STATUTORY RULES OF NORTHERN IRELAND

2006 No. 182

HEALTH AND SAFETY

The Carriage of Explosives Regulations (Northern Ireland) 2006

Made - - - -	*31st March 2006*
Laid before Parliament	
Coming into force - -	*1st August 2006*

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 other bodies as appeared to him to be appropriate.

PART I

INTRODUCTORY PROVISIONS

Citation and commencement

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

Interpretation

2. –

(1) In these Regulations–

"ADR" means (except for the purposes of regulation 4) the provisions which came into effect on 1st January 2003 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 2003)(**4**); and

(**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**) 2003 Edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)

(b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21 November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(**5**),

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

"battery-vehicle" has the meaning in section 1.2.1 of ADR;

"battery-wagon" has the meaning in section 1.2.1 of RID;

"bundle of cylinders" means–

(a) in relation to carriage by road, a "bundle of cylinders"as set out in section 1.2.1 of ADR; or

(b) in relation to carriage by rail, a "bundle of cylinders (frame)"as set out in section 1.2.1 of RID;

"carriage" and "carrier" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"the Carriage of Dangerous Goods Regulations" means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**6**);

"class 1 goods" shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 2 goods" shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 5 goods" shall be construed in accordance with sub-section 2.2.51.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"class 6 goods" shall be construed in accordance with sub-section 2.2.61.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"compatibility group" shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"compressed gas" has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"consignee", "consignment" and "consignor" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"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;

"COTIF" means the Convention concerning International Carriage by Rail, as revised or reissued from time to time(**7**);

"cylinder" 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;

"dangerous goods" 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;

"demountable tank" 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;

"division 1.1" and "division 1.4" shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(**5**) O.J. No. L319, 12.12.94, p. 7; relevant amending directives are Directive 2000/61/EC of the European Parliament and Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive 2003/28/EC of 7th April 2003 (O.J. No. L90, 8.4.2003. p. 45)

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

(**7**) Cmnd. 2232

"drum" 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;

"EEC-type cylinder" means transportable pressure equipment–

(a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate–

(i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or

(ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives, which conforms to the requirements of the Directives referred to in sub-paragraph (i); and

(b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

"emergency action code" ("EAC") means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004(**8**);

"Executive" means the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978;

"explosive article" shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"explosive substance" shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"EX/II vehicle" and "EX/III vehicle" have the meaning in sub-section 9.1.1.2 of ADR;

"factory" has the meaning in section 175 of the Factories Act (Northern Ireland) 1965(**9**);

"filler" 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;

"flammable gases" shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"FRP tank" means a tank constructed of fibre-reinforced plastics;

"gas" 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;

"goods vehicle examiner" means an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(**10**) who examines goods vehicles within the meaning of Article 2 of that Order;

"harbour area" has the meaning in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(**11**);

"hazard identification number" ("HIN") shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"IMDG Code" means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization(**12**);

(**8**) ISBN 0-11-341275-4
(**9**) 1965 c. 20 (N.I.); section 175(2)(n) was amended by regulation 3(1) of, and Schedule 1 to, S.R. 1984 No. 283
(**10**) 1995 No. 2994 (N.I. 18)
(**11**) S.R. 1995 No. 87
(**12**) Current edition (2004): ISBN 92-801-4184-8

"inland waterway" includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition "member State" does not include the United Kingdom;

"intermediate bulk container" ("IBC") 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;

"liquefied gas" has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"liquid" 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;

"loader" 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;

"military establishment" means an establishment intended for use for naval, military or air force purposes or the purposes of the Department of the Secretary of State responsible for defence;

"military explosive" has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**13**);

"multiple-element gas container" ("MEGC") 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;

"Northern Ireland competent authority" means the competent authority for Northern Ireland in accordance with regulation 8(1) to (3);

"old pressure receptacle" means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of class 2 goods, except that–

(a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;

(b) the definition of–

  (i) "bundle of cylinders"in section 1.2.1 of ADR; and

  (ii) "bundle of cylinders (frame)"in section 1.2.1 of RID,

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed–

(a) in the case of cylinders and cryogenic receptacles, on or before 30th September 2005; and

(b) in the case of other pressure receptacles, on or before 31st July 2006;

"old tank" means–

(a) a tank;

(b) pressure receptacles forming elements of–

  (i) a battery-vehicle in relation to carriage by road; or

  (ii) a battery-wagon in relation to carriage by rail; and

(c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

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

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 31st July 2006;

"operator" means an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"outer packaging" 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;

"owner" means in relation to transportable pressure equipment or an IBC–

(a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it except for a person who buys it solely to use the goods in it before selling it back to the supplier;

(b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or

(c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Northern Ireland–

  (i) the agent of that person in Northern Ireland; or

  (ii) if there is no such agent, the user;

"package" and "packaging" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"packer" and "packing group" have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"piggyback transport" has the meaning in section 1.2.1 of RID;

"portable tank" has the meaning in–

(a) section 1.2.1;

(b) sub-section 6.7.2.1 for the purposes of section 6.7.2;

(c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or

(d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"pressure drum" 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;

"pressure receptacle" means a cylinder, pressure drum, closed cryogenic receptacle or bundle of cylinders;

"Pressure Vessels Framework Directive" means Council Directive 76/767/EEC of 27th July 1976(**14**), as amended, concerning the approximation of laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

"quality assurance" has, for the purposes of Parts II and III, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

"quarry" has the meaning in Article 2(2) of the Quarries (Northern Ireland) Order 1983(**15**);

"railway" means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is–

(**14**) O.J. No. L262, 27.9.1976, p. 153; relevant amending Directives are Council Directive 87/354/EEC of 25th June 1987 (O.J. No. L192, 11.7.1987, p. 43) and Council Directive 88/66/EEC of 21st December 1988 (O.J. No. L382, 31.12.1988, p. 42)
(**15**) S.I. 1983/150 (N.I. 4)