

S.I. No. 389 of 1996.

DANGEROUS SUBSTANCES (CONVEYANCE OF SCHEDULED SUBSTANCES BY ROAD) (TRADE OR BUSINESS) (AMENDMENT) REGULATIONS, 1996

I, Eithne Fitzgerald, Minister of State at the Department of Enterprise and Employment, in exercise of the powers conferred on me by sections 36(1) of the Dangerous Substances Act, 1972 (No. 10 of 1972), the Labour (Transfer of Departmental and Ministerial Functions) Order, 1993 (S.I. No. 18 of 1993), the Industry and Commerce (Alteration of Names of Department and Title of Minister) Order, 1993 (S.I. No. 19 of 1993), and the Enterprise and Employment (Delegation of Ministerial Functions) (No. 2) Order, 1995 (S.I. No. 43 of 1995), hereby make the following Regulations:

1. (1) These Regulations may be cited as the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) (Amendment) Regulations, 1996.

(2) These Regulations shall come into operation on the 19th day of December, 1996.

2. In these Regulations, the "Regulations of 1986" means the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) (Amendment) Regulations, 1986 (S.I. No. 268 of 1986).

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

(a) in regulation 2, by -

(i) the substitution of the following definition for the definition of "ADR Agreement" (inserted by the Regulations of 1986):

" '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 1995 (ECE/Trans/110 (Volume I) and (Volume II) which includes amendments up to 1 January, 1995) or by a publisher authorised by the United Nations to publish that United Nations publication;"

(ii) the insertion of the following definition after the definition of "gas":

"leakproofness test" has the same meaning as in the ADR Agreement;

(iii) the substitution of the following definition for the definition of "scheduled substances" (inserted by the Regulations of 1986):

" '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, 1996 (S.I. No. 387 of 1996), or that Order as amended or extended;"

(iv) the substitution of the following definition for the definition of "vehicle" (inserted by the Regulations of 1986):

" 'vehicle' means any motor vehicle intended for use on the road, being complete or incomplete, having at least four wheels and a maximum design speed exceeding 25 kilometres per hour, and its trailers, with the exception of vehicles which run on rails, agricultural and forestry tractors and all mobile machinery."

(b) in regulation 3, by the substitution of the following paragraph for paragraph (2) (inserted by the Regulations of 1986):

"(2) Where the quantity of a schedule substance being conveyed by road in or on a transport unit or other vehicle does not exceed the quantity indicated in marginal 10,011 of the ADR Agreement, Regulations 1,2,5,7,8,10, 12(a), 21,23 and 24 apply.",

(c) in regulation 10, by the insertion of the following paragraphs:

"(3) Notwithstanding the requirements of paragraphs (1)(e) and (2) (inserted by the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) (Amendment) Regulations, 1986 (S.I. No. 268 of 1986)) of this Regulation —

(a) tanks, and

(b) receptacles for the carriage of gases of Class 2, in use before the 1st day of January, 1997, which do not fulfil the requirements of those paragraphs, may continue to be used provided

(i) they are suitable to that purpose and are thoroughly examined by a competent person at the intervals specified in the ADR Agreement and after any major repairs, and

(ii) a leakproofness test is carried out on tanks by a competent person at the intervals specified in the ADR Agreement.

(4) A competent person who carries out that thorough examination or leakproofness test shall issue a certificate containing the particulars set out in the First or Second Schedule to these Regulations as appropriate.

(5) A certificate issued under paragraph (4) shall be kept by the consignor for inspection.

(6) The owner of a tank shall ensure that a tank examined and tested as provided for in paragraph (3) of this Regulation is fitted with a corrosion-resistant metal plate permanently attached to the shell, located in a place readily accessible for inspection, and that the following particulars are clearly marked on the plate by stamping into the metal or by other similar method:

(a) the serial number,

(b) water capacity,

(c) the maximum safe working pressure,

(d) the month and year of the most recent thorough examination,

(e) the month and year of test,

(f) the month and year of most recent leakproofness test,

(g) the operating temperature range,

(h) the identification mark of the competent person who carried out the examination or leakproofness test.

(7) The owner of a receptacle shall ensure that a receptacle examined or tested as provided for in paragraph (3) of this Regulation shall have stamped into the metal on a reinforced part of the receptacle or on a ring or on a data plate, immovably affixed to the receptacle, the following particulars:

(a) the name of owner,

(b) the serial number,

(c) the year of manufacture,

(d) the water capacity,

(e) the test pressure,

(f) the month and year of the last thorough examination (The month need not be indicated for gases for which the interval between periodic inspections is 10 years or more),

(g) the tare of the receptacle without fittings and accessories or in the case of LPG cylinders the tare weight inclusive of fittings and accessories,

(h) the identification mark of the competent person who carried out the test or examination.

(8) In this Regulation, 'competent person' has the same meaning as in the Dangerous Substances (Conveyance of Petroleum by Road) Regulations, 1979 (S.I. No. 314 of 1979).",

and

(d) by the addition of the First and Second Schedules set out in Parts I and II respectively of the Schedule to these Regulations.

4. Notwithstanding the vehicle requirements of the 1995 edition of the ADR Agreement, as defined in regulation 2 of the Dangerous Substances (Conveyance of Schedule Substances by Road) (Trade or Business) Regulations, 1980 (S.I. No. 235 of 1980), vehicles registered in Ireland before the 1st day of January, 1997, may, for the purposes of transport within the State only, continue in use, provided they meet the requirements of the ADR Agreement as at the 1st day of May, 1985.

SCHEDULE

Part I

"First Schedule

Particulars to be included in certificate of thorough examination of a tank.

1. Name of owner.
2. Address of owner.
3. Serial Number.
4. Vehicle Registration Mark or where the certificate is required in respect of a trailer or semi-trailer, the Chassis Number.
5. Year of manufacture (if known).
6. Name of manufacturer (if known).
7. Tare weight including equipment and fittings.
8. Maximum gross weight in kilogrammes.
9. Water capacity.
10. Design temperature (if above 250°C or below 20°C).

11. Maximum working pressure of the tank.
12. Description of pressure relief devices if fitted.
13. Operating pressure of relief devices.
14. Results of examination carried out.
15. Any repairs or modifications required before being put back into service.
16. Other observations.
17. Dangerous substances for which the tank is suitable.

I/We certify that on (date) I/We —

- (a) thoroughly examined the tank described above externally and internally
- (b) subjected the tank to an hydraulic test at a pressure of *,
- (c) carried out a leakproofness test**—
 - (i) of the tank, after assembly of equipment, and
 - (ii) of all items of equipment of the tank,and
- (d) examined the condition of the lining of the tank*, and

* Delete if not applicable

and I am/We are satisfied that the tank, its equipment, and the lining of the tank**, are operating satisfactorily.

** The leakproofness test shall be carried out separately on each compartment of a compartmented shell.

Signed _____ Date _____
Company _____
Address _____

"

Part II

"Second Schedule

Particulars to be included in certificate of leakproofness test of a tank.

1. Name of owner.
2. Address of owner.
3. Serial Number.
4. Vehicle Registration Mark or where the certificate is required in respect of a trailer or semi-trailer, the Chassis Number.
5. Test pressure applied.
6. Results of leakproofness test.
7. Other observations.

I/We certify that on (date) I/We -

(a) carried out a leakproofness test* of the tank described above together with all items of equipment, and

* The leakproofness test shall be carried out separately on each compartment of a compartmented shell.

(b) tested all items of equipment of the tank for satisfactory operation,

and I am / We are satisfied that the tank and its equipment are operating satisfactorily.

Signed _____ Date _____
Company _____
Address _____

"

GIVEN under my hand, this 13th day of Dec. 1996.

Eithne Fitzgerald

Minister of State at the

Department of Enterprise

and Employment.

EXPLANATORY NOTE

These Regulations provide for amendments to the Dangerous Substances (Conveyance of Scheduled Substances by Road) (Trade or Business) Regulations, 1986 (S.I. No. 268 of 1986). They take account of the Dangerous Substances Act, 1972 (Part IV Declaration) Order, 1996 (S.I. No. 387 of 1996) 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 read in conjunction with the new Declaration Order and these Regulations.