1973. No. 469 [C]

PETROLEUM

Corrosive Substances: Conveyance by Road

REGULATIONS, DATED THE 19TH DAY OF NOVEMBER 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 6 OF THE PETROLEUM (CONSOLIDATION) (NORTHERN IRELAND) 1929.

WHEREAS in pursuance of the provisions contained in section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(a) as applied by the Petroleum (Corrosive Substances) Order (Northern Ireland) 1973(b) and the Petroleum (Inflammable Liquids) Order (Northern Ireland) 1973(c), the Minister of Home Affairs is empowered to make regulations as to the conveyance of petroleum spirit, and such other substances which may be so defined by Order-in-Council under section 19 of the Petroleum (Consolidation) Act (Northern Ireland) 1929, by road, and for protecting persons or property from danger in connection with such conveyance:

NOW, THEREFORE, I, in exercise of the powers conferred on me by the said section 6, and the section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(d) and of all other powers enabling me in that behalf, hereby make the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Corrosive Substances (Conveyance by Road) Regulations (Northern Ireland) 1973 and shall come into operation on the 1st February 1974.

Interpretation

2.—(1) In these Regulations—

"carrying tank" means the tank or, if there is more than one, tanks on a tank wagon or tank trailer designed for the conveyance of liquid, but does not include a fuel tank;

"container" (subject to paragraph (4) below) means any vessel, can, drum, barrel or other receptacle, but does not include the carrying tank of a tank wagon or tank trailer or a freight container;

"conveyance" means conveyance by road, and "conveyed" shall be construed accordingly;

"corrosive substance" means any substance, solution or mixture to which section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 was applied by Article 1 of the Petroleum (Corrosive Substances) Order (Northern Ireland) 1973;

"freight container" means a receptacle having an internal capacity of not less than 14.5 cubic metres (512.1 cubic feet), so constructed as to be suitable for repeated use in the conveyance of freight by one or more means of transport without intermediate reloading of the contents, but does not include a carrying tank;

(a) 20 Geo. 5 c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1973, No. 467.
(c) S.R. & O. (N.I.) 1973, No. 468.
(d) 1972. c. 22.

"fuel tank" means a tank which forms part of a vehicle and is designed for carrying fuel for use only in the propulsion of that vehicle;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"vehicle" includes a trailer which does not form part of an articulated vehicle.

(2) For the purposes of these Regulations an articulated vehicle shall be treated as one vehicle.

(3) For the purposes of these Regulations a freight container conveyed on a vehicle shall be treated as forming part of the vehicle.

(4) Where any vessel, can, drum, barrel or other receptacle is contained in another container or is wholly enveloped in a covering or coverings of whatever nature, the expression "container" shall, for the purposes of these Regulations, mean the outermost container or covering, as the case may be.

(5) In these Regulations any reference to the prescribed notice is a reference to a notice which complies with the provisions of Schedule 1 to these Regulations.

Application

3.—(1) Subject to Regulations 10, 12 and 13, the provisions of Part I of Schedule 2 to these Regulations shall be complied with in the case of any vehicle engaged in the conveyance of any corrosive substance.

(2) Subject to Regulations 12 and 13, the provisions of Part II of the said Schedule 2 shall be complied with (in addition to those of Part I of that Schedule) in the case of a tank wagon or tank trailer engaged in the conveyance of any corrosive substance.

4. Subject to Regulations 11, 12 and 13, the provisions of Schedule 3 to these Regulations shall be complied with in relation to the marking of a container containing any corrosive substance being conveyed or being loaded or unloaded in connection with its conveyance.

General safety precautions

5. Subject to Regulations 10 and 13, every person engaged in the conveyance, or the loading or unloading in connection with conveyance, of any corrosive substance shall secure so far as is reasonably possible that none of the corrosive substance is spilt.

6. Subject to Regulations 10, 12 and 13, no explosive substance and no substance or article capable of causing fire or explosion by spontaneous decomposition shall be carried on any vehicle conveying any corrosive substance.

7. Subject to Regulations 10, 12 and 13, a suitable and efficient fire extinguisher shall be carried in an easily accessible position on any vehicle conveying any corrosive substance.

8. Subject to Regulations 10, 12 and 13, the owner of a vehicle used for the conveyance of any corrosive substance who employs any person in connection with the conveyance shall furnish a copy of these Regulations to, or affix a copy thereof in some place where it can conveniently be read by, that person and shall take all other measures necessary to ensure that that person is acquainted with and carries out the provisions of these Regulations.

9.—(1) The driver of a vehicle conveying such substances as come within the scope of these Regulations shall be supplied with instructions in writing, specifying concisely—

(*a*) the nature of the cargo being conveyed in the vehicle; and the nature of any hazard involved;

(*b*) the telephone number of the supplier and his address or the name, address or telephone number of the person to be contacted in the case of an incident;

(*c*) the immediate action to be taken for the protection of operatives, other persons and property in the case of—

(i) damage or spillage,

(ii) fire (specifying any extinguishing medium which should not be used),

(iii) injury;

(*d*) instructions to call the police and fire service as soon as possible in the event of any incidents.

(2) These instructions shall be supplied by the manufacturer or consignor and shall be kept in a readily accessible position in the driver's cab.

Provided that paragraphs (1) and (2) above shall not apply to a vehicle conveying the regulated substance in containers or receptacles if every container or receptacle bears a warning label containing the information required under sub-paragraphs (*a*)-(*d*) of paragraph (1).

(3) All necessary steps shall be taken by the owner of the vehicle to ensure that the driver is aware of these instructions or warning labels and understands them.

Enforcement

10.—(1) It shall be the duty of a local authority empowered under the Petroleum (Consolidation) Act (Northern Ireland) 1929 to grant petroleum-spirit licences to enforce within their district the provisions of these Regulations, and the owner of a vehicle used for the conveyance of any corrosive substance and any person employed in connection with the conveyance shall provide all reasonable facilities to a duly authorised officer of the local authority for the purpose of his ascertaining whether the provisions of these Regulations are being duly observed.

(2) Any such local authority as aforesaid may institute proceedings for any offence against these Regulations committed in the area of that authority.

Exemptions

11. The provisions of Regulations 3(1), 5, 6, 7 and 8 need not be complied with in the case of any vehicle (other than a tank wagon or tank trailer) if—

(*a*) the total quantity of all the corrosive substances conveyed in the vehicle does not exceed 500 kilograms (1102.5 pounds) and either—

(i) none of the corrosive substances specified in Schedule 4 to these Regulations (hereinafter referred to as highly corrosive substances) is conveyed in the vehicle; or

(ii) all the highly corrosive substances conveyed in the vehicle are in receptacles which comply with the provisions of Parts I and II of Schedule 5 to these Regulations; or

(*b*) the total quantity of all the corrosive substances conveyed in the vehicle exceeds 500 kilograms (1102.5 pounds) and—

(i) no highly corrosive substance is conveyed in the vehicle; and

(ii) all the other corrosive substances conveyed in the vehicles are in receptacles which comply with the provisions of Part III of the said Schedule 5.

12.—(1) The provisions of Regulation 4 need not be complied with in the case of a container if the total quantity of all the corrosive substances contained in it is less than one kilogram (2.2 pounds); and for the purposes of this paragraph, in calculating the quantity of a corrosive substance in a battery no account shall be taken of any such substance which has been absorbed by the plates of the battery.

(2) The provisions of paragraph 1 of Schedule 3 need not be complied with in the case of a container—

(*a*) which is itself a receptacle complying with the provisions of Part III of Schedule 5; or

(*b*) in which all corrosive substances are contained in receptacles complying with the provisions of the said Part III.

13. The provisions of Regulations 3, 4, 6, 7 and 8 need not be complied with in the case of—

(*a*) a vehicle brought temporarily into Northern Ireland by a person resident abroad, provided that—

(i) all the corrosive substances conveyed in the vehicle are packed and labelled in accordance with the requirements contained in Annexe A to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) signed at Geneva on 30 September 1957 as amended before the date on which these Regulations were made; and

(ii) the vehicle complies in every respect with the requirements relating to vehicles contained in Annexe B to that Agreement; or

(*b*) a container conveyed in any vehicle such as is mentioned in paragraph (*a*).

14. The provisions of Regulations 3 to 9 need not be complied with in the case of a corrosive substance conveyed in a battery if the battery—

(*a*) is used in connection with the operation of a vehicle or any apparatus forming part of a vehicle; or

(*b*) contains sulphuric acid in aqueous solution and no other corrosive substance; or

(*c*) contains potassium hydroxide in aqueous solution and no other corrosive substance and complies with the following requirements, that is to say:

(i) it must be so closed as to prevent leakage of the solution under normal conditions of conveyance;

(ii) adequate protection must be provided against short circuits, and

(iii) its cells must be made of steel or of a plastic material affording at least the same degree of protection as is afforded by steel.

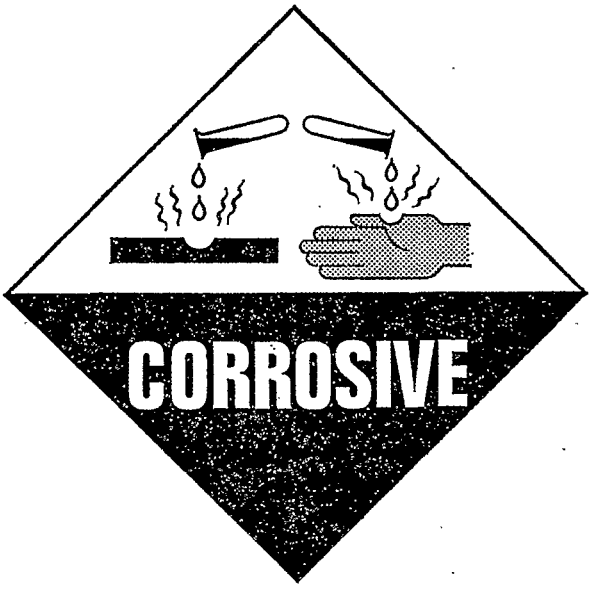
Dated this 19th day of November 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

SCHEDULE 1 Regulation 2(5)

Prescribed notice

1. The notice shall be in the form set out below, except that the figure "8" may be inserted at the bottom of the notice.



2. The dimensions of the notice shall be not less than—

(*a*) 20 centimetres (7.9 inches) square, in the case of a notice displayed on a vehicle in accordance with Schedule 2 to these Regulations;

(*b*) 10 centimetres (3.9 inches) square, in the case of a notice displayed on a container in accordance with Schedule 3 to these Regulations.

3. The letters in the notice shall be not less than—

(*a*) 2.5 centimetres (1 inch) high, in the case of a notice displayed on a vehicle as aforesaid;

(*b*) 1.25 centimetres (0.5 inch) high, in the case of a notice displayed on a container as aforesaid.

4. The symbols in the notice shall be black and the letters therein shall be white.

5. The background to the upper half of the notice shall be white and that of the lower half shall be black.