1992 No. 261

HEALTH AND SAFETY

Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992

Made	*9th June 1992*
Coming into operation . .	*6th July 1992*

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. Application of these Regulations.
4. Meaning of operator.
5. Construction of vehicles and freight containers.
6. Information relating to dangerous substances to be received by operators.
7. Information in writing about dangerous substances to be given to drivers.
8. Instruction and training for drivers.
9. Loading, stowage and unloading of dangerous substances.
10. Precautions against fire or explosion.
11. Limitation on the carriage of certain dangerous substances.
12. Marking of vehicles carrying dangerous substances.
13. Prohibition on provision and display of orange-coloured plates and additional information.
14. Supervision of vehicles containing dangerous substances.
15. Information to be produced to police constables and inspectors of vehicles.
16. Restrictions on the carriage of toxic or harmful substances in the same vehicle as food.
17. Defence in proceedings for contravening these Regulations.
18. Exemption certificates.
19. Revocations.

THE SCHEDULE—

PART I Properties relevant to, and packing groups of, substances which have been classified as dangerous for conveyance in accordance with regulation 6(4) of the Classification,

Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985.

PART II — Criteria for allocation of substances which have been classified as toxic or harmful substances in accordance with regulation 6(4) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 into packing groups.

PART III — Table of flash points and kinematic viscosity ranges of substances which have been classified as flammable liquids in accordance with regulation 6(4) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985, contain not more than 20% of nitrocellulose and do not in any case have a flash point exceeding 21°C.

The Department of Agriculture, the Department of Economic Development, the Department of Health and Social Services and the Department of the Environment acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 17(1), (2), (4), (5) and (6) of, and paragraphs 1(1) to (3), 2, 5(2), 11, 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them 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 them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992 and shall come into operation on 6th July 1992.

Interpretation

2.—(1) In these Regulations—

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

"the 1985 Regulations" means the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**c**);

"the 1992 Regulations" means the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992(**d**);

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) S.R. 1985 No. 81, as amended by S.R. 1988 No. 288, S.R. 1989 No. 182, S.R. 1990 No. 120 and S.R. 1990 No. 303
(**d**) S.R. 1992 No. 260

"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;

"approved list" has the same meaning as in regulation 4 of the 1985 Regulations;

"carriage" means carriage arising out of or in connection with work and shall be construed in accordance with regulations 2(2)(*a*)(ii) and 3(3); and related words shall be construed accordingly;

"carrying tank" means a tank which is referred to thus in the 1992 Regulations by virtue of the definition of "road tanker" contained in regulation 2(1) thereof;

"computer" means a computer system including its software;

"the consignor" of a dangerous substance shall be regarded as—

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

(*b*) if no person satisfies the requirements of sub-paragraph (*a*), the consignee of that dangerous substance;

"dangerous substance" (whether or not a preparation or other mixture) means—

(*a*) any substance listed as dangerous for conveyance by road in Column 1 of Part IA2 of the approved list, other than when the substance has been so diluted or treated that it no longer has any of the characteristic properties specified in Column 1 of Part I of Schedule 2 to the 1985 Regulations;

(*b*) any substance which falls within one of the groups of substances listed as dangerous for conveyance by road in Column 1 of Part IB of the approved list, other than when the substance has been so diluted or treated that it no longer has any of the characteristic properties specified in Column 1 of Part I of Schedule 2 to the 1985 Regulations;

(*c*) any substance classified as a flammable gas, a toxic gas or an organic peroxide in accordance with regulation 6(4) of the 1985 Regulations;

(*d*) any controlled waste (as defined by Article 36(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978(**a**)) consisting of or containing asbestos not falling with sub-paragraph (*a*) of this definition which is designated as "special waste" by regulation 3(1)(*a*)(i) of the Pollution Control (Special Waste) Regulations (Northern Ireland) 1981(**b**); or

---

(**a**) S.I. 1978/1049 (N.I. 19)
(**b**) S.R. 1981 No. 252

(*e*) any other substance which is classified as dangerous for conveyance in accordance with regulation 6(4) of the 1985 Regulations and possesses the properties relevant to the classification concerned which are specified in Column 1 of Part I of the Schedule hereto;

"the Department" means the Department of Economic Development;

"flammable gas" means a gas so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1985 Regulations;

"flammable solid" means a solid so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1985 Regulations;

"flash point" has the same meaning as in regulation 2(1) of the 1985 Regulations;

"freight container" means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**a**);

"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(**b**);

"motor vehicle" has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

"operator" shall be construed in accordance with regulation 4;

"organic peroxide" means a substance so classified in accordance with regulation 6(4) of the 1985 Regulations;

"receptacle" means—

(*a*) a vessel (other than a carrying tank, tank container, freight container, transformer or capacitor); or

(*b*) the innermost layer of packagings,

which is in contact with a dangerous substance and which is liable to be individually handled when the substance is used or disposed of;

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

"road tanker" has the same meaning as in regulation 2(1) of the 1992 Regulations;

"semi-trailer" has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**c**);

"tank" has the same meaning as in regulation 2(1) of the 1992 Regulations;

"tank container" has the same meaning as in regulation 2(1) of the 1992 Regulations;

(**a**) S.R. 1992 No. 2
(**b**) S.R. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations
(**c**) S.R. 1989 No. 299

"toxic gas" means a gas so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1985 Regulations;

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

(2) For the purposes of these Regulations—

(*a*) a combination of a motor vehicle and one or more trailers or semi-trailers shall be deemed to be a single vehicle for so long as the constitutent parts of that combination remain attached; and

(i) dangerous substances contained in different parts of such a vehicle shall accordingly be considered to be contained in the same vehicle, and

(ii) without prejudice to the generality of regulation 3(3), a trailer or semi-trailer containing any dangerous substance shall not be considered to be engaged in any carriage to which these Regulations apply unless it forms part of such a combination;

(*b*) any reference to the carriage of a dangerous substance in bulk shall include a reference to the unconfined carriage of that substance in a freight container, but shall exclude a reference to the carriage of that substance—

(i) in a receptacle (whether or not the receptacle is carried in a freight container),

(ii) in a road tanker,

(iii) in a tank container, or

(iv) in a transformer or capacitor; and

(*c*) a vehicle will be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971(**a**) or any enactment replaced thereby.

(3) Any reference in these Regulations to—

(*a*) the "packing group" of a dangerous substance shall be construed—

(i) in the case of a dangerous substance listed as dangerous for conveyance by road in Column 1 of Part IA2 of the approved list or which falls within one of the groups of substances listed as dangerous for conveyance by road in Column 1 of Part 1B of the approved list, as a reference to the packing group (if any) which is specified in the corresponding entry in Column 7 of the Part in which it is listed or grouped as aforesaid,

(ii) in the case of a dangerous substance not listed or grouped as aforesaid but which is classified as dangerous for conveyance in accordance with regulation 6(4) of the 1985 Regulations and possesses the properties relevant to the classification concerned (which classification is that neither of a toxic nor a harmful substance) which are specified in Column 1 of Part I of the Schedule hereto, as a reference to the packing group listed in Column 2 of that Part which corresponds with the properties thus specified, or

(a) 1971 c. 10