STATUTORY RULES OF NORTHERN IRELAND

2012 No. 177

HEALTH AND SAFETY

The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*25th April 2012*
Coming into operation	*28th May 2012*

The Department of Justice being the Department concerned (**1**) makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 20(2), 54 and 55 (2) of and paragraphs 1(1) and (4), 2, 3(1), 5 and 14 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978.

In accordance with Article 46(1) of that Order it has consulted with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to it to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 28 May 2012.

Amendment of Regulations

2. The Carriage of Explosives Regulations (Northern Ireland) 2010 (**2**) are amended as provided for in regulations 3 to 9.

Interpretation – General

3.—(1) In regulation 2, the Table in paragraph (5) is amended as follows.

(2) After the row in which the expression "the 2006 Regulations(2)" is given a meaning, insert—

""the 2010 Regulations (1)"	The Carriage of Explosives Regulations (Northern Ireland) 2010.

(**1**) See Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)).
(**2**) S.R. 2010 No. 59.

"the 2010 Regulations (2)"	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(**3**)."

(3) The row in which the expression "conformity mark" is given expression is removed.

(4) For the meaning of "the Transportable Pressure Equipment Directive" in column 2 substitute —

	"Directive 2010/35/EU(**4**) of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC(**5**), 84/525/EEC(**6**), 84/526/EEC(**7**), 84/527/EEC(**8**), and 1999/36/EC(**9**)."

Interpretation of ADR, RID and ADN

4.—(1) Regulation 3 is amended as follows.

(2) In paragraphs (b) and (c), for "Communities" substitute "EU".

(3) Omit paragraph (f).

(4) In paragraph (i) at the end omit "and".

(5) In paragraph (j) at the end for "." substitute—

"(k) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of ADR apply as if the words "by the competent authority of a "Contracting Party" were included after the word "assigned"; and

(l) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of RID apply as if the words "by the competent authority of a member State of COTIF" were included after the word "assigned"."

Classification of goods

5. Regulation 6 (Classification of goods) is revoked.

Derogations and transitional provisions

6.—(1) Regulation 12 is amended as follows.

(2) In paragraph (3)—

(a) Substitute "shall be" for "is".

(b) Remove the reference to the words "to be".

(c) Before "Dangerous", insert "Carriage of".

(**3**) S.R. 2010 No.160.
(**4**) OJ L 165, 30.6.2010.
(**5**) 31976L0767.
(**6**) 31984L0525.
(**7**) 31984L0526.
(**8**) 31984L0527.
(**9**) OJ L 138, 1.6.1999, p.20.

Old pressure receptacles

7.—(1) Regulation 14 is amended as follows.

(2) In paragraph (4)(b)(i) for "29(1) of the 2006 " substitute "25(2) of the 2010 ".

(3) In paragraph (6)(d) for "article 5" substitute "article 13 and Annex 3" and for "(including regulation 40 of the 2006" substitute "(including regulation 17 of the 2010".

Competent authority

8. For regulation 17(9) substitute—

"(9) "Military explosive" means any class 1 goods—

(i) under the control of the Secretary of State for Defence;

(ii) held for the service of the Crown for the purpose of the Ministry of Defence;

(iii) under the control of the armed forces, or

(iv) the carriage of which is certified by the Secretary of State for Defence to be in connection with the execution of a contract with the Secretary of State for Defence or with one of the armed forces.".

Enforcement

9. For Regulation 22 substitute—

"**22.**—(1) The enforcing authority for these Regulations is—

(a) the Department of Justice in relation to road, rail and inland waterways;

(b) the Chief Constable in relation to road; and

(c) the Secretary of State for Defence in relation to road, rail and inland waterways but only in connection with those functions for which the Secretary of State for Defence is the Northern Ireland competent authority."

Revocations

10. The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**10**) are revoked.

Consequential amendments

11. The statutory provisions specified in the Table in the Schedule are amended in accordance with the provisions of that Table.

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