STATUTORY RULES OF NORTHERN IRELAND

2010 No. 160

HEALTH AND SAFETY

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010

Made - - - -	*22nd April 2010*
Coming into operation	*19th May 2010*

The Department of Enterprise, Trade and Investment(**1**) being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 40(2) to (4), 55(2) of, and paragraphs 1, 2, 3(1), 5 to 8, 10 to 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) ("the 1978 Order") as read with paragraph 1A of Schedule 2 to the European Communities Act 1972 ("the 1972 Act")(**4**).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department of Enterprise, Trade and Investment that it is expedient for the reference to the Dangerous Goods Directive(**5**) to be construed as a reference to that instrument as amended from time to time.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**6**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**7**).

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services; *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 3(1)(c) was modified by the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 52) as amended by S.R. 2007 No. 403 and S.R. 2009 No. 296
(**4**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**5**) O.J. No. L260, 30.9.2008, p. 13
(**6**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**7**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 and shall come into operation on 19th May 2010.

Interpretation — General

2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.

(2) In these Regulations, any reference to a "Part", "Chapter", "Section" or "Sub-section" shall be construed—

(a) in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;

(b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and

(c) in relation to the carriage of goods by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADN.

(3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the meaning as defined in—

(a) ADR in relation to carriage by road;

(b) RID in relation to carriage by rail; and

(c) ADN in relation to carriage by inland waterway.

(4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the meaning as in that Directive.

(5) The expressions mentioned in column 1 of the following Table shall have the meanings given opposite thereto in column 2.

Table

Column 1	*Column 2*
"the 2006 Regulations"	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**8**).
"ADN"	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway(**9**), as revised or re-issued from time to time.
"ADR"	Annexes A and B to the European Agreement concerning the International Carriage of

(**8**) S.R. 2006 No. 173
(**9**) ISBN 9789211391343 (2009 edition)

Column 1	*Column 2*
	Dangerous Goods by Road(**10**), as revised or reissued from time to time. But— (a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and (b) in regulation 11(6)(b) it means Annexes A and B as in force on the date in question.
"armed forces"	Means— (a) one of Her Majesty's forces within the meaning of the Armed Forces Act 2006(**11**); (b) the Ministry of Defence Police(**12**); (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(**13**); or (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(**14**).
"conformity mark"	The mark referred to in article 10(1) of the Transportable Pressure Equipment Directive, the form of the mark being set out in Annex VII to that Directive.
"COTIF"	The Convention concerning International Carriage by Rail(**15**), as revised or re-issued from time to time.
"the Dangerous Good Directive"	Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods(**16**) as amended from time to time.
"the Northern Ireland competent authority"	The competent authority in Northern Ireland for the purposes of these Regulations as determined under regulation 21. But a reference to the "2006 Northern Ireland Competent Authority" is a reference to the

(**10**) ISBN 9789211391336 (2009 edition)
(**11**) 2006 c. 52
(**12**) *See* Section 1(1) of the Ministry of Defence Police Act 1987 (c. 4)
(**13**) 1952 c. 67
(**14**) 1964 c. 5
(**15**) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873)
(**16**) O.J. No. L260, 30.9.2008, p. 13

Column 1	*Column 2*
	competent authority in Northern Ireland for the purposes of the 2006 Regulations.
"national carriage"	Carriage that includes carriage in Northern Ireland and does not include carriage outside of the United Kingdom.
"RID"	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF(**17**) as revised or re-issued from time to time. But— (a) to the extent that the reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and (b) in regulation 11(6)(b) it means the Annex as in force on the date in question.
"the security provisions"	The prohibitions and requirements of Chapter 1.10 (including those requirements deemed to be part of ADR in consequence of regulation 7).
"the Transportable Pressure Equipment Directive "	Council Directive 1999/36/EC of 29th April 1999(**18**) concerning the approximation of laws of member States relating to common provision provision for transportable pressure equipment and methods for inspection and for the purposes of these Regulations— (a) a reference in that Directive to Directive 94/55/EC and 96/49/EC shall be treated as a reference to the Dangerous Goods Directive (and the reference to articles 6(1) and 7 of Directive 94/55/EC and articles 6(1) and 7(1) and (2) of Directive 96/49/EC in article 1(4) shall be treated as a reference to article 4 of the Dangerous Goods Directive); and (b) a reference to the annex to Directive 94/55/EC and the annex to 96/49/EC shall be treated as a reference to ADR and RID (respectively).
"vehicle"	Has the meaning given in article 2 of the Dangerous Goods Directive except that the words "at least four wheels and" are to be omitted.

(**17**) ISBN 9788086206394 (2009 edition)
(**18**) O.J. No. L138, 1.6.1999, p. 20; last amended by Commission Diective 2002/50/EC of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28)

Column 1	*Column 2*
"wagon"	Has the meaning given in article 2 of the Dangerous Goods Directive.

Interpretation of ADR, RID and ADN for the purposes of these Regulations

3. For the purposes of these Regulations—

(a) the scope of the ADR, RID and ADN shall be deemed to include national as well as international carriage;

(b) a member State of the Communities which is not a Contracting Party to ADR or ADN shall be deemed to be a Contracting Party to ADR or ADN (as the case may be);

(c) a member State of the Communities which is not a Member State of COTIF shall be deemed to be a Member State of COTIF;

(d) a reference in—

(i) ADR or RID to "competent military authority";

(ii) ADR or ADN to "Contracting Party"; and

(iii) RID to "Member State",

shall be treated as a reference to "the Northern Ireland competent authority" unless the context requires otherwise;

(e) Sub-section 1.1.4.4 of RID shall apply as if the words "or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 in so far as they relate to carriage by road" were included after the words "provisions of ADR";

(f) Sub-section 1.6.2.7 shall be treated as reading "Until 30 June 2011 the requirements of 6.2.1.4.1 to 6.2.1.4.4 applicable until 31 December 2008 apply instead of those of 1.8.6, 1.8.7, 6.2.2.9, 6.2.3.6 to 6.2.3.8";

(g) Sub-section 1.6.3.35 shall be treated as reading "The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.";

(h) Sub-section 1.6.4.34 shall be treated as reading "The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.";

(i) the words "The competent authorities of the Contracting Parties may provide that" are omitted from Sub-section 1.8.3.2 of ADR;

(j) the words "The competent authorities of the Member States may provide that" are omitted from Sub-section 1.8.3.2 of RID;

(k) the reference in Sub-section 1.8.3.3 to "national authorities" shall be treated as a reference to "the Northern Ireland competent authority or an enforcement authority"; and

(l) Sub-section 5.3.4 of RID is omitted.

Application

4.—(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.

(2) These Regulations apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).

(3) These Regulations do not apply to the carriage of explosives within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970.