STATUTORY RULES OF NORTHERN IRELAND

1993 No. 83

HEALTH AND SAFETY

The Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993

Made - - - -	*22nd February 1993*
To be laid before Parliament	
Coming into operation	*1st May 1993*

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 (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 him to be appropriate, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993 and shall come into operation on 1st May 1993.

Interpretation

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

"the 1991 regulations" means the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**2**);

"attendant" means a person who accompanies the driver in the vehicle during the journey to help ensure the safety and security of the explosives;

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

"carriage" and related expressions shall be construed in accordance with paragraphs (4) to (6);

"Class 1" has the meaning assigned to it by regulation 2 of the 1991 regulations;

"classified" means classified under the 1991 regulations;

(**1**) S.I. 1978/1039 (N.I. 9)
(**2**) S.R. 1991 No. 516

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

"consignor" means a person who consigns (whether as principal or as agent for another) explosives for carriage by road;

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

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

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

"Division" and "Division number" have the meanings assigned to them by regulation 2 of the 1991 regulations;

"explosives" means explosive articles or explosive 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;

"freight container" means a container as defined in Article 11 of the International Convention for Safe Containers (CSC);

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

"inspector of vehicles" means a person appointed by the Department of the Environment as an inspector of vehicles for the purposes of any provision of the Road Traffic (Northern Ireland) Order 1981(**3**);

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

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"operator" means in relation to a vehicle which is engaged in the carriage of explosives—

(a) any person who is required to hold a road freight vehicle licence under section 17(2) of the Transport Act (Northern Ireland) 1967(**4**) other than a person described in subsection (1) (b) or (c) of that section; or

(b) where no such licence is held—

(i) (in the case of a foreign goods vehicle) the driver of the vehicle; and

(ii) (in the case of any other vehicle) the keeper of the vehicle; and for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper.

"police force" means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;

(**3**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these regulations
(**4**) 1967 c. 37 (N.I.)

"road" means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"semi-trailer" has the same meaning as in regulation 2 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**5**);

"smokeless powder" means (except in paragraph 9(c) of Part II of Schedule 4) the explosive substance allocated on classification the UN Number 0160 or 0161;

"trailer" means a vehicle drawn by a motor vehicle but does not include a semi-trailer;

"UN Number" means United Nations Serial Number, that is to say, one of the four-digit numbers devised by the United Nations and allocated by the Health and Safety Executive or the Secretary of State to an explosive article or explosive substance as a means of identification;

"vehicle" includes a motor vehicle, trailer and semi-trailer.

(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 thereto 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 a vehicle includes a reference to the carriage of explosives on a vehicle or in a freight container attached to a vehicle, and, for the purposes of these regulations, a motor vehicle and a trailer or semi-trailer attached to it shall be deemed to be one vehicle, and articles or substances or both of them carried in one vehicle shall be deemed to be carried together.

(5) Subject to paragraph (6), a vehicle shall be deemed for the purposes of these regulations to be used for the carriage of explosives from the commencement of loading the vehicle with the explosives for the purpose of carrying the explosives on a road until all the explosives have been unloaded, whether or not the vehicle is on a road at the material time.

(6) A trailer or semi-trailer containing explosives shall not be deemed for the purposes of these regulations to be used for the carriage of explosives if it is not attached to a motor vehicle at the material time, and accordingly if the trailer or semi-trailer is loaded with the explosives before it is attached to the motor vehicle the carriage begins when the trailer or semi-trailer is attached to the motor vehicle for the purpose of carrying the explosives on a road and ends when it is detached from the vehicle, or when all the explosives have been unloaded, if earlier.

Application

3.—(1) These regulations shall apply to or in relation to the carriage of explosives by road.

(2) Regulations 6 to 14 shall not apply to the carriage of explosives in a vehicle being used to carry passengers for hire or reward.

(3) Regulations 4(1), 6 to 10 and 11(2) to 14 shall not apply to carriage by members, acting in the course of their duties, of—

(a) Her Majesty's forces;

(b) visiting forces within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**6**);

(**5**) S.R. 1989 No. 299
(**6**) 1952 c. 67

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(**7**).

(4) Regulations 4, 6 to 10 and 11(2) to 14 shall not apply to carriage for the purposes of explosive ordnance disposal (other than in connection with dumping at sea) under the direction of a member of Her Majesty's forces, a member of the police force, or a person authorised by the Secretary of State.

(5) Regulations 8, 9 and l0 shall not apply where—

(a) the vehicle carrying the explosives has been exempted from excise duty by the Secretary of State under section 7(1) of the Vehicles (Excise) Act 1971(**8**); or

(b) the vehicle carrying the explosives is one which is only used on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises or in passing from one part of such premises to another in the immediate vicinity.

(6) Except for regulations 11 and 13, these regulations shall not apply where—

(a) the vehicle carrying the explosives is engaged in an international transport operation within the meaning of the Convention concerning International Carriage by Rail (COTIF)(**9**) as revised or re-issued from time to time; and

(b) such carriage conforms in every respect to the provisions of the Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM) which forms Appendix B to that Convention and to the regulations (RID) made thereunder.

(7) These regulations shall not apply to any explosive nuclear device or any component thereof.

Prohibition on the carriage of certain explosives

4.—(1) No person shall carry explosives in Compatibility Group K in a vehicle.

(2) No person shall carry unclassified explosives in a vehicle except—

(a) solely in connection with an application for their classification; and

(b) in accordance with such conditions as are approved in writing for the time being by the Secretary of State for the purposes of this regulation.

Carriage of explosives in vehicles used to carry passengers for hire or reward

5.—(1) No person shall carry explosives in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The said conditions are:—

(a) the only explosives carried by that person are any of the explosives specified in Parts I and II of Schedule 1, gunpowder or smokeless powder, or any mixture of them;

(b) the maximum total quantity of explosives carried by that person does not exceed 2 kilograms;

(c) the explosives are kept with that person and are kept properly packed;

(d) all reasonable precautions are taken by that person for the prevention of accidents arising from the explosives.

(3) For the purposes of this regulation, where explosives are being carried by a passenger the driver and operator of the vehicle shall not be as carrying them as well.

(**7**) 1964 c. 5
(**8**) 1971 c. 10
(**9**) Cmnd. 8535

Suitability of vehicles and freight containers and limits on quantities

6.—(1) The operator of a vehicle used for the carriage of explosives shall ensure that the vehicle and any freight container so used are suitable for the safety and security of the explosives having regard to the type and quantity of explosives being carried.

(2) The operator of a vehicle shall ensure that there is not carried in that vehicle at any one time explosives of the type specified in column 1 of Schedule 2 in excess of the quantity specified for that type of explosive in the corresponding entry in column 2.

(3) In a case where explosives in different Compatibility Groups or Divisions are being carried together, Schedule 2 shall be applied in accordance with the provisions of paragraphs 1, 2(a) and 3 of Schedule 3.

(4) Nothing in paragraph (2) shall be construed as allowing a greater quantity of explosives to be carried than that for which the vehicle and freight container are suitable as described in paragraph (1).

Mixed loads

7.—(1) The operator of a vehicle used for the carriage of explosives shall ensure that—

(a) explosives in different Compatibility Groups are not carried together unless—

(i) such carriage is permitted by paragraph 4 of Schedule 3; or

(ii) subject to paragraph (2), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in any one of the Compatibility Groups carried;

(b) explosive substances and explosive articles in the same Compatibility Group are not carried together unless—

(i) such carriage is permitted by paragraph 4 of Schedule 3; or

(ii) subject to paragraph (2), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in the form of explosive substances or explosive articles alone;

(c) unclassified explosives are not carried with classified explosives except those in Compatibility Group S.

(2) Notwithstanding paragraph (1)(a)(ii) and (b)(ii) the operator of a vehicle used for the carriage of explosives shall ensure that—

(a) explosives in Compatibility Groups A, H or L are not carried together or with explosives in any other Compatibility Group;

(b) explosives in Compatibility Group L are not carried with a different type of explosive in the same Compatibility Group.

(3) The operator of a vehicle used for the carriage of explosives shall ensure that the explosives are not carried with any other substance which is dangerous for conveyance (within the meaning of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**10**)), unless all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such substance.

(**10**) S.R. 1985 No. 81, amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303