STATUTORY RULES OF NORTHERN IRELAND

1997 No. 474

HEALTH AND SAFETY

The Carriage of Explosives by Road Regulations (Northern Ireland) 1997

Made - - - -	*28th October 1997*
To be laid before Parliament	
Coming into operation	*1st December 1997*

The Secretary of State, in pursuance of Articles 17(1), (2), (3)(*a*), (4) and 5(*b*), 54(1) and (5) and 55(2) of, and paragraphs 1, 2, 6, 11, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**1**) as applied and modified by Article 53 of that Order and after consulting, in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Agency for Northern Ireland and such other bodies as appear to her to be appropriate, hereby makes the following regulations:—

Part I

Interpretation and Application

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives by Road Regulations (Northern Ireland) 1997 and shall come into operation on 1st December 1997.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"the 1989 Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**2**);

"the 1991 Regulations" means the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**3**);

(**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. 1989 No. 299, to which there are amendments not relevant to these Regulations
(**3**) S.R. 1991 No. 516

"the 1997 Regulations" means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**4**);

"the Carriage Regulations" means the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993(**5**);

"the Packaging Regulations" means the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993(**6**);

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**7**), as revised or re-issued from time to time;

"Approved Explosives Vehicle Requirements" shall be construed in accordance with regulation 11(3);

"Approved Carriage List" means the list described in regulation 4(1)(*a*) of the 1997 Regulations as revised in accordance with regulation 4(2) of those Regulations;

"attendant" means the person nominated to act as the attendant in accordance with regulation 20(1)(*a*);

"blasting explosive" means an explosive substance allocated on classification the UN Number 0048, 0081, 0082, 0083, 0084, 0241, 0331 or 0332;

"carriage" means carriage by road and shall be construed in accordance with paragraph (7) and related words shall be construed accordingly;

"Class 1" and "Class 2" mean Class 1 and Class 2 respectively, in respect of explosives or the classification of dangerous goods set out in the United Nations Recommendations;

"classified" means classified under the 1991 Regulations and "classification" and "unclassified" shall be construed accordingly;

"closed vehicle" means a vehicle having a body capable of being closed;

"Compatibility Group" and "Compatibility Group letter" have the meanings assigned to them in regulation 2 of the 1991 Regulations;

"competent authority" means a person or organisation in any country which is for the time being a competent authority for the purposes of recognising standards for fire extinguishers and for Northern Ireland the competent authority is the Secretary of State;

"consignor" means—

(a) the person who, having a place of business in Northern Ireland, consigns, whether as principal or agent for another, explosives for carriage, or

(b) if no person satisfies the requirements of sub-paragraph (*a*), the consignee of those goods in so far as that person has control over the carriage of those explosives in Northern Ireland;

"consignor's declaration" has the meaning assigned to it by paragraph 1(*b*)(v) of Part I of Schedule 6;

"container" has the meaning assigned to it in regulation 2(1) of the 1997 Regulations;

"dangerous goods" has the meaning assigned to it in regulation 2(1) of the 1997 Regulations;

"danger sign" means any of the signs referred to and described in paragraph 9, 10 or 11 of Schedule 5;

(**4**) S.R. 1997 No. 247
(**5**) S.R. 1993 No. 83
(**6**) S.R. 1993 No. 268
(**7**) 1995 edition, ISBN 0 11 551265 9

"designation" in relation to a classified explosive means the name given for that explosive in the List of Classified and Authorised Explosives 1994(**8**) or the Ministry of Defence's Lists of Temporary and Permanent Classifications for Military Explosives,(**9**) as revised or re-issued from time to time;

"detonating cord" means the explosive article allocated on classification the UN Number 0065 or 0289;

"detonating fuse" means the explosive article allocated on classification the UN Number 0106, 0107, 0257 or 0367;

"detonator" means the explosive article allocated on classification the UN Number 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 or 0500;

"Division" and "Division number" have the meanings assigned to them in regulation 2 of the 1991 Regulations;

"emergency information" has the meaning assigned to it in paragraph 2 of Part II of Schedule 6;

"explosives" means explosive articles or substances which—

(a) have been assigned on classification to Class 1, 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;

"Fire Authority" means the Fire Authority for Northern Ireland established under Article 3 of the Fire Services (Northern Ireland) Order 1984(**10**);

"gunpowder" means the explosive substance allocated on classification the UN Number 0027 or 0028;

"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(**11**);

"the Health and Safety Executive" means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc Act 1974;

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

"military explosive" has the meaning assigned to it by regulation 2 of the 1991 Regulations;

"motor vehicle" has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(**12**);

"operator" is to be construed in accordance with regulation 6;

"orange coloured" means having the colour and luminance properties specified in marginal 10 500(1) of ADR in relation to orange-coloured plates;

(**8**) ISBN 0 7176 0772 0
(**9**) MOD ESTC Leaflets Nos. 3 and 4, June 1996
(**10**) S.I. 1984/1821 (N.I. 11)
(**11**) 1974 c. 37
(**12**) S.I. 1995/2994 (N.I. 18)

"orange-coloured panel" means the reflectorised panel referred to and described in paragraph 1(*a*) of Schedule 5;

"package" and "packagings" have the meanings assigned to them in regulation 2(1) of the 1997 Regulations;

"permissible maximum weight" in relation to any vehicle, has the same meaning as in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981(**13**) in relation to a goods vehicle as defined in Article 2(2) of that Order;

"road" has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995;

"semi-trailer" has the same meaning as in regulation 2(1) of the 1989 Regulations;

"sheeted vehicle" means an open vehicle provided with a sheet to protect the load;

"small container" means a container having an internal volume of not more than 3 cubic metres;

"smokeless powder" means (except in paragraph 15(*c*)(ii) of Part II of Schedule 5) the explosive substance allocated on classification the UN Number 0160 or 0161;

"subsidiary hazard sign" means any of the signs which are referred to and described in paragraph 12 or 13 of Part I of Schedule 5;

"trailer" has the same meaning as in regulation 2(1) of the 1989 Regulations;

"transport category" has the meaning assigned to it in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(**14**);

"Transport Documentation" means the documentation specified in Part II of Schedule 6;

"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)(**15**) as revised or re-issued from time to time;

"UN Number" means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and in the case of explosives, allocated by the Health and Safety Executive or the Secretary of State for Defence to an explosive article or explosive substance as a means of identification and in the case of other dangerous goods, specified in the Approved Carriage List as a means of identification for dangerous goods;

"vehicle" means any conveyance used for the carriage of explosives by road;

"vehicle crew" means those persons authorised by the operator to be on board the vehicle.;

"vehicle examiner" means a person appointed by the Department of the Environment for Northern Ireland under Article 74 of the Road Traffic (Northern Ireland) Order 1995.

(2) Any reference in these Regulations to an explosive specified in Part I, Part II or Part III of Schedule 1 is a reference to an explosive of the description specified in column 1 of the said Part I, Part II or Part III, as the case may be, allocated on classification the UN Number specified opposite it in column 2 of that Part.

(3) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.

(4) Any reference in these Regulations to the carriage of explosives in bulk shall be a reference to the carriage of explosives without packaging.

(**13**) S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3) Schedule 1
(**14**) S.R. 1997 No. 248
(**15**) Ninth Revised Edition (1995): ISBN 92 1139048 6 X

(5) Any reference in these Regulations to explosives being carried in a vehicle or large container under sole use shall be a reference to the carriage of a load of explosives which originates from one consignor and in respect of which—

(a) the use of the vehicle or large container is exclusively reserved; and

(b) all operations for loading and unloading are carried out in conformity with the instructions of the consignor or consignee.

(6) For the purposes of these Regulations—

(a) any reference to a motor vehicle, which is registered outside the United Kingdom, is a reference to a vehicle which is not registered in the United Kingdom but is registered in another country, in accordance with that country's rules governing the registration of such vehicles; and

(b) (i) a combination of a motor vehicle and a trailer or semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts remain attached,

(ii) explosives contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle, and

(iii) explosive articles or explosive substances or both of them carried in one vehicle shall be deemed to be carried together.

(7) For the purposes of these Regulations a vehicle or container shall be deemed to be engaged in the carriage of explosives throughout the period—

(a) in the case of a vehicle, from the commencement of loading it with the explosives concerned for the purpose of carrying them by road until the said vehicle and, where appropriate, any compartment of it, has been unloaded and, where necessary, cleaned so that any of the explosives which remain in it are not sufficient to create a significant risk to the health or safety of any person; or

(b) in the case of a container, where the container concerned has been—

(i) loaded with the explosives before being placed on the vehicle which is to be used to carry it, from the time when the said container is placed on the vehicle for the purpose of carrying the explosives by road, or

(ii) placed on the vehicle which is to be used to carry it before the commencement of loading, from the commencement of loading the said container with the explosives for the purpose of carrying those goods by road,

until the time when either,

(iii) the container is removed from the relevant vehicle, or

(iv) the container and, where appropriate, any compartment of it has been unloaded and, where necessary, cleaned so that any of the explosives which remain in it are not sufficient to create a significant risk to the health or safety of any person,

and, in either case, whether or not the vehicle or container concerned is on a road at the material time.

General application

3.—(1) These Regulations shall apply to and in relation to the carriage of explosives.

(2) Regulations 10 to 28 shall not apply to the carriage of explosives in a vehicle being used to carry passengers for hire or reward.

(3) Regulations 15 to 18 shall not apply where—