STATUTORY RULES OF NORTHERN IRELAND

1992 No. 260

HEALTH AND SAFETY

Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992

Made - - - -	*9th June 1992*
Coming into operation	
for the purposes of all regulations except regulation 7(6) to (9) insofar as those paragraphs apply to the currying tanks of road tankers and to tank containers which (in either case) are not pressure vessels	*6th July 1992*
for the purposes of regulation 7(6) to (9) insofar as those paragraphs apply to the currying tanks of road tankers and to tank containers which (in either case) are not pressure vessels	*6th July 1993*

The Department of Agriculture, the Department of Economic Deveopment, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned(**1**) in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5) and (6), 40(2), (3) and (4) and 55(2) of, and paragraphs 1(1), (2), (3) and (4), 2, 3, 5, 8, 11, 13 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) 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:—

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

Citation and commencement

1.—(1) These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 and, subject to paragraph (2), shall come into operation on 6th July 1992.

(2) Paragraphs (6) to (9) of regulation 7, insofar as they apply to the carrying tanks of road tankers and to tank containers which (in either case) are not pressure vessels, shall come into operation on 6th July 1993.

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(**3**), as revised or re-issued from time to time;

"approved list" means the list referred to in regulation 4(1), as revised from time to time in accordance with regulation 4(2);

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

"classification" means:—

(a) (in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list) the classification which is specified in the corresponding entry in Column 4 of that Part; or

(b) (in relation to a dangerous substance which is not listed in Column 1 of Part I of the approved list) the classification specified in Column 2 of Part I of Schedule 1 which corresponds with the most hazardous of the characteristic properties of the substance specified in Column 1 of that Part;

"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;

"Contracting Party" means a country which is a signatory to ADR;

"dangerous substance" means any substance (including any preparation or other mixture) being either—

(a) a substance which is listed in Column 1 of Part I of the approved list and which has one or more of the characteristic properties specified in Column 1 of Part I of Schedule 1 (other than when it is carried at such dilution that a risk to the health or safety of any person is not created by that carriage); or

(b) any other substance which (having one or more of the characteristic properties specified in Column 1 of Part I of Schedule 1) creates a risk to the health or safety of any person in the course of its carriage which is comparable with a risk created by the carriage of any substance which is specified in Column 1 of Part I of the approved list:

"the Department" means the Department of Economic Development:

(**3**) Cmnd. 734

"emergency action code" means, in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list, the emergency action code for that substance which is specified in the corresponding entry in Column 3 of that Part and "multi-load emergency action code" means, in relation to a multi-load, the multi-load emergency action code for such a load ascertained in accordance with Part IIB of the approved list;

"flash point" has the same meaning as in regulation 2(1) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**4**);

"hazard warning panel" means a panel required to be displayed on a road tanker or tank container in accordance with regulation 18 or 19 or which may be displayed on a tank container in accordance with regulation 21(5)(b);

"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(**5**);

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

"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(**6**);

"label" means a weather-resistant label required to be displayed on a road tanker or tank container in accordance with regulation 20;

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

"multi-load" means a load consisting of two or more dangerous substances in—

(a) separate uncompartmented carrying tanks of a road tanker;

(b) separate compartments of a compartmented carrying tank of a road tanker; or

(c) separate compartments of a compartmented tank container,

whether or not carried in conjunction with a substance which is not a dangerous substance;

"operator" means the operator of any road tanker, tank container or vehicle carrying a tank container (in each case used for the carriage of any dangerous substance) and shall be construed in accordance with regulation 5;

"petrol" means petroleum-spirit (within the meaning given to that phrase by section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(**7**)) intended to be used as fuel for motor vehicles, motor vessels or aircraft;

"petroleum filling station" means a petroleum filling station within the meaning of section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929;

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

"pressure vessel" means a tank container or the tank of a road tanker which is—

(a) used or intended to be used for the carriage of a dangerous substance—

  (i) at a pressure of more than 500 millibar above or below atmospheric pressure, or

  (ii) at a pressure of 500 millibar or less above atmospheric pressure if that pressure is maintained by artificial means and would rise above it if such means were no longer employed; or

(**4**) S.R. 1985 No. 81; regulation Z(1) was amended by S.R. 1990 No. 303
(**5**) 1974 c. 37
(**6**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations
(**7**) 1929 c. 13 (N.I.) to which there are amendments not relevant to these Regulations

(b) loaded or discharged at a pressure of more than 500 millibar above or below atmospheric pressure;

"RID" means the Regulations concerning the International Carriage of Dangerous Goods by Rail which are specified in Annex I to the Uniform Rules concerning the Contract for International Carriage of Goods by Rail ("CM"), which Rules form Appendix B to the Convention concerning International Carriage by Rail(**8**), as revised or re-issued from time to time ("COTIF");

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

"road tanker" means a goods vehicle within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981 which has a tank (in these Regulations referred to as a "carrying tank") which is—

(a) attached to the frame of the vehicle (whether structurally or otherwise) and (except when empty) is not intended to be removed from the vehicle; or

(b) an integral part of the vehicle,

and includes a tube trailer; and any reference in these Regulations to the carrying tank of a road tanker shall be construed as a reference to each carrying tank attached to it or being an integral part of it as aforesaid:

"semi-trailer" has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**9**);

"single load" means a load consisting of only one dangerous substance (whether or not a substance which is not a dangerous substance is being carried at the same time);

"substance identification number" means, in relation to a dangerous substance which is listed in Column 1 of Part I of the approved list, the substance identification number for that substance which is specified in the corresponding entry in Column 2 of that Part;

"tank" means a tank which is—

(a) used for the carriage of a liquid, gaseous, powdery or granular material or a sludge, in bulk; and

(b) so constructed that it can be securely closed (except for the purpose of relieving excessive pressure) during the course of carriage;

"tank container" means a tank, whether or not divided into separate compartments, having a total capacity of more than 3 cubic metres (other than the carrying tank of a road tanker) and includes a tube container;

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

"tube container" means a group of gas cylinders connected together with a total capacity greater than 3 cubic metres, fitted into a framework suitable for lifting on or off a vehicle and intended to be used for the carriage of compressed gases;

"tube trailer" means a trailer which has more than one gas cylinder structurally attached to, or forming part of, the trailer and which is intended to be used for the carriage of compressed gases;

"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.

(**8**) Cmnd. 8535
(**9**) S.R. 1989 No. 299

(2) For the purposes of these Regulations, 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 constituent parts of that combination remain attached; and—

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

(b) without prejudice to the generality of regulation 3(2), 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.

(3) For the purposes of these Regulations, a vehicle shall be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971(**10**) or any enactment replaced thereby.

Application of these Regulations

3.—(1) These Regulations shall apply to and in relation to the carriage of any dangerous substance, either in a road tanker or in a tank container carried on a vehicle, except where specified in Schedule 2.

(2) For the purposes of paragraph (1), a road tanker or a tank container carried on a vehicle shall be deemed to be engaged in the carriage of a dangerous substance throughout the period—

(a) in the case of a road tanker, from the commencement of loading it with the dangerous substance concerned for the purpose of carrying that substance on a road until the carrying tank of the road tanker and (where appropriate) any compartment of that carrying tank have been cleaned or purged so that any of the substance or its vapour which remains therein is not sufficient to create a risk to the health or safety of any person; or

(b) in the case of a tank container carried on a vehicle—

(i) (if the tank container has been loaded with the dangerous substance concerned before being placed on the vehicle) from the time when the tank container is placed on the vehicle for the purpose of carrying the dangerous substance on a road, or

(ii) (if the tank container has been placed on the vehicle before the commencement of loading) from the commencement of loading the tank container with the dangerous substance concerned for the purpose of carrying it by road,

until either—

(aa) the tank container is removed from the vehicle, or

(bb) the tank container and (where appropriate) any compartment of the tank container have been cleaned or purged so that any of the substance or its vapour which remains therein is not sufficient to create a risk to the health or safety of any person;

and, in either case, whether or not the vehicle is on a road at the material time.

Meaning of and revisions to the approved list

4.—(1) In these Regulations "the approved list" means the list approved by the Department and published by the Health and Safety Commission entitled "the Road Tanker Approved List", which contains—

(a) in Part I, a list of dangerous substances, and specifying—

(i) in Column 1, the names thereof in alphabetical order.

(**10**) 1971 c. 10