1988 No. 24

HEALTH AND SAFETY

Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988

Made	*26th January 1988*
Coming into operation— . .	
All Regulations except regulations 7, 8, 10 and 21	*1st April 1988*
Regulations 8, 10 and 21	*1st April 1989*
Regulation 7	*1st October 1989*

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Schedule 1. The classification of and hazard warning signs for dangerous substances.
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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), (2), (3), (4), (5), (6) and 55(2) of, and paragraphs 1(1), (2), (3) and (4), 2, 8, 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 Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988 and shall come into operation on 1st April 1988 except regulations 8, 10 and 21 which shall come into operation on 1st April 1989 and regulation 7 which shall come into operation on 1st October 1989.

Interpretation

2.—(1) In these Regulations—

"approved list" means the list described in regulation 4(1) as revised or re-issued from time to time in accordance with paragraph (2) of that regulation;

"classification" means in relation to a dangerous substance which is—

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

(*a*) specified in column 1 of Part I of the approved list, the classification specified in the corresponding entry in column 4 of that Part; or

(*b*) not specified in the approved list, the classification specified in column 2 of Part I of Schedule 1 corresponding to the most hazardous of the characteristic properties specified opposite thereto in column 1;

"conveyance by road" shall be construed in accordance with regulation 3(2);

"dangerous substance" means any substance (including any preparation) which is either—

(*a*) a substance specified in Part I of the approved list, unless it is conveyed by road at such dilution that a risk to the health and safety of any person is not created by that conveyance; or

(*b*) any other substance which by reason of its characteristic properties (being properties specified in column 1 of Part I of Schedule 1) creates a risk to the health and safety of any person in the course of conveyance by road which is comparable with the risk created by substances which are specified in Part I of the approved list;

"the Department" means the Department of Economic Development;

"emergency action code" means in relation to a dangerous substance, the emergency action code specified for that substance in column 3 of Part I of the approved list and "multi-load emergency action code" means an emergency action code for a multi-load ascertained in accordance with Part II of that list;

"flash point" means the flash point determined in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(**a**);

"hazard warning sign" means in relation to a dangerous substance, the hazard warning sign specified in column 3 of Part I of Schedule 1 for the classification of the substance specified opposite thereto in column 2 or which conforms to the requirements of Part II of Schedule 1;

"hazard warning panel" means a panel required under regulations 14 and 15 and specified in Schedule 3;

"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(**b**);

"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(**c**);

"label" means a label required under regulation 16 and specified in Schedule 3;

(**a**) S.R. 1985 No. 81
(**b**) 1974 c. 37
(**c**) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations

"multi-load" means a load consisting of two or more dangerous substances in separate compartments, or tanks (whether or not a substance which is not a dangerous substance is being conveyed at the same time);

"operator" shall be construed in accordance with regulation 5;

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

"petroleum-spirit" means petroleum-spirit within the meaning of section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929;

"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 which is structurally attached to, or is an integral part of, the frame of the vehicle;

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

"tank" means a tank which is—

(*a*) used for the conveyance by road 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 conveyance by road;

"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 tank of a road tanker;

"visiting forces" means forces to which any provision of Part I of the Visiting Forces Act 1952(**b**) applies.

(2) For the purposes of these Regulations a combination of a motor vehicle and one or more trailers shall be treated as one vehicle for so long as they remain attached.

Application of these Regulations

3.—(1) Except as provided for by regulation 18, these Regulations shall apply to the conveyance by road of a dangerous substance in a road tanker or tank container, except—

(*a*) in so far as the substance is used solely in connection with the operation of the vehicle;

(*b*) where the substance being conveyed is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(**c**);

(**a**) 1929 c. 13 (N.I.) to which there are amendments not relevant to these Regulations
(**b**) 1952 c. 67
(**c**) S.R. 1985 No. 273

(*c*) where—

(i) the vehicle conveying the dangerous substance is engaged in an international transport operation within the meaning of the International Convention for the Conveyance of Goods by Rail (CIM)(**a**), as revised or reissued from time to time; and

(ii) such conveyance conforms in every respect to the requirements of Articles 1 to 5 of that Convention and to the Regulations made thereunder;

(*d*) where the vehicle conveying the dangerous substance—

(i) is engaged in an international transport operation within the meaning of the European Agreement concerning the international carriage of dangerous goods by road (ADR) signed at Geneva on 30th September 1957(**b**), as revised or reissued from time to time;

(ii) complies with the conditions contained in Annexes A and B to that Agreement; and

(iii) is certified pursuant to that Agreement as complying with it;

unless by a provision of that Agreement the transport operation is one which is governed by national legislation;

(*e*) where the vehicle conveying the dangerous substance is not, for the time being, subject to the provisions of the said European Agreement by reason only that it is under the control of the armed forces of the Crown or of visiting forces;

(*f*) where the vehicle conveying the dangerous substance has been exempted from excise duty by the Secretary of State(**c**) under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(**d**);

(*g*) where the vehicle conveying the dangerous substance is a road construction vehicle other than a road tanker used for the conveyance of liquid tar (including road asphalt and oils, bitumen and cutbacks) which has the substance identification number 1999 or 7033, and in this sub-paragraph—

(i) "road construction vehicle" means a vehicle constructed or adapted for the conveyance of built-in road construction machinery and not constructed or adapted for the conveyance of any other load except articles and material used for the purpose of that machinery;

(ii) "road construction machinery" means a machine or contrivance suitable for use in the repair and construction of roads; and

(iii) "built-in road construction machinery", in relation to a vehicle, means road construction machinery built in as part of the vehicle or permanently attached to it.

(**a**) Cmnd. 5897
(**b**) Cmnd. 734
(**c**) Functions transferred from the Ministry of Home Affairs by S.I. 1973/2163 Article 2(1) and Schedule 1
(**d**) 1972 c. 10 (N.I.)