

S.I. No. 235 of 1980.

DANGEROUS SUBSTANCES (CONVEYANCE OF SCHEDULED SUBSTANCES BY ROAD)
(TRADE OR BUSINESS) REGULATIONS, 1980.

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I, GENE FITZGERALD, Minister for Labour, in exercise of the powers conferred on me by sections 36 (1) of the Dangerous Substances Act, 1972, (No. 10 of 1972), hereby make the following Regulations:

Short title and commencement 1. These Regulations may be cited as the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Regulations, 1980, and shall come into operation on the 15th day of September, 1980.

Definitions 2. In these Regulations—

"ADR Agreement" means the European Agreement Concerning the International Carriage of Dangerous Goods by Road, done at Geneva on the 30th day of September, 1957, as amended or extended (whether before or after the commencement of these Regulations);

"approved" means approved for the time being by the Minister;

"battery of receptacles" means an assembly comprising a number of receptacles (known and in these Regulations referred to as "elements") the individual or average capacity of which is more than 150 litres and which are inter-connected by a manifold and permanently mounted on a frame;

"carrier" includes every person carrying scheduled substances for hire and every person carrying scheduled substances on his own behalf;

"complete load" means a load originating from one consignor, for which the use of a vehicle or large container is exclusively reserved and in relation to which all operations for loading and unloading are carried out in conformity with the carrier's or consignor's instructions;

"consignor" means a person who supplied a scheduled substance for conveyance by road in or on a vehicle from a place in the State;

"container" means an article of transport equipment which—

(a) is of a permanent character,

(b) is specially designed to facilitate the carriage of goods by one or more than one means of transport without breakage of load,

(c) is fitted with devices permitting its convenient handling, particularly when being transferred from one means of transport to another,

(d) is so designed as to be easy to fill and empty, and

(e) has an internal volume of not less than one cubic metre,

but does not include vehicles, conventional packagings or tank-containers;

"demountable tank" means a tank (other than a fixed tank, a tank-container or a battery of receptacles) which has a capacity of more than 1,000 litres, is not designed for the carriage of goods without breakage of load, and cannot normally be handled except when it is empty;

"driver" includes a person who controls or manages a vehicle and, in relation to a trailer, means the driver of the vehicle by which the trailer is drawn;

"fixed tank" means a tank which is structurally attached to a vehicle or is an integral part of the frame of the vehicle;

"gas" includes a vapour;

"package" means the packaging containing a scheduled substance;

"packaging" means the receptacle and any material intended to be used to contain a scheduled substance;

"personal protective equipment" means overalls, aprons, head-covering, gloves, footwear, face vizors and goggles, suitable for the purpose for which they are intended to be used;

"personnel compartment" means a driver's compartment in a vehicle, or part of a vehicle intended or adapted for use by persons in the vehicle;

"respiratory protective equipment" means—

(a) a helmet or face piece with necessary connections by means of which a person using it in a poisonous, asphyxiating or irritant atmosphere breathes exclusively uncontaminated air,

or

(b) any other suitable equipment;

"road" means any road to which the public has access but does not include a road inside the boundary of an airport;

"scheduled substance" means a substance specified in the Schedule to the Dangerous Substances Act, 1972 (Part IV Declaration) Order, 1980 (S.I. No. 236 of 1980), as amended or extended (whether before or after the commencement of these regulations);

"tank" when used alone means a fixed tank, a demountable tank, a tank-container or a battery of receptacles;

"tank-container" means a container designed to contain a liquid, gaseous, powdery or granular substance and having a capacity of more than 0.45 cubic metres;

"tank trailer" means a trailer comprising one or more than one fixed or demountable tank;

"tank-vehicle" means a vehicle built to carry liquids or gases and comprising one or more than one fixed tank.

Application 3. (1) Subject to paragraph (2) of this Regulation, these Regulations apply to the conveyance of a scheduled substance by road in or on a vehicle in connection with a trade or business.

(2) Where the quantity of a scheduled substance being conveyed by road in or on a vehicle does not exceed the quantity indicated in Section 1, Chapter 1 of Annex B of the ADR Agreement, Regulations 1, 2, 5, 7, 8, 10, 12 (a), 21 and 23 apply.

Obligations of carrier 4. A person shall not be a carrier of a scheduled substance by road unless—

- (a) the carriage of the scheduled substance by road is permitted under the ADR Agreement,
- (b) he has received a certificate which complies with Regulation 11,
- (c) the package is stowed and secured on the vehicle in accordance with the relevant provisions of the ADR Agreement, and
- (d) the vehicle used to carry the package complies with the requirements relating to the construction and operation of the vehicle and specified in Annex B of the ADR Agreement.

General prohibitions 5. A person shall not—

- (a) carry a scheduled substance by road other than for personal or domestic use in a vehicle which is a public service vehicle within the meaning of the Road Traffic Acts, 1961 to 1978,
- (b) wilfully damage or open without reasonable cause any package in the course of carriage by road,
- (c) remove without reasonable cause from a package in the course of carriage by road any label attached to the package or any mark or sign displayed on or in the package, or wilfully deface any such label, sign or mark, or
- (d) remove without reasonable cause from a vehicle carrying a scheduled substance by road any sign, notice, placard or label carried on or in that vehicle in accordance with these Regulations, or wilfully deface any such sign, notice, placard or label.

Naked lights, etc 6. Where because of the nature of a scheduled substance (or residue of such a substance) being carried by road a flammable or explosive atmosphere is liable to be present, a person shall not—

(a) wear any clothing or footwear likely to cause risk of ignition, fire or explosion during the carriage, loading or unloading of such a scheduled substance or residue,

or

(b) bring or have in his possession any matches, mechanical lighters, open flame or any spark-producing device or other means of procuring a flame, or any lighted pipe, lighted cigar, lighted cigarette or other thing likely to cause such a risk.

Removal of substances 7. A person other than the carrier by road of a scheduled substance shall not remove such a substance while in the course of carriage from the vehicle carrying it or alter the position in or on the vehicle of any package except for a reasonable cause or in accordance with the instructions of the carrier, the consignor or the consignee.

Labelling 8. (1) Where a danger label or hazard symbol is prescribed in the ADR Agreement for a scheduled substance, the label or symbol shall be in accordance with that laid down in the ADR Agreement and shall be securely affixed by the consignor to the package.

(2) A scheduled substance labelled in accordance with the European Communities (Dangerous Substances) (Classification, Packaging and Labelling) Regulations, 1979 (S.I. No. 383 of 1979), as amended or extended (whether before or after the commencement of these Regulations), or with an approved international or national labelling code shall be deemed to comply with this Regulation.

Routing of complete loads 9. Where it is proposed to consign by road a complete load of a scheduled substance, the consignor or carrier shall, where practicable, select a route which avoids areas of high population density and areas where contamination by a scheduled substance may affect water supplies.

Packaging 10. (1) A consignor of a scheduled substance shall not send or carry the scheduled substance or deliver the scheduled substance for carriage by road unless—

- (a) the carriage of the scheduled substance by road is permitted by the ADR Agreement,
 - (b) the packaging is so arranged and fastened as to preclude any loss of contents,
 - (c) the materials constituting the packaging are not liable to attack by the contents or to form harmful or dangerous compounds with the contents,
 - (d) the package is sufficiently strong and solid throughout to ensure that it will not loosen and will withstand the normal stresses and strains of handling and conveyance,
 - (e) the scheduled substance is contained in packaging which conforms with all the relevant provisions of the ADR Agreement relating to design, construction, filling and use, inspection, testing and maintenance,
- and

- (f) every package is labelled in accordance with Regulation 8,
- (g) the consignee has been notified, where practicable, of the date of despatch of the package and the probable time of arrival at its destination.

(2) A scheduled substance packaged in accordance with the European Communities (Dangerous Substances) (Classification, Packaging and Labelling) Regulations, 1979 (S.I. No. 383 of 1979), as amended or extended (whether before or after the commencement of these Regulations), or with an approved international or national packaging code shall be deemed to comply with this Regulation.

11. (1) A consignor of a scheduled substance to be carried by road in a vehicle shall, before the carriage begins, complete a certificate relating to the scheduled substance in the consignment and give that certificate—

- (a) where the consignor is the carrier, to the driver of the vehicle, or
 - (b) where the consignor is not the carrier, to the carrier, who shall give it to the driver of the vehicle.
- (2) The certificate required by this Regulation shall—

- (a) be headed with or refer to the title of these Regulations,
- (b) contain the details specified in paragraph (3) of this Regulation,
- (c) be signed by or on behalf of the consignor,

(d) contain a statement to be signed by the driver that he understands the certificate, and
(e) include the following form of certification:

"This is to certify that each above-named scheduled substance complies with the relevant provisions of the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Regulations, 1980 (S.I. No. 235 of 1980), or of an approved international or national code for the conveyance of dangerous goods by road, and is in a proper condition for transport".

(3) The details referred to in paragraph (2) (b) of this Regulation are—

(a) the name of the consignor who completed the certificate and the address and telephone number at which he can be contacted in the event of an accident involving a scheduled substance to which the certificate relates,

(b) a statement identifying each scheduled substance in the consignment,

(c) the weight of each scheduled substance in the consignment,

(d) the nature of the dangers presented by each scheduled substance being carried and the safety precautions that should be taken in relation to it,

(e) the action to be taken if a person comes into contact with a scheduled substance being carried,

(f) the measures to be taken in case of fire, including the appropriate fire extinguishing agents which may be used,

(g) the measures to be taken in the case of breakages or damage to the package,

(h) instructions concerning the proper use of any personal protective equipment and respiratory protective equipment provided,

(i) details of the route selected in accordance with Regulation 9,

(j) any other information which the consignor considers appropriate.

(4) The carrier or driver shall ensure that the certificate is kept on the vehicle in a suitable enclosed pocket or place of adequate fire-resistant construction so located as to be readily accessible.

(5) The consignor or the carrier (as may be appropriate) shall ensure that the driver understands the contents of the certificate and signs the relevant statement in it to that effect.

(6) Notwithstanding paragraph (3) of this Regulation, the appropriate Transport Emergency Card from the CEFIC System of Transport Emergency Cards (Road) produced by the European Council of Chemical Manufacturers' Federations or an equivalent card conforming to an approved international or national system or code may be attached to the certificate, in substitution for the particulars required under paragraphs (3) (d), (3) (e), (3) (f), (3) (g) and (3) (h) of this Regulation.

(7) Where a certificate required by this Regulation is deficient in any respect in relation to the particulars specified in paragraph (3) of this Regulation or referred to in paragraph (6) of this Regulation, the carrier may after consultation with the consignor complete the particulars.

Security of vehicles and substances 12. The carrier of a scheduled substance by road and the driver of a vehicle carrying a scheduled substance by road shall—

(a) exercise reasonable care to ensure that the scheduled substance is secured against unlawful removal from the vehicle,

(b) ensure that the vehicle when parked during the working day is in a safe place and is not left unattended in any place to which the public have access except for a short period in connection with the delivery of goods, the taking of meals or other reasonable grounds, and

(c) ensure that the vehicle is not parked overnight, otherwise than in a safe place in a private vehicle parking area or at a safe distance from any occupied dwelling where the vehicle is not likely to suffer damage.

Carriage of passengers 13. (1) The carrier of a scheduled substance by road and the driver of a vehicle carrying a scheduled substance by road shall not—

(a) permit any person other than a member of the vehicle's crew to be carried in the vehicle, or
(b) permit members of the vehicle's crew to travel in the vehicle unless they are accommodated in the personnel compartment,

(2) The carrier of a scheduled substance by road shall not travel in the vehicle unless he is accommodated in the personnel compartment.

Portable lighting equipment 14. When the nature of a scheduled substance being carried by road is such that a flammable or explosive atmosphere may be present in or near the vehicle, the driver of the vehicle shall ensure that no portable light (other than a portable lamp so designed and constructed that it cannot ignite gas) is carried or used on or near the vehicle.

Appointment of drivers 15. (1) A carrier shall ensure that every driver employed in connection with the carriage of a scheduled substance by road is appointed in writing by him or another person authorised to appoint such a driver.

(2) A carrier shall not make an appointment under this Regulation unless—

(a) the driver has received the training and instruction referred to in Regulation 16, and
(b) the carrier is satisfied that the driver is a reliable person who is competent to carry out such duties as may from time to time be assigned to him.

(3) Paragraph (2) (b) of this Regulation does not apply to a driver undergoing training and working under the immediate supervision of a driver appointed under paragraph (1) of this Regulation.

Training of drivers 16. A carrier shall not appoint a driver to be employed in the carriage of a scheduled substance by road unless the driver has received adequate training and instruction before his appointment regarding all the precautions required to be taken under these Regulations and regarding the proper use of any fire-extinguisher, warning sign, appliance or other equipment provided under these Regulations.

Fire-extinguishers 17. (1) A carrier of a scheduled substance by road shall ensure that every vehicle used for carrying such a scheduled substance is equipped with—

(a) at least one portable fire-extinguisher capable of fighting a fire in the engine or in any other part of the vehicle and such that, if used to fight a fire in the load, it does not aggravate the fire, and
(b) at least one portable fire-extinguisher capable of fighting a fire in the load and such that, if used to fight a fire in the engine or in any other part of the vehicle, it does not aggravate the fire.

(2) Where a vehicle used for carrying a scheduled substance by road is equipped with a fixed fire-extinguisher which is automatic or can be easily brought into action, the portable fire-extinguisher referred to in paragraph (1) (a) of this Regulation need not be suitable for fighting a fire in the engine of the vehicle.

(3) The fire-extinguishing agents contained in a fire-extinguisher with which a vehicle used for carrying a scheduled substance by road is equipped shall not be agents liable to release toxic gases into the driver's cab or liable to release toxic gases when under the influence of the heat of a fire.

(4) Where a laden trailer of a vehicle carrying a scheduled substance by road is uncoupled and left at a place on a roadway more than 10 metres (32.8 feet) from the drawing vehicle, the trailer shall be equipped with at least one fire-extinguisher complying with paragraph (1) (b) of this Regulation.

(5) Every fire-extinguisher provided on a vehicle pursuant to this Regulation shall be—

- (a) maintained in an efficient state and available for immediate use,
- (b) at all times carried in a safe, secure and easily accessible position, and
- (c) examined at least once in every period of three months by a person competent in the maintenance of such a fire-extinguisher.

Miscellaneous equipment 18. A carrier shall ensure that every vehicle carrying a scheduled substance by road is equipped with (and has in such a position as to be readily available for immediate use)—

(a) a tool kit, including tools necessary to carry out repairs which might reasonably be expected in the course of a journey by the vehicle,

(b) at least one scotch or chock block of a size suitable to the laden weight of the vehicle and to the diameter of the wheels,

(c) at least two portable amber warning-lights suitable for use in an emergency, independent of the electrical equipment of the vehicle and so designed and constructed that their use cannot cause any scheduled substance being carried to ignite in the event of the escape of the substance, and

(d) suitable personal and respiratory protective equipment for use in an emergency.

Vehicle signs 19. (1) A carrier shall ensure that every vehicle used for carrying a scheduled substance by road displays two rectangular reflectorized orange-coloured plates, complying with the appropriate provisions of Appendix A.9 of the ADR Agreement and with Section 5 of Chapter 1 of Annex B to that Agreement when such a vehicle is carrying a scheduled substance or the residue of such a substance.

(2) Where two different scheduled substances or the residues of such substances are carried by road in a transport unit consisting of a tank-vehicle drawing a tank-trailer, the carrier shall ensure that both the tank-vehicle and the tank-trailer each displays at front and rear reflectorized orange-coloured plates as required by paragraph (1) of this Regulation.

(3) Where a number of different scheduled substances or the residues of such substances are carried by road in a tank-vehicle in separate tanks or tank compartments, reflectorized orange-coloured plates similar to those required by paragraph (1) of this Regulation, set parallel to the longitudinal axis of the vehicle, shall be displayed on both sides of each tank or tank compartment.

(4) When a vehicle carrying a scheduled substance by road displays plates similar to those required under this Regulation or conforming to an approved international or national code for the conveyance of dangerous goods by road, the vehicle shall be deemed to comply with this Regulation.

First-aid 20. (1) The carrier shall provide every vehicle used for carrying a scheduled substance by road with a first-aid box containing at least—

- (a) six sterile dressings for injured fingers,
- (b) three medium-sized sterile dressings for injured hands or feet,
- (c) three large sterile dressings,
- (d) six sterile burn dressings (some small and some large),
- (e) a small bottle of chloroxylenol,
- (f) two 25-gramme packets of sterile cotton wool, and
- (g) an eye-wash bottle filled with distilled water or other suitable fluid.

(2) The carrier shall ensure that a first-aid box provided under this Regulation is kept in the personnel compartment of the vehicle.

Accidents 21. Where a carrier of a scheduled substance by road becomes aware of an accident involving the scheduled substance he shall as soon as reasonably practicable—

(a) arrange for, and cause to be carried out, examination of the load carried by the vehicle for the purpose of ascertaining the nature and extent of the accident,

(b) arrange for the safe removal of the scheduled substance, and

(c) if necessary, cause the vehicle to be cleansed of the scheduled substance.

Drivers' duties 22. The driver of a vehicle in which a scheduled substance is being carried by road shall—

(a) in the event of an accident involving a scheduled substance notify the Garda Síochána or other appropriate authority if personal injury or damage to property has occurred or if there is imminent danger to life or property,

(b) exercise reasonable care to ensure that none of the scheduled substance shall while in the course of carriage be lost or escape or be unlawfully removed from the vehicle or from any package,

(c) as soon as reasonably practicable cause the carrier to be notified if the driver discovers or has reason to believe that while in the course of carriage some of the scheduled substance has been lost or has escaped or has been unlawfully removed from the vehicle or from any package, or that a package in the vehicle is open or otherwise damaged or that the vehicle or its load is in danger of damage or destruction,

(d) obey any instructions given to him by the carrier or consignor for the purpose of complying with these Regulations.

Offences 23. In any proceedings against a person for an alleged contravention of any provision of these Regulations or for failure to comply with such a provision, a document purporting to be a copy of the ADR Agreement and to have been published by or on behalf of the United Nations shall be prima facie evidence of the terms of the ADR Agreement.

GIVEN under my Official Seal, this 22nd day of July, 1980.

GENE FITZGERALD,

Minister for Labour.

EXPLANATORY NOTE.

These regulations provide for measures to be taken and standards to be observed in the conveyance by road of certain scheduled substances in connection with trade or business.

They provide for the labelling of tanks, containers and packages, display by vehicles of appropriate warning signs, training of personnel, and the action to be taken in the event of an incident involving a scheduled substance.

Copies of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), which is referred to in these regulations, may be obtained from the Government Publications Sale Office, G.P.O. Arcade, Dublin 1.