STATUTORY RULES OF NORTHERN IRELAND

1997 No. 249

HEALTH AND SAFETY

Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997

Made - - - -	*20th May 1997*
Coming into operation	*1st July 1997*

The Department of Economic Development, acting as 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 2, 3, 5, 13 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**), and of all other powers 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 appear to it to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 and shall come into operation on 1st July 1997.

(2) In these Regulations—

"the 1989 Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**3**);

"the 1992 Regulations" means the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992(**4**);

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**5**) as revised or re-issued from time to time;

"the ADR Directive" means Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road(**6**);

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9); Article 1 was modified by the Health and Safety at Work (Northern Ireland) Order 1978 (Application to Environmentally Hazardous Substances) Regulations 1996 (S.R. 1996 No. 525)
(**3**) S.R. 1989 No. 299 as amended by S.R. 1991 No. 147, S.R. 1991 No. 420, S.R. 1992 No. 54, S.R. 1992 No. 227, S.R. 1992 No. 373, S.R. 1992 No. 509, S.R. 1993 No. 39, S.R. 1993 No. 247, S.R. 1994 No. 231, S.R. 1994 No. 353, and S.R. 1994 No. 452
(**4**) S.R. 1992 No. 262 as amended by S.R. 1993 No. 240, S.R. 1995 No. 47 and S.R. 1996 No. 159
(**5**) Current edition (1995); ISBN 0 11 551265 9 (UK Version); ISBN 92 11 39043 5 (UN Version)
(**6**) O.J. No. L319, 12.12.94, p. 7

"agriculture" has the same meaning as in regulation 2(1) of the CDGRoad Regulations;

"agricultural or forestry tractor" has the same meaning as in regulation 2(1) of the CDGRoad Regulations;

"approved" means approved in writing for the purposes of these Regulations;

"Approved Carriage List" means the list described in regulation 4(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**7**), as revised in accordance with regulation 4(2) of those Regulations;

"break-down vehicle" has the same meaning as in regulation 2(1) of the Goods Vehicles (Testing) Regulations (Northern Ireland) 1995(**8**);

"carriage" means carriage by road and shall be construed in accordance with regulations 1(5) and 2(4);

"the CDGCPL Regulations" means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**9**);

"the CDGRoad Regulations" means the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(**10**);

"the Council Directive" means Council Directive 89/684/EEC on vocational training for certain drivers carrying dangerous goods by road(**11**); and any reference in these Regulations to anything done under that Directive shall have effect notwithstanding any subsequent revocation of that Directive;

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

"the Department" means the Department of Economic Development;

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

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

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

"member State" means a country (other than the United Kingdom) which is a member of the European Communities;

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

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

"N.O.S." means not otherwise specified;

"operator" has the meaning assigned to it by regulation 2(1) of the CDG Road Regulations;

"package" has, in relation to dangerous goods other than radioactive material, the same meaning as in regulation 2(1) of the CDGCPL Regulations and, in relation to radioactive material, has the same meaning as in regulation 2(3) of the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983(**13**);

(**7**) S.R. 1997 No. 247
(**8**) S.R. 1995 No. 450
(**9**) S.R. 1997 No. 247
(**10**) S.R. 1997 No. 248
(**11**) O.J. No. L398, 30.12.89, p. 33
(**12**) S.I. 1995/2994 (N.I. 18)
(**13**) S.R. 1983 No. 344 as amended by S.R. 1986 No. 61

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

"permissible maximum weight" has, in relation to a road tanker or other vehicle, the same meaning as it does in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981(**14**) in relation to a goods vehicle, as defined by Article 2(2) of that Order;

"petroleum fuel" includes petrol, kerosene, diesel and liquefied petroleum gas;

"petroleum licensing authority" has the same meaning as in regulation 20(2)(*c*) of the CDGRoad Regulations;

"radioactive material" has the same meaning as in Article 3 of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(**15**);

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

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

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

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

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

"total mass or volume of packaged dangerous goods" shall have the meaning asigned to it by regulation 2(4)(*a*) of the CDGRoad Regulations and shall be construed in accordance with regulation 2(5) of those Regulations;

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

"transport category" shall have the meaning assigned to it by regulation 2(1) of the CDGRoad Regulations;

"Transport Index" means a single number determined in accordance with Schedule 17 to the Radioactive Material (Road Transport) (Great Britain) Regulations 1996(**16**) and assigned to a package containing radioactive material;

"UN number" has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters "UN" followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

"vehicle" has the same meaning as in regulation 2(1) of the CGDRoad Regulations;

"vehicle examiner" has the meaning assigned to it by Article 74(3) of the Road Traffic (Northern Ireland) Order 1995;

"vocational training certificate" has the meaning assigned to it by regulation 4(1); and

"volumetric prover" means a tank or prover pipe with a capacity not exceeding 10 cubic metres intended to be used for the calibration of metering equipment or the measurement of petroleum fuel deliveries and which is structurally attached to, or is an integral part of, the frame of a vehicle.

(3) Where a vehicle which is engaged in the carriage of dangerous goods is—

(a) being driven by a person undergoing training under the supervision of an instructor; or

(b) being towed or otherwise moved by a break-down or recovery vehicle and the driver of the break-down or recovery vehicle is accompanied by the driver of the vehicle which is being towed or otherwise moved,

the instructor or (as the case may be) the driver of the vehicle which is being towed or otherwise moved shall be regarded as the driver of the vehicle concerned for the purposes of these Regulations.

(**14**) S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3), Schedule 1
(**15**) S.I. 1992/234 (N.I. 2)
(**16**) S.I. 1996/1350

(4) For the purposes of these Regulations—

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

(b) dangerous goods contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.

(5) Without prejudice to the generality of regulation 2(4), a trailer or semi-trailer containing dangerous goods shall not be considered to be engaged in the carriage of dangerous goods for the purposes of these Regulations unless it forms part of a combination deemed to be a single vehicle in accordance with paragraph (4).

(6) For the purposes of these Regulations, any reference to a vehicle which is registered outside the United Kingdom is a reference to a motor 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.

(7) Any reference in these Regulations to the carriage of dangerous goods in bulk shall be a reference to the carriage of solid dangerous goods without packaging.

(8) Any reference in these Regulations to the driver of a vehicle does not include a reference to a person whose work does not involve his driving the vehicle concerned on a road.

(9) In these Regulations—

(a) any reference to a vehicle under the control of the armed forces is a reference to—

(i) a vehicle on board which there is, as a member of its crew, a member of the armed forces acting in the course of his duties; or

(ii) a vehicle in a convoy escorted by a vehicle of the type referred to in head (i),

where "a member of the armed forces" means—

(iii) a member of Her Majesty's Forces;

(iv) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**17**); or

(v) a civilian who is an employee of Her Majesty's Forces; and

(b) any reference to a vehicle owned by the armed forces is a reference to a vehicle owned by—

(i) Her Majesty's Forces;

(ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952; or

(iii) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(**18**),

and includes a vehicle which has been provided to the armed forces under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

Application

2.—(1) These Regulations shall apply to the carriage of—

(a) the dangerous goods specified in paragraph (2)—

(**17**) 1952 c. 67
(**18**) 1964 c. 5

(i) in—

(aa) a road tanker with a capacity greater than 1,000 litres; or

(bb) a tank container having a capacity greater than 3,000 litres, except where specified in Schedule 1 or paragraph 1 or 2 of Schedule 2; and

(ii) (subject to paragraph (3)) in or on a vehicle having a permissible maximum weight exceeding 3.5 tonnes—

(aa) in bulk;

(bb) in a road tanker with a capacity of 1,000 litres or less;

(cc) in a tank container with a capacity of 3,000 litres or less;

(dd) where any of the goods are in transport category 0;

(ee) where the goods carried are in packages, none of the goods are in transport category 0 and the total mass or volume of packaged dangerous goods is greater than 20 kilogrammes or litres, as the case may be;

(ff) where the goods carried are in packages, none of the goods are in transport category 0 or 1 and the total mass or volume of packaged dangerous goods is greater than 200 kilogrammes or litres, as the case may be; or

(gg) where the goods carried are in packages, none of the goods are in transport category 0, 1 or 2 and the total mass or volume of packaged dangerous goods is greater than 500 kilogrammes or litres, as the case may be,

except where specified in Schedule 1 or Schedule 2;

(b) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 of ADR)—

(i) in a road tanker with a capacity greater than 1,000 litres;

(ii) in a tank container with a capacity greater than 3,000 litres; or

(iii) in or on any other vehicle,

except where specified in Schedule 1,

and any reference in these Regulations to the carriage of dangerous goods shall be construed as a reference to any carriage to which these Regulations apply by virtue of this paragraph.

(2) The dangerous goods referred to in paragraph (1)(*a*) are dangerous goods other than—

(a) explosives;

(b) those dangerous goods in transport category 4;

(c) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 of ADR).

(3) The permissible maximum weight of the vehicle concerned shall not be taken into account in ascertaining whether or not regulation 3 applies to any carriage by virtue of paragraph 1(*a*)(ii).

(4) A vehicle shall be deemed to be engaged in the carriage of dangerous goods from the commencement of loading it with the dangerous goods concerned for the purpose of carrying those goods by road until the said vehicle and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the goods or their vapours which remain in or on the vehicle are not sufficient to create a significant risk to the health or safety of any person, regardless of whether or not the vehicle is on a road at the material time.

(5) These Regulations shall not apply to or in relation to the carriage of any of the following dangerous goods—