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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 160**

**HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010**

*Made* - - - - *22nd April 2010*

*Coming into operation* *19th May 2010*

The Department of Enterprise, Trade and Investment(1) being the Department concerned(2), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 40(2) to (4), 55(2) of, and paragraphs 1, 2, 3(1), 5 to 8, 10 to 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(3) (“the 1978 Order”) as read with paragraph 1A of Schedule 2 to the European Communities Act 1972 (“the 1972 Act”)(4).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department of Enterprise, Trade and Investment that it is expedient for the reference to the Dangerous Goods Directive(5) to be construed as a reference to that instrument as amended from time to time.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(6) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(7).

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

**1.** These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 and shall come into operation on 19th May 2010.

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- (1) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services; *see* S.I. 1982/846 (N.I. 11), Article 3
- (2) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
- (3) S.I. 1978/1039 (N.I. 9); Article 3(1)(c) was modified by the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 52) as amended by S.R. 2007 No. 403 and S.R. 2009 No. 296
- (4) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
- (5) O.J. No. L260, 30.9.2008, p. 13
- (6) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
- (7) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

**Interpretation — General**

- 2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.
- (2) In these Regulations, any reference to a “Part”, “Chapter”, “Section” or “Sub-section” shall be construed—
- (a) in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;
  - (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and
  - (c) in relation to the carriage of goods by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADN.
- (3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the meaning as defined in—
- (a) ADR in relation to carriage by road;
  - (b) RID in relation to carriage by rail; and
  - (c) ADN in relation to carriage by inland waterway.
- (4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the meaning as in that Directive.
- (5) The expressions mentioned in column 1 of the following Table shall have the meanings given opposite thereto in column 2.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“the 2006 Regulations”	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(8).
“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway(9), as revised or re-issued from time to time.
“ADR”	Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road(10), as revised or reissued from time to time.
	But—
	(a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and
	(b) in regulation 11(6)(b) it means Annexes A and B as in force on the date in question.
“armed forces”	Means—

<i>Column 1</i>	<i>Column 2</i>
	(a) one of Her Majesty’s forces within the meaning of the Armed Forces Act 2006(11);
	(b) the Ministry of Defence Police(12);
	(c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(13); or
	(d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(14).
“conformity mark”	The mark referred to in article 10(1) of the Transportable Pressure Equipment Directive, the form of the mark being set out in Annex VII to that Directive.
“COTIF”	The Convention concerning International Carriage by Rail(15), as revised or re-issued from time to time.
“the Dangerous Good Directive”	Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods(16) as amended from time to time.
“the Northern Ireland competent authority”	The competent authority in Northern Ireland for the purposes of these Regulations as determined under regulation 21.  But a reference to the “2006 Northern Ireland Competent Authority” is a reference to the competent authority in Northern Ireland for the purposes of the 2006 Regulations.
“national carriage”	Carriage that includes carriage in Northern Ireland and does not include carriage outside of the United Kingdom.
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF(17) as revised or re-issued from time to time.  But— (a) to the extent that the reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and (b) in regulation 11(6)(b) it means the Annex as in force on the date in question.
“the security provisions”	The prohibitions and requirements of Chapter 1.10 (including those requirements

<i>Column 1</i>	<i>Column 2</i>
“the Transportable Pressure Equipment Directive”	deemed to be part of ADR in consequence of regulation 7).  Council Directive <a href="#">1999/36/EC</a> of 29th April 1999(18) concerning the approximation of laws of member States relating to common provision provision for transportable pressure equipment and methods for inspection and for the purposes of these Regulations— (a) a reference in that Directive to Directive <a href="#">94/55/EC</a> and <a href="#">96/49/EC</a> shall be treated as a reference to the Dangerous Goods Directive (and the reference to articles 6(1) and 7 of Directive <a href="#">94/55/EC</a> and articles 6(1) and 7(1) and (2) of Directive <a href="#">96/49/EC</a> in article 1(4) shall be treated as a reference to article 4 of the Dangerous Goods Directive); and (b) a reference to the annex to Directive <a href="#">94/55/EC</a> and the annex to <a href="#">96/49/EC</a> shall be treated as a reference to ADR and RID (respectively).
“vehicle”	Has the meaning given in article 2 of the Dangerous Goods Directive except that the words “at least four wheels and” are to be omitted.
“wagon”	Has the meaning given in article 2 of the Dangerous Goods Directive.

### **Interpretation of ADR, RID and ADN for the purposes of these Regulations**

#### **3. For the purposes of these Regulations—**

- (a) the scope of the ADR, RID and ADN shall be deemed to include national as well as international carriage;
- (b) a member State of the Communities which is not a Contracting Party to ADR or ADN shall be deemed to be a Contracting Party to ADR or ADN (as the case may be);
- (c) a member State of the Communities which is not a Member State of COTIF shall be deemed to be a Member State of COTIF;
- (d) a reference in—

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(8) S.R. [2006 No. 173](#)

(9) ISBN 9789211391343 (2009 edition)

(10) ISBN 9789211391336 (2009 edition)

(11) [2006 c. 52](#)

(12) See Section 1(1) of the Ministry of Defence Police Act [1987 \(c. 4\)](#)

(13) [1952 c. 67](#)

(14) [1964 c. 5](#)

(15) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873)

(16) O.J. No. L260, 30.9.2008, p. 13

(17) ISBN 9788086206394 (2009 edition)

(18) O.J. No. L138, 1.6.1999, p. 20; last amended by Commission Directive 2002/50/EC of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28)

- (i) ADR or RID to “competent military authority”;
  - (ii) ADR or ADN to “Contracting Party”; and
  - (iii) RID to “Member State”,
- shall be treated as a reference to “the Northern Ireland competent authority” unless the context requires otherwise;
- (e) Sub-section 1.1.4.4 of RID shall apply as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 in so far as they relate to carriage by road” were included after the words “provisions of ADR”;
  - (f) Sub-section 1.6.2.7 shall be treated as reading “Until 30 June 2011 the requirements of 6.2.1.4.1 to 6.2.1.4.4 applicable until 31 December 2008 apply instead of those of 1.8.6, 1.8.7, 6.2.2.9, 6.2.3.6 to 6.2.3.8”;
  - (g) Sub-section 1.6.3.35 shall be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
  - (h) Sub-section 1.6.4.34 shall be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
  - (i) the words “The competent authorities of the Contracting Parties may provide that” are omitted from Sub-section 1.8.3.2 of ADR;
  - (j) the words “The competent authorities of the Member States may provide that” are omitted from Sub-section 1.8.3.2 of RID;
  - (k) the reference in Sub-section 1.8.3.3 to “national authorities” shall be treated as a reference to “the Northern Ireland competent authority or an enforcement authority”; and
  - (l) Sub-section 5.3.4 of RID is omitted.

### **Application**

- 4.—(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.
- (2) These Regulations apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).
- (3) These Regulations do not apply to the carriage of explosives within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970.

## **PART 2**

### **PROHIBITIONS AND REQUIREMENTS**

#### **Carriage to be in accordance with ADR or RID**

5. No person shall carry dangerous goods, or cause or permit dangerous goods to be carried, where that carriage is prohibited by ADR or RID, including where that carriage does not comply with any applicable requirement of ADR or RID.

#### **Alternative placarding requirements to apply to certain national carriage**

- 6.—(1) This regulation applies in relation to national carriage—

- (a) in a tank;
- (b) in bulk; or
- (c) in relation to carriage by rail, by piggyback transport,

where that carriage is by a United Kingdom vehicle or a United Kingdom wagon.

(2) But this regulation does not apply in relation to carriage—

- (a) of class 7 goods; or
- (b) of any dangerous goods by a vehicle or wagon belonging to or under the responsibility of one of the armed forces.

(3) For the purposes of regulation 5, the requirements of—

- (a) Part 1 of Schedule 1 in respect of carriage by road; and
- (b) Part 2 of Schedule 1 in respect of carriage by rail,

are deemed to be requirements of Section 5.3.2 and any conflicting requirements in ADR and RID are to be disregarded.

(4) In this regulation—

- (a) a “United Kingdom vehicle” means a vehicle registered by the Secretary of State in accordance with section 21(1) of the Vehicle Excise and Registration Act 1994<sup>(19)</sup> or a trailer being towed by such a vehicle; and
- (b) a “United Kingdom wagon” means a wagon used only for carriage within the United Kingdom.

(5) In Schedule 1 “emergency action code” is a reference to the emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List<sup>(20)</sup>, as revised or re-issued from time to time.

#### **Additional security requirement relating to access**

7.—(1) For the purposes of regulation 5, the requirement set out in paragraph (2) is deemed to be a requirement of Chapter 1.10.

(2) A person involved in the carriage of dangerous goods shall take all reasonable steps to ensure that unauthorised access to those goods is prevented.

## **PART 3**

### **EXEMPTIONS**

#### **Derogations and transitional provisions**

8.—(1) The Health and Safety Executive for Northern Ireland may exempt the carriage of dangerous goods from requirements and prohibitions arising under Part 2 of these Regulations.

(2) But paragraph (1) only applies for the purposes of—

- (a) implementing a derogation authorised under article 6(2) to (4) of the Dangerous Goods Directive;
- (b) maintaining a transitional provision permitted by article 7 of the Dangerous Goods Directive; or

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<sup>(19)</sup> 1994 c. 22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version  
<sup>(20)</sup> ISBN 9780113413263 (2009 edition)

- (c) ensuring that carriage to which these Regulations apply, but the Dangerous Goods Directive, ADR or RID does not apply, is carried out in a manner consistent with a derogation or transitional provision referred to at sub-paragraph (a) or (b).
- (3) Where any exemption is granted pursuant to paragraph (1), that exemption is to be set out in a document to be called “Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions” (in this regulation referred to as “the document”).
- (4) The document may be revised in whole or in part from time to time.
- (5) In the document the Health and Safety Executive for Northern Ireland shall set out—
- (a) the types of carriage to which the exemption applies;
  - (b) the circumstances in which the exemption applies;
  - (c) the requirements and prohibitions that do not apply pursuant to paragraph (1); and
  - (d) any requirements and prohibitions that apply instead.
- (6) The Health and Safety Executive for Northern Ireland may not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.
- (7) This regulation does not limit the power to issue an authorisation under regulation 9(1).

#### **Authorisations**

9.—(1) A body referred to in column 1 of the following Table may issue an authorisation to a person or class of persons to carry dangerous goods in circumstances which are contrary to prohibitions and requirements arising under Part 2 of these Regulations providing the conditions specified in column 2 opposite that body are satisfied in respect of that carriage.

<i>Column 1</i>	<i>Column 2</i>
The Health and Safety Executive for Northern Ireland	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Health and Safety Executive for Northern Ireland is the competent authority in Northern Ireland.
The Department of the Environment for Northern Ireland	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Department of the Environment is the competent authority in Northern Ireland.

- (2) An authorisation issued pursuant to paragraph (1) shall be in writing and shall set out—
- (a) the carriage that is covered by the authorisation;
  - (b) the reason that the authorisation is being issued; and
  - (c) any time limit applicable to the validity of the authorisation.
- (3) An authorisation issued pursuant to paragraph (1) may be—
- (a) made subject to conditions; and
  - (b) withdrawn at any time by the body which granted it by the provision of a notice in writing to that effect to the person authorised and that notice shall set out whether the withdrawal of the authorisation has effect immediately or whether the withdrawal has effect from a specified date.

(4) Any authorisation granted, or deemed to be granted, pursuant to regulation 36 of the 2006 Regulations that was in force immediately before the coming into operation of these Regulations shall be deemed to be an authorisation issued pursuant to paragraph (1) of this regulation and subject to the same conditions as were in force immediately before the coming into operation of these Regulations.

### **Reference temperatures and standards**

**10.**—(1) This regulation applies where the Northern Ireland competent authority has recognised reference temperatures or standards in accordance with regulation 24(1) or (2).

(2) Part 2 does not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with regulation 24(1) or (2).

(3) The exemption set out in paragraph (2) only applies if the tank or pressure receptacle being used for carriage—

- (a) is clearly marked or labelled to show that it is suitable for national carriage only; and
- (b) does not carry the conformity mark.

### **Old pressure receptacles**

**11.**—(1) This regulation applies in relation to national carriage.

(2) This regulation applies in relation to the carriage of dangerous goods which is not permitted under Part 2 of these Regulations because the old pressure receptacle used for that carriage cannot, by virtue of its design or construction, satisfy the requirements for the use of pressure receptacles set out in ADR or RID.

(3) Subject to paragraph (5), the requirements in ADR or RID which cannot be complied with are to be disregarded for the purposes of Part 2 if the requirements of paragraph (4) are satisfied.

(4) The requirements are—

- (a) the old pressure receptacle has not been subject to modification, major repair or re-rating which has put it outside the scope of the design standard or design specification to which it was originally constructed;
- (b) the old pressure receptacle—
  - (i) has been approved by a person appointed pursuant to regulation 25(2) as being safe for use; or
  - (ii) was found to be safe by an inspection body or competent person in accordance with paragraph 4(2) of Schedule 2 to the 2006 Regulations and marked accordingly, and the time elapsed since the approval or the finding that the receptacle was safe does not exceed the intervals for periodic inspection specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4; and
- (c) in respect of old pressure receptacles used for the carriage of acetylene, the operator has a written record of—
  - (i) the tare weight of the old pressure receptacle, including the porous substance and, where relevant, the acetone or other solvent;
  - (ii) the nature of the solvent used; and
  - (iii) the maximum safe operating pressure of the old pressure receptacle.



(5) An old pressure receptacle which is of seamless construction or has contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken may not be used for the carriage of dangerous goods.

(6) In this regulation “old pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders—

- (a) constructed—
  - (i) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and
  - (ii) in the case of other pressure receptacles, on or before 9th May 2004;
- (b) which did not meet the design and construction requirements applicable to that receptacle that were set out in ADR or RID as in force on the date construction was completed;
- (c) which did comply with the design and construction requirements imposed under the law of the United Kingdom in force on the date construction was completed; and
- (d) which has not been subject to a reassessment of conformity pursuant to a provision of the law of the United Kingdom or other EEA State giving effect to article 5 of the Transportable Pressure Equipment Directive (including regulation 17 of these Regulations).

#### **Carriage within the perimeter of an enclosed area**

12. Part 2 does not apply to the carriage of dangerous goods where such carriage is wholly performed within the perimeter of an enclosed area.

#### **Carriage by road other than by vehicles**

- 13.—(1) This regulation applies in relation to carriage by road.
- (2) Part 2 does not apply in relation to carriage where that carriage is not undertaken by a vehicle.

#### **Instruments of war and related material and nuclear material**

14. Part 2 does not apply in relation to the carriage of—
- (a) class 7 goods by a vehicle or wagon belonging to, or under the responsibility of, one of the armed forces; or
  - (b) nuclear material within the meaning of the Nuclear Industries Security Regulations 2003(21).

## **PART 4**

### **TRANSPORTABLE PRESSURE EQUIPMENT**

#### **Conformity assessment**

15.—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive.

(2) Subject to regulation 16, equipment shall only be placed on the market or put into service if the four obligations set out in this regulation are all satisfied.

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(21) S.I. 2003/403

(3) The first obligation is that the equipment meets the requirements of—

- (a) the Dangerous Goods Directive; or
- (b) if applicable, article 3(4) of the Transportable Pressure Equipment Directive.

(4) The second obligation is that the fact that the equipment satisfies the first obligation is demonstrated by the conformity assessment procedures mentioned in article 3(1) and (2) of the Transportable Pressure Equipment Directive.

(5) The third obligation is that those conformity assessment procedures are carried out by a notified body.

(6) The fourth obligation is that the marking requirements set out in article 10 of the Transportable Pressure Equipment Directive that are applicable to conformity assessment are complied with in relation to that equipment.

(7) For the purposes of these Regulations, a reference in Part I of Annex IV to the Transportable Pressure Equipment Directive to “national authorities” shall be treated as if it were a reference to “competent authority”.

#### **Conformity assessment — national carriage**

**16.**—(1) Transportable pressure equipment to which regulation 15 applies may be—

- (a) placed on the market; or
- (b) put into service,

for use in national carriage if the three obligations set out in this regulation are all satisfied.

(2) The first obligation is that the equipment satisfies the conformity assessment referred to in article 4(4) of the Transportable Pressure Equipment Directive.

(3) The second obligation is that the assessment is carried out by an approved body.

(4) The third obligation is that the marking requirements set out in article 10 of the Directive as read with article 4(2) that are applicable to conformity assessment are complied with.

#### **Reassessment of conformity**

**17.**—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(b) of that Directive.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment shall be—

- (a) reassessed by a notified body in accordance with the procedure set out in Part II of Annex IV to the Transportable Pressure Equipment Directive; and
- (b) marked in accordance with the requirements of article 10 of that Directive that are applicable to the reassessment of conformity.

(4) But if the equipment has been manufactured in series to a design type which has been reassessed by a notified body in accordance with paragraph (3)(a), the procedure set out in Part II of Annex IV may be undertaken by an approved body and references in that Part to “notified body” are to be treated as references to “approved body”.

#### **Periodic inspection and repeated use**

**18.**—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(c) of that Directive.

(2) If the equipment bears a marking referred to in article 10(1) or (2) of the Transportable Pressure Equipment Directive or the marking for gas cylinders referred to in the second indent of article 1(2)(c) of that Directive, it is to be subject to periodic inspection in accordance with the requirements of article 6(1) of the Directive.

(3) Periodic inspections of tanks are permitted in the manner described in the second paragraph of article 6(1) of the Directive.

(4) The marking requirements applicable to periodic inspections set out in article 10 of the Transportable Pressure Equipment Directive shall be complied with in relation to the equipment.

### **Misleading and other markings**

**19.**—(1) No person shall affix a marking on transportable pressure equipment which is likely to mislead third parties with regard to the meaning or the graphics of the conformity mark.

(2) Any other marking may be affixed to transportable pressure equipment provided that the visibility and legibility of the conformity mark is not reduced.

## **PART 5**

### **RADIOLOGICAL EMERGENCIES**

#### **Radiological emergencies**

**20.**—(1) This regulation applies in relation to the carriage of class 7 goods.

(2) The requirements of Schedule 2 are to be complied with in relation to radiological emergencies.

(3) But paragraph (2) does not apply in relation to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.

(4) For the purposes of these Regulations—

- (a) “radiological emergency” means a situation arising during the course of the carriage of a consignment that requires urgent action in order to protect workers, members of the public or the population (either partially or as a whole) from exposure;
- (b) “exposure” means being exposed to ionising radiation; and
- (c) “ionising radiation” means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of  $3 \times 10^{15}$  hertz or more, capable of producing ions directly or indirectly.

## **PART 6**

### **NORTHERN IRELAND COMPETENT AUTHORITY FUNCTIONS**

#### **Competent authority**

**21.**—(1) Subject to paragraph (2), the competent authority for Northern Ireland for the purposes of these Regulations is the Health and Safety Executive for Northern Ireland.

(2) The competent authority for Northern Ireland is the Department of the Environment for the functions of the competent authority—

- (a) in relation to—

- (i) the inspection of vehicles; and
  - (ii) the issue of certificates following inspections or copies thereof, in pursuance of chapter 9.1 of Annex B to ADR; and
- (b) in relation to ADR carriage of class 7 goods by road.
- (3) The Northern Ireland competent authority may appoint a person to carry out a function of the Northern Ireland competent authority under these Regulations and a reference in these Regulations to the performance of the function by the Northern Ireland competent authority is to be treated as including a reference to the performance of the function by the person appointed.
- (4) The person may be appointed to carry out the function in particular circumstances or generally.
- (5) Paragraphs (6) and (7) apply if the 2006 Northern Ireland competent authority appointed, or was deemed by regulation 29 of the 2006 Regulations to have appointed, a person to perform a competent authority function pursuant to regulation 26 of those Regulations and that appointment had effect immediately before the coming into operation of these Regulations.
- (6) The person appointed, or deemed appointed, under the 2006 Regulations shall be deemed to be a person appointed pursuant to paragraph (3) to perform the equivalent function in ADR or RID.
- (7) But in the case of a function performed in relation to carriage by inland waterway, the Northern Ireland competent authority shall be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 26 of the 2006 Regulations.

#### **Functions of the Northern Ireland competent authority arising under ADR, RID and ADN**

**22.** The Northern Ireland competent authority shall perform those functions that are identified in ADR, RID and ADN as being the functions of a competent authority.

#### **Fees in relation to functions of the Northern Ireland competent authority**

**23.—(1)** This regulation applies where a person has asked the Northern Ireland competent authority to perform a function which is, by virtue of regulation 22, a function of the Northern Ireland authority.

(2) A fee may be charged for, or in conjunction with, the performance of the function by, or on behalf of, the Northern Ireland competent authority.

(3) Any fee charged shall be reasonable for the work performed or to be performed.

(4) But in relation to—

- (a) a function mentioned in regulation 25(3), paragraph 1(2) and (3) of Schedule 4 applies; and
- (b) a function mentioned in paragraphs (5) to (15) the fee specified in those paragraphs in relation to that function shall apply, instead of paragraphs (2) and (3).

(5) The fee for the provision of inspection facilities, including the carrying out of an inspection, and the administrative work carried out upon receipt of an application for an ADR certificate in respect of a vehicle shall be £88.50.

(6) Subject to paragraph (7), where a vehicle fails to pass an inspection carried out in respect of an application for an ADR certificate, an application for a further inspection shall be treated for the purpose of these Regulations as a separate application for an ADR certificate.

(7) Where a vehicle fails to pass an inspection and within 21 days thereafter arrangements are made for a further inspection to be carried out within that period, paragraph (6) shall not apply but a further fee of £45.50 shall be payable in respect of such arrangements.

(8) The fees paid in pursuance of paragraphs (5), (7) or (11) shall be repaid—

- (a) if no appointment for an examination of the vehicle is made or the appointment made is subsequently cancelled by the Northern Ireland competent authority;
  - (b) if the person for whom the appointment is made gives to the Northern Ireland competent authority notice cancelling the appointment of not less than one clear day before the date of the appointment;
  - (c) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for a reason not specified in Schedule 3; or
  - (d) if the person for whom the appointment is made satisfies the Northern Ireland competent authority that the vehicle cannot, or, as the case may be, could not, reasonably be presented for examination on the date of the appointment due to exceptional circumstances occurring not more than seven days before the said date and of which notice is given within three days of the occurrence thereof to the Northern Ireland competent authority at the vehicle testing centre where the examination is or, as the case may be, was to be held.
- (9) Where an application is made for a first ADR certificate in respect of a tractor for a semi trailer, and an inspection of the tractor is waived, the fee payable upon receipt of such an application shall be £28.00.
- (10) The fee for the issue of a copy of an ADR certificate which has been lost or destroyed shall be £14.
- (11) An application made to the Northern Ireland competent authority for an ADR certificate shall be accompanied by the appropriate fee determined in accordance with this regulation.
- (12) The fee payable under paragraph (7) in respect of arrangements for a further inspection of a vehicle shall be paid on or before the date arranged for such further inspection.
- (13) Where applications are made for inspections to be carried out in respect of ADR certificates for a vehicle and trailer at the same time or consecutively, separate applications, each accompanied by the appropriate fee, shall be submitted.
- (14) Subject to paragraph (15), an application for an ADR certificate shall be accompanied by an application for a test made under regulation 10 of the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003(22) (a “goods vehicle test”).
- (15) An application for an ADR certificate need not be accompanied by an application for a goods vehicle test where—
- (a) a motor vehicle having a maximum gross weight exceeding 3,500 kilograms which has not yet reached the end of the month in which falls the first anniversary of the date on which it was registered;
  - (b) a trailer which has not yet reached the end of the month in which falls the first anniversary of the date on which it was first sold or supplied by retail; or
  - (c) it has a current goods vehicle test certificate.
- (16) In this regulation—
- (a) “ADR certificate” means a certificate of approval issued for a vehicle following inspection of the vehicle in pursuance of Sub-sections 9.1.2.1 and 9.1.3.1 of Annex B to ADR, and references to an inspection of a vehicle or the issue of a certificate or a copy thereof are references to such an inspection, or issue of a certificate or copy, by the Northern Ireland competent authority;
  - (b) “exceptional circumstances” means an accident, a fire, industrial action, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor); and

- (c) save in paragraphs (7) and (8)(d) (insofar as it relates to seven days), no period of time shall include any day which is a Saturday, Sunday or public holiday and “public holiday” shall not include Good Friday and shall include Easter Tuesday.

#### **Northern Ireland competent authority functions relating to reference temperatures and standards**

**24.—**(1) The Northern Ireland competent authority may recognise different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of Section 4.1.4; or
- (b) Sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

in relation to the filling of pressure receptacles and tanks intended to be used only for the national carriage of liquefied gas.

(2) The Northern Ireland competent authority may recognise standards for the construction of the shell of a tank intended to be used only for the national carriage of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or
- (b) a different test pressure specified for the shell of the tank from that set out in Sub-sections 4.3.3.2.2 and 4.3.3.2.3,

provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

#### **Appointments by the Northern Ireland competent authority**

**25.—**(1) Paragraph (2) applies in respect of equipment which under these Regulations may not be used in connection with the carriage of dangerous goods unless it has been approved for that use.

(2) The Northern Ireland competent authority may appoint such persons as it thinks fit to determine whether the equipment should be approved and, if so, to approve that equipment for use.

(3) Where it is a function of the Northern Ireland competent authority, by virtue of regulation 22, to approve or authorise a body or expert to carry out, witness, supervise or decide to waive an inspection, examination, test or approval in respect of equipment used in connection with the carriage of dangerous goods, that function shall be performed by the appointment of a person pursuant to paragraph (2).

(4) In respect of the appointment of a person to carry out the functions of a notified body for the purposes of Part 4 of these Regulations, the Northern Ireland competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in Annexes I and II to the Transportable Pressure Equipment Directive.

(5) In respect of the appointment of a person to carry out the functions of an approved body for the purposes of Part 4 of these Regulations, the Northern Ireland competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in Annexes I and III to the Transportable Pressure Equipment Directive.

(6) Schedule 4 has effect in relation to the making of appointments pursuant to paragraph (2).

#### **Certain functions to be deemed to have been performed by the Northern Ireland competent authority**

**26.—**(1) Paragraphs (3) and (4) apply if—

- (a) the 2006 Northern Ireland competent authority or a person to whom a function has been delegated by regulation 26(4) of the 2006 Regulations performed a function pursuant to regulation 26(1) of those Regulations; and
- (b) the action taken by the 2006 Northern Ireland competent authority or that other person, as a consequence of the performance of the function, had effect immediately before the coming into operation of these Regulations.

(2) But paragraphs (3) and (4) do not apply where the function was performed by appointment in accordance with regulation 29 of the 2006 Regulations.

(3) The Northern Ireland competent authority or other person shall be deemed to have performed the function pursuant to regulation 22 under the same provision of ADR or RID as it was performed pursuant to regulation 26 (1) of the 2006 Regulations.

(4) In the case of a function performed in relation to carriage by inland waterway, the Northern Ireland competent authority shall be deemed to have performed the function under the equivalent provision of ADN as it was performed under ADR pursuant to regulation 26(1) of the 2006 Regulations.

## PART 7

### MISCELLANEOUS

#### **Keeping and provision of information**

27.—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 shall be provided to the Northern Ireland competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 shall be kept for a period of three months after the completion of the carriage in question.

#### **Enforcement**

28.—(1) Subject to paragraph (2) the enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive for Northern Ireland in relation to road, rail and inland waterways;
- (b) the Department of the Environment in relation to ADR carriage of class 7 goods by road; and
- (c) the Chief Constable in relation to road.

(2) The Health and Safety Executive for Northern Ireland and the Department of the Environment are the enforcing authorities to the extent that these Regulations require compliance with the security provisions.

#### **Defence**

29.—(1) In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations, it is a defence for the person charged to prove that—

- (a) the commission of the offence was due to the act or default of another person, not being one of that person's employees ("the other person"); and
- (b) the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the hearing to determine the mode of trial, the person has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person, as was then in the person's possession.

(3) If a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person is guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

### **Amendments**

**30.** The statutory provisions specified in column 1 of the Table in Schedule 5 are amended in accordance with the provisions of that Table opposite thereto in columns 2 and 3.

### **Revocations**

**31.—**(1) Subject to paragraph (2) the Regulations specified in the Table in Schedule 6 are revoked.

(2) The amendments made by those Regulations to other statutory provisions and having effect immediately before the coming into operation of paragraph (1) shall, subject to regulation 30, continue to have effect as if paragraph (1) had not been made.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 22nd April 2010.

*M. Bohill*  
A senior officer of the  
Department of Enterprise, Trade and Investment



SCHEDULE 1

Regulation 6(3)

PLACARDS, MARKS AND PLATE MARKINGS FOR NATIONAL CARRIAGE

PART 1

CARRIAGE OF GOODS BY ROAD

**Hazard Identification Numbers to be replaced by Emergency Action Codes (road)**

1. When displaying the orange-coloured plates provided for by Sub-sections 5.3.2.1.2 and 5.3.2.1.4 the emergency action code for the substance in question shall be displayed instead of the hazard identification number.

**Display of the orange coloured-plate if one type of dangerous good is being carried (road)**

2. If one type of dangerous good is being carried—
- (a) the orange-coloured plate referred to in paragraph 1 shall be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
  - (b) an identical orange-coloured plate shall be affixed to the rear of the transport unit, in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to Sub-section 5.3.2.1.1.

**Display of the orange-coloured plate if more than one type of dangerous good is being carried (road)**

3.—(1) If more than one type of dangerous good is being carried in a tank or in bulk in a transport-unit or a battery-vehicle or a tank-vehicle with more than one tank, element or container—

- (a) the orange-coloured plates referred to in paragraph 1 shall be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question except that—
  - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, shall bear the emergency action code; and
  - (ii) the remaining plates shall bear only the UN number and shall be 150mm in height; and
- (b) an orange-coloured plate shall be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which shall be identical to the plates referred to in paragraph (a), except that it is to display the emergency action code only in the top half of the plate.

(2) But if more than one type of dangerous good is being carried in a transport unit or a tank-vehicle with more than one tank and those goods are—

- (a) UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT;
- (b) UN 1203 PETROL or MOTOR SPIRIT or GASOLINE; or
- (c) UN 1223 KEROSENE,

then the requirements of paragraph 2 must be met, except that the orange-coloured plates need only bear the emergency action code and UN number for the most hazardous of the dangerous goods being carried.

### **Telephone number to be used to obtain specialist advice to be displayed (road)**

4.—(1) If dangerous goods are being carried in tanks a telephone number where specialist advice concerning the dangerous goods in question can be obtained in English at any time during carriage shall be displayed—

- (a) at the rear of the transport unit;
- (b) on both sides of—
  - (i) any tank;
  - (ii) the frame of any tank; or
  - (iii) the transport unit; and
- (c) in the immediate vicinity of the orange-coloured plates displaying the emergency action codes,

and shall be in black digits of not less than 30mm in height against an orange-coloured background.

(2) The phrase “consult local depot” or “contact local depot” may be substituted for the telephone number if—

- (a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;
- (b) the Chief Fire and Rescue Officer (within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006(23)) has been notified in writing of the address and telephone number of the relevant local depot; and
- (c) the said Chief Fire and Rescue Officer, as referred to in head (b), has indicated, in writing, satisfaction with the arrangements.

### **Use of hazard warning panels (road)**

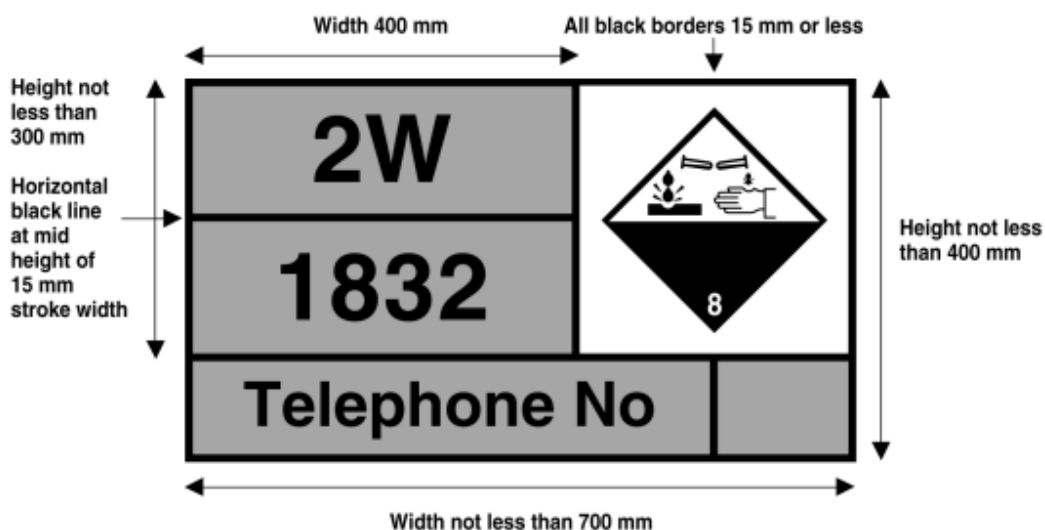
5.—(1) The information required to be displayed on placards and orange-coloured plates pursuant to Section 5.3.1 and paragraphs 1 to 3 and the information required to be displayed pursuant to paragraph 4 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2) and, if relevant, sub-paragraph (3).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—

- (a) it shall be displayed in accordance with paragraphs 1 to 4 as if it were an orange-coloured plate;
- (b) it shall be orange-coloured, except the part incorporating the placard which shall be white;
- (c) the placard shall be not less than 200mm by 200mm, with a line of the same colour as the relevant symbol not more than 12.5mm inside the edge and running parallel to it;
- (d) if more than one placard is to be incorporated in the panel, those placards shall be adjacent in the same horizontal plane;
- (e) it shall conform to the figure in sub-paragraph (4); and
- (f) it shall be clearly visible.

(3) If dangerous goods are carried in a tank which was constructed on or after 1st January 2005, the orange-coloured plate shall be indelible and remain legible after it has been engulfed in fire for 15 minutes.

(4) The figure is—



## PART 2

### CARRIAGE OF GOODS BY RAIL

#### **Hazard Identification Numbers to be replaced by Emergency Action Codes (rail)**

6. When displaying the orange-coloured plates provided for by Section 5.3.2, the emergency action code for the substance in question shall be displayed instead of the hazard identification number.

#### **Telephone number to be used to obtain specialist advice to be displayed (rail)**

7. If dangerous goods are being carried in tanks, a telephone number where specialist advice concerning the dangerous goods in question may be obtained in English at any time during carriage shall be displayed—

- (a) in the immediate vicinity of each orange-coloured plate; and
- (b) against an orange-coloured background in black digits of not less than 30mm in height.

#### **Use of hazard warning panels (rail)**

8.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with Section 5.3.1 and paragraph 6 and the telephone number required to be displayed pursuant to paragraph 7 may all be shown on hazard warning panels provided that the panel meets the conditions set out in sub-paragraph (2).

- (2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that it shall—
  - (a) be displayed in accordance with paragraph 7 as if it were an orange-coloured plate; and
  - (b) comply with the requirements of paragraphs 5(2)(b) to (f).

## SCHEDULE 2

Regulation 20(2)

## RADIOLOGICAL EMERGENCIES

**Interpretation**

1. In this Schedule, the expressions mentioned in column 1 of the Table have the meanings given in column 2—

**Table**

<i>Column 1</i>	<i>Column 2</i>
“assist in the intervention”	The taking of such steps, as it is reasonable and practicable in the prevailing circumstances to take, in order to prevent or decrease exposure. The circumstances to be taken into account include— <ul style="list-style-type: none"> <li>(a) the weather conditions;</li> <li>(b) the time of the occurrence of the emergency;</li> <li>(c) the distribution of the local population;</li> <li>(d) the nature and content of the package involved;</li> <li>(e) the stability of the class 7 goods involved;</li> <li>(f) the nature of the local geography and ecology;</li> <li>(g) any other prevailing hazards; and</li> <li>(h) the relative importance of the emergency in relation to other calls that are being made upon the emergency services.</li> </ul>
“intervention”	A human activity that prevents or decreases the exposure of persons to radiation from a radiation emergency or from an event which could lead to a radiation emergency, by acting on the sources of radiation, the paths by which such radiation may be transmitted to persons and on persons themselves.

**Information to the public about health protection measures**

2.—(1) Every consignor, carrier and consignee carrying out the transport of a consignment shall

- (a) ensure that any members of the public who are in an area in which, in the opinion of the Northern Ireland competent authority, they are likely to be affected by a radiological emergency arising from the undertaking of that carrier, consignor or consignee are supplied, in the appropriate manner approved by the Northern Ireland competent authority and without their having to request it, with at least the information set out in subparagraph (2); and
- (b) make that information publicly available, which includes endeavouring to enter into an agreement or arrangement with the district council in the area referred to in head (a) for

the dissemination by that authority of the information required to be supplied to members of the public in accordance with that sub-paragraph.

- (2) The following is the information that is to be supplied and made available—
  - (a) the basic facts about the radioactivity and its effects on persons and on the environment;
  - (b) the various types of radiological emergency possible and their consequences for the general public and the environment;
  - (c) the emergency measures envisaged to alert, protect and assist the general public in the event of the occurrence of a radiological emergency;
  - (d) appropriate information on action to be taken by the general public in the event of the occurrence of a radiological emergency; and
  - (e) the appropriate district council responsible for implementing the emergency measures and action referred to in (c) and (d) above.
- (3) In preparing the information to be supplied and made available, the carrier, consignor or consignee shall—
  - (a) consult the Northern Ireland competent authority, but remain responsible for the accuracy, completeness and form of the information supplied; and
  - (b) endeavour to enter into an agreement or arrangement with the local authority in whose area the carrier, consignor or consignee is situated with respect to the dissemination by that authority of the information to members of the public.
- (4) The information supplied and made available under this paragraph shall be updated—
  - (a) at regular intervals;
  - (b) whenever significant changes to any of the matters mentioned in sub-paragraph (2) take place; and
  - (c) in any event, at least every 3 years.
- (5) When information is updated in accordance with sub-paragraph (4) it shall be supplied and made publicly available in accordance with sub-paragraph (2).

### **Duties with respect to the monitoring of particular persons**

3.—(1) Any—

- (a) employee or agent of a consignor, carrier or consignee, or
- (b) person of whose services a consignor, carrier or consignee makes use in the carriage of dangerous goods,

who assists in an intervention and is liable to be subjected to emergency exposure shall be treated as being a person classified pursuant to regulation 20 of the Ionising Radiations Regulations (Northern Ireland) 2000<sup>(24)</sup> (“the 2000 Regulations”) and, accordingly, the consignor, carrier or consignee (as the case may be) has the same duties with regard to the monitoring of such persons as are imposed upon an ‘employer’ by regulations 21 to 26 of the 2000 Regulations.

(2) To the extent it is necessary in order to save human lives, an emergency exposure is permitted as a result of which the dose limit specified in paragraph 1, 2, 6, 7 or 8 of Schedule 4 (Dose Limits) to the 2000 Regulations will be exceeded, provided that the person who is proposed to be subjected to a dose in excess of the limit provided for in the relevant paragraph is a volunteer and has been informed of the risks involved in the intervention.

(3) In this paragraph, “emergency exposure” means an exposure of a person engaged in an activity of, or associated with, the response to a radiation emergency or potential emergency in order to

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<sup>(24)</sup> S.R. 2000 No. 375 as amended by S.R. 2001 No. 436 and to which there are other amendments not relevant to these Regulations

bring help to endangered persons, prevent exposure of a large number of persons or save a valuable installation or goods where one of the individual dose limits referred to in paragraphs 1 or 2 of Part 1 of Schedule 4 to the 2000 Regulations could be exceeded.

#### **Duties of consignor and carrier with regard to the preparation of emergency arrangements**

4.—(1) Before the carriage of a package begins, the consignor of that package shall ensure that there is a plan in writing setting out such emergency arrangements as are appropriate for the carriage of that package.

(2) The plan shall be prepared having regard to—

- (a) the principle that intervention is to be undertaken only if the damage due to the radiation resulting from the radiation emergency is sufficient to justify the potential harm and the potential cost (including the social cost) of that intervention;
- (b) the principle that the form, scale and duration of the intervention should ensure that the benefit to health will be greater than any harm that might be associated with the intervention itself;
- (c) the dose limits provided for in Schedule 4 to the Ionising Radiations Regulations (Northern Ireland) 2000; and
- (d) the levels of radiation dose applicable in an emergency that are specified by the Health Protection Agency pursuant to its functions under section 3 of the Health Protection Agency Act 2004<sup>(25)</sup>.

(3) To the extent that the plan is used in relation to carriage on more than one occasion, the consignor shall review and, whenever necessary, revise his emergency arrangements and shall ensure that at suitable intervals they are tested.

#### **Duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency**

5.—(1) The driver of a vehicle or train carrying class 7 goods who discovers, or has reason to believe, that a notifiable event has occurred in relation to the transport unit or train he is driving shall—

- (a) immediately notify—
  - (i) the Chief Constable;
  - (ii) the Chief Fire and Rescue Officer (within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006); and
  - (iii) the consignor,of that event;
- (b) initiate the emergency arrangements in respect of any radiological emergency; and
- (c) assist in the intervention that is made in connection with that radiological emergency.

(2) The carrier of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to those goods shall—

- (a) immediately notify—
  - (i) the Chief Constable (unless the driver of the transport unit or train has already done so); and
  - (ii) the Northern Ireland competent authority,

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(25) 2004 c. 17

- of that event;
- (b) assist in the intervention that is made in connection with any radiological emergency; and
  - (c) as soon as is reasonably practicable, arrange for the examination of the load so as to determine whether contamination has arisen and, if it has, to arrange for the safe disposal of any part of the load that has been contaminated and for the decontamination of the transport unit or train.
- (3) If a consignor of class 7 goods becomes aware of the occurrence of a notifiable event in relation to those goods the consignor shall—
- (a) immediately notify—
    - (i) the Chief Constable; and
    - (ii) the Northern Ireland competent authority,of that event (unless either the driver or the carrier has already done so);
  - (b) assist in the intervention that is made in connection with any radiological emergency; and
  - (c) provide the Northern Ireland competent authority with details of the incident that gave rise to that emergency.
- (4) If a consignor of class 7 goods becomes aware that emergency arrangements have been initiated in relation to his consignment the consignor shall notify the Northern Ireland competent authority of the initiation of those arrangements even if, in the event, no intervention was made pursuant to those arrangements.
- (5) If a notifiable event occurs the carrier shall ensure that a report is made forthwith to the Northern Ireland competent authority.
- (6) The report required under sub-paragraph (5) shall be in a form which has been approved by the Northern Ireland competent authority and shall contain all relevant information which the Northern Ireland competent authority has communicated to the carrier that it considers necessary.
- (7) In this paragraph—
- (a) “notifiable event” means
    - (i) a radiological emergency;
    - (ii) the theft or loss of the class 7 goods being carried; or
    - (iii) an occurrence subject to report as construed in accordance with Sub-section 1.8.5.3;and
  - (b) “initiate the emergency arrangements” means the taking of such steps as it is reasonable and practicable to take in order to put into effect the actions that have been planned for in the emergency arrangements.

#### **Packages involved in a radiological emergency**

6. A package that has been involved in a radiological emergency shall not be carried or caused to be carried unless the consignor or the consignor’s agent has examined it and the consignor is satisfied that it complies with the requirements of these Regulations and has issued a certificate to that effect.

#### **Power of the competent authority to require documents and require testing, rehearsal and revision of the emergency arrangements**

7.—(1) The consignor and carrier shall provide to the Northern Ireland competent authority, within such reasonable period as the Northern Ireland competent authority may specify, such documents relating to the emergency arrangements as may have been requested by the Northern Ireland competent authority.

(2) To the extent required by a notice in writing served on the consignor or carrier by the Northern Ireland competent authority, the consignor or carrier shall test, rehearse and revise the emergency arrangements.

### SCHEDULE 3

Regulation 23(8)

#### REASONS FOR EXAMINATION NOT TAKING PLACE OR NOT BEING COMPLETED

1. The applicant for the ADR certificate does not, after being requested to do so, produce the notice of appointment (if any) relating to the inspection and—

- (a) in the case of a motor vehicle either the registration document relating to the vehicle or other evidence of the date of its first registration or, in the case of a motor vehicle not registered before the date of the inspection, evidence of the date of its manufacture; and
- (b) in the case of a trailer, evidence of the date of its manufacture.

2. The particulars relating to the vehicle and shown in any application relevant to the inspection are found to be substantially incorrect.

3. The vehicle is one as respects which it has been stated in the application that it is to be used on roads to draw a trailer and in the last notice of appointment preceding the inspection it was required that the vehicle should be accompanied by a trailer which is to be so drawn, and the vehicle is not accompanied by such a trailer.

4. The vehicle is a trailer, and is not accompanied by a motor vehicle suitable for drawing that trailer and capable of operating any braking system with which the trailer is equipped.

5. There is not permanently affixed to the chassis or main structure of the vehicle in a conspicuous or easily accessible position so as to be readily legible either—

- (a) the chassis or serial number shown in the registration document relating to the vehicle; or
- (b) if no such number is shown or exists, the identification mark allotted to the vehicle by the Northern Ireland competent authority.

6. The vehicle or any motor vehicle by which it is accompanied, or any part of any equipment of the vehicle or any such accompanying vehicle is so dirty or dangerous as to make it unreasonable for the inspection to be carried out or the applicant for the ADR certificate does not produce any certificate required in the last notice of appointment preceding the inspection, that a vehicle used for carrying toxic, corrosive or inflammable loads had been properly cleaned or otherwise made safe.

7. An inspector is not able to complete the inspection without the vehicle or, in the case of a trailer, the motor vehicle by which it is accompanied being driven and such vehicle or trailer or, as the case may be, the accompanying vehicle is not provided with fuel and oil to enable it to be driven to such extent as may be necessary for the purpose of the examination.

8. In the case of a trailer, an inspector is not able to complete the inspection unless the motor vehicle by which it is accompanied is driven on a road, and that motor vehicle cannot be driven without committing an offence under section 29 of the Vehicle Excise and Registration Act 1994<sup>(26)</sup> because no licence under that Act is in force for such vehicle.

9. The vehicle or any trailer by which it is accompanied is not loaded or unloaded in the manner (of any) specified for the purpose of the inspection either in the last notice of appointment preceding the inspection or by the Northern Ireland competent authority.

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(26) 1994 c. 22



10. An inspector is not able to complete the inspection due to the failure of a part of the vehicle or, in the case of a trailer, any vehicle by which it is drawn or intended to be drawn, which renders the vehicle, or any such accompanying vehicle incapable of being moved in safety under the power of the vehicle, or as the case may be, the accompanying vehicle.

## SCHEDULE 4

Regulation 25(6)

### APPOINTMENTS

#### **Applications for appointment**

1.—(1) An application for appointment shall be made in a manner approved by the Northern Ireland competent authority.

(2) A fee may be charged for, or in connection with, the consideration by, or on behalf of, the Northern Ireland competent authority of an application for appointment.

(3) Any fee charged shall be reasonable for the work performed or to be performed.

#### **Appointment by the Northern Ireland competent authority**

2.—(1) The Northern Ireland competent authority shall make any appointment in writing.

(2) An appointment may be made subject to such conditions as the Northern Ireland competent authority considers appropriate and, in particular, those conditions may—

- (a) restrict the scope of the appointment to equipment of a particular description;
- (b) require markings of a particular description to be affixed to equipment by or on behalf of the appointee in connection with the giving, or the refusal to give, approval; and
- (c) apply upon or following termination of the appointment.

(3) An appointment may be for the time being or for such period as may be specified in the appointment.

(4) If for any reason an appointment is terminated, the Northern Ireland competent authority may—

- (a) give such directions—
  - (i) to the person whose appointment has been terminated; or
  - (ii) to another person who has been appointed, or deemed appointed, pursuant to these Regulations,

for the purpose of making such arrangements for the determination of outstanding applications for approval of equipment as it considers appropriate and the person to whom the directions are given shall comply with them; and

- (b) authorise another person to take over the functions of the appointee whose appointment has been terminated in respect of such cases as it may specify.

#### **Fees that may be charged by appointees**

3.—(1) An appointee may charge a fee for, or in connection with, the carrying out of a function for which appointment has been made.

(2) The fee shall not exceed—

- (a) the costs incurred or to be incurred by the appointee in performing the function; and

- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
- (i) the character and extent of the work done or to be done by the appointee; and
  - (ii) the commercial rate normally charged on account of profit for that work or similar work.

### **The inspection of appointees**

4.—(1) An appointee may be subject to such inspection by, or on behalf of, the Northern Ireland competent authority as is necessary to ensure compliance with any condition specified in the appointment.

(2) The inspection referred to in sub-paragraph (1) may include the examination of premises, equipment and documents and the appointee shall provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.

(3) A fee which is reasonable for the work performed, or to be performed, shall be payable by the appointee in respect of any inspection undertaken by, or on behalf of, the Northern Ireland competent authority in accordance with sub-paragraph (1).

## SCHEDULE 5

Regulation 30

### AMENDMENTS

<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
Petroleum (Consolidation) Act(Northern Ireland) 1929(27)	Section 18(4)(b)	For “2006” substitute “2010”
Dangerous Substances in Harbour Areas Regulations (Northern Ireland)1991(28)	Regulation 2(1), definition of “the Carriage Regulations”	For ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006” substitute ““CDG 2010” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
	Regulation 2(1), paragraph (a) (ii) of the definition of “classification”	For “the Carriage Regulations” substitute “CDG 2010”
	Regulation 2(1), paragraph (b) of the definition of “portable tank”	For “the Carriage Regulations” substitute “CDG 2010”
	Regulation 3(2)(b)	For “the Carriage Regulations” substitute “CDG 2010”

<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
	Regulation 6(4)(a)	For “Part II of the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 by virtue of regulation 19 of those Regulations” substitute “CDG 2010”
	Regulation 24(a)	For “the Carriage Regulations” substitute “CDG 2010”
	Regulation 25(1)(b)(ii)	For “the Carriage Regulations” substitute “CDG 2010”
	Regulation 25(2)	In sub-paragraph (a), for “the Carriage Regulations” substitute “CDG 2010” and omit “(b) the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983;”
Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992(29)	Regulation 2(1), definition of “the Carriage Regulations”	For “the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006” substitute ““CDG 2010” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
	Regulation 2(1), definition of “classification”	For “regulation 15 of the Carriage Regulations” substitute “Part 6 of CDG 2010”
	Regulation 2(1), definition of “dangerous substance”	For “the Carriage Regulations” substitute “CDG 2010”
	Regulation 2(1A)	For “the Carriage Regulations” substitute “CDG 2010”
	Paragraph 1(c)(i) of Schedule 1	For “the Carriage Regulations” substitute “CDG 2010”
	Paragraph 1(d) of Schedule 1	For “the Carriage Regulations” substitute “CDG 2010”
Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996(30)	Regulation 2(1), definition of “dangerous goods”	For “in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable

<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		Pressure Equipment Regulations (Northern Ireland) 2006” substitute “assigned by regulation 2(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(31)	Regulation 2(1), definition of “the Carriage Regulations”	For “the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006” substitute “CDG 2010” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
	Regulation 2(1), definition of “dangerous goods”	For “the Carriage Regulations” substitute “CDG 2010”
	Paragraph 48(K)(2) in Part IV of Schedule 2	For “the Carriage Regulations” substitute “CDG 2010”
Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001(32)	Regulation 2(1), definitions of “the Carriage Regulations”, “consignor” and “vehicle”	Omit
	Regulation 2(1), definition of “transport”	Omit definition (a)
	Regulation 2(1), definition of “work with ionising radiation”	Omit “, transport by rail”
	Regulation 2(2)(a) and the “and” which follows regulation 2(2)(a)	Omit
	Regulation 3(1)(b)	Omit
	Regulation 3(1)(c)	For “of a quantity or mass referred to in subparagraph (b)” substitute “containing more than the quantity of radionuclides specified in Schedule 4 or, in the case of fissile material, more than the mass of that material specified in Schedule 3”

<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
	Regulation 3(3)	For “paragraph (1)(b)” substitute “paragraph (1)(c)”
	Regulation 3(4)(c)	For the sub-paragraph substitute— “(c) any radioactive substance conforming to the specifications for special form radioactive material set out in sub-section 2.7.2.3.3 of the UN Model Regulations— (i) which has received unilateral or multilateral approval pursuant to the law of any State implementing section 6.4.23 of the UN Model Regulations; or (ii) where the transport in question forms part of an international transport operation;”
	Regulation 3(4)(d)	For the sub-paragraph substitute— “(d) any radioactive substance contained in a package which complies in every respect as to its design with the requirements for – (i) a Type B(U) package, a Type B(M)

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<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		<p>package or a Type C package as set out in sub-sections 6.4.8, 6.4.9 or 6.4.10 of the UN Model Regulations respectively; or</p>
		<p>(ii) a consignment carried under special arrangement within the meaning of sections 1.5.4 and 6.4.23 of the UN Model Regulations which provides an equivalent level of safety to a type B(U) package, Type B(M) package or a Type C package complying with the requirements referred to in sub-paragraph (i), and, in each case, the package has received unilateral or multilateral approval pursuant to the law of any State implementing section 6.4.23 of the UN Model Regulations or the transport in</p>

<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		question forms part of an international transport operation;”
	Regulation 3(4)(e)	For the sub-paragraph substitute— “(e) the transport of any radioactive substance in the form of a low specific activity material conforming to the specifications for LSA-I, LSA-II or LSA-III set out in 2.7.2.3.1 of the UN Model Regulations including cases where the transport forms part of an international transport operation;”
	Regulation 3(4)(f)	For the sub-paragraph there shall be substituted— “(f) the transport of any radioactive substance in the form of a surface contaminated object conforming to the specifications for SCO-I or SCO-II set out in Sub-section 2.7.2.3.2 of the UN Model Regulations including cases where the transport forms part of an international transport operation;”
	Regulation 3(5)	For the paragraph substitute— “(5) In paragraph (4)(c) to (f)—

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<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		(a) “UN Model Regulations” means the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, as revised or re-issued from time to time(33); and
		(b) “international transport operation” means the carriage of radioactive substances, including carriage by more than one mode of transport, where that carriage takes place in more than one country.”
	Regulation 8(4)	Omit
	Regulation 8(7)(a)	Omit “, (where not also the carrier) the consignor”
	Regulation 13(3)(a)(ii)	Omit “the consignor,”
	Paragraph (h) of Schedule 5	Omit “, the type of vehicle and the means of securing the load within or on the vehicle”
Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(34)	The list in Schedule 7	Omit “Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);” and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
Control of Lead at Work Regulations (Northern Ireland) 2003(35)	The list in Schedule 2	Omit “Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);”



<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003(36)	The list in Schedule 5	Omit “Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);” and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
Pressure Systems Safety Regulations (Northern Ireland) 2004(37)	Regulation 2(1), definition of “the Carriage Regulations”	For “the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006” substitute ““CDG 2010” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010”
	Regulation 2(1), definition of “old pressure receptacle”	For “in regulation 2(1) of the Carriage Regulations” substitute “assigned by regulation 11(6) of CDG 2010”
	Regulation 2(1), definition of “pressure receptacle”	For “in regulation 2(1) of the Carriage Regulations” substitute “assigned by regulation 2(3) of CDG 2010”

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<i>Statutory provisions to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
	Regulation 2(1), definition of “transportable pressure equipment”	For “in regulation 2(1) of the Carriage Regulations” substitute “assigned by regulation 2(3) of CDG 2010”
	Paragraph 9 in Part I of Schedule 1	For “the Carriage Regulations” substitute “CDG 2010”
	Paragraph 3(a) in Part II of Schedule 1	For “the Carriage Regulations” substitute “CDG 2010” and for “4(1)” substitute “3”
Quarries Regulations (Northern Ireland) 2006(38)	Schedule 2 Part II	Omit the entries in Column 1 and Column 2 in relation to “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006”
The Control of Asbestos Regulations (Northern Ireland) 2007(39)	Regulation 24(3)(a) Paragraph 1(1)(a) of Schedule 2	For “2006” substitute “2010” For “2006” substitute “2010”
Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009(40)	Regulation 6(3)(a) Regulation 8(4)(a)(iii)	For “2006” substitute “2010” For “2006” substitute “2010”

- (27) 1929 c. 13; section 18 was amended by S.R. 1988 No. 415, Schedule 4, Part II, paragraph 1, by S.R. 2003 No. 152, Schedule 7, Part I, paragraphs 2(2) to (7) and by S.R. 2006 No. 173, Schedule 13, paragraph 1; section 18 was repealed in relation to the carriage of petroleum mixtures and liquid methane in a road tanker or tank-container by S.R. 1992 No. 260, regulation 30(1); there are other amendments to the Act not relevant to these Regulations
- (28) S.R. 1991 No. 509 as amended by S.R. 1997 No. 247, S.R. 2003 No. 386 and S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (29) S.R. 1992 No. 71 as amended by S.R. 1993 No. 412, S.R. 1995 No. 47, S.R. 1997 No. 247 and S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (30) S.R. 1996 No. 119 as amended by S.R. 1997 No. 247 and S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (31) S.R. 1997 No. 455 as amended by S.R. 2004 No. 196 and S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (32) S.R. 2001 No. 436 as amended by S.R. 2003 No. 533 and S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (33) Current edition (2005): ISBN 9211391067
- (34) S.R. 2003 No. 34 as amended by S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (35) S.R. 2003 No. 35 as amended by S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (36) S.R. 2003 No. 152 as amended by S.R. 2006 No. 173
- (37) S.R. 2004 No. 222 as amended by S.R. 2006 No. 173 and to which there are other amendments not relevant to these Regulations
- (38) S.R. 2006 No. 205
- (39) S.R. 2007 No. 31
- (40) S.R. 2009 No. 238

## SCHEDULE 6

Regulation 31

## REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of Revocation</i>
Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983	S.R. <a href="#">1983 No. 344</a>	The whole Regulations
Radioactive Substances (Carriage by Road) (Amendment) Regulations (Northern Ireland) 1986	S.R. <a href="#">1986 No. 61</a>	The whole Regulations
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006	S.R. <a href="#">2006 No. 173</a>	The whole Regulations
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006	S.R. <a href="#">2006 No. 525</a>	The whole Regulations
Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles (Amendment) Regulations (Northern Ireland) 1997	S.R. <a href="#">1997 No. 360</a>	The whole Regulations
Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles (Amendment) Regulations (Northern Ireland) 1998	S.R. <a href="#">1998 No. 438</a>	The whole Regulations

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Northern Ireland.

2. First, the Regulations implement Directive [2008/68/EC](#) of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (O.J. No. L260, 30.9.2008, p.13). This Directive applies to Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2009), the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current edition; 2009) and the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (“ADN”) (Current edition: 2009). These Regulations only apply the provisions of ADN in respect of safety adviser qualifications.

3. Secondly, the Regulations implement Council Directive [1999/36/EC](#) of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive [2002/50/EC](#) of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28).

4. Thirdly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27th November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O.J. No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

5. The implementation of 1999/36/EC, 89/618/Euratom and 96/29/Euratom replaces the implementation of the same Directives (or parts of Directives) made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2006 (“the 2006 Regulations”) (S.R. [2006 No. 173](#)).

6. Part 1 of the Regulations contains introductory provisions. Regulations 2 and 3 contain interpretation provisions. Regulation 4 sets out the manner in which the Regulations apply.

7. Part 2 of the Regulations provides for prohibitions and requirements to apply in relation to the carriage of dangerous goods. Regulation 5 prohibits carriage other than in accordance with ADR and RID. Regulation 6 imposes, by reference to Schedule 1, different placarding requirements to those in ADR and RID in respect of national carriage by certain vehicles. Regulation 7 deems a requirement relating to access to goods to be a requirement of ADR and RID for the purposes of regulation 5.

8. Part 3 of the Regulations provides for exemptions from Part 2. Regulation 8 allows the Health and Safety Executive for Northern Ireland to exempt carriage where such an exemption is permitted as a derogation or a transitional provision under the Dangerous Goods Directive or where the exemption provides for carriage consistent with a derogation or transitional provision. Regulation 9 provides that, in certain circumstances, the Health and Safety Executive for Northern Ireland and the Department of the Environment for Northern Ireland may issue authorisations permitting

carriage which would otherwise contravene Part 2 of the Regulations. Other regulations provide for exemptions relating to reference temperatures and standards (regulation 10), old pressure receptacles (regulation 11), enclosed areas (regulation 12), carriage other than by vehicles (regulation 13), instruments of war and nuclear material (regulation 14).

**9.** Part 4 of the Regulations applies the provisions of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market (regulations 15 and 16), reassessing the conformity of existing transportable pressure equipment (regulation 17), inspections (regulation 18) and the restriction on the use of misleading markings (regulation 19).

**10.** Part 5 of the Regulations (regulation 20), by the introduction of Schedule 2, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

**11.** Part 6 of the Regulations sets out provisions and obligations in relation to competent authority functions. Regulation 21 determines who the competent authority in Northern Ireland is. Regulation 22 provides that the competent authority in Northern Ireland is to perform the functions of a competent authority set out in ADR, RID and ADN (as applied by the Regulations). Regulation 23 provides that fees may be charged in connection with the performance of competent authority functions arising under regulation 22. Regulation 24 provides for a competent authority function in respect of reference temperatures and standards. Regulation 25 allows for the appointment of people to approve equipment used in connection with the carriage of dangerous goods. Regulation 26 deems certain functions done under the 2006 Regulations to be done under these Regulations.

**12.** Part 7 of the Regulations contains miscellaneous provisions concerning the keeping and provision of information (regulation 27), and enforcement (regulation 28). Regulation 29 provides for a defence in specific circumstances in the case of contravention of the Regulations, and amendments and revocations are set out in regulations 30 and 31.

**13.** ADR and ADN (both the agreements and the Annexes) may be downloaded without charge from the relevant parts of the United Nations Economic Commission for Europe website which is:

for ADR: [http://www.unece.org/trans/danger/publi/adr/adr\\_e.html](http://www.unece.org/trans/danger/publi/adr/adr_e.html)

for ADN: <http://www.unece.org/trans/danger/adn-agree.html>

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

<http://www.otif.org/>

Print copies of the 2009 editions of ADR, RID (including the text of the Annex to Appendix C) and ADN are available for purchase, including from the Stationery Office:

<http://www.tsoshop.co.uk/bookstore.asp>

The European Directives referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

A document issued by the Health and Safety Executive for Northern Ireland pursuant to regulation 8(3) of these Regulations will be available to be downloaded from the Health and Safety Executive for Northern Ireland website which is:

<http://www.hseni.gov.uk/>

**14.** In Great Britain the corresponding Regulations are the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348). The Department for Transport has prepared a regulatory impact assessment in respect of those Regulations and a copy

of that assessment, together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland, is held at the office of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained. A copy of the transposition note in relation to the implementation of the Directives set out in paragraphs 2 to 4 is also available at that office.

**15.** A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.