

Environmental Protection and Management (Hazardous Substances) Regulations

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ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT (CHAPTER 94A, SECTION 77)

ENVIRONMENTAL PROTECTION AND MANAGEMENT (HAZARDOUS SUBSTANCES) REGULATIONS

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PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Environmental Protection and Management (Hazardous Substances) Regulations.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

“carrier” means any person undertaking the transport of hazardous substances and includes both carriers for hire or reward and carriers on own account;

“code of practice” means a standard which —

- (a) sets out the method of installation of equipment and the procedure to be followed for the efficient use and maintenance of such equipment;
- (b) recommends precautions to be taken in making, using and maintaining such equipment; or
- (c) specifies the measures or precautions to be taken in designing, planning and constructing such equipment in order to ensure that the requirements laid down in respect of the design, plan and construction of such equipment are complied with;

“consignment” means any load or multi-load of hazardous substances presented by a consignor for transport;

“consignor” means any person who presents a consignment of hazardous substances for transport or on whose behalf such consignment is presented;

“emergency action plan” means such plan of action to be taken in the event of any emergency situation involving any hazardous substance as approved by the Director-General;

“freight container” means an article of transport equipment designed to facilitate the carriage of goods by one or more modes of transport without intermediate re-loading of the contents;

“hazardous substance” does not include any ozone depleting substance specified in Part I of the Second Schedule to the Act other than methyl bromide;

“multi-load” means a load consisting of 2 or more hazardous substances in separate compartments or containers (whether or not a substance which is not a hazardous substance is being conveyed at the same time);

“owner”, in relation to any hazardous substance, includes any person acting as agent for the owner;

“transport” means transport by road and includes any operation incidental to the whole course of carriage, such as loading, unloading and storage in transit;

“vehicle” means any mechanically propelled vehicle or otherwise intended or adapted for use on roads and includes a road tanker and a trailer which does not form part of the vehicle.

(2) For the purposes of these Regulations, a combination of a vehicle and one or more trailers shall be treated as one vehicle for so long as they remain attached.

(3) For the purposes of these Regulations, a vehicle shall be deemed to be used for the transport of a hazardous substance throughout the period, whether or not the vehicle is on a road at the material time —

(a) in the case of a road tanker, from the commencement of loading for the purpose of conveying the substance on a road until the tank or compartment of the tank has been cleaned or purged so that any of the substances or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person; or

(b) in the case of a vehicle carrying a tank container from —

(i) the time at which the tank container containing the hazardous substance is placed on the vehicle; or

(ii) if the tank container was placed on the vehicle before loading was commenced, the commencement of loading,

for the purpose of conveying the substance on a road until —

- (A) the tank container is removed from the vehicle; or
- (B) the tank container or compartment of the tank container has been cleaned or purged so that any of the substances or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person.

PART II

TRANSPORT OF HAZARDOUS SUBSTANCES

Application of this Part

3. This Part shall apply to the transport or consigning for transport of any hazardous substance exceeding the quantities specified in the Schedule.

Consignor's responsibility for safe consignment

4.—(1) A person shall not consign for transport of any hazardous substance unless —

- (a) he has obtained the approval in writing of the Director-General in regard to the proposed transport of such substance; and
- (b) the container, tank container, freight container or road tanker to be used for the transport of the hazardous substance is designed, constructed and maintained in accordance with a code of practice approved by the Director-General.

(2) It shall not be lawful for any person to transport or consign for transport of any hazardous substance unless the transport or consignment of the hazardous substance is effected in accordance with the provisions of the approval issued to him under paragraph (1) and with any condition specified therein.

Carrier to obtain information on consignment

5.—(1) No carrier shall transport any hazardous substance unless he has been given a statement provided under regulation 6(1) as will enable him to comply with the requirements of these Regulations and to be aware of the risks created by the hazardous substance to the health or safety of any person.

(2) The statement shall be supplied by the consignor or owner of the consignment of the hazardous substance to the carrier at the latest when the transport order is given, so as to enable the carrier to take all necessary steps to ensure that the driver of the vehicle