STATUTORY RULES OF NORTHERN IRELAND

2001 No. 390

HEALTH AND SAFETY

The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001

Made - - - -	*22nd October 2001*
To be laid before Parliament	*22nd November 2001*
Coming into operation	

The Secretary of State, in pursuance of Articles 17(1) to (6), 40(2) to (4), 43(3), 54 and 55(2) of, and paragraphs 1, 2, 3, 5, 6, 11, 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, and after consultation in accordance with Article 46(1) of that order with the Health and Safety Executive for Northern Ireland and such other bodies as appear to him to be appropriate, makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 22nd November 2001.

Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

2. The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**2**) shall be amended in accordance with Schedule 1.

Amendments to the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993

3. The Packaging of Explosives for Carriage by Road Regulations (Northern Ireland) 1993(**3**) shall be amended in accordance with Schedule 2.

(**1**) S.I.1978/1039 (N.I. 9) as modified by the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 525)
(**2**) S.R. 1991/516 as amended by S.R. 1997/474
(**3**) S.R. 1993/268

Amendments to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997

4. The Carriage of Explosives by Road Regulations (Northern Ireland) 1997(**4**) shall be amended in accordance with Schedule 3.

Amendments to the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997

5. The Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997(**5**) shall be amended in accordance with Schedule 4.

Amendments to the Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000.

6. The Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000(**6**) shall be amended in accordance with Schedule 5.

Dr. John Reid
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
22nd October 2001

(**4**) S.R. 1997/474
(**5**) S.R. 1997/475
(**6**) S.R. 2000/171

SCHEDULE 1

Regulation 2

Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

1. In regulation 6—

(a) in paragraph (6), for the words "A packaged article or substance or a combination of them or an unpackaged article" substitute "An article, whether in packaging or not", and for the numbers "0015, 0016, 0018, 0019, 0113, 0301 or 0303" substitute "0018, 0019 or 0301";

(b) after paragraph (6), insert the following paragraph—

"(7) An article, whether in packaging or not, to which these Regulations apply, allocated on classification the United Nations Serial Number 0015, 0016 or 0303 and containing a substance which, if classified in accordance with regulation 5 of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**7**) (whether or not it is required to be so classified), would be classified as corrosive, shall bear a label in accordance with paragraph 17 of Schedule 3, and "classified" in this paragraph shall have the meaning assigned to it in those Regulations."

2. In regulation 9(2), for the words "or (6)" substitute ", (6) or (7)".

3. In Schedule 2, in the Compatibility Group entry for the Compatibility Group B insert the words "do not" before the word "contain".

4. In paragraph 17 of Schedule 3, after the words "regulation 6(6)" insert "or (7)".

SCHEDULE 2

Regulation 3

Amendments to the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993

1. In regulation 2(1), for the definition of "the United Nations Recommendations", substitute the following—

""the United Nations Recommendations" means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G (XXIII) of 26th April 1957)) [Current Edition (1997): ISBN 92-1-139057 5], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of 6 months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued.".

2. In regulation 3—

(a) for paragraph (2), substitute the following paragraph—

"(2) Regulations 7 to 9 and 11 shall not apply to explosives which are carried or consigned for carriage between—

(a) private premises and a vehicle in the immediate vicinity of those premises; or

(**7**) S.R. 1997/247

(b) one part of private premises and another part of those premises situated in the immediate vicinity of that first part, notwithstanding that those parts may be separated by a road."; and

(b) for sub-paragraph (*d*) of paragraph (4), substitute the following sub-paragraph—

"(d) the carriage of explosives which have not been classified under the 1991 Regulations or which have been allocated on classification the UN Number 0190 where—

(i) those explosives are not initiating explosives,

(ii) those explosives are a commercial sample or a sample for one or more of the purposes of research and development, quality control, their testing or in connection with an application for their classification under the 1991 Regulations, and

(iii) the carriage is in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,

and in this sub-paragraph, "initiating explosives" means explosives intended solely to cause the detonation of other explosives;".

3. In paragraph (2) of regulation 12, for the words from "he is satisfied" to the end of the paragraph substitute "he is satisfied that the environment, the security of the explosives and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it".

4. In column 3 of Schedule 1 Part I—

(a) in the entry corresponding to Item "(*b*)" in column 1, delete the words "or Substances",

(b) in the entry corresponding to Item "(*c*)" in column 1 and Class and Division "1.4" in column 2, delete "B,"; and

(c) following the entry corresponding to Item "(*c*)" in column 1 and Class and Division "1.4" in column 2, add the words "Articles of B".

SCHEDULE 3

Regulation 4

Amendments to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997

1. In Regulation 2—

(a) in paragraph (1)—

(i) for the definition of "classified" substitute the following—

""classified" means, in relation to explosives, classified under the 1991 Regulations and, in relation to dangerous goods other than radioactive material, classified under the 1997 Regulations, and "classification" and "unclassified" shall be construed accordingly;";

(ii) at the end of the definition of "permissible maximum weight", insert the following definition—

""radioactive material" has the meaning assigned to it in Article 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(**8**) ;";

(iii) for the definition of "the United Nations Recommendations" substitute the following —

""the United Nations Recommendations" means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G(XXIII) of 26th April 1957)) [Current Edition (1997): ISBN 92-1-139057 5], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of 6 months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued;"; and

(b) in paragraph (5), delete the words "or large container" (in both places where they occur).

2. In regulation 3—

(a) in paragraph (3)(*a*) for the words "under section 7(1)" there shall be substituted the words "under section 5(1)";

(b) for paragraph (3)(*b*) substitute the following paragraph—

"(b) the vehicle carrying the explosives is one which is used—

(i) for delivering goods between private premises and a vehicle in the immediate vicinity of those premises, or

(ii) in passing between one part of private premises and another part of those premises situated in the immediate vicinity of that first part where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road."; and

(c) at the end, add the following paragraph—

"(6) These Regulations shall not apply to or in relation to the carriage of explosives as a result of an emergency where that carriage is intended to save human life or protect the environment, provided that all measures are taken to ensure that such carriage is carried out safely."

3. For paragraphs (2) and (3) of regulation 7, substitute the following paragraph—

"(2) A person shall not carry in a vehicle explosives which are unclassified or which have been allocated on classification the UN Number 0190 except—

(a) (i) as a commercial sample,

(ii) as a sample for one or more of the following purposes— research and development, quality control, their testing or in connection with an application for their classification, provided that the samples are not initiating explosives; and

(b) in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,

and in this paragraph "initiating explosives" means explosives intended solely to cause the detonation of other explosives.

(**8**) S.I. 1992/224 (N.I. 2)