

1995 No. 47

HEALTH AND SAFETY**Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995***Made* 23rd February 1995*Coming into operation* 30th March 1995**ARRANGEMENT OF REGULATIONS**

1. Citation and commencement.
2. Interpretation.
3. Application.
4. Meaning of and revisions to the approved carriage list and the approved methods.
5. Classification and ascertainment of other particulars of dangerous goods.
6. Consignment of dangerous goods in packages.
7. Use of marks on packagings.
8. Particulars to be shown on packages containing dangerous goods.
9. Derogations from regulation 9 of the supply Regulations and regulation 8.
10. Derogations from regulation 9 of the supply Regulations.
11. Methods of marking or labelling packages.
12. Particulars deemed to satisfy the requirements of certain enactments.
13. Exemption certificates.
14. Enforcement.
15. Defence.
16. Transitional defences.
17. Amendments.

Schedule 1 Classification and ascertainment of other particulars in accordance with regulation 5.

Part I Table of classifications and other particulars.

Part II Specification of danger signs.

Part III Viscous substances not required to be classified as flammable liquids.

- Part IV Table of flash points and kinematic viscosity ranges of goods which have been classified as flammable liquids in accordance with regulation 5, which have a flash point of less than 23°C and contain either – not more than 5% of toxic or corrosive substances with a packing group of I or II, or not more than 5% of flammable substances with a packing group of I and a subsidiary hazard of toxic or corrosive.
- Part V Criteria for ascertaining packing groups of goods which have been classified as toxic substances in accordance with regulation 5.

Schedule 2 Subsidiary hazard signs.

Part I Ascertainment.

Part II Specification.

Schedule 3 Circumstances in which individual receptacles need not comply with regulation 6(1)(e) and particulars need not be shown on packages in accordance with regulation 8(1).

Schedule 4 Amendments to the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991.

Schedule 5 Amendments to the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992.

Schedule 6 Amendments to the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992.

Schedule 7 Amendments to the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992.

Schedule 8 Amendments to the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993.

Schedule 9 Amendments to the supply Regulations.

The Department of Economic Development, being the Department concerned(a), in exercise of the powers conferred on it by Articles 17(1), (2), (3), (4), (5), (6), 20(2), 54(1) and (4) and 55(2) of, and paragraphs 1(1), (2), (3) and (4), 2, 3(1), 5, 11, 13, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) 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:—

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

(b) S.I. 1978/1039 (N.I. 9)

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995 and shall come into operation on 30th March 1995.

Interpretation

2.—(1) In these Regulations—

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

“ADR mark” means a mark allocated by the competent authority for that mark, being a mark specified in ADR to indicate that the packagings which bear it—

(a) correspond with a design type which has been tested successfully in accordance with ADR; and

(b) comply with the provisions relating to their manufacture which are required by ADR;

“approved” means approved in writing;

“approved carriage list” means the list described in regulation 4(1)(a) as revised in accordance with regulation 4(2);

“approved method” shall be construed in accordance with regulation 4(1)(b);

“approved test” means a test approved for the purposes of regulation 6(1)(e)(i) by a competent authority;

“approved testing laboratory” means a laboratory approved for the purposes of regulation 6(1)(e)(i) by a competent authority;

“carriage” means carriage by road or on a railway (in each case on a vehicle) and shall be construed in accordance with regulation 3(2), and related words shall be construed accordingly;

“certificate holder” means the person whose name is included in or is identifiable from the ADR mark, the RID mark, the UN mark or, as the case may be, the joint ADR and RID mark;

“classification” in relation to dangerous goods shall be construed as a reference to the classification of those goods ascertained in accordance with regulation 5;

“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 testing and certification of packagings;

(b) the approval of tests and laboratories;

(c) the certification of the completion of approved tests; and

(d) the allocation of ADR marks, RID marks, UN marks and joint ADR and RID marks;

and for Northern Ireland the competent authority shall be the Secretary of State;

“consignor” in relation to any consignment of dangerous goods means—

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

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

“COTIF” means the Convention concerning International Carriage by Rail(a);

“danger sign” means the sign for dangerous goods shown in Column 6 of Part I of Schedule 1 (which sign is further specified in Part II) and ascertained in accordance with regulation 5;

“dangerous goods” means any—

(a) explosives;

(b) radioactive material;

(c) goods named individually in the approved carriage list (other than when so diluted or treated that they no longer have the hazardous properties of those goods); or

(d) any other goods which have one or more of the hazardous properties;

and for the purposes of this definition “goods” means articles or substances;

“the Department” means the Department of Economic Development;

“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;

“explosives” means explosive articles or explosive substances which—

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

(a) Cmmd. 5897

(b) S.R. 1991 No. 516

(b) are unclassified;

“factory” has the meaning assigned to it by section 175 of the Factories Act (Northern Ireland) 1965(a);

“flash point” means the flash point of dangerous goods determined in accordance with the appropriate approved method;

“freight container” means an article of transport equipment which is—

(a) of a permanent character and accordingly strong enough for repeated use;

(b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;

(c) designed to be secured or readily handled or both, having corner fittings for these purposes;

(d) of a size such that the area enclosed by the outer bottom corners is either—

(i) if the container is fitted with top corner fittings, at least 7 square metres; or

(ii) in any other case, at least 14 square metres,

and includes a container when carried on a chassis and a swap body but does not include a vehicle, packagings or any article of transport equipment designed solely for use in air transport;

“genetically-modified micro-organisms and organisms” means organisms and micro-organisms in which genetic material has been altered through genetic modification in a way that does not occur naturally;

“genetic modification” means the alteration of genetic material otherwise than by mating or natural recombination or both;

“goods named individually” in relation to the approved carriage list means those goods whose proper shipping names do not include either an asterisk or the letters “NOS”;

“harbour area” has the meaning assigned to it by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(b);

“hazardous properties” means any of the properties of dangerous goods shown in Column 2 of Part I of Schedule 1 and determined in accordance with the appropriate approved method;

“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(c);

“intermediate bulk container” means a rigid, semi-rigid or flexible portable packaging which has a capacity of 3 cubic metres or less,

(a) 1965 c. 20 (N.I.)

(b) S.R. 1991 No. 509, as amended by S.R. 1993 No. 412, regulation 20(6) and Schedule 9

(c) 1974 c. 37