STATUTORY RULES OF NORTHERN IRELAND

2006 No. 525

HEALTH AND SAFETY

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 18th December 2006

Coming into operation 1st February 2007

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), 54(1), 55(2) of, and paragraphs 1(1) to (4), 2, 3(1), 5, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**). In accordance with Article 46(1)(**4**) of that Order, it is giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland(**5**) under Article 13(1A)(**6**) of that Order. In accordance with Article 46(3) of that Order, the Executive has consulted any bodies which appeared to it to be appropriate.

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st February 2007.

Amendments to The Health and Safety (Fees) Regulations (Northern Ireland) 2005

2. The Health and Safety (Fees) Regulations (Northern Ireland) 2005(**7**) shall be amended in accordance with Schedule 1.

(**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)
(**4**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**5**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**6**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**7**) S.R. 2005 No. 523

Amendments to The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006

3. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**8**) shall be amended in accordance with Schedule 2.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 18th December 2006

L.S.

Michael J. Bohill
A senior officer of the Department of Enterprise, Trade and Investment

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

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE HEALTH AND SAFETY (FEES) REGULATIONS (NORTHERN IRELAND) 2005

Regulation 11 (fees for certificates and applications for approvals under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006) and Schedules 8 to 10 shall be omitted.

SCHEDULE 2

Regulation 3

AMENDMENTS TO THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS (NORTHERN IRELAND) 2006

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

(a) for the definition of "ADR" there shall be substituted—

> ""ADR" means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the provisions which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by road which—
>
> (a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)(**9**); and
>
> (b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21st November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(**10**),
>
> and "ADR Directive" means the Directive referred to in sub-paragraph (b);;";

(b) after the definition of "battery-wagon" there shall be inserted—

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

(c) in the definition of "emergency action code" for the word "2004" there shall be substituted "2005"(**11**);

(d) in the definition of "old tank" for the words "UN-certified MEGC" there shall be substituted "UN MEGC";

(e) in the definition of "operator" for the words "UN-certified MEGC or tank" there shall be substituted "UN MEGC, tank or bulk container";

(f) for the definition of "RID" there shall be substituted—

> ""RID" means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the Regulations which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by rail which—
>
> (a) form Annex 1 to Appendix B to COTIF and

(**9**) Current edition (2005): ISBN 92-1-139097-4 and corrigendum 1 (December 2004)

(**10**) O.J. No. L319, 12.12.94. p. 7: relevant amending Directives are Directives 2000/61/EC of the European Parliament and the Council of 10th October 2000 (O.J. L279, 1.11.2000, p. 40), Commission Directives 2003/28/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 45) and 2004/111/EC (O.J. No. L365, 10.12.2004, p. 25)

(**11**) ISBN 0-11-341304-1

(b) are contained in the Annex to Council Directive 96/49/EC of 23rd July 1996, as amended, on the approximation of the laws of member States with regard to the transport of dangerous goods by rail(**12**),

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

(g) in the definition of "transportable pressure equipment" for the words "UN-certified MEGC" there shall be substituted "UN MEGC"; and

(h) for the definition of "UN-certified multiple-element gas container" there shall be substituted—

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

2. In regulation 3 (application) for paragraph (4) there shall be substituted—

"(4) These Regulations shall not apply to or in relation to the carriage of class 7 goods by road except for—

(a) Part I and regulations 11(2A), 12, 32, 36, 50, 50A and 52;

(b) regulation 10A insofar as it relates to a person who is not subject to the requirements of the Nuclear Industries Security Regulations 2003(**13**); and

(c) regulations 24 and 33 insofar as they relate to—

(i) compliance with, and the issuing of certificates in accordance with, chapter 8.2 of ADR; and

(ii) compliance with special provisions S:11 and S:12 of chapter 8.5 of ADR.".

3. In regulation 5 (application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment)—

(a) for the heading there shall be substituted—

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

(b) in paragraph (2) for the words "UN-certified MEGCs" there shall be substituted "UN MEGCs";

(c) for paragraph (9) there shall be substituted—

"(9) Subject to the following paragraphs, Part IV shall apply to any equipment used at work and manufactured—

(a) on or after 1st October 2003 in the case of transportable pressure equipment which is a cylinder, tube or cryogenic receptacle and is not an old pressure receptacle to which Schedule 2 applies;

(b) on or after 1st August 2006 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank;

(c) on or before 30th September 2005 in the case of equipment which is—

(i) a cylinder, tube or cryogenic receptacle which is subject to a reassessment of conformity; or

(**12**) O.J. No. L235, 17.9.1996, p. 25; relevant amending Directives are Directive 2000/62/EC of the European Parliament and the Council of 10th October 2000 (O.J. No. L270, 1.11.2000, p. 44), Commission Directives 2003/26/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 47), 2004/89/EC (O.J. No. L293, 16.09.2004 p. 14) and 2004/110/EC (O.J. No. L365, 10.12.2004 p. 24)
(**13**) S.I. 2003/403

(ii) an EEC-type cylinder; and

(d) on or before 30th June 2007 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank which is subject to a reassessment of conformity.";

(d) in paragraph (10) for the words "UN-certified MEGCs" there shall be substituted "UN MEGCs"; and

(e) paragraph (15) shall be omitted.

4. In regulation 7 (exemptions)—

(a) for paragraph (2) there shall be substituted—

"(2) Notwithstanding regulations 20(1) and 21(1), where—

(a) goods are packaged in—

(i) limited quantities in accordance with chapter 3.4 of ADR for carriage by road; or

(ii) combination packagings in accordance with chapter 4.1 of ADR,

and are not class 4.2, 6.2 and 7 goods; and

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

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

(ii) retailer and an end-user,

the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport unit does not exceed more than 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article and not more than 333 kilograms or litres per transport unit.";

(b) in paragraph (4) for sub-paragraph (a) there shall be substituted—

"(a) FL, OX and AT vehicles which—

(i) are used or intended to be used to carry only old tanks; and

(ii) do not meet all of the requirements in sections 9.7.2 and 9.7.3 of ADR applicable to old tanks and fastenings attaching old tanks to vehicles,

shall be deemed to meet those requirements provided that they comply with the requirements in Schedule 1 and need not be subject to an annual technical inspection in accordance with sub-section 9.1.2.3 of ADR; and";

(c) in paragraph (6) for the words "UN-certified MEGCs" there shall be substituted "UN MEGCs"; and

(d) in paragraph (7) for the words "UN-certified MEGC" there shall be substituted "UN MEGC".

5. After regulation 10 (safety obligations) there shall be inserted—

"**Security provisions**

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

(a) insofar as they relate to matters within his control, the general security measures; and