1990 No. 32

HEALTH AND SAFETY

Road Traffic (Carriage of Dangerous Substances in Packages etc.) (Amendment) Regulations (Northern Ireland) 1990

Made	*30th January 1990*
Coming into operation . .	*12th March 1990*

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1) and (2) and 55(2) of, and paragraphs 2, 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.) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 12th March 1990.

Interpretation

2. In these Regulations, "the principal Regulations" means the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1988(**c**).

Amendments to the principal Regulations

3. The principal Regulations shall be amended as provided in regulations 4 to 9.

4. In regulation 2(1) in the definition of "packing group", for sub-paragraph (*b*), there shall be substituted—

"(*b*) in the case of a dangerous substance not so listed—

(a) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(b) S.I. 1978/1039 (N.I. 9)
(c) S.R. 1988 No. 415

(i) if not a toxic substance, the packing group specified for that substance in Column 2 of Part I of Schedule 1, or

(ii) if a toxic substance, packing group I or II allocated in accordance with the criteria set out in Part II of Schedule 1;''.

5. In regulation 3 in paragraph (1), after ''substance'' where it first appears, there shall be inserted ''regulation 13A shall apply in relation to the carriage of any quantity of any dangerous substance such as is specified therein''.

6. In regulation 6—

(*a*) in paragraph (2)(*b*) at the beginning, there shall be inserted ''subject to paragraph (3)''; and

(*b*) after paragraph (2) there shall be inserted—

''(3) Nothing in paragraph (2)(*b*) shall require the destruction, removal or placing in a securely closed container of information in writing relating to any dangerous substance which is not being carried where that information in writing relates also to a dangerous substance which is being carried, and the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical.''.

7. In regulation 11—

(*a*) in paragraph (1)(*c*) after the word ''visible'' there shall be inserted ''except that the rear plate need not be visible where the vehicle is being loaded or unloaded'';

(*b*) in paragraph (2) for sub-paragraph (*b*) there shall be substituted—

''(*b*) when displayed, kept clean and (other than where it need not be clearly visible in the circumstances set out in paragraph 1(*c*)) free from obstruction; and''.

8. After regulation 13 there shall be inserted—

''*Restrictions on the carriage of certain dangerous substances in the same vehicle as food*

13A.—(1) The operator and driver shall ensure that no dangerous substance—

(*a*) listed in Part IA2 of the approved list, which is specified to be in packing group I or II in Column 7 of that Part and which also has the properties of any substance specified in Schedule 1 in the entry for ''Toxic Substance''; or

(*b*) which, although not listed in Part IA2 of the approved list, has, when classified, the above properties,

is carried in any vehicle in which food is being carried, unless the food is carried in a part of the vehicle effectively separated from that containing the substance, or is otherwise adequately protected from the risk of contamination.

(2) In this regulation, "food" means food within the meaning of Article 2(2) of the Food (Northern Ireland) Order 1989(**a**).".

9. Column 1 of Part I of Schedule 1, paragraph 3 of Part II of Schedule 1, Column 1 of Schedule 2, Schedule 3 and the headings to Parts I and II of Schedule 1 shall be amended in accordance with the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture on 30th January 1990.

(L.S.) *I. C. Henderson*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 30th January 1990.

(L.S.) *R. J. Minnis*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 30th January 1990.

(L.S.) *Trevor Pearson*
Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 30th January 1990.

(L.S.) *J. Scott*
Assistant Secretary

(a) S.I. 1989/846 (N.I. 6)