STATUTORY RULES OF NORTHERN IRELAND

2006 No. 520

HEALTH AND SAFETY

The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2006

Made - - - - 13th December 2006

To be laid before Parliament

Coming into operation 1st February 2007

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 40(2) to (4) and 55(2) of, and paragraphs 1(1) to (4), 2, 3(1), 5, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**1**) as so applied and modified by Article 53 of that Order. In accordance with Article 46(1)(**2**) of that Order he has consulted with the Health and Safety Executive for Northern Ireland(**3**) and such bodies as appeared to him to be appropriate.

Citation and Commencement

1. These Regulations may be cited as the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 1st February 2007.

Amendments to the Carriage of Explosives Regulations (Northern Ireland) 2006

2. The Carriage of Explosives Regulations (Northern Ireland) 2006(**4**) shall be amended in accordance with the Schedule.

Amendments to the Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919

3. Conditions (1) to (4), (9) and (11) of the Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919(**5**) shall be omitted.

(**1**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**2**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**3**) Formerly the Health and Safety Agency for Northern Ireland; *see* S.I. 1998/2795 (N.I. 18), Article 3(1)
(**4**) S.R. 2006 No. 182
(**5**) S.I. 1919/809

Peter Hain
One of Her Majesty's Principal Secretaries of State
Northern Ireland Office

13th December 2006

SCHEDULE

Regulation 2

AMENDMENTS TO THE CARRIAGE OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 2006

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

(a) for the definition of "ADR" substitute—

""ADR" means (except for the purposes of regulations 4 and 33(4)) 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)(**6**); 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(**7**),

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

(b) after the definition of "battery-wagon" insert—

""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) after the definition of "class 2 goods" insert—

""class 3 goods" shall be construed in accordance with sub-section 2.2.3.1.1. of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 4 goods" shall be construed in accordance with sub-section 2.2.41.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;";

(d) in the definition of "emergency action code" for the words "2004(**8**)" substitute "2005(**9**)";

(e) in the definition of "old tank" for the words "UN-certified MEGC" substitute "UN MEGC";

(f) in the definition of "operator" for the words "UN-certified MEGC or tank" substitute "UN MEGC, tank or bulk container";

(g) for the definition of "RID" substitute—

""RID" means (except for the purposes of regulations 4 and 33(4)) 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

(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(**10**),

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

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

(**7**) OJ No. L319, 12.12.94, p7; relevant amending Directives are Directive 2000/61/EC of the European Parliament and the Council of 10th October 2000 (OJ No. L79. 1.11.2000, p40), Commission Directives 2003/28/EC of 7th April 2003) (OJ No. L90, 8.4.2003, p45) and 2004/111/EC (OJ No. L365, 10.12.2004, p25)

(**8**) ISBN 0-11-341275-4

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

(**10**) OJ No. L235, 17.9.1996, p25; relevant amending Directives are Directive 2000/62/EC of the European Parliament and the Council of 10th October 2000 (OJ No. L270, 1.11. 2000, p44), Commission Directives 2003/26/ EC of 7th April 2003 (OJ No. L90, 8.4.2003, p47), 2004/89/EC (OJ No. L293, 16.9.2004 p14) and 2004/110/EC (OJ No. L365, 10.12.2004 p24)

(h) in the definition of "transportable pressure equipment" for the words "UN-certified MEGC" substitute "UN MEGC"; and

(i) for the definition of "UN-certified multiple element gas container" substitute—

""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)—

(a) for head (8)(a)(i) substitute—

"(i) class 2 to 6 goods; and"; and

(b) in paragraph (16), for the words "2, 5 and 6" substitute "2 to 6".

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 substitute—

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

(b) in paragraph (2) for the words "UN-certified MEGCs" substitute "UN MEGCs".

4. In regulation 7 (exemptions)—

(a) for paragraph (4) substitute—

"(4) Notwithstanding regulations 19(1) and 20(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 1 goods; and

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

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

(ii) a retailer and an end-user,

the marking required by chapter 5.2 and section 6.1.3 of ADR need not 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 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article and 333 kilograms or litres per transport unit."; and

(b) after paragraph (5) insert—

"(5A) Notwithstanding regulation 23, Part 9 of ADR need not apply to vehicles constructed before 1st November 1997 provided that the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.".

5. After regulation 10 (safety obligations) insert—

"**Security provisions**

10A. Any person involved in the carriage of dangerous goods by road or by rail shall comply with—