriage is a transport operation which is subject to any special bilateral or multilateral agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions to such an agreement;

(*g*) where the vehicle carrying the dangerous substance is not, for the time being, subject to the provisions of ADR by reason only that it is a vehicle belonging to or under the orders of the armed forces of a Contracting Party;

(*h*) where the vehicle is only used on a road in passing from one part of private premises to another part of those premises situated in the immediate vicinity of that first part;

(*i*) where the vehicle carrying the dangerous substance is a road construction vehicle engaged in the repair or construction of a road; and in this sub-paragraph—

(i) the reference to a road construction vehicle does not include a reference to such a vehicle which is also a road tanker being used for the carriage of liquid tar (including road asphalt and oils, bitumen and cutbacks) which has the substance identification number 1999 or 7033,

(ii) "built-in road construction machinery" means road construction machinery built-in as part of a road construction vehicle or permanently attached to it,

(iii) "road construction machinery" means a machine or contrivance suitable for use in the repair and construction of roads, and

(a) S.R. 1985 No. 273, to which there are amendments not relevant to these Regulations

(iv) "road construction vehicle" means a vehicle constructed or adapted for the carriage of built-in road construction machinery and not constructed or adapted for the carriage of any other load except articles and material used for the purposes of that machinery;

(*j*) where any petroleum fuel is being carried in a volumetric prover and that volumetric prover—

(i) is not moved, driven or kept on a road other than when it is nominally empty within the meaning of regulation 17(2),

(ii) before having been taken on to a road was last filled with kerosene or some other liquid with a flash point not lower than 32°C or was purged with nitrogen, and

(iii) during its carriage has every valve (except those valves which need to be kept open to allow for liquid expansion on volumetric provers used for the measurement of liquefied petroleum gas) and opening closed;.

(*k*) where a vehicle (including a hydrant dispenser) which has been designed for the purpose of servicing aircraft is carrying aircraft fuel for that purpose—

(i) on an aerodrome within the meaning of article 96(1) of the Air Navigation Order 1985(**a**), or

(ii) outside such an aerodrome if it is in the course of travelling from one part of the aerodrome to another part,

except that regulations 13, 18, 20, 21, 23 and 24 shall nevertheless continue to apply to any such vehicle in such circumstances; and, in this sub-paragraph, "hydrant dispenser" means a vehicle used for delivery of fuel from any hydrant situated at an aircraft loading position to the aircraft and to which there may be structurally attached metering equipment, filters, pipework, hoses and a pump; or

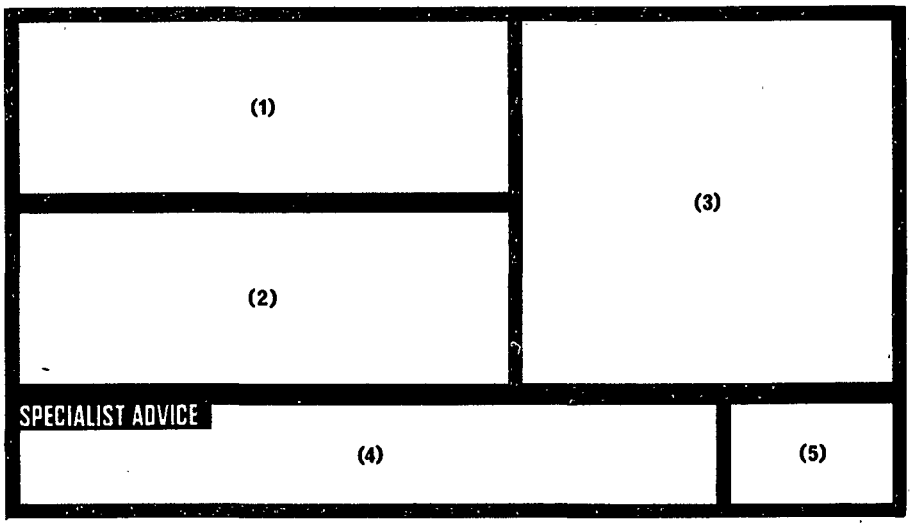
(*l*) where the dangerous substance is a pesticide (other than dilute sulphuric acid or a wood preservative) and is diluted ready for use or is otherwise in a condition ready for use and in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations (Northern Ireland) 1987(**b**); and in this sub-paragraph "pesticide" has the same meaning as in section 16(15) of the Food and Environment Protection Act 1985(**c**) and "wood preservative" means a pesticide used for preserving wood.

(**a**) S.I. 1985/1643, to which there are amendments not relevant to these Regulations
(**b**) S:R. 1987 No. 414
(**c**) 1985 c. 48

HAZARD WARNING PANELS AND LABELS

Form of hazard warning panels

1. Each hazard warning panel shall be in the form and colour of the following diagram—



2. Any reference in paragraphs 3, 4, 5 and 7 to a space number is a reference to the space so numbered in the diagram in paragraph 1.

Information about single loads

3. The following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to carry a single load and the dangerous substance carried is listed in Column 1 of Part I of the approved list—

(*a*) in space (1), the emergency action code for the substance;

(*b*) in space (2)—

(i) the substance identification number for the substance, and

(ii) (if desired) the name of the substance given in Column 2 of Part I or its trade name;

(*c*) in space (3), the sign shown in Column 3 of Part I of Schedule 1 which adjoins such description set out in Column 2 of that Part as corresponds with the classification of the substance (the sign to comply with the specifications contained in Part III of Schedule 1); except that, until 6th July 1993, in the case of a dangerous substance whose classification is "other dangerous substance", the sign shown in Part II of Schedule 1 may be used (the sign to comply with the specifications contained in Part IV of Schedule 1);

(*d*) in space (4), the telephone number or the text specified in paragraph 7, in either case indicating where specialist advice can be obtained at all times when the substance is being carried; and

(*e*) in space (5) (if desired), the name of the manufacturer or owner of the substance or his house symbol, or both; otherwise the space shall be left blank.

4. Subject to regulation 4(2), the following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to carry a single load and the dangerous substance carried is not listed in Column 1 of Part I of the approved list—

(*a*) in space (1), no information;

(*b*) in space (2)—

(i) an internationally-recognised chemical name for the substance, its accepted common name or its trade name, and

(ii) (where the classification of the substance is "other dangerous substance") the words "hot liquid" where the substance is being carried at a temperature in excess of 100°C and the words "above FP" where the substance is being carried at a temperature in excess of its flash point;

(*c*) in space (3), the sign shown in Column 3 of Part I of Schedule 1 which adjoins the classification of the substance (the sign to comply with the specifications contained in Part III of Schedule 1); except that, until 6th July 1993, in the case of a dangerous substance whose classification is "other dangerous substance", the hazard warning sign shown in Part II of Schedule 1 may be used (the sign to comply with the specifications contained in Part IV of Schedule 1);

(*d*) in space (4), the telephone number or the text specified in paragraph 7, in either case indicating where specialist advice can be obtained at all times when the substance is being carried; and

(*e*) in space (5) (if desired), the name of the manufacturer or owner of the substance or his house symbol, or both; otherwise the space shall be left blank.

Information about multi-loads

5.—(1) Subject to sub-paragraph (2), the following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to carry a multi-load—

(*a*) in space (1)—

(i) if the emergency action codes of all the dangerous substances being carried are specified in Part I of the approved list, the multi-load emergency action code ascertained in accordance with Part IIB of that list, or

(ii) if the emergency action codes of the dangerous substances being carried are not all specified in Part I of the approved list, no information;

(*b*) in space (2), the words "multi-load";

(*c*) in space (3)—

(i) (where all the dangerous substances being carried bear the same classification) the sign shown in Column 3 of Part I of Schedule 1 which adjoins the description of the classification concerned which is set out in Column 2 of that Part (the sign to comply with the specifications contained in Part II of Schedule 1); except that where all the dangerous substances being carried bear the classification "other dangerous substance" the sign shown in Part II of Schedule 1 may be used (the sign to comply with the specifications contained in Part IV of Schedule 1), or

(ii) (where not all the dangerous substances being carried bear the same classification) the sign shown in Part II of Schedule 1 (the sign to comply with the specifications contained in Part IV of Schedule 1);

(*d*) in space (4), the telephone number or the text specified in paragraph 7, in either case indicating where specialist advice can be obtained at all times when the substances are being carried; and

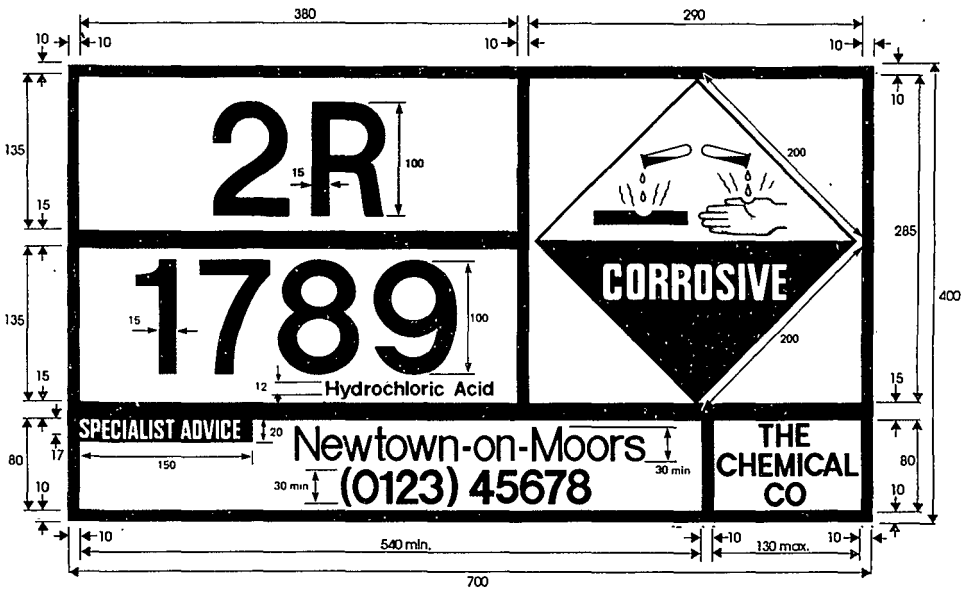
(*e*) in space (5) (if desired), where there is a single manufacturer or owner of a multi-load, his name or his house symbol, or both; otherwise the space shall be left blank.

(2) Sub-paragraph (1) shall not apply to a multi-load treated as a single load in accordance with the note to Part I of the approved list if the hazard warning panels required to be displayed by these Regulations on the road tanker or tank container in which the multi-load is carried are marked with the emergency action code, classification and appropriate substance identification number specified in that note.

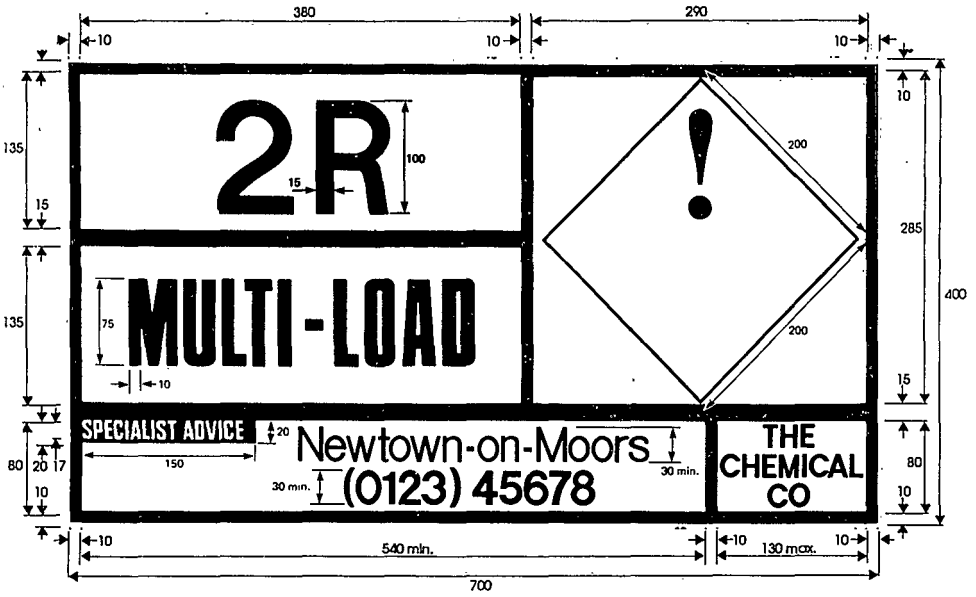
Specifications for hazard warning panels

6.—(1) The specifications for hazard warning panels shall be those set out in the diagrams below with dimensions in millimetres; larger measurements may be used, but in that case they shall be kept in the same proportions to each other except that the lettering and figures may remain as shown in the diagram, or be of intermediate size.

For single loads—



For multi-loads—



(2) Where in Column 3 of Part I of the approved list a letter is shown as a white letter on black background it shall be displayed as an orange letter on a black rectangle having a height and width of 10mm greater than the height and width of the letter respectively.

Text permitted in space (4)

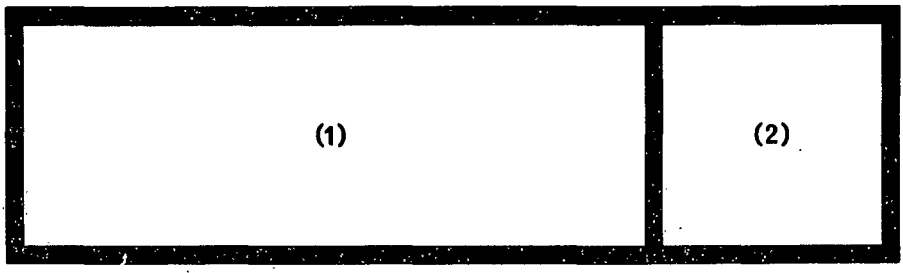
7. The text referred to in paragraphs 3(*d*), 4(*d*), and 5(1)(*d*) (which may be shown in space (4) instead of a telephone number and which must indicate where specialist advice can be obtained) is either "consult local depot" or "contact local depot", but only if—

(*a*) the name of the operator is clearly identifiable from the marking of the vehicle or tank container; and

(*b*) the operator has notified in writing the divisional commander of every division of the fire brigade in which the vehicle will be used for the carriage of a dangerous substance of the address and telephone number of that local depot, and each such divisional commander has indicated in writing that he is satisfied with the arrangements made.

Form of labels

8. In the case of a road tanker or tank container used to carry a multi-load, the label to be attached to each tank or compartment in accordance with regulation 20 shall be in the form and colour of the following diagram, except that, where all the dangerous substances being carried bear the same classification, space (2) may be omitted.



9. Any reference to a space number in paragraphs 8 and 10 is a reference to the space so numbered in the diagram in paragraph 8.

Information to be shown on labels

10. The following information shall be shown on each label—

(*a*) if the substance is listed in Column 1 of Part I of the approved list—

(i) in space (1), the substance identification number for that substance and (if desired) the name of the substance given in the said Column 1 or its trade name, and

(ii) in space (2), the sign shown in Column 3 of Part I of Schedule 1 which adjoins such description set out in Column 2 of that Part as corresponds with the classification of the substance (the sign to comply with the specifications contained in Part III of Schedule 1); except that, until 1st January 1993, in the case of a dangerous substance whose classification is "other dangerous substance", the sign shown in Part II of Schedule 1 may be used (the sign to comply with the specifications contained in Part IV of Schedule 1);

(*b*) if the substance is not listed in Column 1 of Part I of the approved list—

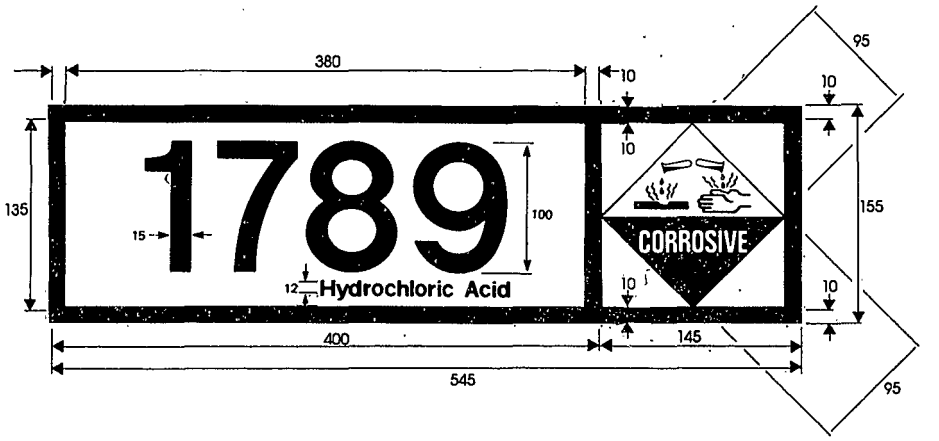
(i) in space (1), an internationally-recognised chemical name for it, its accepted common name or its trade name; and the words "hot liquid" where the substance is being carried at a temperature in excess of 100°C, and the words "above FP" where the substance is being carried above its flash point, and

(ii) in space (2), the sign shown in Column 3 of Part I of Schedule 1 which adjoins the classification of the substance (the sign to comply with the specifications contained in Part III of Schedule 1); except that, until 1st January 1993, in the case of a dangerous substance whose classification is "other dangerous substance", the sign shown in Part II of Schedule 1 may be used (the sign to comply with the specifications contained in Part IV of Schedule 1); and

(*c*) where all the substances being carried bear the same classification, space (2) (if included in the label) may be left blank.

Specifications for labels

11. The specifications for labels are set out below with the dimensions in millimetres; larger measurements may be used but in that case they shall be kept in the same proportions to each other except that the lettering and figures may remain as shown in the diagram or be of intermediate size.



Colour of hazard warning panels and labels

12. Where in this Schedule parts of hazard warning panels and labels are shown as coloured orange that colour shall so far as is practicable match the colour No. 557 Light Orange identified in Table 1 to the British Standard BS381C:1988.

UNLOADING OF PETROL AT PETROLEUM FILLING STATIONS AND CERTAIN OTHER PREMISES LICENSED FOR THE KEEPING OF PETROL

PART I

GENERAL REQUIREMENTS

1.—(1) It shall be the duty of the person licensed under the Petroleum (Consolidation) Act (Northern Ireland), 1929 to keep petrol at a particular petroleum filling station or at particular premises of the kind specified in regulation 25(1)(*b*) ("the licensee") to ensure that the unloading of petrol from a road tanker at those premises ("the licensed premises") is carried out—

(*a*) under his control and in accordance with the procedure set out in Part II ("the Part II procedure"); or

(*b*) under the control of the driver of the road tanker making the delivery, under the authority of a licence issued by the petroleum licensing authority pursuant to paragraph 19(1)(*a*) ("a Part III licence") and in accordance with the procedure set out in Part III ("the Part III procedure"); and

(*c*) (in either case)—

(i) subject to the provisions of this Part, and

(ii) by transferring the petrol from the carrying tank of the road tanker into a storage tank.

(2) Where the licensee has been granted a Part III licence in respect of the licensed premises, he shall use the Part III procedure and no other thereat unless—

(*a*) he has given at least one week's notice to the petroleum licensing authority that he intends to change to using the Part II procedure and that notice period has expired; or

(*b*) due to failure of equipment, compliance with the Part III procedure has ceased to be possible and the licensee has agreed with the operator and (where the operator is not the supplier of the petrol) with the supplier to revert temporarily to the Part II procedure pending correction of the equipment.

(3) Where the temporary use of the Part II procedure occurs in accordance with sub-paragraph (2)(*b*), the licensee shall give notice to the petroleum licensing authority—

(*a*) of his having commenced such temporary use; and

(*b*) of his having resumed the use of the Part III procedure upon correction of the equipment failure.

(4) Any notice required to be given in accordance with sub-paragraph (3) shall be given by the quickest practicable means.

(5) The licensee shall, within 3 working days of giving any notice in accordance with sub-paragraph (3), give written confirmation of that notice to the petroleum licensing authority.

(6) In sub-paragraph (5), the reference to "3 working days" is a reference to a period of 72 hours calculated from the time the relevant notice was given in accordance with sub-paragraph (3), but disregarding so much of any such period as falls on a Saturday or Sunday, or on Christmas Day or Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**).

(**a**) 1971 c. 80

2.—(1) The licensee shall, for the purpose of distinguishing one storage tank from any other storage tank situated at the licensed premises, ensure that every such tank is clearly marked with—

(*a*) a number, a letter or a combination of both a number and a letter in such a manner that the number, letter or number and letter cannot be readily altered or obliterated; and

(*b*) (adjacent to that number, letter or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

(2) In this Schedule, any reference to the maximum working capacity of a storage tank shall be a reference to 97% of its actual capacity, expressed in litres.

3. For the purpose of distinguishing one compartment of the carrying tank of a road tanker from each other compartment of that carrying tank, the operator shall ensure that every such compartment is clearly marked with a number in such a manner that that number cannot readily be altered or obliterated.

4. The licensee shall ensure that every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petrol for the time being contained in a storage tank, is marked with the same number, letter or combination of both a number and letter and in the like manner as that with which the storage tank in connection with which it is used is marked.

5. Where the method of filling a storage tank is by means of a pipe (whether in a single length or segmented) leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the licensee shall ensure that the said pipe is clearly marked on, or immediately adjacent to, the filling point with—

(*a*) the same number, letter or combination of both a number and letter and in the like manner as that with which the tank is marked; and

(*b*) (adjacent to that number, letter or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

6. In any case where the method of filling the tank is that referred to in paragraph 5, the licensee shall ensure, so far as is practicable, that no filling takes place until—

(*a*) the pipe is properly and securely connected to the tank and to the filling point; and

(*b*) (where the pipe is segmented) each segment is properly and securely connected one with another.

7. Where, during the course of filling a storage tank, vapours given off by that storage tank are returned to the road tanker by means of a vapour balance pipe which is connected to a vapour balance hose emanating from that road tanker, the licensee shall ensure that that vapour balance pipe is marked with the words "vapour balance".

8.—(1) The licensee shall appoint a competent person over the age of 18 years (in this Schedule referred to as "the competent person") who shall be permitted neither to be the driver of, nor to be employed to be in attendance on, any vehicle from which a delivery of petrol is to be made at the licensed premises and who shall have the functions given to him by Parts II and III.

(2) The licensee shall ensure that—

(*a*) the competent person has received adequate training to enable him to understand—

(i) the nature of the dangers to which the carriage of petrol may give rise, and

(ii) the functions given to him by Parts II and III and his duties under Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978; and

(*b*) a record of the training received pursuant to sub-paragraph (2)(*a*) is available at the licensed premises.

PART II

THE PART II PROCEDURE

(PROCEDURE FOR LICENSEE-CONTROLLED DELIVERIES)

9. The competent person shall be in charge of the storage tank for the purpose of the delivery and shall not permit delivery into that tank to commence—

(*a*) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petrol proposed to be delivered can safely be received by that tank; and

(*b*) until—

(i) the hose (whether a single length or segmented) through which the petrol will be delivered ("the delivery hose") is connected to the filling point of that tank, and

(ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected as aforesaid;

(*c*) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and

(*d*) (where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overfill prevention device) until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of sub-paragraphs (*a*) to (*d*).

10. Before delivery into any storage tank is begun, the competent person shall, in the presence of the driver of the road tanker from which the delivery is to be made, in Part A of each of two copies of a certificate in the form specified in Part IV, in the first column, enter the address of the licensed premises concerned, in the second column, enter the name of the licensee of the premises, in the third column, enter the number, letter or number and letter marked on the tank, in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank, in the sixth column, enter his signature and in the seventh column, enter the correct date and time.

11. The driver of a road tanker shall not commence any delivery of petrol into a storage tank until—

(*a*) he has (after the competent person has completed Part A of each of two copies of a certificate in the form specified in Part IV in accordance with paragraph 10), in part B of each of the said two copies, in the first column, entered the number, letter or number and letter marked on the tank, in the second column,

entered the number of each compartment of any carrying tank from which the petrol is to be delivered and, in the third column, entered his signature;

(*b*) he has—

(i) properly and securely connected the delivery hose (whether a single length or segmented) to—

(*aa*) the appropriate outlet on the road tanker, and

(*bb*) the filling point of the tank, and

(ii) (where the delivery hose is segmented) properly and securely connected each segment one with another;

(*c*) (where the provisions of paragraph 7 apply to the delivery) he has (before properly and securely connecting the delivery hose and, where appropriate, any segments thereof as aforesaid) properly and securely connected the vapour balance hose—

(i) to the vapour balance pipe, and

(ii) to the appropriate faucet on the road tanker; and

(*d*) the competent person is keeping watch as required by paragraph 12.

12. The competent person shall, during the whole time of a delivery of petrol into a storage tank, be in close proximity to the road tanker and the storage tank and shall, so far as is practicable, keep a constant watch on the licensed premises for the purpose of preventing any hazardous situation arising.

13. The driver of a road tanker shall ensure that, during the whole time of a delivery of petrol—

(*a*) neither its engine, nor any other engine or motor which is attached to that road tanker, is run; and

(*b*) the road tanker remains stationary.

14. During the whole time of a delivery of petrol from a road tanker, the driver of that tanker shall remain near it, and shall—

(*a*) so far as is practicable, keep a constant watch on—

(i) the delivery hose (whether a single length or segmented), the connections at both ends of the delivery hose and (in the case of a segmented hose) each connection between the segments,

(ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose, and

(iii) the carrying tank of the road tanker; and

(*b*) ensure, so far as is practicable, that no petrol escapes from any hose connection such as is specified in sub-paragraph (*a*)(i).

15. Both the driver and the competent person shall, during the whole time of a delivery of petrol from a road tanker into a storage tank, ensure, so far as is practicable, that no petrol overflows from the storage tank concerned.

16. The driver of a road tanker shall ensure that petrol from a single compartment of the carrying tank is not delivered into more than one storage tank unless—

(*a*) each of the storage tanks into which the petrol is to be delivered can safely receive all of the petrol remaining in the compartment;

(*b*) either the foot valve or the faucet valve for the compartment can be operated from on top of the carrying tank and dipping of the compartment is carried out on a continual basis; or

(*c*) other effective and reliable mechanical or other measures are taken to prevent overfilling of each of the storage tanks concerned.

17. When the driver of a road tanker has completed a delivery of petrol to which the provisions of paragraph 7 applied, he shall, having first disconnected the delivery hose (whether a single length or segmented), disconnect the vapour balance hose.

18. The competent person shall, following the completion of a delivery of petrol from a road tanker—

(*a*) give one of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the driver of the road tanker from which the delivery has been made, and the driver shall give it to the supplier of the petrol, who shall keep it for a period of not less than 12 months after the delivery; and

(*b*) give the second of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the licensee of the premises where the delivery was made, who shall keep it at those premises for a period of not less than 12 months after the delivery.

PART III

THE PART III PROCEDURE

(PROCEDURE FOR DRIVER-CONTROLLED DELIVERIES)

19.—(1) The licensee shall not use the Part III procedure at the licensed premises unless—

(*a*) he has made application in writing to the petroleum licensing authority and has received from that authority a Part III licence—

(i) in the form specified in Part VI, and

(ii) which has been completed in accordance with the Note to that Part; and

(*b*) he has agreed in writing with—

(i) the operator of each road tanker which is likely to deliver petrol to the licensed premises, and

(ii) each person (not being any such operator as is specified above) who is likely to supply petrol to the licensed premises,

that (subject to the occurrence of either of the events specified in paragraph 1(2)) that procedure is to be followed for all future deliveries.

(2) A petroleum licensing authority to whom application is made in accordance with sub-paragraph (1)(*a*) shall not refuse to grant a Part III licence except on grounds relating to the safety of the specific site in respect of which the licence application has been made and, having granted such a licence, may subsequently revoke it in writing at any time.

(3) In the event of the transfer of a petroleum-spirit licence in accordance with section 1(1) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(**a**), the petroleum licensing authority may, by simultaneously endorsing it, transfer any Part III licence previously granted by it to the transferor to the transferee ("the subsequent licensee"); and when such a transfer takes place the subsequent licensee shall be deemed to have received a Part III licence pursuant to sub-paragraph (1)(*a*) on the date the transfer was effected as aforesaid.

(**a**) 1937 c. 4 (N.I.)

(4) A fee shall be payable—

(*a*) by the applicant to the petroleum licensing authority on each application for a Part III licence made in accordance with sub-paragraph (1)(*a*); and

(*b*) by the subsequent licensee to the petroleum licensing authority on each transfer of a Part III licence effected in accordance with sub-paragraph (3).

(5) The fee payable under sub-paragraph (4)(*a*) shall be £200 and that payable under sub-paragraph (4)(*b*) shall be £30.

20.—(1) Where the licensee intends to use the Part III procedure at the licensed premises, he shall ensure that—

(*a*) the cap on the filling point of each storage tank is locked with a captive padlock, the key of which shall—

(i) be identified with the number, letter or number and letter corresponding with the number, letter or number and letter marked on the relevant storage tank, and

(ii) have a different profile from the key used for any other such padlock;

(*b*) a suitable measuring device is provided for each storage tank, which device shall—

(i) be capable of continuously and visually indicating the ullage in that tank,

(ii) be clearly marked (adjacent to the said visual indication of ullage) with the number, letter or number and letter marked on that tank, and

(iii) in the event of failure, indicate that the tank is full or that there is a fault condition;

(*c*) a ticket printer is provided which is capable of issuing a ticket on which the following information is indicated—

(i) the date and time of each delivery, and

(ii) (in respect of each storage tank) the number, letter or number and letter marked on the tank, the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises and the ullage of the tank;

(*d*) a suitable high level alarm which is audible to the driver is provided for each storage tank; and, where the measuring device referred to in sub-paragraph (1)(*b*) operates on the principle of differential air pressure, he shall also ensure that the system by which the operation is effected will fail safe in the event of a failure of the air supply, and thereby sound the audible high level alarm;

(*e*) safe and adequate illumination having an illuminance of 100 lux or more measured at ground level is provided for any area in which the vehicle stands during unloading and any area in which a storage tank filling point or a measuring device referred to in sub-paragraph (1)(*b*) is situated, together with means which are accessible to the driver for switching that illumination on or off;

(*f*) one or more telephones are provided which are accessible to the driver and which will enable the driver to make direct contact with the emergency services and with the depot from which he operates;

(*g*) a fire extinguisher suitable for fighting petrol fires is provided which is accessible to the driver and has a minimum test fire rating of 144B, as defined in British Standard BS 5423: 1987;

(*h*) at least 25 kilograms of dry sand or such quantity of other suitable absorbent material as gives an equivalent degree of absorbence is, in conjunction with suitable tools for applying it, provided in a suitable container, for the purpose of containing spillages;

(*i*) a plan of the licensed premises (which shall have been approved by the petroleum licensing authority) is provided which is accessible to the driver and which indicates the position of each filling point, together with its number or identifying letter, the capacity of the tank to which it is connected and the grade of petrol which the tank is permitted to contain under the petroleum-spirit licence; and that plan shall also indicate the unloading position for the vehicle and the position of the surface drainage points; and

(*j*) a switch, which is capable of cutting off the power supply to all the petrol, diesel and, where appropriate, liquefied petroleum gas pumps at the licensed premises is provided adjacent to each telephone provided pursuant to sub-paragraph (1)(*f*).

(2) The licensee shall ensure that the operator of any road tanker which is likely to make deliveries of petrol to the licensed premises is given written notice of any conditions which apply to such deliveries and which are attached to the petroleum-spirit licence granted in respect of those premises.

(3) In this Schedule, "ullage" means the difference (expressed in litres) between the maximum working capacity of a storage tank and the quantity of petrol in it at any given time.

21. The licensee or the competent person shall, before the commencement of a delivery of petrol into any storage tank at the licensed premises—

(*a*) in Part A of each of two copies of a certificate in the form specified in Part V, in the first column, enter the address of the licensed premises, in the second column, enter the name of the licensee, in the third column, enter the number, letter or number and letter marked on the tank, in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank, in the sixth column, enter his signature (having first visually checked that the ullage in the tank as indicated by the tank measuring device provided in accordance with paragraph 20(1)(*b*) exceeds the quantity of petrol to be received by that tank) and, in the seventh column, enter the correct date and time; and

(*b*) having completed Part A of each of two copies of a certificate in the form specified in Part V in the manner specified in sub-paragraph (*a*), ensure that both those copies are given to the driver who is to make the delivery.

22. Before making any delivery of petrol by the Part III procedure, the operator shall ensure that—

(*a*) each compartment of the carrying tank of the road tanker which is to make the delivery is fitted with a bottom-operated foot-valve;

(*b*) means are provided to shut off all such valves in an emergency;

(*c*) the road tanker is loaded in such a way that the contents of a single compartment of its carrying tank will not need to be split between two storage tanks when the petrol is unloaded; and

(*d*) the driver of the road tanker is given a written copy of any conditions of which he (the operator) has been given notice under paragraph 20(2).

23. A driver of a road tanker who makes a delivery of petrol in accordance with the Part III procedure shall—

(*a*) comply with any conditions given to him in accordance with paragraph 22(*d*);

(*b*) immediately before commencing the delivery—

(i) in Part B of each of the two copies of the certificate required to be given to him in accordance with paragraph 21(*b*), in the first column, enter the number, letter or number and letter marked on the storage tank into which delivery is to be made, in the second column, enter the number of each compartment of any carrying tank from which the petrol is to be delivered and, in the third column, enter his signature,

(ii) verify the availability of the key of the captive padlock with which, in accordance with paragraph 20(1)(*a*), the cap on the filling point of each storage tank which is specified in the copies of the certificate required to be given to him in accordance with paragraph 21(*b*) must be locked,

(iii) verify that the quantity to be delivered may be safely received by the storage tank by visually checking that the ullage indicated on a ticket obtained from the ticket printer provided in accordance with paragraph 20(1)(*c*) exceeds the quantity to be delivered into that tank,

(iv) verify that there is a dialling tone on each telephone provided in accordance with paragraph 20(1)(*f*),

(v) place the fire extinguisher provided in accordance with paragraph 20(1)(*g*) and the sand or other absorbent material and tools provided in accordance with paragraph 20(1)(*h*) in a convenient position close to the road tanker unloading point,

(vi) test the high level alarm provided in accordance with paragraph 20(1)(*d*) to verify that the audible signal functions correctly, and

(vii) take all reasonable steps to ensure that—

(*aa*) the delivery hose (whether a single length or segmented) is properly and securely connected to the appropriate outlet on the road tanker and to the filling point of the storage tank,

(*bb*) (where the delivery hose is segmented) each segment is properly and securely connected one with another, and

(*cc*) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is properly and securely connected to the vapour balance pipe and to the appropriate outlet on the road tanker before the delivery hose and (where appropriate) any segments thereof are properly and securely connected as aforesaid;

(*c*) during the whole time of delivery—

(i) ensure that the engine of the road tanker and any other engine or motor which is attached to it is not run,

(ii) ensure that the road tanker remains stationary,

(iii) ensure, so far as is practicable, that no petrol—

(*aa*) overflows from the storage tank concerned, or

(*bb*) escapes from any hose connection such as is specified in sub-paragraph (*b*)(vii)(*aa*) and (*bb*), and

(iv) so far as practicable, keep a constant watch on the filling point of the storage tank, the carrying tank of the road tanker, the delivery hose (whether a single length or segmented) and (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose; and

(*d*) after the delivery is complete but before departing from the relevant premises—

(i) ensure that all caps on the filling points into which deliveries have been made are securely closed and locked,

(ii) (where the provisions of paragraph 7 applied to the delivery, but having first disconnected the delivery hose, whether a single length or segmented) disconnect the vapour balance hose, and

(iii) ensure that all manhole covers which were disturbed during this delivery have been securely replaced.

24. The driver of a road tanker which has completed a delivery of petrol in accordance with the Part III procedure shall—

(*a*) ensure that one of the two duly completed copies of the certificate given to him in accordance with paragraph 21(*b*) and completed by him in accordance with paragraph 23(*b*)(i) before the delivery commenced is given back to the licensee (who shall keep it at the licensed premises for a period of at least 12 months); and

(*b*) give the second of the said copies to the supplier of the petrol.

25. The supplier of the petrol shall keep the copy certificate that he has been given in accordance with paragraph 24(*b*) for at least 12 months from the date of the relevant delivery.

PART IV

FORM OF CERTIFICATE FOR LICENSEE-CONTROLLED DELIVERIES

Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 ("the Regulations")

Licensee-controlled deliveries in accordance with Part II of Schedule 4 to the Regulations

PART A

First Column	*Second Column*	*Third Column*	*Fourth Column*	*Fifth Column*	*Sixth Column*	*Seventh Column*
Address of licensed premises	Name of licensee	Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of competent person (to certify that he has complied with the appropriate requirements of sub-paragraphs (*a*) to (*d*) of paragraph 9 of Schedule 4 to the Regulations before delivery commences)	Date and time of completion of this Part of the Certificate

Note: The competent person appointed by the licensee must enter, in the first column, the address of the licensed premises concerned; in the second column, the name of the licensee; in the third column, the relevant storage tank number, letter or number and letter; in the fourth and fifth columns, the quantity and grade respectively of petrol to be delivered; in the sixth column, his signature; and, in the seventh column, the correct date and time. This Part must be completed before delivery into the tank commences. The sixth column may only be completed after compliance with the appropriate sub-paragraphs of paragraph 9 of Schedule 4 to the Regulations. Paragraph 9 reads as follows:

"9. The competent person shall be in charge of the storage tank for the purpose of the delivery and shall not permit delivery into the tank to commence—

(*a*) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petrol proposed to be delivered can safely be received by that tank; and

(*b*) until—

(i) the hose (whether a single length or segmented) through which the petrol will be delivered ("the delivery hose") is connected to the filling point of that tank, and

(ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected as aforesaid;

(*c*) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and

(*d*) (where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overfill prevention device) until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of sub-paragraphs (*a*) to (*d*)."

PART B

First Column	*Second Column*	*Third Column*
Storage tank number, letter or number and letter	Road tanker carrying tank compartment numbers	Signature of driver

Note: In this Part, the driver must enter, in the first column, the relevant storage tank number, letter or number and letter; in the second column, the number of each compartment of any carrying tank from which the petrol is to be delivered; and, in the third column, his signature. This Part must be completed after Part A has been completed by a competent person appointed by the licensee, but before delivery into the tank commences.

PART V

FORM OF CERTIFICATE FOR DRIVER-CONTROLLED DELIVERIES

Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 ("the Regulations")

Driver-controlled deliveries in accordance with Part III of Schedule 4 to the Regulations

PART A

First Column	*Second Column*	*Third Column*	*Fourth Column*	*Fifth Column*	*Sixth Column*	*Seventh Column*
Address of licensed premises	Name of licensee	Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of licensee or competent person (to certify that in accordance with paragraph 21(*a*) of Schedule 4 to the Regulations he has visually checked the ullage space in the storage tank)	Date and time of completion of this Part of the Certificate

Note: The licensee or some other competent person acting on his behalf must enter, in the first column, the address of the licensed premises concerned; in the second column, the licensee's name; in the third column, the relevant storage tank number, letter or number and letter; in the fourth and fifth columns, the quantity and grade respectively of petrol to be delivered; in the sixth column, his signature; and, in the seventh column, the correct date and time. This Part must be completed before delivery into the tank commences. The sixth column may only be completed after the person concerned has measured the ullage space in the tank.

PART B

First Column	*Second Column*	*Third Column*
Storage tank number, letter or number and letter	Road tanker carrying tank compartment numbers	Signature of driver

Note: In this Part, the driver must enter, in the first column, the relevant storage tank number, letter or number and letter; in the second column, the number of each compartment of any carrying tank from which the petrol is to be delivered; and, in the third column, his signature. This Part must be completed after Part A has been completed by the licensee or by a competent person acting on his behalf, but before delivery into the tank commences.

PART VI

FORM OF PART III LICENCE

Part III Licence

Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 ("the Regulations")

Driver-controlled deliveries in accordance with Part III of Schedule 4 to the Regulations

First Column	*Second Column*	*Third Column*	*Fourth Column*	*Fifth Column*
Address of licensed premises	Name of licensee	Name of petroleum licensing authority	Signature of person issuing licence on behalf of petroleum licensing authority	Date of issue of Part III licence

Note: A person duly authorised by the petroleum licensing authority to act in the following behalf shall enter—

(*a*) in the first column, the address of the premises to which the Part III licence applies;

(*b*) in the second column, the name of the licensee of those premises;

(*c*) in the third column, the name of the petroleum licensing authority;

(*d*) in the fourth column, his signature; and

(*e*) in the fifth column, the date on which the Part III licence is issued.

SCHEDULE 5 Regulation 30

REVOCATION AND MODIFICATIONS

PART I

REVOCATION

Column 1 *Instrument Revoked*	*Column 2* *Reference*	*Column 3* *Extent of Revocation*
Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988	S.R. 1988 No. 24	The whole Regulations

PART II

MODIFICATIONS

1. Part I of Schedule 1 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986(**a**) shall be modified as follows:

(*a*) in paragraph 13A(1)(*a*), the words "the carriage of" shall be substituted for the word "conveying" and the words "by road" shall be deleted;

(*b*) in paragraphs 13A(1)(*a*)(ii), 13A(1)(*b*)(i) and 13A(1)(*b*)(ii), the word "carried" shall be substituted for the word "conveyed"; and

(*c*) in paragraph 13A(2), the word "carriage" shall be substituted for the words "conveyance by road" and the words "the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992" shall be substituted for the words "the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988".

2. The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(**b**) shall be modified as follows:

(*a*) the words "the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992" shall be substituted for the words "the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988" wherever those last-mentioned words appear in those 1991 Regulations; and

(*b*) in the definition of "the IMDG Code" in regulation 2(1), the words "and (4)" shall be inserted between "(3)" and "of".

3. The Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991(**a**) shall be modified as follows:

(*a*) in paragraph 9 of Part I of Schedule 2, the words "the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992" shall be substituted for the words "the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988";

(*b*) in paragraph 2(*a*) of Part II of Schedule 2, the words "the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 applied, or would have applied but for the application of sub-paragraph (*d*) or (*e*) of Schedule 2 thereto" shall be substituted for the words "the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988 applied, or would have applied but for the exception specified in regulation 3(1)(*c*) and (*d*) thereof"; and

(*c*) in paragraph 3(*a*) of Part II of Schedule 2, the words "the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 apply, or would apply but for the application of sub-paragraph (*d*) or (*e*) of Schedule 2 thereto" shall be substituted for the words "the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988 apply or would apply but for the exemptions specified in regulation 3(1)(*c*) and (*d*) thereof".

(**a**) S.R. 1986 No. 247, amended by S.R. 1988 No. 24
(**b**) S.R. 1991 No. 509
(**c**) S.R. 1991 No. 471

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988 (S.R. 1988 No. 24).

Regulation 3(1) provides that the Regulations apply to and in relation to the carriage of any dangerous substance, either in a road tanker or in a tank container carried on a vehicle, except where specified in Schedule 2.

The phrases "dangerous substance", "road tanker" and "tank container" are, together with other words and phrases used in the Regulations, defined in regulation 2(1); and regulation 3(2) (together with regulation 2(2)) specifies when a road tanker or tank container carried on a vehicle will be considered to be engaged in the carriage of a dangerous substance to which the Regulations apply. Regulation 2(2) also provides that a combination of a motor vehicle and one or more trailers will, for the purposes of the Regulations, be treated as a single vehicle for as long as the constituent parts of that combination remain attached and that dangerous substances contained in different parts of such a vehicle will be considered to be contained in the same vehicle.

Regulation 4 describes the contents of the document defined by regulation 2(1) as "the approved list" and enables the Department of Economic Development to approve revisions of that list.

By virtue of sub-paragraph (*a*) of the definition of "dangerous substance" in regulation 2(1), a substance will be a dangerous substance where it is listed in Column 1 of Part I of the approved list and it possesses certain characteristic properties, other than when it is carried at such dilution that no risk to the health or safety of any person is created by that carriage.

The approved list also contains information about the dangerous substances listed therein which, in accordance with regulations 18 to 21 and Schedule 3—

(*a*) must be displayed on hazard warning panels and weather-resistant labels when those substances are carried; and

(*b*) is relevant in determining which of the signs shown in Parts I and II of Schedule 1 must be shown on those panels or labels in such circumstances.

The contents of the approved list are also relevant to the requirements of regulation 11.

By virtue of sub-paragraph (*b*) of the definition of "dangerous substance" in regulation 2(1), a substance will be a dangerous substance where, even though it is not listed in Column 1 of Part I of the approved list, it has one or more of the characteristic properties listed in Column 1 of Part I of Schedule 1

and it creates a risk to the health or safety of any person in the course of its carriage which is comparable with a risk created by the carriage of any substance which is listed in Column 1 of Part I of the approved list.

The bulk of the requirements and prohibitions imposed by the Regulations are expressed in terms of the operator of a road tanker, the operator of a tank container or the operator of a vehicle carrying a tank container. Regulation 5 defines what is meant by such persons.

Regulation 6 prohibits the operator of a road tanker and the operator of a tank container from using the relevant road tanker or tank container for the carriage of a dangerous substance unless the requirements of that regulation (which relate to the design, construction and maintenance of road tankers and tank containers) have been complied with as respects that road tanker or tank container.

Regulation 7 prohibits the operator of a road tanker and the operator of a tank container from carrying a dangerous substance in the carrying tank of the relevant road tanker or in the relevant tank container unless the requirements of that regulation (which relate to such matters as the testing and examination of the carrying tanks of road tankers and of tank containers) have been complied with as respects that carrying tank or tank container.

Regulation 8 sets out the circumstances in which regulations 6 and 7 do not apply.

Regulation 9 imposes duties on the operator of a road tanker and the operator of a tank container with respect to the keeping of the documents engendered in compliance with regulations 6 and 7.

Regulation 10 imposes duties on the consignor of a dangerous substance, and duties and a prohibition on each operator who is to carry it, with respect to the provision, possession and storage of information about the dangerous substance concerned.

Regulation 11 imposes duties (by reference to the contents of the approved list) on the operator of a road tanker with respect to the carriage in the road tanker of the dangerous substances specified in that regulation, and the operator of a vehicle carrying a tank container and the operator of the tank container with respect to the carriage in that tank container of the dangerous substances so specified.

Regulation 12 imposes duties on the operator of a road tanker carrying a dangerous substance and the operator of any other vehicle carrying a dangerous substance in a tank container with respect to the provision of information about the dangerous substance concerned to the driver of the vehicle. Duties are also imposed on the driver with respect to that information.

Regulation 13 imposes duties on the operator of a road tanker carrying a dangerous substance and the operator of any other vehicle carrying a dangerous substance in a tank container with respect to the provision of fire-fighting equipment as regards the vehicle concerned. Duties are also imposed on the driver of such a vehicle and other persons with respect to fire and explosion prevention.

Regulation 14 imposes duties on the operator of a road tanker and the operator of a tank container with respect to the loading of any dangerous substance into that vehicle or container.

Regulation 15 imposes duties on the operator of a road tanker and the operator of a tank container with respect to the filling of tanks or compartments in the road tanker or tank container with any dangerous substance.

Regulation 16 imposes duties on the driver of a road tanker carrying a dangerous substance and the driver of a vehicle carrying a dangerous substance in a tank container with respect to the closing of openings, valves and caps in or fitted to the carrying tank of that road tanker or to that tank container.

Regulation 17 imposes duties on the driver of a road tanker carrying a dangerous substance and the driver of any other vehicle carrying a dangerous substance in a tank container with respect to the parking of the vehicle concerned when it is not being driven.

Regulation 18 imposes duties on the operator and driver of a road tanker which is being used for the carriage of a dangerous substance with respect to the provision and display of hazard warning panels as regards that vehicle.

Regulation 19 imposes duties on the operator of a tank container which is being used for the carriage of a dangerous substance, the operator of the vehicle carrying that tank container and the driver of that vehicle with respect to the provision and display of hazard warning panels as regards that tank container.

Regulation 20 imposes duties on the operator of a road tanker carrying a multi-load and the driver of that vehicle with respect to the provision and display of weather-resistant labels as regards the said vehicle. Duties are also imposed on the operator of a tank container carrying a multi-load, the operator of the vehicle carrying that tank container and the driver of that vehicle with respect to the provision and display of weather-resistant labels as regards that tank container.

Regulation 21 specifies the circumstances in which regulations 18 to 20 do not apply.

Regulation 22 imposes duties on the operator and driver of a road tanker with respect to the display of hazard warning panels and weather-resistant

labels on that vehicle when no dangerous substance is being carried, and the display of additional information on the vehicle. Duties are also imposed on the operator and driver of a vehicle carrying a tank container with respect to the display of hazard warning panels and weather-resistant labels on that tank container when no dangerous substance is being carried, and the display of additional information on the tank container.

Regulation 23 imposes duties on the operator and driver of a road tanker which has been emptied of dangerous substances and the operator and driver of any other vehicle carrying a tank container which has been emptied of dangerous substances with respect to the removal, etc., of hazard warning panels and weather-resistant labels from that road tanker or tank container.

Regulation 24 imposes duties on the operator and driver of a road tanker carrying a dangerous substance and the operator and driver of a vehicle carrying a dangerous substance in a tank container with respect to the visibility of hazard warning panels and weather-resistant labels.

Regulation 25 and Schedule 4 have effect to regulate the unloading of petrol from a road tanker at any petroleum filling station and certain other premises for which a petroleum-spirit licence issued under the Petroleum (Consolidation) Act (Northern Ireland), 1929 is in operation.

Regulation 26 imposes duties on the operator of a road tanker carrying a dangerous substance and the operator of a vehicle carrying a dangerous substance in a tank container with respect to the provision of instruction and training to the driver of the vehicle concerned.

Regulation 27 imposes duties on the driver of a road tanker carrying a dangerous substance and the driver of a vehicle carrying a dangerous substance in a tank container with respect to the production to police constables and inspectors of vehicles of information relevant to the dangerous substance being carried.

Regulation 28 enables the Department of Economic Development to grant exemptions from these Regulations.

Regulation 29 provides a defence in proceedings for an offence under these Regulations where the defendant can prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Regulation 30 repeals sections 5 and 18 of the Petroleum (Consolidation) Act (Northern Ireland), 1929 insofar as those sections relate to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container, revokes the Regulations specified in Part I of Schedule 5 and modifies the Regulations specified in Part II of that Schedule.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and

is liable, on summary conviction, to a fine not exceeding £2,000, or on conviction on indictment—

(*a*) to imprisonment for a term not exceeding two years, or a fine, or both in the case of an offence consisting of contravening the Regulations by doing otherwise than under the authority of a licence something for the doing of which a licence is necessary;

(*b*) to a fine if the offence is not one to which (*a*) above applies.

The approved list, the current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road ("ADR") [ISBN 0 11 550901 1] and the current edition of the Regulations concerning the International Carriage of Dangerous Goods by Rail ("RID") [ISBN 0 11 550814 7] may be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast, BT1 4GD; the current edition of the International Maritime Dangerous Goods Code ("IMDG") [Volumes I to IV ISBN 92 801 1055 1, Volume V ISBN 92 801 1125 6] may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR; and British Standard BS 5423: 1987 and British Standard BS 381 C: 1988 may be obtained (by personal callers) from the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.