STATUTORY RULES OF NORTHERN IRELAND

1998 No. 131

HEALTH AND SAFETY

Carriage of Dangerous Goods by Rail Regulation (Northern Ireland) 1998

Made - - - -	*31st March 1998*
Coming into operation	*1st June 1998*

The Department of Economic Development, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1) to (6), 40(2) to (4) and 55(2) of, and paragraphs 1(1) to (4), 2, 3(1), 5, 11, 13 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Part I

Interpretation and Application

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods by Rail Regulations (Northern Ireland) 1998 and shall come into operation on 1st June 1998.

(2) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"ADR" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"Approved Carriage List" means the list referred to in regulation 3(1)(*a*) as revised in accordance with regulation 3(2);

"approved documents" means the documents published by the Health and Safety Commission and approved by the Department in accordance with regulation 3(1) as revised in accordance with regulation 3(2);

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**2**) 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) 1996 (S.R. 1996 No. 525)

"Approved Methods" means the document entitled "Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage" published by the Health and Safety Commission and approved by the Department under regulation 4(1)(*b*) of the CDGCPL Regulations as revised in accordance with regulation 4(2) of those Regulations;

"approved person" means a person approved by the competent authority for the purpose of carrying out functions in connection with the examination, testing and certification of tanks, as specified by the competent authority in the approval;

"Approved Tank Requirements" means the document referred to and described in regulation 3(1)(*b*) as revised in accordance with regulation 3(2);

"the CDGCPL Regulations" means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**3**);

"carriage" means carriage by rail and shall be construed in accordance with regulation 2(8);

"Carriage Information" means the information referred to and described in regulation 11(1) and (2);

"classification" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"classification code" in relation to dangerous goods means the code referred to in regulation 4(1)(*a*)(i)(*cc*) of the CDGCPL Regulations and any reference to "classification code" or "class" followed by a number means the particular classification code for those goods specified in the Approved Carriage List;

"competent authority" means a person or organisation in any country which is for the time being a competent authority for the purposes of—

(a) the examination, testing and certification of tanks; and

(b) the approval of persons to carry out such examinations, tests and certifications,

and for Northern Ireland the competent authority means the Secretary of State;

"computer" means a computer system including its software;

"consignor" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"consignor's declaration" means the declaration referred to and described in regulation 11(2)(*b*)(v);

"container" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"corrosive substance" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"COTIF" means the Convention concerning International Carriage by Rail as revised or re-issued from time to time(**4**);

"dangerous goods" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"danger sign" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"the Department" means the Department of Economic Development;

"designation" means the designation for dangerous goods ascertained in accordance with regulation 5(4)(*a*) of the CDGCPL Regulations;

"emergency action code" means the code, ascertained in accordance with the Approved Carriage List, required to be displayed on tank containers and tank wagons which are being used for the carriage of certain dangerous goods;

(**3**) S.R. 1997 No. 247 as amended by S.R. 1997 No. 360
(**4**) Cmnd. 5897

"explosives" means explosive articles or explosive substances which—

(a) have been assigned on classification to Class 1 in accordance with the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**5**); or

(b) are unclassified;

"explosive article" means an article containing one or more explosive substances;

"explosive substance" means—

(a) a solid or liquid substance; or

(b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

"facility owner" means any person—

(a) who has an estate or interest in, or right over, a railway facility; and

(b) whose permission to use that railway facility is needed by another before that other may use it,

and any reference to a facility owner's railway facility is a reference to the railway facility by reference to which he is a facility owner;

"factory" has the meaning assigned to it by section 175 of the Factories Act (Northern Ireland) 1965(**6**);

"flammable gas" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"flammable liquid" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"flammable solid" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"food" means food within the meaning of Article 2(2) of the Food Safety (Northern Ireland) Order 1991(**7**);

"fragile package" means a package containing a fragile receptacle which—

(a) is made of glass, porcelain, stoneware or similar materials; and

(b) is not enclosed in a packaging with complete sides protecting it effectively against shock;

"gas" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"harbour area" has the meaning assigned to it in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(**8**);

"hazardous properties" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"hazard warning panel" means the panel referred to and described in paragraph 7 of Schedule 5;

"the Health and Safety Commission" means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(**9**);

(**5**) S.R. 1991 No. 516
(**6**) 1965 c. 20 (N.I.)
(**7**) S.I. 1991/762 (N.I. 7)
(**8**) S.R. 1991 No. 509
(**9**) 1974 c. 37

"IMDG Code" means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organisation(**10**);

"infectious substance" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"infrastructure controller" means a person who controls railway infrastructure;

"intermediate bulk container" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"large container" means a container having an internal volume of more than 3 cubic metres;

"light maintenance depot" means any land or other property which is normally used for or in connection with the provision of light maintenance services, whether or not it is also used for other purposes;

"light maintenance services" means services of any of the following descriptions, that is to say—

(a) the refuelling, or the cleaning of the exterior, of locomotives or other rolling stock;

(b) the carrying out to locomotives or other rolling stock of maintenance work of a kind which is normally carried out at regular intervals of twelve months or less to prepare the locomotives or other rolling stock for service;

"locomotive" means any railway vehicle which has the capacity for self-propulsion (whether or not the power by which it operates is derived from a source external to the vehicle);

"military establishment" means an establishment intended for use for naval, military or airforce purposes or the purposes of the department of the Secretary of State having responsibility for Defence;

"mine" means a mine within the meaning of the Mines Act (Northern Ireland) 1969(**11**);

"multi-load" means a load consisting of two or more types of dangerous goods carried other than in packages in—

(a) separate containers or tanks of tank wagons; or

(b) separate compartments of a container or tank of a tank wagon,

whether or not carried in conjunction with goods which are not dangerous goods;

"nominally empty" means, in relation to a storage tank, that it is not in fact empty but that as much of the dangerous goods which the storage tank contained as it was reasonably practicable to discharge therefrom has been so discharged;

"non-flammable, non-toxic gas" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"orange-coloured" means that colour which has the same colour and luminance properties as that of an orange-coloured panel;

"orange-coloured panel" means a non-reflectorised orange-coloured panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 1800(1) of Appendix VIII of the Annex to Council Directive 96/49/EC(**12**) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;

"organic peroxide" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

(**10**) Volumes I to IV ISBN 92 801 1314 3; Supplement ISBN 92 801 1316 X
(**11**) 1969 c. 6 (N.I.)
(**12**) O.J. No. L235, 17.9.96, p. 25

"organic peroxide, type b or c" means dangerous goods whose designation includes the phrase "ORGANIC PEROXIDE TYPE B" or the phrase "ORGANIC PEROXIDE TYPE C", when classified in accordance with regulation 5 of the CDGCPL Regulations;

"oxidizing substance" means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

"overpack" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"package" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"packagings" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"packing group" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the phrase "packing group" followed by "I", "II", or "III", in relation to certain dangerous goods, means the particular packing group for those goods ascertained in accordance with regulation 5 of those Regulations;

"piggyback transport" means the carriage of a road vehicle on a wagon;

"quarry" means a quarry within the meaning of the Quarries (Northern Ireland) Order 1983(**13**);

"radioactive material" has the meaning assigned to it in Article 3 of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(**14**);

"rail vehicle" means any conveyance which is used for the carriage of dangerous goods on a railway;

"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—

(a) is a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails and which are laid wholly or mainly along a street or in any place to which the public has access (including a place to which the public has access only on making a payment); or

(b) is operated wholly within a factory, harbour area, military establishment, mine or quarry;

"railway facility" means any track, station or light maintenance depot;

"railway infrastructure" means fixed assets used for the operation of a railway including its permanent way and plant used for signalling or exclusively for supplying electricity for operational purposes to the railway, but it does not include a station;

"receptacle" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"RID" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

"risk group" means one of the risk groups referred to in the Approved Methods to which infectious substances are assigned and any reference to a risk group followed by a number means the specific risk group to which an infectious substance has been assigned in accordance with the said Approved Methods;

"road tanker" has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

"road vehicle" means any conveyance which is used for the carriage of dangerous goods on a road;

"rolling stock" means any carriage, wagon or other vehicle used on track and includes a locomotive;

(**13**) S.I. 1983/150 (N.I. 4)
(**14**) S.I. 1992/234 (N.I. 2)