STATUTORY RULES OF NORTHERN IRELAND

1997 No. 248

HEALTH AND SAFETY

Carriage of Dangerous Goods by Road 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 by Articles 17(1) to (6), 40(2), (3) and (4) and 55(2) of, and paragraphs 1(1) to (4), 2, 3, 5, 8, 11, 13, 14(1), 15 and 19 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 it 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 Dangerous Goods by Road Regulations (Northern Ireland) 1997 and shall come into operation on 1st July 1997.

Interpretation

2.—(1) In these Regulations—

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

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

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

(**2**) 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)

(**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

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, or nursery grounds or for market gardening and the preparation of land for agricultural purposes;

"agricultural vehicle" means any agricultural or forestry tractor or agricultural machinery;

"agricultural or forestry tractor" means any motor vehicle and its trailers which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose, not being a dual-purpose vehicle;

"agricultural machinery" means any mobile machinery which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose;

"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 5(1)(*a*) as revised in accordance with regulation 5(2);

"approved documents" means the documents published by the Health and Safety Commission and approved by the Department in accordance with regulation 5(1) as revised in accordance with regulation 5(2);

"approved design" means the design referred to and described in regulation 11(2);

"Approved Methods" means the document entitled "Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage" 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 Tank Requirements" means the document referred to and described in regulation 5(1)(*c*), as revised in accordance with regulation 5(2);

"Approved Vehicle Requirements" means the document referred to and described in regulation 5(1)(*b*) as revised in accordance with regulation 5(2);

"articulated vehicle" has the meaning assigned to it by regulation 2(1) of the 1989 Regulations;

"carriage" means carriage by road and shall be construed in accordance with regulation 2(8), and related words shall be construed accordingly;

"carrying tank" means the same as "carrying tank" within the definition of "road tanker" in regulation 2(1) of the CDGCPL Regulations;

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

"classification" has the meaning assigned to it by 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;

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

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

(a) approving persons to examine, test and certify tanks;

(b) examining, testing and certifying tanks; and

(c) recognising standards for fire extinguishers,

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

(**4**) S.R. 1997 No. 247

"computer" means a computer system including its software;

"consignor" means—

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

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

"consignor's declaration" means the declaration referred to and described in regulation 13(2)(*b*)(vi);

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

"control temperature" means the maximum temperature at which certain dangerous goods can be safely carried as determined in accordance with the Approved Methods;

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

"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;

"demountable tank" 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;

"dual-purpose vehicle" has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**5**);

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

"emergency information" means the information referred to in regulation 14(3)(*e*) and described in regulation 14(4);

"emergency temperature" means the temperature, determined in accordance with the Approved Methods, at which the safety measures for certain dangerous goods shall be set in motion;

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

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

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

"food" means food within the meaning of Article 2(1) of the Food Safety (Northern Ireland) Order 1991(**7**);

(**5**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to this definition
(**6**) S.I. 1984/1821 (N.I. 11)
(**7**) S.I. 1991/762 (N.I. 7)

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

"gross mass" in relation to dangerous goods which are articles carried other than in receptacles, means the gross mass of those goods, measured in kilogrammes (kg);

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

"hazard warning panel" means the panel referred to in paragraph 22 and depicted in Figure 5 of Schedule 10;

"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(**8**);

"IMDG Code" means the International Maritime Dangerous Goods Code as revised or re-issued from time to time by the International Maritime Organisation(**9**);

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

"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 (m^3);

"motor vehicle" has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(**10**);

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

(a) separate containers or tanks; or

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

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

"net mass" in relation to dangerous goods which are solids, liquefied gases, compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, means the net mass of those goods, measured in kg;

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

"nominally empty" in relation to a vehicle or a receptacle, means that it is not in fact empty but that as much of the dangerous goods which the vehicle or receptacle contained as 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;

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

"open vehicle" means a vehicle, the platform of which has no superstructure or is merely provided with sideboards and a tailboard;

"operator" means the operator of any container, tank or vehicle used for the carriage of dangerous goods and shall be construed in accordance with regulation 4;

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

(**8**) 1974 c. 37
(**9**) Current Edition: Volumes I to IV ISBN 92 801 1314 3; Supplement ISBN 92 801 1316 X
(**10**) S.I. 1995/2994 (N.I. 18)

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

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

"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;

"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 "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;

"permissible maximum weight" in relation to any vehicle, has the same meaning as it does in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981(**11**) in relation to a goods vehicle as defined by Article 2(2) of that Order;

"prescribed temperature" means the temperature specified by the operator of the container, tank or vehicle in which certain dangerous goods are being carried which does not exceed the control temperature and which avoids dangerous separation of phases;

"radioactive material" has the meaning assigned to it in regulation 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(**12**);

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

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

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

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

"self-reactive substance" means dangerous goods whose designation includes the phrase "SELF-REACTIVE" when classified in accordance with regulation 5 of the CDGCPL Regulations;

"self-reactive substance, type b or c" means dangerous goods whose designation includes the phrase "SELF-REACTIVE SUBSTANCE TYPE B" or the phrase "SELF-REACTIVE SUBSTANCE TYPE C", when classified in accordance with regulation 5 of the CDGCPL Regulations;

"semi-trailer" has the meaning assigned to it in regulation 2(1) of the 1989 Regulations;

(**11**) S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3), Schedule 1
(**12**) S.I. 1992/234 (N.I. 2)