

S.I. No. 268 of 1986.

DANGEROUS SUBSTANCES (CONVEYANCE OF SCHEDULED SUBSTANCES BY ROAD)  
(TRADE OR BUSINESS) (AMENDMENT) REGULATIONS, 1986.

I, RUAIRÍ QUINN, 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:

1. These Regulations may be cited as the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) (Amendment) Regulations, 1986, and shall come into operation on the 1st day of January, 1987.

2. The Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Regulations, 1980 (S.I. No. 235 of 1980), are hereby amended by—

( a ) the substitution in Regulation 2 of the following definition for the definition of "ADR Agreement"—

" 'ADR Agreement' means the European Agreement concerning the international carriage of dangerous goods by road (ADR) done at Geneva on 30 September, 1957, and published by the United Nations in 1985 (ECÉTrans/60 (Volume I), (Volume II) and (Volume III) which includes amendments up to 1 May, 1985) or by a publisher authorised by the United Nations to publish the said United Nations publication;"

( b ) the substitution in Regulation 2 of the following definition for the definition of "scheduled substance"—

" 'scheduled substance' means a substance falling within the classes of substances referred to in the Schedule to the DAngerous Substances Act, 1972 (part IV Declaration) Order, 1986 (S.I. No. 267 of 1986), as amended or extended whether before or after the commencement of these regulations;"

( c ) the deletion in Regulation 2 of the definition of "tank trailer" and the definition of "tank vehicle";

( d ) the insertion in Regulation 2 of the following definition "vehicle" means a goods vehicle within the meaning of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963 (S.I. No. 190 of 1963), an articulated vehicle within the meaning of the said Regulations, a semi-trailer within the meaning of the said Regulations or a trailer within the meaning of the said Regulations;

( e ) the substitution in Regulation 3 of the following paragraph for paragraph (2):

"(2) Where the quantity of a scheduled substance being conveyed by road in or on a transport unit or other vehicle does not exceed the quantity indicated in marginal 10011 of Volume III of the ADR Agreement, Regulations 1, 2, 5, 7, 8, 10, 12 (a), 21, 23 and 24 apply.";

( f ) the insertion in Regulation 3 of the following paragraph:

"(3) The Minister may (subject to such conditions as may be specified therein) by certificate in writing (which he may at his discretion revoke at any time) exempt from all or any of the requirements of these Regulations any consignor, carrier, driver or other person if he is satisfied that the requirements in respect of which exemption is granted are not necessary for the protection of persons or property.";

( g ) the substitution of the following paragraph for paragraph (2) of Regulation 10:

"(2) A scheduled substance packaged in accordance with a packaging code approved subject to such conditions as may be specified in the certificate of approval shall be deemed to comply with this Regulation.";

( h ) the insertion in Regulation 17(1)(a) and 17(1)(b) after "at least one" of "suitable and adequate";

(i) the substitution for paragraph (d) of Regulation 18 of:

"( d ) suitable personal protective equipment, and

( e ) suitable respiratory protective equipment for use in an emergency where the nature of the load being carried would give rise to the risk of asphyxiation or poisoning in the event of an accident.";

( j ) the substitution of the following Regulation for Regulation 19:

"19. (1) A carrier shall ensure that every transport unit or other vehicle used for carrying a scheduled substance or scheduled substances or the residue of such substance or substances by road displays plates, labels and warning notices which are clearly legible and easily visible and which comply with the ADR agreement when such transport unit or other vehicle is carrying a scheduled substance or scheduled substances or the residue of such substance or substances.

(2) The carrier and the driver of every transport unit or other vehicle used for carrying a scheduled substance or scheduled substances shall ensure that after the scheduled substances have been unloaded and the tanks or receptacles have been cleaned and degassed the plates, labels and warning notices referred to in paragraph (1) and paragraph (3) of this Regulation shall be visible no longer.

(3) Where a transport unit or other vehicle which is carrying a scheduled substance or scheduled substances or the residue of such substance or substances by road displays plates, labels and warning notices which are clearly legible and easily visible and which conform to an approved national or international code for the conveyance of dangerous goods, the transport unit or other vehicle shall be deemed to comply with these Regulations.

(4) Any plate, label or warning notice referred to in paragraphs (1) and (3) of this Regulation shall be kept clean and maintained in good condition.

(5) In this Regulation 'transport unit' means a motor vehicle without an attached trailer or a combination consisting of a motor vehicle and an attached trailer.";

( k ) the insertion of the following Regulation after Regulation 23—

"24. (1) Where any code is approved for the purposes of Regulations 8, 10 or 19 of these Regulations, the Minister shall publish his approval of such code in the *Iris Oifigiúil* specifying the publication in which the code is published.

(2) In any proceedings under the Dangerous Substances Act, 1972, or any instrument thereunder, prima facie evidence of the terms of any approved code may be given by the production of—

( a ) a copy of the *Iris Oifigiúil* purporting to contain the said approval; and

( b ) a document purporting to be a copy of the said code specified in the said approval."

GIVEN under my Official Seal, this 28th day of July, 1986.

RUAIRI QUINN,

Minister for labour.

#### EXPLANATORY NOTE.

These Regulations provide for amendments to the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Regulations, 1980 (S.I. No. 235 of 1980). They take account of the Dangerous Substances Act, 1972 (part IV Declaration) Order, 1986 (S.I. No. 267 of 1986) and amendments to the ADR Agreement.

The ADR Agreement is defined in Regulation 2 of these Regulations. Copies of the Agreement are on sale at the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2 and should be purchased together with the new Declaration Order and these Regulations.