

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1997 No. 248**

**HEALTH AND SAFETY**

**Carriage of Dangerous Goods by Road  
Regulations (Northern Ireland) 1997**

*Made* - - - - *20th May 1997*

*Coming into operation* *1st July 1997*

The Department of Economic Development, acting as the Department concerned<sup>(1)</sup> in exercise of the powers conferred by Articles 17(1) to (6), 40(2), (3) and (4) and 55(2) of, and paragraphs 1(1) to (4), 2, 3, 5, 8, 11, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup> and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

**Part I**

**INTERPRETATION AND APPLICATION**

**Citation and commencement**

**1.** These Regulations may be cited as the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 and shall come into operation on 1st July 1997.

**Interpretation**

**2.—(1)** In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 1989 Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989<sup>(3)</sup>;

---

(1) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(2) S.I. 1978/1039 (N.I. 9) as modified by the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 525)

(3) S.R. 1989 No. 299 as amended by S.R. 1991 No. 147, S.R. 1991 No. 420, S.R. 1992 No. 54, S.R. 1992 No. 227, S.R. 1992 No. 373, S.R. 1992 No. 509, S.R. 1993 No. 39, S.R. 1993 No. 247, S.R. 1994 No. 231, S.R. 1994 No. 353 and S.R. 1994 No. 452

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, or nursery grounds or for market gardening and the preparation of land for agricultural purposes;

“agricultural vehicle” means any agricultural or forestry tractor or agricultural machinery;

“agricultural or forestry tractor” means any motor vehicle and its trailers which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose, not being a dual-purpose vehicle;

“agricultural machinery” means any mobile machinery which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose;

“ADR” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“Approved Carriage List” means the list referred to in regulation 5(1)(a) as revised in accordance with regulation 5(2);

“approved documents” means the documents published by the Health and Safety Commission and approved by the Department in accordance with regulation 5(1) as revised in accordance with regulation 5(2);

“approved design” means the design referred to and described in regulation 11(2);

“Approved Methods” means the document entitled “Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage” approved by the Department under regulation 4(1)(b) of the CDGCPL Regulations, as revised in accordance with regulation 4(2) of those Regulations;

“Approved Tank Requirements” means the document referred to and described in regulation 5(1)(c), as revised in accordance with regulation 5(2);

“Approved Vehicle Requirements” means the document referred to and described in regulation 5(1)(b) as revised in accordance with regulation 5(2);

“articulated vehicle” has the meaning assigned to it by regulation 2(1) of the 1989 Regulations;

“carriage” means carriage by road and shall be construed in accordance with regulation 2(8), and related words shall be construed accordingly;

“carrying tank” means the same as “carrying tank” within the definition of “road tanker” in regulation 2(1) of the CDGCPL Regulations;

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(4);

“classification” has the meaning assigned to it by regulation 2(1) of the CDGCPL Regulations;

“classification code” in relation to dangerous goods, means the code referred to in regulation 4(1)(a)(i)(cc) of the CDGCPL Regulations and any reference to “classification code” or “class” followed by a number means the particular classification code for those goods specified in the Approved Carriage List;

“closed vehicle” means a vehicle having a body capable of being closed;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of—

- (a) approving persons to examine, test and certify tanks;
- (b) examining, testing and certifying tanks; and
- (c) recognising standards for fire extinguishers,

and for Northern Ireland the competent authority means the Secretary of State;

“computer” means a computer system including its software;

“consignor” means—

- (a) the person who, having a place of business in Northern Ireland, consigns, whether as principal or agent for another, dangerous goods for carriage; or
- (b) if no person satisfies the requirements of paragraph (a), the consignee of those goods insofar as that person has control over the carriage of those goods in Northern Ireland;

“consignor’s declaration” means the declaration referred to and described in regulation 13(2)(b)(vi);

“container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“control temperature” means the maximum temperature at which certain dangerous goods can be safely carried as determined in accordance with the Approved Methods;

“corrosive substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“danger sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“demountable tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“the Department” means the Department of Economic Development;

“designation” means the designation for dangerous goods ascertained in accordance with regulation 5(4)(a) of the CDGCPL Regulations;

“dual-purpose vehicle” has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(5);

“emergency action code” means the code, required to be displayed on tanks and vehicles which are being used for the carriage of certain dangerous goods ascertained in accordance with the Approved Carriage List;

“emergency information” means the information referred to in regulation 14(3)(e) and described in regulation 14(4);

“emergency temperature” means the temperature, determined in accordance with the Approved Methods, at which the safety measures for certain dangerous goods shall be set in motion;

“explosives” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“Fire Authority” means the Fire Authority for Northern Ireland established under Article 3 of the Fire Services (Northern Ireland) Order 1984(6);

“flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable liquid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable solid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flash-point” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“food” means food within the meaning of Article 2(1) of the Food Safety (Northern Ireland) Order 1991(7);

---

(5) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to this definition

(6) S.I. 1984/1821 (N.I. 11)

(7) S.I. 1991/762 (N.I. 7)

- “gas” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “gross mass” in relation to dangerous goods which are articles carried other than in receptacles, means the gross mass of those goods, measured in kilogrammes (kg);
- “hazardous properties” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “hazard warning panel” means the panel referred to in paragraph 22 and depicted in Figure 5 of Schedule 10;
- “the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974<sup>(8)</sup>;
- “IMDG Code” means the International Maritime Dangerous Goods Code as revised or re-issued from time to time by the International Maritime Organisation<sup>(9)</sup>;
- “infectious substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “intermediate bulk container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “large container” means a container having an internal volume of more than 3 cubic metres (m<sup>3</sup>);
- “motor vehicle” has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995<sup>(10)</sup>;
- “multi-load” means a load consisting of two or more dangerous goods carried other than in packages in—
- (a) separate containers or tanks; or
  - (b) separate compartments of a container, tank or vehicle,
- whether or not carried in conjunction with goods which are not dangerous goods;
- “net mass” in relation to dangerous goods which are solids, liquefied gases, compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, means the net mass of those goods, measured in kg;
- “nominal capacity” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “nominally empty” in relation to a vehicle or a receptacle, means that it is not in fact empty but that as much of the dangerous goods which the vehicle or receptacle contained as was reasonably practicable to discharge therefrom has been so discharged;
- “non-flammable, non-toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “N.O.S.” means not otherwise specified;
- “open vehicle” means a vehicle, the platform of which has no superstructure or is merely provided with sideboards and a tailboard;
- “operator” means the operator of any container, tank or vehicle used for the carriage of dangerous goods and shall be construed in accordance with regulation 4;
- “orange-coloured” means that colour which has the same colour and luminance properties as that of an orange-coloured panel;

---

<sup>(8)</sup> 1974 c. 37

<sup>(9)</sup> Current Edition: Volumes I to IV ISBN 92 801 1314 3; Supplement ISBN 92 801 1316 X

<sup>(10)</sup> S.I. 1995/2994 (N.I. 18)

“orange-coloured panel” means a reflectorised panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 10 500(1) of ADR;

“organic peroxide” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“organic peroxide, type b or c” means dangerous goods whose designation includes the phrase “ORGANIC PEROXIDE TYPE B” or the phrase “ORGANIC PEROXIDE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“oxidizing substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“package” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packagings” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packing group” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to “packing group” followed by “I”, “II” or “III”, in relation to certain dangerous goods, means the particular packing group for those goods ascertained in accordance with regulation 5 of those Regulations;

“permissible maximum weight” in relation to any vehicle, has the same meaning as it does in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981(11) in relation to a goods vehicle as defined by Article 2(2) of that Order;

“prescribed temperature” means the temperature specified by the operator of the container, tank or vehicle in which certain dangerous goods are being carried which does not exceed the control temperature and which avoids dangerous separation of phases;

“radioactive material” has the meaning assigned to it in regulation 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(12);

“rail vehicle” means any conveyance which is used for the carriage of dangerous goods by rail;

“railway” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“RID” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“risk group” means one of the risk groups referred to in the Approved Methods to which infectious substances are assigned and any reference to a risk group followed by a number means the specific risk group to which an infectious substance has been assigned in accordance with the said Approved Methods;

“road” has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995;

“road tanker” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“self-reactive substance” means dangerous goods whose designation includes the phrase “SELF-REACTIVE” when classified in accordance with regulation 5 of the CDGCPL Regulations;

“self-reactive substance, type b or c” means dangerous goods whose designation includes the phrase “SELF-REACTIVE SUBSTANCE TYPE B” or the phrase “SELF-REACTIVE SUBSTANCE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“semi-trailer” has the meaning assigned to it in regulation 2(1) of the 1989 Regulations;

---

(11) S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3), Schedule 1

(12) S.I. 1992/234 (N.I. 2)

- “sheeted vehicle” means an open vehicle provided with a sheet to protect the load;
- “small container” means a container having an internal volume of not more than 3 cubic metres (m<sup>3</sup>);
- “spontaneously combustible substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “storage tank” means a tank used or intended to be used solely for the storage of dangerous goods;
- “subsidiary hazard” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “subsidiary hazard sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “substance which in contact with water emits flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “surveillance inspection” means an inspection of such premises, equipment and documents and the making of such enquiries as the person carrying out the inspection thinks appropriate for the purpose of verifying compliance by an approved person with regulation 11(11);
- “tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “tank container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “temperature controlled substance” means dangerous goods whose designation includes the phrase “TEMPERATURE CONTROLLED”, when classified in accordance with regulation 5 of the CDGCPL Regulations;
- “toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “toxic goods” means dangerous goods which, in accordance with regulation 5 of the CDGCPL Regulations, are either classified as “TOXIC GAS”, “TOXIC SUBSTANCE” or have the subsidiary hazard “TOXIC”;
- “toxic substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “trailer” has the meaning assigned to it in regulation 2(1) of the 1989 Regulations;
- “transport category” means one of the categories specified in column 2 of Table 1 in Schedule 1 for the dangerous goods shown in the corresponding entry in column 1 of that Table and any reference to transport category followed by a number is a reference to the transport category so numbered in that Table;
- “Transport Documentation” means the documentation referred to in regulation 14(2) and described in regulation 14(3);
- “transportable pressure receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “UN number” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;
- “vehicle” means any conveyance used for the carriage of goods by road;
- “vehicle crew” means those persons authorised by the operator to be on board the vehicle;
- “vehicle examiner” has the meaning assigned to it in Article 74 of the Road Traffic (Northern Ireland) Order 1995;

- (2) For the purposes of these Regulations—
- (a) any reference to a motor vehicle which is registered outside the United Kingdom is a reference to a motor vehicle which is not registered in the United Kingdom but is registered in another country in accordance with that country’s rules governing the registration of such vehicles; and
  - (b) (i) a combination of a motor vehicle and a trailer or semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts of such a combination remain attached; and
    - (ii) dangerous goods contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.
- (3) In these Regulations the expression “mass or volume” in relation to dangerous goods, means the amount of dangerous goods being carried, expressed in the form of a number, which number shall be determined as follows—
- (a) the gross mass of any article;
  - (b) the net mass of any solid;
  - (c) the net mass of any liquefied gas;
  - (d) the net mass of any compressed gas dissolved in a solvent plus the net mass of the solvent itself;
  - (e) the nominal capacity of any receptacle carrying a compressed gas other than a compressed gas dissolved in a solvent; or
  - (f) the nominal capacity of any receptacle carrying a liquid.
- (4) Subject to paragraph (5), in these Regulations—
- (a) the “total mass or volume of packaged dangerous goods” means the total amount of dangerous goods, other than those goods which fall within transport category 4, being carried in packages, expressed in the form of a number, which number shall be calculated by adding together the mass or volume of each package whose mass or volume exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the transport category of the goods contained in the package concerned;
  - (b) the “total mass or volume of dangerous goods” means the total amount of dangerous goods, other than those goods which fall within transport category 4, being carried, expressed in the form of a number, which number shall be calculated by adding together—
    - (i) the total mass or volume of packaged dangerous goods;
    - (ii) the gross mass of all articles being carried in bulk;
    - (iii) the net mass of all solids being carried in bulk;
    - (iv) the net mass of all compressed gases dissolved in a solvent plus the net mass of the solvent itself, being carried in a tank;
    - (v) the net mass of all liquefied gases being carried in a tank; and
    - (vi) the nominal capacity of all compressed gases (other than those dissolved in a solvent) and all liquids, being carried in a tank.
- (5) Where goods with different transport categories, other than those goods which belong to transport category 4, are carried in the same load, all the dangerous goods in that load shall be deemed to belong to the highest of those transport categories.
- (6) In these Regulations any reference to dangerous goods being carried in a vehicle or large container under sole use shall be a reference to the carriage of a load of dangerous goods which originates from one consignor in respect of which—

- (a) the use of the vehicle or large container concerned is exclusively reserved; and
- (b) all operations for the loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.

(7) In these Regulations any reference to the carriage of dangerous goods in bulk shall be a reference to the carriage of solid dangerous goods without packagings.

(8) For the purpose of these Regulations a vehicle, container or tank (other than the carrying tank of a road tanker) shall be deemed to be engaged in the carriage of dangerous goods throughout the period—

- (a) in the case of a vehicle, from the commencement of loading it with the dangerous goods concerned for the purpose of carrying those goods by road until the said vehicle and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person;

- (b) in the case of a container or tank, other than the carrying tank of a road tanker—

- (i) where the container or tank concerned has been loaded with the dangerous goods before being placed on the vehicle which is to be used to carry that container or tank, from the time when the said container or tank is placed on the vehicle for the purpose of carrying the dangerous goods by road; or

- (ii) where the container or tank concerned has been placed on the vehicle which is to be used to carry that container or tank before the commencement of loading, from the commencement of loading the said container or tank with the dangerous goods for the purpose of carrying those goods by road,

until the time when either—

- (iii) the container or tank is removed from the relevant vehicle; or

- (iv) the container or tank and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the dangerous goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person,

and in either case, whether or not the vehicle, container or tank concerned is on a road at the material time.

(9) In these Regulations—

- (a) “a vehicle owned by the armed forces” means a vehicle which is owned by—

- (i) Her Majesty’s Forces;

- (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952(13); or

- (iii) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(14);

and includes a vehicle which has been provided to the armed forces under any agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire purchase agreement and a contract for sale;

- (b) “a vehicle under the control of the armed forces” means—

- (i) a vehicle on board which there is, as a member of its crew—

- (aa) a member of Her Majesty’s Forces;

---

(13) 1952 c. 67

(14) 1964 c. 5



(bb) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952; or

(cc) a civilian who is an employee of Her Majesty's Forces, acting in the course of his duties; or

(ii) a vehicle in a convoy escorted by a vehicle of the type referred to in head (i).

(10) In these Regulations the provisions of the Schedules shall have effect in addition to and not in substitution for other provisions of these Regulations.

### **Application**

3. Subject to the provisions of Schedule 2, these Regulations shall apply to and in relation to the carriage of dangerous goods.

### **Meaning of operator**

4.—(1) For the purposes of these Regulations—

(a) subject to paragraph (2), the operator of a container or vehicle shall be—

(i) the person who, having a place of business in Northern Ireland, has the management of the container or vehicle for the time being; or

(ii) if no person satisfies the requirements of head (i), the driver of the vehicle or, in the case of a container, the driver of the vehicle on which the container is carried;

(b) the operator of a tank, other than the carrying tank of a road tanker, shall be—

(i) the person who, having a place of business in Northern Ireland, owns that tank; or

(ii) if no person satisfies the requirements of head (i), the person who, having a place of business in Northern Ireland, acts as agent for the owner of that tank; or

(iii) if no person satisfies the requirements of either head (i) or (ii), the person who, having a place of business in Northern Ireland, has the management of that tank for the time being, or

(iv) if no person satisfies the requirements of heads (i), (ii) or (iii), the driver of the vehicle on which the tank is carried.

(2) Notwithstanding paragraph (1)(a), a person shall not be regarded as the operator of a container or vehicle solely because—

(a) he has the management thereof during loading or unloading; or

(b) the container or vehicle is on premises which are under his control.

(3) For the purposes of these Regulations, a person to whom a tank, other than the carrying tank of a road tanker, is leased or hired shall be deemed to be the owner of that tank, unless the lessor or, as the case may be, the hirer has made an agreement in writing with the person to whom he has leased or hired the tank to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

## Part II

### APPROVED DOCUMENTS

#### **Meaning of the Approved Carriage List and other approved documents**

5.—(1) The Department shall approve for the purposes of these Regulations the following documents published by the Health and Safety Commission, (in these Regulations referred to as “approved documents”), entitled—

- (a) “Approved Carriage List”, which shall contain the information specified in regulation 4(1) (a) of the CDGCPL Regulations;
- (b) “Approved Vehicle Requirements”, which shall contain—
  - (i) the requirements for the construction of vehicles for the carriage of dangerous goods other than explosives and radioactive material; and
  - (ii) explanatory notes and other material requisite for the use of the document; and
- (c) “Approved Tank Requirements”, which shall contain—
  - (i) the requirements for the design and construction of tanks for the carriage of dangerous goods other than explosives and radioactive material;
  - (ii) the requirements for the filling of such tanks;
  - (iii) the requirements for the examination, testing and certification of such tanks; and
  - (iv) explanatory notes and other material requisite for the use of the document.

(2) The Department may approve a revision of any of the approved documents referred to in paragraph (1) and, when it does so, the Department shall within 3 months of the date of that approval publish, in such manner as it considers appropriate, a notice specifying the revision, the date on which it was approved and the date on which it takes effect, which last-mentioned date shall be not less than 6 months after the date of the approval of the revision.

#### **Duties in relation to the approved documents**

6. Without prejudice to the generality of the provisions contained in these Regulations—
- (a) the operator of any tank or vehicle which is intended to be, or is being, used for the carriage of dangerous goods shall take all reasonable steps to ensure that such of the requirements specified in any of the approved documents as are relevant to that tank or vehicle are complied with in relation thereto;
  - (b) any person who designs, manufactures, imports, supplies, modifies or repairs any vehicle which is intended to be used for the carriage of dangerous goods shall ensure, insofar as they are matters within his control, that such of the requirements specified in the Approved Vehicle Requirements as are relevant to that vehicle are complied with in relation thereto;
  - (c) any person who designs, manufactures, imports, supplies, modifies, repairs, examines, tests, certifies or fills any tank which is intended to be, or is being, used for the carriage of dangerous goods shall ensure, insofar as they are matters within his control, that such of the requirements specified in the Approved Tank Requirements as are relevant to that tank are complied with in relation thereto.

## Part III

### MODE OF CARRIAGE

#### **Method of dispatch and restrictions on forwarding**

7. The operator of any container, tank or vehicle which is being used for the carriage of certain dangerous goods shall ensure that any requirements specified in Schedule 4 relating to those goods are complied with.

#### **Carriage in bulk**

8.—(1) An operator of a container or vehicle shall not cause or permit to be carried therein any dangerous goods in bulk unless the letter Y appears in column 8 of the Approved Carriage List in relation to those goods.

(2) Without prejudice to paragraph (1), an operator of a vehicle shall not cause or permit to be carried therein dangerous goods in bulk unless any requirements specified in Schedule 5 relating to those goods are complied with.

(3) Without prejudice to paragraph (1), an operator of a container shall not cause or permit to be carried therein dangerous goods in bulk unless any requirements specified in Schedule 6 relating to those goods are complied with.

#### **Carriage in tanks**

9.—(1) An operator of a tank shall not cause or permit to be carried therein any dangerous goods unless the letter Y appears in column 7 of the Approved Carriage List in relation to those goods.

(2) An operator of a tank shall not cause or permit to be carried therein any dangerous goods if the pressure of that tank exceeds the maximum working pressure stated in the most recent certificate issued in respect of that tank in accordance with regulation 11.

(3) The operator of any vehicle which is being used for the carriage of dangerous goods in a tank shall ensure that specialist advice in English concerning the goods can be obtained by telephone at any time during carriage.

#### **Suitability of containers, tanks and vehicles**

10.—(1) The operator of a container, tank or vehicle which is being used for the carriage of dangerous goods shall ensure that the container, tank or vehicle concerned—

(a) is suitable for such carriage, having regard to—

(i) the nature and circumstances of the journey being undertaken; and

(ii) the hazardous properties and quantities of the dangerous goods and of all other goods being carried with them; and

(b) has been adequately maintained.

(2) The operator of any vehicle which is being used for the carriage of dangerous goods shall ensure that—

(a) the vehicle has no more than one trailer or semi-trailer;

(b) where the vehicle is being used for the carriage of packages comprising packagings made of materials sensitive to moisture, it is either a sheeted vehicle or a closed vehicle; and

(c) subject to paragraph (3), any requirements specified in Schedule 7 relating to those goods are complied with.

(3) Paragraph (2)(c) shall not apply where a vehicle is being used for the carriage of dangerous goods in a large container provided paragraph (4) is complied with.

(4) The operator of a large container which is being used for the carriage of dangerous goods shall ensure that any requirements specified in Schedule 7 relating to those goods are complied with, as if the large container were a vehicle.

(5) The operator of a small container which is being used for the carriage of dangerous goods in bulk shall ensure that the container is of the closed type with complete sides.

### **Examination, testing and certification of tanks**

- (a) **11.** (1) (a) The provisions of Schedule 3 shall apply to and in relation to tank containers and the carrying tanks of road tankers constructed before 1st January 1999; and
- (b) paragraphs (2) to (14) shall apply to and in relation to tanks constructed after 31st December 1998.

(2) A person shall not construct, import or supply a tank intended for the use of the carriage of dangerous goods unless it is of a design in respect of which a certificate has been signed, dated and issued by the competent authority or an approved person stating that such a design, (in these Regulations referred to as an “approved design”)—

- (a) conforms with—
- (i) the construction requirements;
  - (ii) the equipment requirements; and
  - (iii) the conditions peculiar to the dangerous goods to be carried, as have been approved and published in the Approved Tank Requirements; and
- (b) is suitable for the purpose for which it is intended.

(3) An operator shall not cause or permit to be carried any dangerous goods in a tank unless a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements;
- (b) conforms to an approved design; and
- (c) is suitable for the purpose for which it is intended.

(4) Following the examination and test referred to in paragraph (3), the operator of the tank which is being used for the carriage of dangerous goods shall ensure that a certificate has been signed, dated and issued by the competent authority or an approved person at the intervals specified in the Approved Tank Requirements stating that the tank—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
- (b) remains suitable for the purpose for which it is being used.

(5) Without prejudice to the generality of paragraphs (3) and (4), the operator of a tank which has been damaged, modified or repaired in such a way as might impair its safety since the most recent certificate was signed in accordance with paragraph (3) or (4), as the case may be, shall ensure that dangerous goods are not carried in that tank until a further certificate has been signed, dated and issued by the competent authority or an approved person stating that the tank—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
  - (b) remains suitable for the purpose for which it was being used.
- (6) It shall be sufficient compliance with paragraphs (3), (4) and (5) if the information required to be stated in the certificate is entered in a computer under the control of the operator by the competent authority or approved person who carried out the examination and test, or by another person acting on the instructions of that competent authority or approved person, provided that information—
- (a) is secure from unauthorised interference;
  - (b) can be authenticated only by the competent authority or approved person who carried out the examination and test; and
  - (c) is capable of being produced in the form of a certificate at the appropriate place referred to in paragraph (7).
- (7) The certificates referred to in paragraphs (3), (4) and (5) shall be kept by the operator—
- (a) at his principal place of business within Northern Ireland; or
  - (b) (i) in the case of a tank, other than the tank of a road tanker, at the address within Northern Ireland from which the deployment of the tank is controlled; or
  - (ii) in the case of the tank of a road tanker, at the premises from which the road tanker is operated.
- (8) It shall be sufficient compliance with paragraph (7) in circumstances where the operator is not the owner of the tank, if either—
- (a) an authenticated copy of the relevant certificate is kept—
    - (i) at the operator's principal place of business within Northern Ireland; or
    - (ii) in the case where the operator does not have a place of business in Northern Ireland, on the vehicle; or
  - (b) the certificate is readily available from the owner of the tank.
- (9) Where the operator of a tank changes, the previous operator insofar as he was required to keep the certificates referred to in paragraphs (3), (4) and (5) at an address in Northern Ireland in accordance with paragraph (7), shall give those certificates to the new operator.
- (10) Where the information required for any of the certificates referred to in paragraphs (3), (4) and (5) is entered in a computer in accordance with paragraph (6), it shall be sufficient compliance with paragraph (7) if that computer is kept at the appropriate place referred to in the said paragraph (7); and without prejudice to the generality of paragraph (9), if the operator changes in these circumstances, the previous operator shall provide the new operator with that information in writing.
- (11) Any approved person who examines, tests and certifies a tank under paragraphs (3), (4) or (5) shall do so properly and in accordance with such criteria as have been approved and published in the Approved Tank Requirements.
- (12) Following the approval of a person as an approved person, the competent authority or a person acting on its behalf shall carry out, upon reasonable notice, a surveillance inspection of the approved person at such intervals as the competent authority considers appropriate, and for that purpose the approved person shall afford, at his own cost, any facilities and assistance and make available any information which may reasonably be required by or on behalf of the competent authority.
- (13) Schedule 8 shall have effect with respect to fees for approvals and surveillance inspections under this regulation.

(14) Notwithstanding paragraphs (4) and (5), the operator may transport by road empty, uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing that certificate.

### **General requirements for carriage**

**12.**—(1) An operator of a container, tank or vehicle shall not cause or permit to be carried therein any dangerous goods unless—

- (a) he has obtained the consignor’s declaration, if applicable, or an authenticated copy thereof, in relation to those goods; and
- (b) he has taken all reasonable steps to ensure that those goods are in a condition fit for carriage.

(2) A driver of a vehicle which is being used for the carriage of dangerous goods shall not cause or permit to be carried therein any person (other than a member of the vehicle crew) for the sole purpose of transporting that person.

(3) A driver or a member of the vehicle crew shall not open a package containing any dangerous goods unless authorised to do so by the operator of that vehicle.

(4) Subject to paragraph (5), a person shall not bring portable lighting apparatus onto a vehicle if such apparatus is capable of producing a flame or has any metallic surface liable to produce sparks.

(5) Paragraph (4) shall not apply where the only dangerous goods being carried on the vehicle are infectious substances.

(6) A person shall not enter a closed vehicle, which is being used for the carriage of liquids having a flash-point of 61 degrees centigrade or below or flammable gases, carrying lighting apparatus other than portable lamps so designed and constructed that they cannot ignite any flammable vapours or gases which may have penetrated into the interior of the vehicle.

(7) The driver and the operator of a vehicle which—

- (a) is being used for the carriage of infectious substances or toxic goods; or
- (b) is empty, uncleaned, having been used for the carriage of any such goods,

shall ensure that no food is carried in that vehicle unless it is effectively separated from any infectious substances or toxic goods or is otherwise adequately protected from the risk of contamination by those goods.

## **Part IV**

### **INFORMATION**

#### **Information to be provided by consignors**

**13.**—(1) Subject to paragraph (3), any consignor of dangerous goods shall ensure that any operator engaged by him to carry those goods is provided with the information specified in paragraph (2).

(2) The information referred to in paragraph (1) shall be provided in documentary form prior to carriage and shall comprise—

- (a) in relation to each of the dangerous goods being consigned—
  - (i) the designation;
  - (ii) the classification code preceded by the word “class” or the classification;
  - (iii) the UN Number preceded by the letters “UN”;

- (iv) any such extra information as may be required to determine the transport category of the dangerous goods; and
  - (v) the control temperature and emergency temperature, where appropriate;
  - (b) in relation to the consignment as a whole—
    - (i) where the dangerous goods are carried in packages, either—
      - (aa) the mass or volume of each of the individual packages and the number of packages consigned; or
      - (bb) for each transport category, the sum of the mass or volume of the individual packages consigned;
    - (ii) where the dangerous goods are carried other than in packages either—
      - (aa) the mass or volume of dangerous goods consigned in each container, tank or vehicle and the number of containers or tanks; or
      - (bb) for each transport category, the sum of the mass or volume of all dangerous goods consigned in containers, tanks or vehicles;
    - (iii) the name and address of the consignor;
    - (iv) the name and address of the consignee, if known;
    - (v) such other information as will enable the operator to comply with regulation 14(2); and
    - (vi) a statement signed or authenticated by or on behalf of the consignor (in these Regulations referred to as the “consignor’s declaration”) confirming that, in accordance with the relevant provisions of these Regulations and the CDGCPL Regulations—
      - (aa) the dangerous goods as presented may be carried;
      - (bb) the dangerous goods and any packaging, intermediate bulk container or tank in which they are contained are in a fit condition for carriage and are properly labelled; and
      - (cc) where several packages are packed together in an overpack or in a single container, that this mixed packing is not prohibited.
- (3) Subject to regulation 14(2), provided he is carrying the goods referred to in paragraph (1) on his own behalf, that paragraph shall not apply in circumstances where the consignor is also the operator.
- (4) A consignor or anyone acting on his behalf shall not provide false or misleading information to any operator engaged by him concerning the dangerous goods to be carried.

#### **Documentation to be provided by operators**

- 14.—(1) Any operator who engages another operator to carry dangerous goods shall ensure that that operator is provided with the information specified in regulation 13(2).
- (2) Notwithstanding regulation 13(3), the operator of any vehicle which is to be used for the carriage of dangerous goods shall ensure that the driver of that vehicle is in possession of the Transport Documentation prior to the commencement of the journey.
- (3) The Transport Documentation shall be provided in documentary form and shall comprise—
- (a) the information specified in regulation 13(2);
  - (b) details of the total mass or volume of dangerous goods to be carried or sufficient information to enable the total mass or volume of dangerous goods to be ascertained;

- (c) the emergency action code, where appropriate;
  - (d) the prescribed temperature where appropriate; and
  - (e) the emergency information.
- (4) The emergency information shall comprise details of the measures to be taken by the driver in the event of an accident or emergency and other safety information concerning the goods being carried and shall include—
- (a) details of—
    - (i) the nature of the danger inherent in the dangerous goods being carried and the safety measures to be taken to avert any such danger;
    - (ii) the measures to be taken and treatment to be given in the event of any person coming into contact with the dangerous goods being carried or with any substances which might be evolved;
    - (iii) the measures to be taken in case of fire and, in particular, the fire-fighting appliances or equipment which must not be used;
    - (iv) the measures to be taken in case of breakage or deterioration of packagings or of the dangerous goods being carried, particularly where such breakage or deterioration results in a spillage of the goods onto the road; and
    - (v) the measures to be taken to avoid or minimise damage in the event of spillage of goods considered to be pollutant to the aquatic environment; and
  - (b) any additional information specified in Schedule 9 relating to the dangerous goods being carried.
- (5) An operator or anyone acting on his behalf shall not provide false or misleading information to any other operator engaged by him or to any driver concerning the dangerous goods to be carried.

#### **Documentation to be available during carriage**

- 15.—(1) The driver of any vehicle which is being used for the carriage of dangerous goods shall ensure that the Transport Documentation is—
- (a) subject to paragraph (2), kept readily available on the vehicle at all times while the dangerous goods are being carried; and
  - (b) produced on request to any constable or vehicle examiner.
- (2) Where a trailer which is being used for the carriage of dangerous goods becomes detached from the motor vehicle—
- (a)
    - (i) the driver of the vehicle shall give the Transport Documentation (or an authenticated copy thereof) to the occupier of any premises on which the trailer is parked; and
    - (ii) in such a case, the occupier shall ensure that such documentation is kept readily available at those premises; or
  - (b) the driver of the vehicle shall attach the Transport Documentation (or an authenticated copy thereof) to the trailer in a readily visible position.
- (3) The driver of any vehicle which has been used for the carriage of dangerous goods shall ensure that any documentation relating solely to dangerous goods which are not then being carried is either removed from the vehicle or placed in a securely closed container clearly marked to show that it does not relate to any dangerous goods which are being carried.



### **Keeping of information by operators**

16. The operator of any vehicle which is used for the carriage of dangerous goods shall keep a record of the information contained within the Transport Documentation, other than the emergency information, in respect of each journey undertaken by the vehicle for a period of at least three months after the completion of the relevant journey.

### **Information to be displayed on containers, tanks and vehicles**

17.—(1) The operator of any container, tank or vehicle which is being used for the carriage of dangerous goods shall ensure that information is displayed on the container, tank or vehicle concerned in accordance with Schedule 10.

(2) A person shall not cause or permit any of the information referred to in Schedule 10 to be displayed on any container, tank or vehicle which is not being used for the carriage of dangerous goods.

(3) Subject to paragraph (6), a person shall not cause or permit any information to be displayed on any container, tank or vehicle which would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 10.

(4) The operator of any container, tank or vehicle and the driver of a vehicle which is being used for the carriage of dangerous goods shall ensure that any danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign displayed in accordance with Schedule 10 is kept clean and free from obstruction.

(5) Subject to paragraph (6), the operator of any container, tank or vehicle and the driver of a vehicle which is being used for the carriage of dangerous goods shall ensure that any danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign which does not relate to the dangerous goods being carried, or residues thereof—

(a) is covered or removed; and

(b) in the case where an orange-coloured panel is covered, any material used to cover it will remain effective after 15 minutes engulfment in fire.

(6) Notwithstanding paragraphs (3) and (5), any danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign displayed on any container, tank or vehicle in accordance with Schedule 10 need not be covered or removed in circumstances where the mass or volume of dangerous goods carried in packages falls below the limit specified in column 3 opposite the entry in column 1 of Table 2 of Schedule 1 for the appropriate transport category.

(7) A person shall not—

(a) remove any danger sign, hazard warning sign, orange-coloured panel or subsidiary hazard sign displayed in accordance with Schedule 10 from a container, tank or vehicle which is being used for the carriage of dangerous goods, except for the purpose of updating the information thereon;

(b) falsify any of the information on such a panel or sign.

## **Part V**

### **LOADING AND UNLOADING**

#### **Prohibition of the carriage of certain mixed loads**

18.—(1) Subject to paragraph (2), an operator of a container, tank or vehicle shall not cause or permit to be carried therein any dangerous goods which are required by the CDGCPL Regulations

to be labelled with a “liable to explosion” subsidiary hazard sign together with any other dangerous goods unless effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same total quantity of dangerous goods in an unmixed load.

(2) The prohibition referred to in paragraph (1) shall not apply to any mixed load of dangerous goods where the load is mixed only to the extent that each of the dangerous goods is carried in separate, closed containers with complete sides.

### **Loading, stowage, unloading and cleaning of containers, tanks and vehicles**

**19.**—(1) The operator and any other person engaged in the carriage of dangerous goods shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which dangerous goods are loaded, stowed or unloaded from any container, tank or vehicle is liable to create a significant risk or significantly increase any existing risk to the health and safety of any person arising out of the presence of those goods.

(2) Without prejudice to the generality of paragraph (1), the operator of any container, tank or vehicle and the driver of any vehicle which is being used for the carriage of dangerous goods shall ensure that—

- (a) the provisions contained in paragraphs (3) to (9) are complied with; and
- (b) any requirements specified in Schedule 11 relating to those goods are complied with.

(3) The various components of any load comprising dangerous goods shall be properly stowed and secured by appropriate means to prevent them from being significantly displaced in relation to each other and to the sides of the vehicle.

(4) Where dangerous goods have escaped from any package into a container or vehicle in which they are being carried, the container or vehicle concerned shall be cleaned as soon as possible and in any case before re-loading.

(5) Containers and vehicles which have been used for the carriage of dangerous goods in bulk shall be properly cleaned before re-loading unless the new load consists of dangerous goods with the same designation as the preceding load.

(6) A person shall not smoke either in the vicinity of or inside vehicles which are being used for the carriage of dangerous goods, during loading and unloading operations.

(7) Where dangerous goods with a flash-point of 61 degrees centigrade or below are carried in a tank—

- (a) a good electrical connection from the vehicle chassis to earth shall be established before the tank is filled or emptied; and
- (b) the rate of filling of the tank shall be limited so as to prevent an electrostatic discharge of such energy as is likely to cause ignition of any flammable vapour present.

(8) Except where the engine has to be used to drive the pumps or other appliances for loading or unloading the vehicle, the vehicle’s engine shall be shut off during loading and unloading operations.

(9) A tank or compartment thereof shall not be overfilled with dangerous goods and for the purposes of this paragraph, “overfilled” means filled beyond a safe level.

(10) Subject to paragraph (11), the driver of any vehicle which is being used for the carriage of dangerous goods in a tank shall ensure, so far as is practicable, that—

- (a) all openings in the tank; and
- (b) where any discharge or filling opening in the tank is fitted with one or more valves or is fitted with a cap, all such valves and that cap,

are securely closed prior to the commencement of and throughout the journey.

(11) Nothing in paragraph (10) shall be taken as permitting the proper functioning of any safety device to be compromised.

### **Unloading of petrol at petroleum filling stations and certain other premises licensed for the keeping of petrol**

**20.**—(1) The provisions of Schedule 12 shall have effect for regulating the unloading of petrol from the tank of a road tanker at—

- (a) any petroleum filling station; and
- (b) any other premises for which a petroleum-spirit licence authorising the keeping of petrol is in force, except where those premises are licensed for keeping more than 100,000 litres of such petrol in storage tanks,

and the enforcing authority for these Regulations and for Articles 4 to 6 and Articles 8 and 9 of the 1978 Order in respect of such unloading as is specified in paragraphs (a) and (b) shall be the petroleum licensing authority, even if the relevant tanker is on a road at the time of unloading.

(2) In this regulation and Schedule 12—

- (a) “petrol” means petroleum-spirit (within the meaning given to that phrase by section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929<sup>(15)</sup>) intended for use as fuel for motor vehicles, motor vessels or aircraft;
- (b) “petroleum filling station” means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum, and includes any building, advertisement, pump or other apparatus in, or used in connection with, any such premises or place;
- (c) “the petroleum licensing authority” means the authority empowered to grant petroleum-spirit licences under section 2 of the Petroleum (Consolidation) Act (Northern Ireland), 1929 for the petroleum filling station or other premises concerned; and
- (d) “petroleum-spirit licence” has the same meaning as in section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929.

## **Part VI**

### **EMERGENCIES AND PARKING**

#### **Equipment**

**21.**—(1) Subject to paragraph (2), the operator of any vehicle which is being used for the carriage of dangerous goods shall ensure that—

- (a) it is equipped so that the driver can take those measures detailed in the emergency information which he would be required to take in order to comply with regulation 22(1); and
- (b) where toxic gases are being carried, the vehicle crew are provided with suitable respiratory protective equipment to enable them to escape safely in case of emergency.

(2) Paragraph (1) shall not apply in relation to any trailer which is being used for the carriage of dangerous goods where that trailer is detached from the motor vehicle.

---

(15) 1929 c. 13 (N.I.); section 23(1) was amended by S.R. 1992 No. 413, regulation 3 and Schedule 2 and S.R. 1995 No. 60, regulation 18(9) and Schedule 8

## Accidents and emergencies

**22.**—(1) In the event of an accident or emergency involving the carriage of dangerous goods, the driver of the vehicle shall take all reasonable steps to ensure that any instructions contained within the emergency information relating to those goods concerning the measures to be taken by him are complied with.

(2) In the event of an emergency which cannot be brought under immediate control, involving a vehicle which is being used for the carriage of dangerous goods, the driver of the vehicle shall take all reasonable steps to ensure that the appropriate emergency services are notified by the quickest practical means.

## Precautions against fire or explosion

**23.**—(1) A person shall not cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst dangerous goods are being carried in any container, tank or vehicle.

(2) Subject to paragraphs (3) and (6), the operator of any vehicle which is being used for the carriage of dangerous goods shall ensure that it is equipped with—

(a) at least one portable fire extinguisher with a minimum capacity of 2 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 5A and 34B, as defined in British Standard BSEN 3-1: 1996, suitable for fighting a fire in the engine or cab of the vehicle, and such that, if it is used to fight a fire involving the load, it does not aggravate the fire and, if possible, controls it; and

(b) at least one portable fire extinguisher with a minimum capacity of 6 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 21A and 183B, as defined in British Standard BSEN 3-1: 1996, suitable for fighting a tyre or brake fire or a fire involving the load, and such that, if it is used to fight a fire in the engine or cab of the vehicle, it does not aggravate the fire.

(3) (a) The fire extinguisher referred to in paragraph (2)(a) need not be suitable for fighting a fire in the engine if the vehicle is equipped with a fixed fire extinguisher, suitable for fighting a fire in the engine, which either works automatically or is easily brought into action;

(b) the fire extinguisher referred to in paragraph (2)(b) need not be provided where the only dangerous goods being carried are infectious substances;

(c) where the vehicle is a motor vehicle with a permissible maximum weight of less than 3.5 tonnes, the fire extinguisher referred to in paragraph (2)(b) may be replaced by a fire extinguisher with a minimum capacity of 2 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 5A and 34B as defined in British Standard BSEN 3-1: 1996.

(4) Except where the only dangerous goods being carried are infectious substances, the operator of any vehicle which is being used for the carriage of dangerous goods shall ensure that any portable fire extinguisher provided in accordance with this regulation—

(a) bears a mark of compliance with a standard recognised by a competent authority for that type of extinguisher;

(b) is fitted with a seal verifying that it has not been used; and

(c) where it was manufactured later than 1st November 1997 bears an inscription indicating the date when it should next be inspected.

(5) The operator of the vehicle referred to in paragraph (4) shall ensure, prior to carriage, that the date inscribed on any portable fire extinguisher in accordance with paragraph (4)(c) has not passed.

(6) Paragraph (2)(a) shall not apply in relation to any trailer which is being used for the carriage of dangerous goods where that trailer is not attached to a motor vehicle.

(7) The operator of any vehicle which is used for the carriage of dangerous goods shall ensure that the extinguishants contained in the fire extinguishers referred to in this regulation are such that they are not liable to release toxic gases—

- (a) into the driver's cab; or
- (b) when under the influence of the heat of a fire.

### **Supervision and parking of vehicles**

**24.**—(1) Subject to paragraph (2), the operator of any vehicle which is being used for the carriage of dangerous goods and the driver of that vehicle shall ensure that when the vehicle is parked it is—

- (a) supervised at all times by a competent person—
  - (i) over the age of 18 years; or
  - (ii) who is a member of the armed forces; or
- (b) parked in an isolated position—
  - (i) unsupervised in the open in a secure depot or secure factory premises, or, if no such facilities are available;
  - (ii) in a vehicle park supervised by an appropriate person who has been notified of the nature of the load and the whereabouts of the driver, or, if no such facilities are available;
  - (iii) in a public or private vehicle park where the vehicle is not likely to suffer damage from any other vehicle, or, if no such facilities are available;
  - (iv) in a suitable open space separated from the public highway and from dwellings, where the public does not normally pass or assemble,having first been properly secured.

(2) Paragraph (1) shall not apply in circumstances where the vehicle has been damaged or has broken down on a road and the driver has left the vehicle to seek assistance, provided he has taken all reasonable steps to secure the vehicle and its contents before leaving it unattended.

(3) When a driver parks a vehicle which is being used for the carriage of dangerous goods he shall apply the parking brake.

## **Part VII**

### **MISCELLANEOUS AND GENERAL**

#### **Exemption certificates**

**25.**—(1) Subject to paragraph (2), and to any provisions imposed by the Communities in respect of the transport of dangerous goods by road, the Department may, by a certificate in writing, exempt—

- (a) any person or class of person;
- (b) any dangerous goods or class of dangerous goods;
- (c) any container, tank or vehicle or class thereof,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Department by a further certificate in writing.

(2) The Department shall not grant any exemption under paragraph (1) unless having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provisions which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing, exempt any person from all or any of the requirements or prohibitions imposed by these Regulations insofar as they relate to the carriage of any dangerous goods in or on—

- (a) any vehicle owned by the armed forces; or
- (b) any vehicle under the control of the armed forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

## **Defence**

**26.**—(1) Subject to paragraphs (2) and (3), in any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations it shall be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees, (hereinafter called ‘the other person’); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(2) The person charged shall not be entitled to rely upon the defence referred to in paragraph (1) without leave of the court unless, within a period ending seven clear days before the hearing, he 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 his possession.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, that other person shall be guilty of the offence which would, but for any defence under these Regulations available to the first mentioned person, be constituted by the act or default.

## **International provisions**

**27.**—(1) Where, in relation to the carriage of any dangerous goods, any provision of these Regulations applies to a matter to which any specified international provision applies, it shall be sufficient compliance, in relation to that matter, with the provision of the particular regulation, if the specified international provision is satisfied in respect of that matter.

(2) For the purposes of paragraph (1), the specified international provision means any provision of—

- (a) the Convention concerning International Carriage by Rail(**16**), as revised or re-issued from time to time or any regulations made under it;

- (b) the IMDG Code; or
- (c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as revised or re-issued from time to time by the International Civil Aviation Organisation<sup>(17)</sup>.

### **Transitional defence**

**28.** In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations prior to 1st November 1997 it shall be a defence for the accused to prove that the goods were carried, or in the case of an alleged contravention of regulation 13 intended to be carried, before 1st November 1997 in—

- (a) a road tanker in accordance with the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992<sup>(18)</sup> as in operation immediately before the commencement of these Regulations; or
- (b) in bulk or in packages in accordance with the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992<sup>(19)</sup> as in operation immediately before the commencement of these Regulations.

### **Revocations**

**29.—**(1) The Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992 are hereby revoked.

(2) The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992 are hereby revoked.

### **Amendment of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986**

**30.** The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986<sup>(20)</sup> shall be amended as follows—

- (a) in each of paragraphs 13 and 13A—
  - (i) in sub-paragraph (1) the second occurrence of the word “a” shall be deleted, and for the words “dangerous substance”, wherever they occur there shall be substituted “dangerous goods”, and
  - (ii) sub-paragraph (2) shall be deleted; and
- (b) after paragraph 13A there shall be inserted the following paragraph—

“**13B.** In paragraphs 13 and 13A—

  - (a) “road-tanker” and “tank container” have the same meanings as in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997 (“the 1997 Regulations”);
  - (b) “carriage” has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997; and
  - (c) “dangerous goods” means any goods which fall within the definition of “dangerous goods” in regulation 2(1) of the 1997 Regulations, other than—

---

<sup>(17)</sup> Current edition and supplement (1995-1996): Doc 9284-AN/905

<sup>(18)</sup> S.R. 1992 No. 260

<sup>(19)</sup> S.R. 1992 No. 261

<sup>(20)</sup> S.R. 1986 No. 247; paragraph 13A was added by S.R. 1988 No. 24, regulation 25(3)(b) and was modified by S.R. 1992 No. 260, regulation 30(3) and Schedule 5 Part II paragraph 1

---

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

- (i) explosives; or
  - (ii) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 to ADR),
- and in this sub-paragraph “ADR” has the meaning assigned to it by regulation 2(1) of the 1997 Regulations.”.

Sealed with the Official Seal of the Department of Economic Development on 20th May 1997.

L.S.

*Philip B. Strong*  
Assistant Secretary



## SCHEDULE 1

Regulations 2(1) and 2(4) and 17(6)

**TABLE 1**

## DETERMINATION OF TRANSPORT CATEGORIES

Column 1 <i>Dangerous Goods</i>	Column 2 <i>Transport Category</i>
Infectious substances in risk group 4	0
Packing Group 1 goods	1
Toxic gases	
Organic peroxides type b or c	
Self-reactive substances type b or c	
Temperature controlled substances	
Infectious substances in risk group 3	
Packing Group II goods other than those specified elsewhere in Column 1	2
Flammable Gases	
Infectious substances in risk group 2	
Packing Group III goods other than those specified elsewhere in Column 1	3
Non-flammable, non-toxic gases	
UN 2990 LIFE-SAVING APPLIANCES, SELF-INFLATING	
UN 3072 LIFE-SAVING APPLIANCES NOT SELF-INFLATING	
Any other dangerous goods not listed elsewhere in Column 1	
Empty, uncleaned packagings (except those containing, or which contained, infectious substances in risk group 4 or toxic gases)	4
UN 1345 RUBBER SCRAP or RUBBER SHODDY	
UN 1331 MATCHES, "STRIKE ANYWHERE"	

*Note:*

The transport categories in column 2 appear in descending order from 0 (highest) to 4 (lowest).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

Column 1 <i>Dangerous Goods</i>	Column 2 <i>Transport Category</i>
UN 1944 MATCHES, SAFETY	
UN 1945 MATCHES, WAX “VESTA”	
UN 2254 MATCHES, FUSEE	
UN 2623 FIRELIGHTERS, SOLID	
UN 1361 CARBON of Packing Group III only	
UN 1362 CARBON, ACTIVATED of Packing Group III only	

---

*Note:*

The transport categories in column 2 appear in descending order from 0 (highest) to 4 (lowest).

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**TABLE 2**

## DETERMINATION OF LOAD LIMITS

Column 1 <i>Transport Category</i>	Column 2 <i>Individual package mass or volume</i>	Column 3 <i>Total mass or volume of packaged dangerous goods</i>	Column 4 <i>Total mass or volume of dangerous goods</i>
0	0	0	0
1	1	20	200
2	10	200	2,000
3	25	500	5,000

*Note:*

1. The numbers in columns 2, 3 and 4 relate to the gross mass, measured in kg, of articles; the net mass, measured in kg, of compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, solids and liquefied gases; and the nominal capacity, measured in litres, of any receptacle containing compressed gases (other than those dissolved in a solvent) and liquids (other than those in which a compressed gas is dissolved).
2. For the purpose of calculating the total mass or volume of packaged dangerous goods or the total mass or volume of dangerous goods where the load comprises a mixture of liquids and solids, 1 kg gross or net mass shall equate to 1 litre.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Transport Category</i>	Column 2 <i>Individual package mass or volume</i>	Column 3 <i>Total mass or volume of packaged dangerous goods</i>	Column 4 <i>Total mass or volume of dangerous goods</i>
4	Unlimited	Unlimited	Unlimited

*Note:*

1. The numbers in columns 2, 3 and 4 relate to the gross mass, measured in kg, of articles; the net mass, measured in kg, of compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, solids and liquefied gases; and the nominal capacity, measured in litres, of any receptacle containing compressed gases (other than those dissolved in a solvent) and liquids (other than those in which a compressed gas is dissolved).
2. For the purpose of calculating the total mass or volume of packaged dangerous goods or the total mass or volume of dangerous goods where the load comprises a mixture of liquids and solids, 1 kg gross or net mass shall equate to 1 litre.

## SCHEDULE 2

Regulation 3

### Disapplications

1. These Regulations shall not apply to or in relation to the carriage of any dangerous goods where—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) the motor vehicle which is being used for the transport of those goods is registered outside the United Kingdom and the carriage is confined to Northern Ireland but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;
  - (b) the carriage forms part of an international transport operation within the meaning of article 1(c) of ADR and conforms with the provisions of that agreement;
  - (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to the agreement;
  - (d) the carriage forms part of an international transport operation within the meaning of article 1(c) of ADR and the dangerous goods are being carried in—
    - (i) a vehicle owned by the armed forces; or
    - (ii) a vehicle under the control of the armed forces, of a country which is a contracting party to ADR.
2. These Regulations shall not apply to or in relation to the carriage of any of the following dangerous goods:
- (a) UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS\* only  
UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.\*  
UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.\*  
UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS

where those goods are being carried in—

- (i) an agricultural or forestry tractor;
  - (ii) mobile machinery;
  - (iii) a vehicle with fewer than 4 wheels;
  - (iv) a vehicle with a maximum design speed of 25 km/h or less; or
  - (v) a vehicle owned by the armed forces or under the control of the armed forces;
- (b) explosives;
  - (c) flammable liquid with a flash point of not less than 32°C which is being carried in a volumetric prover or flammable liquid with a flash point of less than 32°C which is being carried in a volumetric prover which has been purged with nitrogen, and that volumetric prover—
    - (i) is not moved, driven or kept on a road, other than when it is nominally empty; and
    - (ii) has every opening and every valve closed during carriage, other than those valves which need to be kept open to allow for liquid expansion on volumetric provers used for the measurement of liquefied petroleum gas; andin this sub-paragraph “volumetric prover” means a tank or prover pipe with a cavity not exceeding 10 m<sup>3</sup> intended to be used for the calibration of metering equipment or the measurement of petroleum fuel deliveries and which is structurally attached to, or is an integral part of, the frame of a vehicle;
  - (d) goods which are intended for use solely in connection with the operation of the vehicle, container or tank in which the goods are being carried or the operation of any on-board equipment intended to ensure the safety of the load or the vehicle, container or tank concerned;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (e) live animals; and
  - (f) radioactive material, other than radioactive material which meets the criteria of Schedules 1 to 4 of Marginal 2704 of ADR.
3. These Regulations shall not apply to or in relation to the carriage of dangerous goods in—
- (a) a vehicle which is not being used for, or in connection with, work;
  - (b) a vehicle which is being used to transfer the goods—
    - (i) between private premises and another vehicle situated in the immediate vicinity of those premises; or
    - (ii) between one part of private premises and another part of those premises situated in the immediate vicinity of that first part where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road; or
  - (c) a road construction vehicle engaged in the repair or construction of a road; and in this sub-paragraph—
    - (i) “road construction vehicle” means a vehicle constructed or adapted for the carriage of built-in road construction machinery and not constructed or adapted for the carriage of any other load, except articles and materials used for the purposes of that machinery;
    - (ii) “built-in road construction machinery” means road construction machinery built in as part of a road construction vehicle or permanently attached to it; and
    - (iii) “road construction machinery” means a machine or contrivance suitable for the repair and construction of roads.
4. Regulations 6(a) and (c) and 11 and Schedule 3 shall not apply to or in relation to the carriage of a storage tank which is nominally empty, provided—
- (a) in the case where the tank is subject to the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991(21) it has been examined by a competent person and there is in existence a valid report of that examination in accordance with those Regulations;
  - (b) as much of the pipework which was connected to the tank as it was reasonably practicable to remove from it has been so removed;
  - (c) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
  - (d) subject to sub-paragraph (c), all openings in the tank and in any pipework attached thereto have been sealed to prevent the escape of any dangerous goods, insofar as it is reasonably practicable to do so.
5. Regulations 6 to 11, 12(2) to (6), 14 to 16, 17(1), 18, 19, 21, 22 and 23(2) to (6) shall only apply to and in relation to the carriage of dangerous goods in packages where the total mass or volume of packaged goods exceeds the number specified in column 3 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category.
6. Regulations 6, 7, 10(2) to (5), 11(5), 12(1), 13 to 15, 17, 19(2)(b), 21, 22, 23(2) to (6) and paragraphs 1(b) and 2(3) of Schedule 3 shall not apply to or in relation to the carriage of dangerous goods from—
- (a) a container, tank or vehicle which has been damaged as a result of an accident on a road or has broken down on a road; or

---

(21) S.R. 1991 No. 471 to which there is an amendment not relevant to these Regulations

- (b) a rail vehicle which has been damaged or derailed or has broken down on a railway, other than the siding on which it was loaded,

to the nearest suitable, safe place with a view to the container, tank or vehicle or any other receptacle which is carrying those goods, being repaired, cleaned or purged provided such carriage is escorted by a constable or by a member of the fire brigade and all reasonable steps have been taken to prevent any leakage of those goods.

7.—(1) Subject to sub-paragraph (2), regulations 8(2) and (3), 9(3), 10(2) to (5), 11, 12(1)(a), 13, 14(1) to (3), 15(1) and (2), 16, 17(1), 17(4) and (5)(b), 19(7) and (8), 23(2) to (7) and Schedule 3 shall not apply to or in relation to the carriage of dangerous goods in an agricultural vehicle where—

- (a)
  - (i) the goods are listed in column 1 of the Approved Carriage List under the appropriate shipping name “AMMONIUM NITRATE FERTILIZER, N.O.S.” or “AMMONIUM NITRATE FERTILIZERS”;
  - (ii) the goods are not being carried in a tank;
  - (iii) the total mass of those goods does not exceed 10 tonnes; and
  - (iv) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 km;
- (b)
  - (i) the goods are a pesticide or a plant protection product (other than sulphuric acid, whether or not dilute, or a wood preservative) which is diluted ready for use or is otherwise in a condition ready for use;
  - (ii) there has been given approval under regulation 5 and a consent under regulation 6 of the Control of Pesticides Regulations (Northern Ireland) 1987<sup>(22)</sup> or an approval under regulation 5 of the Plant Protection Products Regulations (Northern Ireland) 1995<sup>(23)</sup>; and
  - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 50 km;

and in this sub-paragraph “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985<sup>(24)</sup>, “plant protection product” has the meaning assigned to it in regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995 and “wood preservative” means a pesticide for preserving wood;

- (c)
  - (i) the goods are listed in column 1 of the Approved Carriage List under the proper shipping name “DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT”;
  - (ii) the total volume does not exceed 5000 litres;
  - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 50 km;
  - (iv) the agricultural vehicle being used is equipped with at least one portable fire extinguisher which conforms to the specification in regulation 23(2)(a); and
  - (v) the danger sign required by the CDGCPL Regulations to be displayed on packages containing such goods is displayed on the front, rear or both sides of the agricultural vehicle in conformity with paragraphs 21(a) and (b) and 23 of Schedule 10; or
- (d)
  - (i) the goods are carried in packages and are diluted or ready for use;

<sup>(22)</sup> S.R. 1987 No. 414 as amended by S.R. 1995 No. 371

<sup>(23)</sup> S.R. 1995 No. 371 as amended by S.R. 1996 No. 456

<sup>(24)</sup> 1985 c. 48

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (ii) the total mass of the goods does not exceed 1 tonne; and
  - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 km.
- (2) The following conditions apply to the exemptions in sub-paragraph (1)—
- (a) (i) where the goods are carried in a tank or in bulk, an orange-coloured panel bearing the UN number for the dangerous goods carried therein and the appropriate emergency action code and conforming to Figure 2 (except that the dimensions of the panel may be reduced in accordance with paragraph 12, 8(a) (or 10(1) in appropriate circumstances), as the case may be, and 9(a) and (b) of Schedule 10), shall be displayed to the front, rear or both sides of the agricultural vehicle in conformity with paragraph 23 of that Schedule;
  - (ii) where the goods are carried in a tank or in packages, an orange-coloured panel which conforms with Figure 1 and paragraph 8(a) (or 10(1) in appropriate circumstances) of Schedule 10, shall be affixed to the rear of the agricultural vehicle in conformity with paragraph 23 of that Schedule; or
  - (iii) where the goods are being carried in packages only, any danger signs displayed on those packages in accordance with regulation 11 of the CDGCPL Regulations shall be clearly visible from outside the vehicle;
  - (b) the driver of the vehicle (other than a vehicle which displays the UN number and emergency action code in accordance with sub-paragraph (a)(i)) shall have in his possession, or there shall otherwise be available on the vehicle, the emergency information relating to the goods;
  - (c) so far as is reasonably practicable, any orange-coloured panel or danger sign displayed shall be clean and clearly visible, except when the vehicle is being loaded or unloaded;
  - (d) any tank which is being used for the carriage of dangerous goods shall be suitable for such a purpose; and
  - (e) on or after 1st January 1999, for any tank with a capacity greater than 450 litres, there shall be in existence a current report signed by a competent person following an inspection and test carried out within the six years prior to the date carriage commences, which states that the tank is suitable for the purpose of carrying the dangerous goods which are to be carried therein.
8. Regulations 12(1) and 13 shall only apply to and in relation to the carriage of dangerous goods in a package where the mass or volume exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of those goods.
9. Regulation 17(1) shall not apply where the dangerous goods are being carried in a vehicle owned by the armed forces, insofar as the vehicle concerned is being used in connection with—
- (a) training—
    - (i) which has been certified in writing for the purposes of regulation 10(1)(a) of the Road Vehicles Lighting Regulations (Northern Ireland) 1995(25) by a person duly authorised in that behalf to be training on a special occasion; and
    - (ii) in respect of which not less than 48 hours notice has been given to the Chief Constable of the Royal Ulster Constabulary and the Chief Fire Officer of the Fire Authority;



- (b) manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958<sup>(26)</sup>.

10. Only regulations 17 and 23(1) shall apply where aircraft fuel is being carried, for the purpose of servicing aircraft, in a vehicle (including a hydrant dispenser) designed for that purpose—

- (a) on an aerodrome within the meaning of article 96(1) of the Air Navigation Order 1985<sup>(27)</sup>; or
- (b) between one part of such an aerodrome and another part thereof,

and in this paragraph “hydrant dispenser” means a vehicle used for the purpose of delivering aircraft fuel from any hydrant situated at an aircraft loading position to the aircraft and to which there may be structurally attached metering equipment, filters, pipework, hoses and a pump.

11. Regulation 24 shall only apply to and in relation to the carriage of dangerous goods where the total mass or volume of dangerous goods exceeds the number specified in column 4 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of the dangerous goods in the load.

### SCHEDULE 3

Regulation 11(1)

#### **Special Requirements relating to Tank Containers and the Tanks of Road Tankers constructed before 1st January 1999**

##### **Construction of vehicles and tank containers**

1. The operator of a road tanker or tank container shall not use that road tanker or tank container for the carriage of dangerous goods unless—

- (a) it is properly designed, of adequate strength and of good construction from sound and suitable material;
- (b) it is suitable for the purpose for which it is being used having regard to—
  - (i) the nature and circumstances of the journey being undertaken; and
  - (ii) the characteristic properties and quantity of the dangerous goods and of all other goods being carried, including any which are not in themselves dangerous;
- (c) the carrying tank of the road tanker or the tank container concerned, and any fittings attached thereto—
  - (i) are designed, constructed and maintained so as to prevent any of the contents escaping, except that this requirement shall not prevent the fitting of a suitable safety device; and
  - (ii) insofar as they are likely to come into contact with the goods, are made of materials which are neither liable to be adversely affected by the goods nor liable in conjunction with them significantly to increase the risk to the health or safety of any person; and
- (d) in the case of a road tanker or tank container brought into use for the first time on or after 6th July 1992 for the carriage of any dangerous goods, he is in possession of sufficient information in writing concerning—
  - (i) its design, construction, examination and maintenance; and

---

<sup>(26)</sup> 1958 Eliz 2 c. 7

<sup>(27)</sup> S.I. 1985/1643

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (ii) any repairs or modifications made to the carrying tank of that road tanker or, as the case may be, to that tank container or to any fittings attached thereto, as may reasonably foreseeably be needed to enable him to comply with this Schedule insofar as it imposes requirements or prohibitions on him.

### **Testing and examination of the carrying tanks of road tankers and tank containers**

2.—(1) Dangerous goods shall not be carried in the carrying tank of a road tanker or in a tank container unless—

- (a) for the purpose of ensuring that they are properly maintained, there has been prepared and there is carried into effect a suitable written scheme for—
  - (i) the initial and periodic examination; and
  - (ii) the initial and, where appropriate, periodic testing, of the relevant carrying tank or tank container and its fittings by a competent person;
- (b) before being brought into use for the first time for the carriage of dangerous goods, the relevant carrying tank or tank container was certified by a competent person as suitable for the purposes for which he understood it was to be used and those purposes were specified in the certificate; and
- (c) subject to sub-paragraph (13), there is in existence a current report signed by the competent person who carried out the most recent examination and test in accordance with the written scheme required by head (a) stating—
  - (i) the date or dates on which the said examination and test were carried out and the results thereof;
  - (ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in head (a) or such shorter interval as the competent person may specify;
  - (iii) that the relevant carrying tank or tank container remains suitable either for the purposes specified in the certificate for that tank referred to in head (b) or for the purposes specified in a further certificate issued under sub-paragraph (10), or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable; and
  - (iv) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(2) Where, before 6th July 1992, there was in existence in respect of the carrying tank of a road tanker or a tank container and any fittings attached thereto, a suitable written scheme drawn up in accordance with regulation 7(2)(a) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988(28), that written scheme shall be deemed to be a suitable written scheme in existence in respect of that carrying tank or tank container and those fittings drawn up in accordance with sub-paragraph (1)(a).

(3) Subject to sub-paragraph (13), dangerous goods shall not be carried in the carrying tank of a road tanker or in a tank container if—

- (a) the carrying tank or tank container concerned or any fittings attached thereto have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, where the carrying tank or tank container is such as is specified in paragraph 3(1), the tank and its fittings were last examined and tested under—
  - (i) ADR;

- (ii) RID; or
  - (iii) the IMDG Code; or
- (b) in the case of a pressure vessel, the pressure in the vessel exceeds the maximum working pressure specified in the report referred to in sub-paragraph (1)(c).
- (4) It shall be sufficient compliance with sub-paragraph (1)(c) if—
- (a) the competent person referred to therein first enters his report in a computer under the operator's control and then duly authenticates it; or
  - (b) where the competent person does not enter it in a computer under the operator's control, the report is transferred to such a computer by, or on the instructions of, the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.
- (5) The procedure referred to in sub-paragraph (4) may only be used if the report—
- (a) is capable of being reproduced in written form when required at the appropriate place referred to in paragraph 4(1);
  - (b) is secure from unauthorised interference; and
  - (c) can be authenticated only by the competent person.
- (6) Subject to sub-paragraph (7), every carrying tank of a road tanker and every tank container shall have securely fastened to it, or to any support which is welded to that carrying tank or tank container, in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked—
- (a) the name or identifying mark of the manufacturer of the carrying tank or tank container;
  - (b) the serial number of the carrying tank or tank container by which it can be identified;
  - (c) the date of the most recent examination and test carried out in accordance with sub-paragraph (1); and
  - (d) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.
- (7) Where compliance with sub-paragraph (6)(c) is not possible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be securely fastened to the relevant carrying tank or tank container, or to any support welded thereto, in a readily accessible position; and, in such a case, that additional plate shall also be marked in accordance with sub-paragraphs (6)(a), (b) and, where appropriate, (d).
- (8) Where any corrosion-resistant plate such as is described in sub-paragraph (6) or (7) and which is securely fastened to the carrying tank of a road tanker or to a tank container is covered by an insulating layer which surrounds that carrying tank or tank container, a duplicate corrosion-resistant plate, indelibly marked with the same information as is marked on the plate which is covered as aforesaid, shall be securely fastened to the exterior of that insulating layer.
- (9) Where the carrying tank of a road tanker, a tank container or the fittings of any such tank have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, in the case of any carrying tank or tank container such as is specified in paragraph 3(1), that tank and its fittings were last examined and tested under ADR, RID or the IMDG Code, the provisions of sub-paragraph (1) or, as the case may be, ADR, RID or the IMDG Code shall apply in respect of any such tank and its fittings as if the tank had not previously been used for the carriage of dangerous goods.
- (10) Where the competent person is satisfied that the carrying tank of a road tanker or a tank container is suitable for purposes other than those specified in the certificate referred to in sub-paragraph (1)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(11) In this paragraph “competent person” means a competent individual person, other than an employee, or a competent body of persons corporate or unincorporate, and accordingly any reference in the provisions referred to in this paragraph to a competent person performing a function includes a reference to his performing it through his employees.

(12) It shall be the duty of the operator of any road tanker or tank container to comply with the provisions of this paragraph.

(13) Notwithstanding sub-paragraphs (1)(c) and (3), the operator may transport by road, uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing that certificate.

## **Exceptions to paragraph 2**

3.—(1) Paragraph 2(1), (6) and (11) shall not apply to the carrying tank of a road tanker or to any tank container used for the carriage of any dangerous goods where such a tank and its fittings have been examined, tested, certified and plated in accordance with the requirements of—

- (a) ADR;
- (b) RID; or
- (c) the IMDG Code.

(2) Paragraph 2(6) shall not apply to any tube trailer or tube container where the information specified therein is indelibly marked on each transportable pressure receptacle.

## **Keeping of documents**

4.—(1) All the documents referred to in paragraphs 1 and 2 shall be kept—

- (a) in the case of any road tanker, by the operator thereof either at the premises from which the tanker operates or at his principal place of business in Northern Ireland; and
- (b) in the case of any tank container, by the operator thereof at the address in Northern Ireland from which the deployment of the tank container is controlled.

(2) It shall be sufficient compliance with sub-paragraph (1)(b) in circumstances where the operator of the tank container is not its owner, if—

- (a) authenticated copies of the documents concerned are kept at the operator’s place of business; or
- (b) the documents concerned are readily available from the owner of the tank container.

(3) Where the operator of a road tanker or tank container changes, the previous operator shall, insofar as he is required to keep any document at an address in Northern Ireland in accordance with sub-paragraph (1), give any such document to the new operator.

(4) Where either of the procedures referred to in paragraph 2(4) has been used, it shall be sufficient compliance with sub-paragraph (1) in respect of the report referred to in paragraph 2(1)(c) if that report is kept by the operator concerned in a computer at the appropriate place specified in sub-paragraph (1); and without prejudice to the generality of sub-paragraph (3), if the operator changes in circumstances where the report referred to in paragraph 2(1)(c) is kept in a computer in accordance with this sub-paragraph, the previous operator shall provide the new operator with the information contained in that report in written form.

5. In this Schedule—

“pressure vessel” means a tank container or the carrying tank of a road tanker which is—

- (a) used or intended to be used for the carriage of dangerous goods—
  - (i) at a pressure of more than 500 millibar above or below atmospheric pressure; or

- (ii) at a pressure of 500 millibar or less above atmospheric pressure if that pressure is maintained by artificial means and would rise above it if such means were no longer employed; or
- (b) loaded or discharged at a pressure of more than 500 millibar above or below atmospheric pressure;

“tube container” means a group of transportable pressure receptacles connected with a total capacity greater than 3 cubic metres, fitted into a framework suitable for lifting on or off a vehicle and intended to be used for the carriage of compressed gases;

“tube trailer” means a trailer which has more than one transportable pressure receptacle structurally attached to, or forming part of, the trailer and which is intended to be used for the carriage of compressed gases.

## SCHEDULE 4

Regulation 7

### **Method of Dispatch and Restrictions on forwarding of certain Dangerous Goods**

#### **Flammable solids**

1. The following goods shall be carried in tanks—  
UN 2304 NAPHTHALENE, MOLTEN  
UN 3176 FLAMMABLE SOLID, ORGANIC, MOLTEN, N.O.S.  
UN 2448 SULPHUR, MOLTEN
2. The following goods shall be shielded from direct sunlight and heat during carriage—  
UN 3242 AZODICARBONAMIDE  
UN 2956 5-tert-BUTYL-2,4,6-TRINITRO-m-XYLENE (MUSK XYLENE)

#### **Self-reactive substances**

3.—(1) Appropriate measures shall be taken to ensure that any control temperatures for self-reactive substances are not exceeded.

(2) Where there is a prescribed temperature in relation to particular self-reactive substances, measures shall be taken to ensure that that temperature is maintained during carriage, including—

- (a) thorough inspection of the transport unit prior to loading;
  - (b) instructions to the driver about the operation of the refrigeration system, including a list of the suppliers of coolant available en route;
  - (c) instructions to the driver on the safety measures to be taken in the event of loss of control;
  - (d) regular monitoring of operating temperatures; and
  - (e) provision of a back-up refrigeration system or spare parts.
- (3) Additional measures shall be taken to ensure that—
- (a) any control and temperature sensing devices in the refrigeration system are readily accessible and all electrical connections are weather-proof;
  - (b) the temperature of the air space within the transport unit is measured by two independent sensors and the output is so recorded that temperature changes are readily detectable;
  - (c) the temperature is checked every four to six hours and logged;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (d) where goods having a control temperature of less than 25 degrees centigrade are carried, the vehicle is equipped with visible and audible alarms which are—
    - (i) powered independently of the refrigeration system; and
    - (ii) set to operate at or below the control temperature;
  - (e) where the control temperature is exceeded during carriage, an alert procedure is initiated involving—
    - (i) any necessary repairs to the refrigeration equipment; or
    - (ii) an increase in the cooling capacity, for example, by adding liquid or solid coolant;
  - (f) there is frequent checking of the temperature and preparations for implementation of the emergency measures; and
  - (g) where the emergency temperature is reached, the safety measures are set in operation.
- (4) In order to determine the suitability of a particular means of temperature control for carriage the following factors shall be considered—
- (a) the control temperature of each of the goods to be carried;
  - (b) the difference between the control temperature and the anticipated ambient temperature conditions;
  - (c) the effectiveness of the thermal insulation;
  - (d) the duration of carriage; and
  - (e) the allowance of a safety margin for delays.
- (5) Suitable methods for preventing the control temperature being exceeded are, in order of increasing capability—
- (a) thermal insulation, provided that the initial temperature of the self-reactive substance is sufficiently below the control temperature;
  - (b) thermal insulation and coolant system, provided that—
    - (i) an adequate quantity of non-flammable coolant, such as liquid nitrogen or solid carbon dioxide, allowing a reasonable margin for possible delay, is carried or a means of replenishment is assured;
    - (ii) liquid oxygen or air is not used as coolant;
    - (iii) there is a uniform cooling effect, even when most of the coolant has been consumed; and
    - (iv) the need to ventilate the vehicle before entering is clearly indicated by a warning on every door;
  - (c) thermal insulation and single mechanical refrigeration, provided that flameproof electrical fittings are used within the coolant compartment to prevent ignition of flammable vapours from the self-reactive substances;
  - (d) thermal insulation and combined mechanical refrigeration system and coolant system, provided that—
    - (i) the two systems are independent of one another; and
    - (ii) the provisos specified in heads (b) and (c) are satisfied;
  - (e) thermal insulation and dual mechanical refrigeration system, provided that—
    - (i) apart from the integral power supply unit, the two systems are independent of one another;
    - (ii) each system alone is capable of maintaining adequate temperature control; and

(iii) flameproof electrical fittings are used within the coolant compartment to prevent ignition of flammable vapours from the self-reactive substances.

4. For the following goods—

UN 3231 SELF-REACTIVE LIQUID TYPE B, TEMPERATURE CONTROLLED\*

UN 3232 SELF-REACTIVE SOLID TYPE B, TEMPERATURE CONTROLLED\*

the methods of temperature control specified below shall be used—

(a) where the maximum ambient temperature to be expected during carriage does not exceed the control temperature by more than 10 degrees centigrade, one of the methods specified in paragraph 3(5)(c), (d) or (e);

(b) in all other cases, one of the methods specified in paragraph 3(5)(d) or (e).

5. For the following goods—

UN 3233 SELF-REACTIVE LIQUID TYPE C, TEMPERATURE CONTROLLED\*

UN 3234 SELF-REACTIVE SOLID TYPE C, TEMPERATURE CONTROLLED\*

UN 3235 SELF-REACTIVE LIQUID TYPE D, TEMPERATURE CONTROLLED\*

UN 3236 SELF-REACTIVE SOLID TYPE D, TEMPERATURE CONTROLLED\*

UN 3237 SELF-REACTIVE LIQUID TYPE E, TEMPERATURE CONTROLLED\*

UN 3238 SELF-REACTIVE SOLID TYPE E, TEMPERATURE CONTROLLED\*

UN 3239 SELF-REACTIVE LIQUID TYPE F, TEMPERATURE CONTROLLED\*

UN 3240 SELF-REACTIVE SOLID TYPE F, TEMPERATURE CONTROLLED\*

the methods of temperature control specified below shall be used—

(a) where the maximum ambient temperature to be expected during carriage is at least 10 degrees centigrade below the control temperature, any of the methods specified in paragraph 3(5);

(b) where the maximum ambient temperature to be expected during carriage does not exceed the control temperature by more than 30 degrees centigrade, one of the methods specified in paragraph 3(5)(b) to (e);

(c) in all other cases, one of the methods specified in paragraph 3(5)(c) to (e).

### **Spontaneously combustible substances**

6. The goods UN 2447 PHOSPHORUS, WHITE, MOLTEN shall be carried in tanks.

### **Oxidizing substances**

7. The goods UN 2426 AMMONIUM NITRATE, LIQUID (hot concentrated solution) shall be carried in tanks.

### **Organic peroxides**

8.—(1) Appropriate measures shall be taken to ensure that any control temperatures for organic peroxides are not exceeded.

(2) Where there is a prescribed temperature in relation to particular organic peroxides measures shall be taken to ensure that that temperature is maintained during carriage, including—

(a) thorough inspection of the transport unit prior to loading;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) instructions to the driver about the operation of the refrigeration system including a list of the suppliers of coolant available en route;
  - (c) instructions to the driver on the safety measures to be taken in the event of loss of control;
  - (d) regular monitoring of operating temperatures; and
  - (e) provision of a back-up refrigeration system or spare parts.
- (3) Additional measures shall also be taken to ensure that—
- (a) any control and temperature sensing devices in the refrigeration system are readily accessible and all electrical connections are weather-proof;
  - (b) the temperature of the air space within the transport unit is measured by two independent sensors and the output is so recorded that temperature changes are readily detectable;
  - (c) the temperature shall be checked every four to six hours and logged;
  - (d) where goods having a control temperature of less than 25 degrees centigrade are carried, the vehicle is equipped with visible and audible alarms which are—
    - (i) powered independently of the refrigeration system; and
    - (ii) set to operate at or below the control temperature;
  - (e) where the control temperature is exceeded during carriage, an alert procedure is initiated involving—
    - (i) any necessary repairs to the refrigeration equipment; or
    - (ii) an increase in the cooling capacity by adding liquid or solid coolant;
  - (f) there is frequent checking of the temperature and preparations for implementation of the emergency measures; and
  - (g) where the emergency temperature is reached, the safety measures are set in operation.
- (4) In order to determine the suitability of a particular means of temperature control for carriage the following factors shall be considered—
- (a) the control temperature of the goods to be carried;
  - (b) the difference between the control temperature and the anticipated ambient temperature conditions;
  - (c) the effectiveness of the thermal insulation;
  - (d) the duration of carriage; and
  - (e) the allowance of a safety margin for delays.
- (5) Suitable methods for preventing the control temperature being exceeded are, in order of increasing capability—
- (a) thermal insulation provided that the initial temperature of the organic peroxide is sufficiently below the control temperature;
  - (b) thermal insulation and coolant system provided that—
    - (i) an adequate quantity of non-flammable coolant such as liquid nitrogen or solid carbon dioxide, allowing a reasonable margin for possible delay, is carried or a means of replenishment is assured;
    - (ii) liquid oxygen or air is not used as coolant;
    - (iii) there is a uniform cooling effect even when most of the coolant has been consumed; and
    - (iv) the need to ventilate the transport unit before entering is clearly indicated by a warning on every door;



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) thermal insulation and single mechanical refrigeration, provided that flameproof electrical fittings are used within the coolant compartment to prevent ignition of flammable vapours from the organic peroxides;
- (d) thermal insulation and combined mechanical refrigeration system and coolant system provided that—
  - (i) the two systems are independent of one another; and
  - (ii) the provisos specified in heads (b) and (c) are satisfied;
- (e) thermal insulation and dual mechanical refrigeration system provided that—
  - (i) apart from the integral power supply unit, the two systems are independent of one another;
  - (ii) each system alone is capable of maintaining adequate temperature control; and
  - (iii) flameproof electrical fittings are used within the coolant compartment to prevent ignition of flammable vapours from the organic peroxides.

9. For the following goods—

UN 3111 ORGANIC PEROXIDE TYPE B, LIQUID, TEMPERATURE CONTROLLED\*

UN 3112 ORGANIC PEROXIDE TYPE B, SOLID, TEMPERATURE CONTROLLED\*

the methods of temperature control specified below shall be used—

- (a) where the maximum ambient temperature to be expected during carriage does not exceed the control temperature by more than 10 degrees centigrade, one of the methods specified in paragraph 8(5)(c), (d) or (e);
- (b) in all other cases, one of the methods specified in paragraph 8(5)(d) or (e).

10. For the following goods—

UN 3113 ORGANIC PEROXIDE TYPE C, LIQUID, TEMPERATURE CONTROLLED\*

UN 3114 ORGANIC PEROXIDE TYPE C, SOLID, TEMPERATURE CONTROLLED\*

UN 3115 ORGANIC PEROXIDE TYPE D, LIQUID, TEMPERATURE CONTROLLED\*

UN 3116 ORGANIC PEROXIDE TYPE D, SOLID, TEMPERATURE CONTROLLED\*

UN 3117 ORGANIC PEROXIDE TYPE E, LIQUID, TEMPERATURE CONTROLLED\*

UN 3118 ORGANIC PEROXIDE TYPE E, SOLID, TEMPERATURE CONTROLLED\*

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\*  
(tert-Butyl peroxyacetate)

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\*  
(tert-Butyl peroxy-2-ethylhexanoate)

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\*  
(tert-Butyl peroxy-pivalate)

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\*  
(tert-Butyl peroxy-3, 3, 5-trimethylhexanoate)

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\* (Di  
(3, 5, 5-trimethyl-hexanoyl) peroxide)

UN 3119 ORGANIC PEROXIDE TYPE F, LIQUID, TEMPERATURE CONTROLLED\*

UN 3120 ORGANIC PEROXIDE TYPE F, SOLID, TEMPERATURE CONTROLLED\*

the methods of temperature control specified below shall be used—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) where the maximum ambient temperature to be expected during carriage is at least 10 degrees centigrade below the control temperature, any of the methods specified in paragraph 8(5);
- (b) where the maximum ambient temperature to be expected during carriage does not exceed the control temperature by more than 30 degrees centigrade, one of the methods specified in paragraph 8(5)(b) to (e);
- (c) in all other cases, one of the methods specified in paragraph 8(5)(c) to (e).

## SCHEDULE 5

Regulation 8(2)

### **Requirements for the Carriage in Bulk in Vehicles of certain Dangerous Goods**

#### **Application**

1. This Schedule only applies where the dangerous goods specified herein are, or are to be, carried in bulk in a vehicle.

#### **Flammable solids**

2. A vehicle carrying the goods UN 1334 NAPHTHALENE, CRUDE or NAPHTHALENE, REFINED shall be—

- (a) closed and have a metal body; or
- (b) covered with a non-combustible sheet and—
  - (i) have a metal body; or
  - (ii) have its floor and sides protected from the load.

3.—(1) A vehicle carrying the goods UN 3175 SOLIDS CONTAINING FLAMMABLE LIQUID, N.O.S.\*—

- (a) may be open, provided it is sheeted; and
- (b) shall have adequate ventilation.

(2) Suitable measures shall be taken to ensure that where a vehicle is carrying the goods referred to in sub-paragraph (1), none of those goods, particularly any liquid components thereof, can escape.

4. A vehicle carrying flammable solids, other than those specified in paragraphs 2 and 3, shall be closed or sheeted.

#### **Spontaneously combustible substances**

5. A vehicle carrying spontaneously combustible substances shall have a metal body and be closed or sheeted.

#### **Substances which in contact with water emit flammable gas**

6. A vehicle carrying the goods UN 3170 ALUMINIUM SMELTING BY-PRODUCTS or ALUMINUM REMELTING BY-PRODUCTS of packing group II—

- (a) may be open, provided it is sheeted; and
- (b) shall be well ventilated.

7. A vehicle carrying any of the following goods shall be closed or sheeted—

UN 3170 ALUMINIUM SMELTING BY-PRODUCTS or ALUMINIUM REMELTING BY-PRODUCTS of packing group III

UN 1408 FERROSILICON with  $\geq 30\%$  but  $< 90\%$  silicon

UN 1405 CALCIUM SILICIDE in pieces of packing groups II and III

UN 2844 CALCIUM MAGNESIUM SILICON in pieces.

8. The openings used for loading and unloading in a vehicle carrying substances which in contact with water emit gas, other than those specified in paragraphs 6 and 7, shall be capable of being closed hermetically.

### **Oxidizing substances**

9.—(1) Where oxidizing substances are carried in a sheeted vehicle, the sheet shall be of an impermeable non-combustible material.

(2) A vehicle carrying oxidizing substances shall be so constructed that either—

(a) the goods cannot come into contact with wood or any other combustible material; or

(b) the entire surface of the floor and sides, if combustible, have been provided with—

(i) an impermeable and incombustible surfacing; or

(ii) treated with substances rendering any wood with which the goods may come into contact difficult to ignite.

(3) Steps shall be taken to ensure that if a leakage occurs in a vehicle carrying oxidizing substances, those substances cannot come into contact with wood or any other combustible material.

### **Toxic substances**

10.—(1) The following goods shall be carried in a vehicle under sole use—

UN 1884 BARIUM OXIDE

UN 1564 BARIUM COMPOUNDS, TOXIC, N.O.S. of packing group III

Solid wastes containing either of these goods.

(2) A vehicle carrying any of the goods referred to in sub-paragraph (1) may be open, provided it is sheeted.

11.—(1) The goods UN 3243 SOLIDS CONTAINING TOXIC LIQUID, N.O.S.\* shall be carried in a vehicle under sole use.

(2) A vehicle carrying the goods referred to in sub-paragraph (1)—

(a) may be open, provided it is sheeted; and

(b) shall be leak-proof or rendered leak-proof, for example, by the provision of a suitable and sufficiently stout inner lining.

12. Toxic substances, other than those specified in paragraphs 10 and 11 or solid wastes containing those toxic substances specified in paragraphs 10 and 11, shall not be carried in bulk in a vehicle.

### **Corrosive substances**

13. Solid wastes which are classified as corrosive substances of packing group III shall be carried in a vehicle under sole use.

14.—(1) The following goods shall be carried in a vehicle under sole use—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

UN 1794 LEAD SULPHATE

UN 2506 AMMONIUM HYDROGEN SULPHATE

UN 2509 POTASSIUM HYDROGEN SULPHATE

UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.\*

(2) A vehicle carrying any of the goods referred to in sub-paragraph (1) shall—

(a) be equipped with a suitable and sufficiently stout inner lining; and

(b) where the vehicle is sheeted, the sheet shall be so placed that it cannot touch the load.

15. The provisions of paragraph 14 shall apply to vehicles carrying solid wastes of any of the following goods—

UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.\*

UN 2506 AMMONIUM HYDROGEN SULPHATE

UN 2509 POTASSIUM HYDROGEN SULPHATE

16. A vehicle carrying the goods UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.\* shall be leak-proof or rendered leak-proof, for example, by the provision of a suitable and sufficiently stout inner lining.

17. Only those corrosive substances which are listed in paragraphs 14 to 16 or solid wastes containing those corrosive substances may be carried in bulk in a vehicle.

#### **Miscellaneous dangerous goods**

18. A vehicle carrying any of the following goods—

UN 2211 POLYMERIC BEADS, EXPANDABLE

UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.\*

(a) may be open, provided it is sheeted; and

(b) shall have adequate ventilation.

### SCHEDULE 6

Regulation 8(3)

#### **Requirements for the Carriage in Bulk in Containers of certain Dangerous Goods**

##### **Application**

1. This Schedule only applies where the dangerous goods specified herein are, or are to be, carried in bulk in a container.

##### **Flammable solids**

2. A container carrying the goods UN 1334 NAPHTHALENE, CRUDE or NAPHTHALENE, REFINED shall be—

(a) closed and have a metal body; or

(b) covered with a non-combustible sheet; and—

(i) have a metal body; or

(ii) have its floor and sides protected from the load.

3.—(1) A container carrying the goods UN 3175 SOLIDS CONTAINING FLAMMABLE LIQUID, N.O.S.\*—

- (a) may be open, provided it is sheeted; and
- (b) shall have adequate ventilation.

(2) Suitable measures shall be taken to ensure that none of the contents, particularly liquid components, of a container carrying the goods referred to in sub-paragraph (1) can escape.

4. A container carrying flammable solids, other than those specified in paragraphs 2 and 3, shall be closed or sheeted.

#### **Spontaneously combustible substances**

5. A container carrying spontaneously combustible substances shall be closed or sheeted and have a metal body.

#### **Substances which in contact with water emit flammable gas**

6. A container carrying the goods UN 3170 ALUMINIUM SMELTING BY-PRODUCTS or ALUMINUM REMELTING BY-PRODUCTS of packing group II—

- (a) may be open, provided it is sheeted; and
- (b) shall be well ventilated.

7. A container carrying any of the following goods shall be closed or sheeted—

UN 3170 ALUMINIUM SMELTING BY-PRODUCTS or ALUMINIUM REMELTING BY-PRODUCTS of packing group II

UN 1408 FERROSILICON with  $\geq 30\%$  but  $< 90\%$  silicon

UN 1405 CALCIUM SILICIDE in pieces of packing groups II and III

UN 2844 CALCIUM MAGNESIUM SILICON in pieces.

8. The openings used for loading and unloading in a container carrying substances which in contact with water emit flammable gas, other than those specified in paragraphs 6 and 7, shall be capable of being closed hermetically.

9. A container carrying any of the following goods—

UN 1438 ALUMINIUM NITRATE

UN 1451 CAESIUM NITRATE

UN 1454 CALCIUM NITRATE

UN 1465 DIDYMIUM NITRATE

UN 1466 FERRIC NITRATE

UN 1467 GUANIDINE NITRATE

UN 1474 MAGNESIUM NITRATE

UN 1477 NITRATES, INORGANIC, N.O.S.

UN 1486 POTASSIUM NITRATE

UN 1498 SODIUM NITRATE

UN 1499 SODIUM NITRATE AND POTASSIUM NITRATE MIXTURE

UN 1507 STRONTIUM NITRATE

UN 2067 AMMONIUM NITRATE FERTILISERS

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

UN 2068 AMMONIUM NITRATE FERTILISERS  
UN 2069 AMMONIUM NITRATE FERTILISERS  
UN 2070 AMMONIUM NITRATE FERTILISERS  
UN 2720 CHROMIUM NITRATE  
UN 2722 LITHIUM NITRATE  
UN 2724 MANGANESE NITRATE  
UN 2725 NICKEL NITRATE  
UN 2728 ZIRCONIUM NITRATE  
UN 3218 NITRATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.

shall be—

- (a) covered with a lid or an impermeable non-combustible sheet; and
- (b) so constructed that either—
  - (i) the goods in the container cannot come into contact with wood or any other combustible material, or
  - (ii) the entire surface of the floor and sides, if made of wood—
    - (aa) has been provided with an impermeable surfacing resistant to combustion;  
or
    - (bb) has been coated with sodium silicate or a similar substance.

10. A container carrying oxidizing substances, other than those specified in paragraph 9, shall be—

- (a) made of metal;
- (b) leak-proof;
- (c) covered with a lid or an impermeable sheet resistant to combustion; and
- (d) so constructed that the goods contained therein cannot come into contact with wood or any other combustible material.

### **Toxic substances**

11. A container carrying any of the following goods—

UN 1884 BARIUM OXIDE  
UN 1564 BARIUM COMPOUNDS, TOXIC, N.O.S. of packing group III  
UN 3243 SOLIDS CONTAINING TOXIC LIQUID, N.O.S.\*

Waste toxic substances of packing group III—

- (a) shall be sheeted or covered; and
- (b) shall have complete sides.

12. A container carrying the goods UN 3243 SOLIDS CONTAINING TOXIC LIQUID, N.O.S.\* shall be leak-proof or rendered leak-proof, for example, by the provision of a suitable and sufficiently stout inner lining.

13. A container carrying solid wastes containing toxic substances, other than those toxic substances specified in paragraphs 11 and 12, shall—

- (a) be sheeted or covered; and
- (b) have complete sides.

### **Corrosive substances**

14.—(1) The following goods shall be carried in a large container under sole use—

UN 1794 LEAD SULPHATE

UN 2506 AMMONIUM HYDROGEN SULPHATE

UN 2509 POTASSIUM HYDROGEN SULPHATE

(2) A container carrying any of the goods referred to in sub-paragraph (1) shall—

(a) be equipped with a suitable inner lining;

(b) be sheeted or covered; and

(c) have complete sides.

15. The provisions of paragraph 14 shall apply to containers carrying the solid wastes of any of the following goods—

UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.\*

UN 2506 AMMONIUM HYDROGEN SULPHATE

UN 2509 POTASSIUM HYDROGEN SULPHATE

16.—(1) The provisions of paragraph 14(1), and (2)(b) and (c) shall apply to containers carrying the goods UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.\*.

(2) A container carrying the goods referred to in sub-paragraph (1) shall be leak-proof or rendered leak-proof, for example by the provision of a suitable and sufficiently stout inner lining.

17. A container carrying solid wastes containing corrosive substances, other than those corrosive substances specified in paragraphs 14 to 16, shall—

(a) be sheeted or have a cover; and

(b) have complete sides.

## SCHEDULE 7

Regulation 10(2)(c)

### **Types of Vehicle to be used for the Carriage of certain Dangerous Goods**

#### **Gases**

1. Where compressed gases, flammable gases or toxic gases are carried in packages in a closed vehicle, the vehicle shall be provided with adequate ventilation.

#### **Flammable solids**

2. An insulated, refrigerated or mechanically refrigerated vehicle used to carry flammable solids shall comply with the appropriate provisions in the Approved Vehicle Requirements.

3. The following goods shall be loaded in a closed or sheeted vehicle—

UN 3233 SELF-REACTIVE LIQUID TYPE C, TEMPERATURE CONTROLLED\*

UN 3234 SELF-REACTIVE SOLID TYPE C, TEMPERATURE CONTROLLED\*

UN 3235 SELF-REACTIVE LIQUID TYPE D, TEMPERATURE CONTROLLED\*

UN 3236 SELF-REACTIVE SOLID TYPE D, TEMPERATURE CONTROLLED\*

UN 3237 SELF-REACTIVE LIQUID TYPE E, TEMPERATURE CONTROLLED\*

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

UN 3238 SELF-REACTIVE SOLID TYPE E, TEMPERATURE CONTROLLED\*

UN 3239 SELF-REACTIVE LIQUID TYPE F, TEMPERATURE CONTROLLED\*

UN 3240 SELF-REACTIVE SOLID TYPE F, TEMPERATURE CONTROLLED\*

4.—(1) Where any of the following dangerous goods are contained in protective packagings filled with a coolant they shall be carried in a closed or sheeted vehicle—

UN 3231 SELF-REACTIVE LIQUID TYPE B, TEMPERATURE CONTROLLED\*

UN 3232 SELF-REACTIVE SOLID TYPE B, TEMPERATURE CONTROLLED\*

(2) Where the vehicle carrying any of the goods referred to in sub-paragraph (1) is—

(a) closed, it shall be adequately ventilated;

(b) sheeted—

(i) it shall be fitted with side boards and a tail-board; and

(ii) the sheets shall be of an impermeable and non-combustible material.

#### **Spontaneously combustible substances**

5. Packages containing spontaneously combustible substances shall be carried in a closed or sheeted vehicle.

#### **Substances which in contact with water emit flammable gas**

6. Packages containing substances which in contact with water emit flammable gas shall be loaded in a closed or sheeted vehicle.

#### **Oxidizing substances**

7.—(1) Flexible intermediate bulk containers containing any of the following goods shall be carried in a closed or sheeted vehicle—

UN 1442 AMMONIUM PERCHLORATE

UN 1450 BROMATES, INORGANIC, N.O.S.

UN 1452 CALCIUM CHLORATE

UN 1455 CALCIUM PERCHLORATE

UN 1458 CHLORATE AND BORATE MIXTURE

UN 1459 CHLORATE AND MAGNESIUM CHLORIDE MIXTURE, SOLUTION

UN 1461 CHLORATES, INORGANIC, N.O.S.

UN 1473 MAGNESIUM BROMATE

UN 1475 MAGNESIUM PERCHLORATE

UN 1481 PERCHLORATES, INORGANIC, N.O.S.

UN 1484 POTASSIUM BROMATE

UN 1485 POTASSIUM CHLORATE

UN 1489 POTASSIUM PERCHLORATE

UN 1494 SODIUM BROMATE

UN 1495 SODIUM CHLORATE

UN 1502 SODIUM PERCHLORATE

UN 1506 STRONTIUM CHLORATE



UN 1508 STRONTIUM PERCHLORATE

UN 1513 ZINC CHLORATE

UN 2427 POTASSIUM CHLORATE, AQUEOUS SOLUTION

UN 2428 SODIUM CHLORATE, AQUEOUS SOLUTION

UN 2429 CALCIUM CHLORATE, AQUEOUS SOLUTION

UN 2721 COPPER CHLORATE

UN 2723 MAGNESIUM CHLORATE

UN 3210 CHLORATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.

UN 3211 PERCHLORATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.

UN 3213 BROMATES, INORGANIC, AQUEOUS SOLUTION, N.O.S.

(2) Where the vehicle carrying any of the goods referred to in sub-paragraph (1) is sheeted, the sheet shall be of an impermeable and non-combustible material.

(3) Steps shall be taken to ensure that if a leakage occurs in a vehicle carrying any of the goods referred to in sub-paragraph (1), those goods cannot come into contact with wood or any other combustible material.

8. Where the goods UN 2015 HYDROGEN PEROXIDE, STABILISED or HYDROGEN PEROXIDE, AQUEOUS SOLUTION, STABILISED are carried in a road tanker or in a tank with a capacity greater than 3000 litres, in a vehicle, the road tanker or vehicle concerned shall carry an additional tank which—

- (a) shall be placed as securely as possible; and
- (b) shall have a capacity of approximately 30 litres of water to which has been added an anti-freeze preparation which does not attack the skin or the mucous membranes and does not react chemically with the load.

### **Organic peroxides**

9. Organic peroxides, other than those which require temperature control, shall be carried in a closed or sheeted vehicle.

10.—(1) Organic peroxides which require temperature control, other than those which are contained in protective packagings filled with a coolant, shall be carried in an insulated, refrigerated or mechanically-refrigerated vehicle which complies with the appropriate provisions in the Approved Vehicle Requirements.

(2) Organic peroxides requiring temperature control which are contained in protective packagings filled with a coolant shall be carried in a closed or sheeted vehicle.

(3) Where the vehicle referred to in sub-paragraph (2)—

- (a) is closed, it shall be adequately ventilated;
- (b) is sheeted—
  - (i) it shall be fitted with side boards and a tail-board; and
  - (ii) the sheets of the vehicle shall be of an impermeable and non-combustible material.

### **Infectious substances**

11. Packages containing infectious substances shall be carried in a closed vehicle or a vehicle which is covered.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Miscellaneous dangerous goods**

12. Packages containing miscellaneous dangerous goods other than articles shall be carried in a closed vehicle or a vehicle which is covered.

## **SCHEDULE 8**

Regulation 11(13)

### **Fees for approvals and surveillance inspections**

1. On the making of an application under regulation 11 to the competent authority for the approval of a person as an approved person, there shall be payable by the applicant in connection with the performance by or on behalf of the competent authority of its functions in relation to that application, a fee or fees to be determined in accordance with paragraphs 2 to 5.

2. On receipt of the application referred to in paragraph 1, the competent authority shall prepare and send to the applicant an estimate of the cost to it of the work necessary for the determination of the application, and subject to paragraph 4, the amount so estimated shall be the amount of the initial fee payable and shall be paid forthwith to the competent authority.

3. On determination of the application referred to in paragraph 1, the competent authority shall prepare and send to the applicant a detailed statement of the work carried out for the determination of the application and of the cost reasonably incurred by it in carrying out that work or in having it carried out on its behalf.

4. If the cost stated in accordance with paragraph 3—

- (a) is greater than the amount of the initial fee estimated in accordance with paragraph 2, the difference shall be notified by the competent authority to the applicant and shall be paid by the applicant forthwith; or
- (b) is less than the amount of the initial fee estimated in accordance with paragraph 2, the difference shall be paid forthwith to the applicant by the competent authority.

5. In estimating or stating the cost of carrying out any work, the competent authority may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

6. Following a surveillance inspection of an approved person in accordance with regulation 11(12), the competent authority shall prepare and send to that person a statement of the cost of the performance by or on behalf of the competent authority of its functions in relation to that inspection, and the amount so stated shall be the fee payable for that inspection and shall be paid forthwith.

## **SCHEDULE 9**

Regulation 14(4)(b)

### **Additional Emergency Information relating to the Carriage of certain Dangerous Goods**

#### **Infectious substances**

1. Where infectious substances are carried the emergency information shall include—

- (a) an instruction that, in the case of breakage or deterioration of packagings or of the goods being carried, particularly where such goods have spilled over the road, the emergency services shall be informed;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) information as to how the goods are to be absorbed and contained, and how the dangers of infectious substances are to be eliminated on the spot, for example, by the use of suitable disinfectants;
- (c) information on suitable protective equipment for the driver.

### **Miscellaneous dangerous goods**

2. Where any of the following goods, or apparatus containing such goods (such as transformers, condensers and hydraulic apparatus) are carried, the text of the emergency information shall indicate that highly toxic dioxins may form in the event of fire—

UN 2315 POLYCHLORINATED BIPHENYLS

UN 3151 POLYHALOGENATED BIPHENYLS, LIQUID or POLYHALOGENATED TERPHENYLS, LIQUID

UN 3152 POLYHALOGENATED BIPHENYLS, SOLID or POLYHALOGENATED TERPHENYLS, SOLID

3. Where any of the following goods are carried, the emergency information shall include the measures to be taken to avoid or minimise damage in the event of spillage of these goods, which are considered to be pollutant to the aquatic environment—

UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.\*

UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.\*

4. Where the goods UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS are carried, the emergency information shall include—

- (a) an instruction that, in the case of damage to or leakage from a package containing these goods the emergency services shall be informed;
- (b) information as to how the goods are to be absorbed and contained, and how the dangers of the goods are to be eliminated on the spot, for example, by the use of suitable disinfectants; and
- (c) information on suitable protective equipment for the driver.

## SCHEDULE 10

Regulation 17(1) to (4), (6) and (7)

### **Information to be Displayed on Containers, Tanks and Vehicles carrying Dangerous Goods**

## Part I

### INFORMATION TO BE DISPLAYED

1. Where dangerous goods are being carried in any container, tank or vehicle, information shall be displayed thereon in accordance with the provisions of this Schedule.

### **Interpretation**

2. Any reference in this Schedule to—
- (a) a numbered Figure is a reference to the Figure so numbered in Part II;
  - (b) “the telephone number” is a reference to the telephone number where specialist advice in English concerning the goods may be obtained at any time during carriage.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Display of orange-coloured panels, UN numbers and emergency action codes**

3. Subject to paragraph 4, an orange-coloured panel conforming to Figure 1 shall be displayed at the front of any vehicle carrying dangerous goods.

4. Paragraph 3 shall not apply to any trailer carrying dangerous goods where that trailer is not attached to a motor vehicle.

5. An orange-coloured panel conforming to Figure 1 shall be displayed at the rear of any vehicle carrying dangerous goods in packages.

6.—(1) Where a vehicle is carrying only one of the dangerous goods listed in the Approved Carriage List in a tank—

- (a) an orange-coloured panel conforming to Figure 2 shall be displayed at the rear of the vehicle bearing the appropriate UN number and the appropriate emergency action code;
- (b) an orange-coloured panel conforming to Figure 2 shall be displayed on both sides of—
  - (i) the tank;
  - (ii) the frame of the tank; or
  - (iii) the vehicle, provided the panel is positioned immediately below the tank, bearing the appropriate UN number and the appropriate emergency action code.

(2) Subject to sub-paragraph (3), where a vehicle is carrying a multi-load in tanks—

- (a) an orange-coloured panel conforming to Figure 3 shall be displayed at the rear of the vehicle bearing the appropriate emergency action code;
- (b) subject to head (c), an orange-coloured panel shall be displayed on both sides of each tank or, where the relevant tank has more than one compartment, each compartment—
  - (i) at least one of which on each side conforms to Figure 2, bearing the appropriate UN number and the appropriate emergency action code, and
  - (ii) the remainder of which conform to Figure 4, bearing the appropriate UN number;
- (c) notwithstanding head (b), the orange-coloured panels may be displayed on both sides of the frame of each tank or on both sides of the vehicle, provided they are positioned immediately below the tank or tank compartment concerned.

(3) Notwithstanding sub-paragraph (2) where any of the following goods—

UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT

UN 1203 PETROL or MOTOR SPIRIT or GASOLINE

UN 1223 KEROSENE

are being carried in a multi-compartment road tanker—

- (a) sub-paragraph (1) shall apply as though the road tanker were a vehicle carrying only one of these goods; and
- (b) any reference in that sub-paragraph to the appropriate UN number and the appropriate emergency action code shall be deemed to be a reference to the UN number and the emergency action code for the most hazardous of the goods being carried.

7.—(1) Where a vehicle is carrying only one of the dangerous goods listed in the Approved Carriage List in bulk, in the vehicle or in a container on the vehicle—

- (a) an orange-coloured panel conforming to Figure 2 shall be displayed at the rear of the vehicle, bearing the appropriate UN number and the appropriate emergency action code;

- (b) an orange-coloured panel conforming to Figure 2 shall be displayed on both sides of the vehicle or the container, as the case may be, bearing the appropriate UN number and the appropriate emergency action code.
- (2) Where a vehicle is carrying a multi-load in bulk, in separate compartments of the vehicle or in separate containers on the vehicle—
- (a) an orange-coloured panel conforming to Figure 3 shall be displayed at the rear of the vehicle, bearing the appropriate emergency action code;
  - (b) an orange-coloured panel shall be displayed on both sides of each compartment of the vehicle or each container on the vehicle, as the case may be—
    - (i) at least one of which on each side conforms to Figure 2, bearing the appropriate UN number and the appropriate emergency action code; and
    - (ii) the remainder of which conform to Figure 4, bearing the appropriate UN number.
8. Any orange-coloured panel required to be displayed in accordance with paragraphs 1 to 7 shall be attached in a substantially vertical plane, and subject to paragraph 10(1), shall be—
- (a) rigid or fixed to be rigid; and
  - (b) in the form of a plate.
9. Any UN number or emergency action code required to be displayed in accordance with paragraphs 1 to 7 shall conform to the following specification—
- (a) the UN number and, subject to sub-paragraph (b), the emergency action code shall consist of black digits, measuring not less than 100 mm in height and not less than 15 mm stroke width;
  - (b) notwithstanding sub-paragraph (a), where the emergency action code in column 5 of the Approved Carriage List indicates a white letter on a black background, that letter shall be displayed as an orange letter on a black rectangle which rectangle shall have a height and width not less than 10 mm greater than the height and width of the letter;
  - (c) subject to paragraphs 10(2) and 11, the UN number and the emergency action code shall be indelible and shall remain legible after 15 minutes engulfment in fire.
- 10.—(1) Notwithstanding paragraph 8, where a vehicle is carrying dangerous goods in a tank container or in bulk in a container, the orange-coloured panels may be replaced by—
- (a) orange-coloured self-adhesive sheets; or
  - (b) orange-coloured paint or any other equivalent process,
- provided the material used is weather-resistant and ensures durable marking.
- (2) Where the panels are replaced by sheets, paint or other equivalent process, in accordance with sub-paragraph (1), paragraph 9(c) shall not apply.
11. Paragraph 9(c) shall not apply in relation to any tank constructed before 1st January 1999.
12. Where the size and construction of the vehicle are such that the available surface area is insufficient to display orange-coloured panels conforming to the dimensions specified in Figures 1, 2 or 3, as the case may be, the dimensions of the orange-coloured panels displayed may be reduced to 300 mm at the base, 120 mm in height and with a black border measuring 10 mm.

### **Display of the telephone number**

13. Subject to paragraph 16, where a vehicle is carrying only one of the dangerous goods listed in the Approved Carriage List in a tank, the telephone number shall be displayed—
- (a) at the rear of the vehicle;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) on both sides of—
  - (i) the tank;
  - (ii) the frame of the tank; or
  - (iii) the vehicle; and
- (c) in the immediate vicinity of the orange-coloured panels.

14. Subject to paragraph 16, where a vehicle is carrying a multi-load in tanks, the telephone number shall be displayed—

- (a) at the rear of the vehicle;
- (b) on both sides of—
  - (i) each tank;
  - (ii) the frame of each tank; or
  - (iii) the vehicle; and
- (c) in the immediate vicinity of those orange-coloured panels which conform to Figure 2 or Figure 3.

15. The telephone number shall consist of black digits of not less than 30 mm for the height and shall be displayed on an orange-coloured background.

16. Notwithstanding paragraphs 13 and 14, the telephone number may be substituted by the text “consult local depot” or “contact local depot” provided—

- (a) the name of the operator of the vehicle is clearly identifiable from the marking on the tank or the vehicle;
- (b) the Chief Fire Officer of the Fire Authority has been notified in writing of the address and telephone number of that local depot, and has indicated in writing that he is satisfied with the arrangements.

### **Display of danger signs and subsidiary hazard signs**

17. Where a vehicle is carrying dangerous goods in packages in a container, any danger sign or subsidiary hazard sign which is required by the CDGCPL Regulations to be displayed on those packages shall also be displayed on at least one side of the container.

18. Where a vehicle is carrying dangerous goods in a tank container or in bulk in a container—
- (a) any danger sign or subsidiary hazard sign which is required by the CDGCPL Regulations to be displayed on packages containing such goods, shall be displayed on each side of the tank container or container concerned; and
  - (b) where such signs are not visible from outside the carrying vehicle, the same signs shall also be displayed on each side of, and at the rear of the vehicle.

19. Where the vehicle is carrying dangerous goods—

- (a) in a tank, other than a tank container; or
- (b) in bulk in a vehicle, but not in bulk in a container on a vehicle,

any danger sign or subsidiary hazard sign which is required by the CDGCPL Regulations to be displayed on packages containing such goods shall be displayed on each side of, and at the rear of, the vehicle.

20. Nothing in paragraphs 17 to 19 shall require a danger sign for a particular classification or a subsidiary hazard sign for a particular subsidiary hazard to be displayed more than once at the rear of, or more than once on the sides of any container, tank or vehicle.

21. Subject to paragraph 22, the danger signs and subsidiary hazard signs required to be displayed in accordance with this Schedule shall—

- (a) have sides which measure not less than 250 mm;
- (b) have a line of the same colour as the symbol 12.5 mm inside the edge and running parallel to it; and
- (c) be displayed adjacent to one another and in the same horizontal plane.

### **Display of hazard warning panels**

22.—(1) Notwithstanding paragraphs 6(1), (2)(a) and (b)(i) and (3), 7(1) and (2)(a) and (b)(i), 13, 14, 16, 18 and 19—

- (a) the information required to be displayed on an orange-coloured panel;
- (b) the danger sign; and
- (c) the telephone number or the text “consult local depot” or “contact local depot”,

may be displayed on a hazard warning panel, which panel shall conform to Figure 5 and be orange-coloured, except that part of it which incorporates the danger sign, which part shall be coloured white.

(2) Notwithstanding paragraph 21, where a hazard warning panel is displayed—

- (a) the danger sign incorporated within the panel shall have—
  - (i) sides which measure not less than 200 mm;
  - (ii) a line of the same colour as the symbol not more than 12.5 mm inside the edge and running parallel to it; and
- (b) the subsidiary hazard sign, if any, shall be the same size as the danger sign and shall be displayed adjacent to it and in the same horizontal plane.

(3) Wherever an orange-coloured panel conforming to Figure 2 or 3 is required to be displayed either at the rear or at the sides of a container, tank or vehicle, the hazard warning panel may be displayed instead at the rear or at the sides, as appropriate—

- (a) on the vehicle;
- (b) on a tank or container; or
- (c) on the frame of a tank or container.

(4) Wherever a subsidiary hazard sign is displayed adjacent to the hazard warning panel in accordance with sub-paragraph (2)(b), paragraphs 18 and 19 shall not apply insofar as they relate to subsidiary hazard signs.

### **General**

23. Where any orange-coloured panel, danger sign, subsidiary hazard sign or hazard warning panel is displayed—

- (a) at the front or at the rear of the vehicle, it shall be positioned at right angles across the width of the vehicle;
- (b) on the sides of a container, tank or vehicle it shall be positioned at right angles along the length of the container, tank or vehicle concerned.

24. Any orange-coloured panel, danger sign, subsidiary hazard sign or hazard warning panel displayed in accordance with this Schedule shall be clearly visible.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Part II

### FIGURES REFERRED TO IN THIS SCHEDULE

Figure 1 Orange-coloured panel

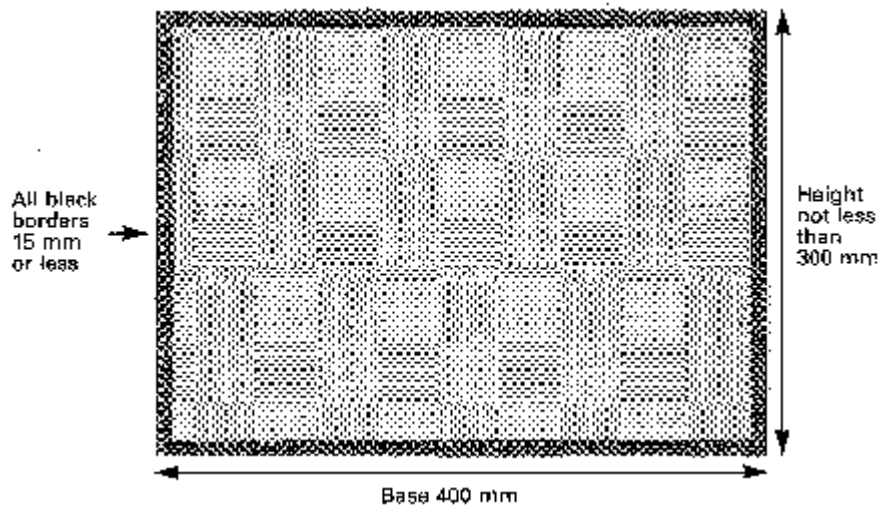
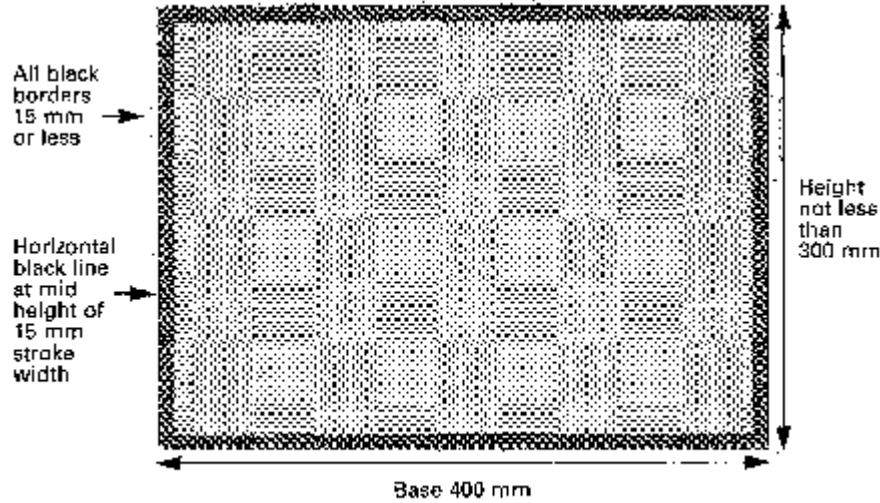


Figure 2 Orange-coloured panel displaying the emergency action code and the UN number

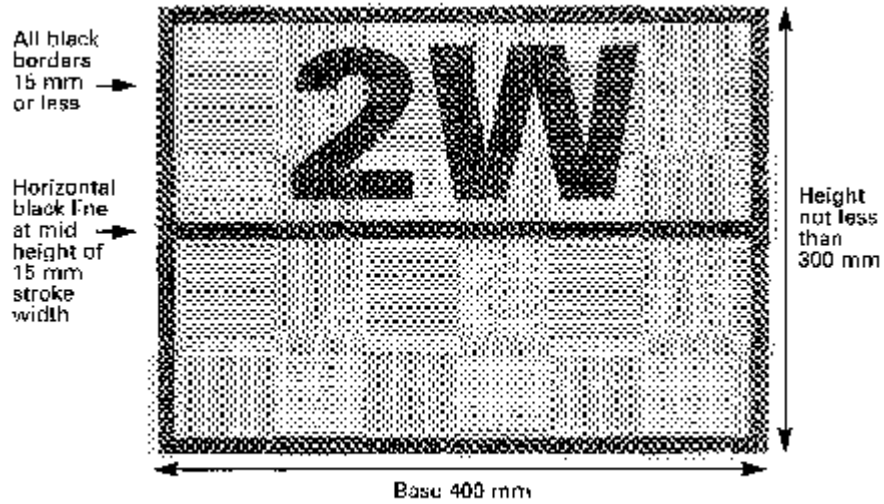


The emergency action code shall be inscribed in the upper half and the UN number shall be inscribed in the lower half



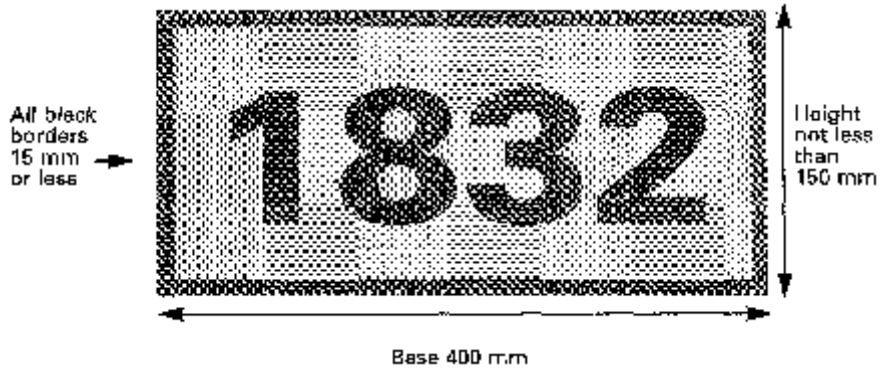
*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Figure 3 Orange-coloured panel displaying the emergency action code**



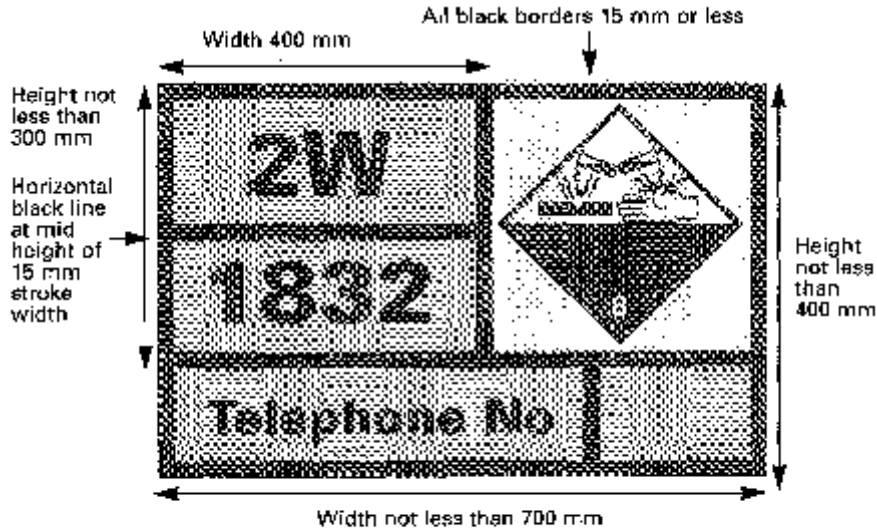
The emergency action code shall be inscribed in the upper half

**Figure 4 Orange-coloured panel displaying the UN number**



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Figure 5 Hazard warning panel**



The emergency action code shall be inscribed in the upper half and the UN number in the lower half of the orange coloured panel and the telephone number (or text as the case may be) beneath the UN number

## SCHEDULE 11

Regulation 19(2)(b)

### Requirements relating to the Loading, Stowage, Unloading and Cleaning of Containers, Tanks and Vehicles carrying certain Dangerous Goods

#### Gases

1.—(1) This paragraph shall apply where transportable pressure receptacles or packages containing such receptacles contain gases.

(2) Transportable pressure receptacles or packages containing such receptacles shall not be thrown or subjected to impact.

(3) Transportable pressure receptacles shall be stowed in a vehicle or container so that they cannot overturn or fall.

(4) Transportable pressure receptacles—

- (a) which have a capacity not exceeding 150 litres shall be laid parallel to or at right angles to the longitudinal axis of the vehicle or container in which they are being carried, except where they are situated near the forward transverse wall when they shall be laid at right angles to the said axis;
- (b) which are short and of large diameter (not less than 30 centimetres), may be stowed longitudinally with their valve-protecting devices directed towards the middle of the vehicle or container in which they are being carried;
- (c) which are sufficiently stable or are carried in suitable devices effectively preventing them from overturning may be placed upright;
- (d) which are laid flat shall be securely and appropriately wedged, attached or secured so that they cannot shift;

- (e) which contain non-combustible, deeply refrigerated liquefied gases, shall be placed in the position for which they were designed and be protected against any possibility of being damaged by other packages.

### **Flammable liquids**

2. Where any flammable liquids which have toxic hazardous properties have leaked or have been spilled in a vehicle or container—

- (a) that vehicle or container may not be re-used until after it has been thoroughly cleaned and, if necessary, decontaminated; and
- (b) any other goods and articles carried in the same vehicle or container shall be examined for possible contamination.

3. The provisions of paragraph 2 shall apply also to the goods, UN 3064 NITROGLYCERIN, SOLUTION IN ALCOHOL.

### **Flammable solids**

4.—(1) Packages containing flammable solids shall be loaded so that a free circulation of air within the loading space provides a uniform temperature of the load.

(2) Where the contents of a vehicle or container exceed 5,000 kg of flammable solids, the load shall be divided into stacks of not more than 5,000 kg separated by air spaces of at least 0.05 m.

5. Packages containing any of the following goods shall be stored in cool well-ventilated places away from heat sources—

UN 3242 AZODICARBONAMIDE

UN 2956 5-tert-BUTYL-2,4,6-TRINITRO-m-XYLENE (MUSK XYLENE)

UN 3251 ISOSORBIDE-5-MONONITRATE

6.—(1) Packages containing the goods SELF-REACTIVE SUBSTANCES REQUIRING TEMPERATURE CONTROL—

- (a) shall not be placed on top of other goods; and
- (b) shall be so stowed as to be readily accessible.

(2) The control temperature for the goods referred to in sub-paragraph (1) shall be maintained during the whole transport operation, including loading and unloading, as well as any intermediate stops.

### **Substances which in contact with water emit flammable gas**

7. Where packages containing substances which in contact with water emit flammable gases are being handled, special measures shall be taken to prevent them from coming into contact with water.

### **Oxidizing substances**

8. Where oxidizing substances are being carried in vehicles or containers, the use of readily flammable materials for stowing packages is prohibited.

### **Organic peroxides**

9.—(1) Vehicles and containers intended for the carriage of packages containing organic peroxides shall be carefully cleaned.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(2) The use of readily combustible materials for stowing packages containing organic peroxides is prohibited.

(3) Packages containing organic peroxides shall be loaded so that a free circulation of air within the loading space provides a uniform temperature of the load.

(4) Where the contents of a vehicle or container exceed 5,000 kg of organic peroxides, the load shall be divided into stacks of not more than 5,000 kg separated by air spaces of at least 0.05 m.

10.—(1) Packages containing the goods ORGANIC PEROXIDES REQUIRING TEMPERATURE CONTROL—

(a) shall not be placed on top of other goods; and

(b) shall be so stowed as to be readily accessible.

(2) The control temperature of the goods referred to in sub-paragraph (1) shall be maintained during the whole transport operation, including loading and unloading, as well as any intermediate stops.

#### **Toxic substances**

11. Where toxic substances have leaked or have been spilled in a vehicle or container—

(a) that vehicle or container may not be re-used until it has been thoroughly cleaned and, if necessary, decontaminated; and

(b) all other goods and articles carried in the same vehicle shall be examined for possible contamination.

12.—(1) A vehicle which has been contaminated with any of the following goods, or with a mixture thereof, shall not be put back into service until it has been decontaminated under the supervision of a competent person—

UN 1649 MOTOR FUEL ANTI-KNOCK MIXTURE (tetraethyl lead)

UN 1649 MOTOR FUEL ANTI-KNOCK MIXTURE (tetramethyl lead)

(2) Any wooden parts of a vehicle which have been attacked by any of the goods referred to in sub-paragraph (1) shall be removed and burnt.

#### **Infectious substances**

13.—(1) Packages containing infectious substances shall be stowed so that they are readily accessible.

(2) Where packages containing infectious substances are to be carried at ambient temperature of not more than 15 degrees centigrade or refrigerated, the temperature shall be maintained during unloading or in transit storage.

(3) Packages containing infectious substances shall be kept only in cool places away from sources of heat.

(4) Where infectious substances have leaked and been spilled in a vehicle or container—

(a) that vehicle or container may not be re-used until after it has been thoroughly cleaned and, if necessary, disinfected;

(b) all goods and articles carried in such a vehicle shall be checked for possible contamination; and

(c) any wooden parts of the vehicle which have come into contact with infectious substances of risk groups 3 or 4 shall be removed and burnt.

14. The following goods shall be loaded in tanks or in specially equipped vehicles in a manner which avoids risks to humans, animals and the environment, for example, by carrying in bags or by airtight connections—

UN 3291 CLINICAL WASTE, UNSPECIFIED, N.O.S. or (BIO) MEDICAL WASTE, N.O.S. or REGULATED MEDICAL WASTE, N.O.S.

#### **Corrosive substances**

15. Where a package containing a corrosive substance has leaked or has been spilled in a vehicle—

- (a) the packaging of that package may not be re-used until after it has been thoroughly cleaned and, if necessary, decontaminated; and
- (b) all other goods and articles carried in the same vehicle shall be examined for possible contamination.

16. Vehicles intended to carry packages containing any of the following goods shall be carefully cleaned and any combustible waste such as straw, hay or paper removed—

UN 2032 NITRIC ACID, RED FUMING

UN 1796 NITRATING ACID, MIXTURE of packing group I

UN 1826 NITRATING ACID, MIXTURES, SPENT of packing group I

UN 1802 PERCHLORIC ACID

UN 3084 CORROSIVE SOLID, OXIDIZING, N.O.S.\*

UN 3093 CORROSIVE LIQUID, OXIDIZING, N.O.S.\*

#### **Miscellaneous dangerous goods**

17.—(1) Packages containing the goods UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS shall be—

- (a) so stowed that they are readily accessible; and
- (b) kept only in cool places away from sources of heat.

(2) Where packages containing the goods referred to in sub-paragraph (1) are to be carried refrigerated, the temperature shall be maintained during unloading or in transit storage.

(3) Where the goods referred to in sub-paragraph (1) have escaped and contaminated a vehicle—

- (a) that vehicle may not be re-used until after it has been thoroughly cleaned and, if necessary, disinfected;
- (b) all goods and articles carried in such a vehicle shall be checked for possible contamination; and
- (c) any wooden parts of a vehicle which have come into contact with genetically modified micro-organisms shall be removed and incinerated.

18. Where dangerous goods, other than genetically modified micro-organisms and any other miscellaneous dangerous goods specified in this Schedule, have leaked and been spilled in a vehicle or container—

- (a) that vehicle or container may not be re-used until after it has been thoroughly cleaned and, if necessary, disinfected; and
- (b) all goods and articles carried in the same vehicle shall be checked for possible contamination.

## SCHEDULE 12

Regulation 20(1) and (2)

**Unloading of Petrol at Petroleum Filling Stations and certain other Premises licenced for the keeping of Petrol****Part I****GENERAL REQUIREMENTS**

1.—(1) It shall be the duty of the person licensed under the Petroleum (Consolidation) Act (Northern Ireland), 1929 (“the licensee”) to keep petrol at a particular petroleum filling station or at particular premises of the kind specified in regulation 20(1)(b) (“the licensed premises”), to ensure that the unloading of petrol from a road tanker at those premises is carried out—

- (a) under his control and in accordance with the procedure set out in Part II (“the Part II procedure”); or
- (b) under the control of the driver of the road tanker making the delivery, under the authority of a licence issued by the petroleum licensing authority pursuant to paragraph 19(1)(a) (“a Part III licence”) and in accordance with the procedure set out in Part III (“the Part III procedure”); and
- (c) (in either case)—
  - (i) subject to the provisions of this Part; and
  - (ii) by transferring the petrol from the tank of the road tanker into a storage tank.

(2) Where the licensee has been granted a Part III licence in respect of the licensed premises, he shall use the Part III procedure and no other thereat, unless—

- (a) he has given at least one week’s notice to the petroleum licensing authority that he intends to change to using the Part II procedure and that notice period has expired; or
- (b) due to failure of equipment, compliance with the Part III procedure has ceased to be possible and the licensee has agreed with the operator and (where the operator is not the supplier of the petrol) with the supplier to revert temporarily to the Part II procedure pending correction of the equipment.

(3) Where the temporary use of the Part II procedure occurs in accordance with sub-paragraph (2)(b), the licensee shall give notice to the petroleum licensing authority—

- (a) of his having commenced such temporary use; and
- (b) of his having resumed the use of the Part III procedure upon correction of the equipment failure.

(4) Any notice required to be given in accordance with sub-paragraph (3) shall be given by the quickest practical means.

(5) The licensee shall, within 3 working days of giving any notice in accordance with sub-paragraph (3), give written confirmation of that notice to the petroleum licensing authority.

(6) In sub-paragraph (5), the reference to “3 working days” is a reference to a period of 72 hours calculated from the time the relevant notice was given in accordance with sub-paragraph (3), but disregarding so much of any such period as falls on a Saturday or Sunday or on Christmas Day or Good Friday, or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(29).

2. The licensee shall, for the purpose of distinguishing one storage tank from any other storage tank situated at the licensed premises, ensure that every such tank is clearly marked with—

- (a) a number, a letter or a combination of both a number and a letter in such a manner that the number, letter, or number and letter cannot be readily altered or obliterated; and
- (b) (adjacent to that number, letter, or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

3. For the purpose of distinguishing one compartment of the carrying tank of a road tanker from each other compartment of that tank, the operator shall ensure that every such compartment is clearly marked with a number in such a manner that that number cannot readily be altered or obliterated.

4. The licensee shall ensure that every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petrol for the time being contained in a storage tank, is marked with the same number, letter or combination of both a number and a letter and in the like manner as that with which the storage tank in connection with which it is used is marked.

5. Where the method of filling a storage tank is by means of a pipe (whether in a single length or segmented) leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the licensee shall ensure that the said pipe is clearly marked on, or immediately adjacent to, the filling point with—

- (a) the same number, letter or combination of both a number and a letter and in the like manner as that with which the tank is marked; and
- (b) (adjacent to that number, letter or combination of a number and a letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

6. In any case where the method of filling the tank is that referred to in paragraph 5, the licensee shall ensure, so far as practicable, that no filling takes place until—

- (a) the pipe is properly and securely connected to the tank and to the filling point; and
- (b) (where the pipe is segmented) each segment is properly and securely connected one with another.

7. Where, during the course of filling a storage tank, vapours given off by that storage tank are returned to the road tanker by means of a vapour balance pipe which is connected to a vapour balance hose emanating from that road tanker, the licensee shall ensure that that vapour balance pipe is marked with the words “vapour balance”.

8.—(1) The licensee shall appoint a competent person over the age of 18 years (in this Schedule referred to as “the competent person”) who shall be permitted neither to be the driver of, or to be employed to be in attendance on, any vehicle from which a delivery of petrol is to be made at the licensed premises and who shall have the functions given to him by Parts II and III.

(2) The licensee shall ensure that—

- (a) the competent person has received adequate training to enable him to understand—
  - (i) the nature of the dangers to which the carriage of petrol may give rise; and
  - (ii) the functions given to him by Parts II and III and his duties under Articles 8 and 9 of the 1978 Order; and
- (b) a record of the training received pursuant to sub-paragraph (2)(a) is available at the licensed premises.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Part II

### THE PART II PROCEDURE

#### (PROCEDURE FOR LICENSEE-CONTROLLED DELIVERIES)

9. The competent person shall be in charge of the storage tank for the purpose of the delivery, and shall not permit delivery into that tank to commence—

- (a) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petrol proposed to be delivered can safely be received by that tank; and
- (b) until—
  - (i) the hose (whether a single length or segmented) through which the petrol will be delivered (“the delivery hose”) is connected to the filling point of that tank; and
  - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected as aforesaid;
- (c) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and
- (d) (where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overfill prevention device) until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank, sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of sub-paragraphs (a) to (d).

10. Before delivery into any storage tank is begun, the competent person shall, in the presence of the driver of the road tanker from which the delivery is to be made, in Part A of each of two copies of a certificate in the form specified in Part IV, in the first column, enter the address of the licensed premises concerned; in the second column, enter the name of the licensee of the premises; in the third column, enter the number, letter, or number and letter marked on the tank; in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank; in the sixth column, enter his signature and in the seventh column, enter the correct date and time.

11. The driver of a road tanker shall not commence any delivery of petrol into a storage tank until—

- (a) he has (after the competent person has completed Part A of each of two copies of a certificate in the form specified in Part IV in accordance with paragraph 10), in Part B of each of the said two copies, in the first column, entered the number, letter, or number and letter marked on the tank; in the second column, entered the number of each compartment of any tank of a road tanker from which the petrol is to be delivered and, in the third column, entered his signature;
- (b) he has—
  - (i) properly and securely connected the delivery hose (whether a single length or segmented) to—
    - (aa) the appropriate outlet on the road tanker; and
    - (bb) the filling point of the tank; and
  - (ii) (where the delivery hose is segmented) properly and securely connected each segment one with another;
- (c) (where the provisions of paragraph 7 apply to the delivery) he has (before properly and securely connecting the delivery hose and, where appropriate, any segments thereof as aforesaid) properly and securely connected the vapour balance hose—



- (i) to the vapour balance pipe; and
  - (ii) to the appropriate faucet on the road tanker; and
  - (d) the competent person is keeping watch as required by paragraph 12.
12. The competent person shall, during the whole time of a delivery of petrol into a storage tank, be in close proximity to the road tanker and the storage tank and shall, so far as is practicable, keep a constant watch on the licensed premises for the purpose of preventing any hazardous situation arising.
13. The driver of a road tanker shall ensure that, during the whole time of a delivery of petrol therefrom—
- (a) neither its engine, nor any other engine or motor which is attached to that road tanker, is run; and
  - (b) the road tanker remains stationary.
14. During the whole time of a delivery of petrol from a road tanker, the driver of that tanker shall remain near it, and shall—
- (a) so far as is practicable, keep a constant watch on—
    - (i) the delivery hose (whether a single length or segmented), the connections at both ends of the delivery hose and (in the case of a segmented hose) each connection between the segments;
    - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose; and
    - (iii) the tank of the road tanker; and
  - (b) ensure, so far as is practicable, that no petrol escapes from any hose connection such as is specified in sub-paragraph (a)(i).
15. Both the driver and the competent person shall, during the whole time of a delivery of petrol from a road tanker into a storage tank, ensure, so far as is practicable, that no petrol overflows from the storage tank concerned.
16. The driver of a road tanker shall ensure that petrol from a single compartment of the tank of that road tanker is not delivered into more than one storage tank, unless—
- (a) each of the storage tanks into which the petrol is to be delivered can safely receive all of the petrol remaining in the compartment;
  - (b) either the foot valve or the faucet valve for the compartment can be operated from on top of the tank of the road tanker and dipping of the compartment is carried out on a continual basis; or
  - (c) other effective and reliable mechanical or other measures are taken to prevent overfilling of each of the storage tanks concerned.
17. When the driver of a road tanker has completed a delivery of petrol to which the provisions of paragraph 7 applied, he shall, having first disconnected the delivery hose (whether a single length or segmented), disconnect the vapour balance hose.
18. The competent person shall, following the completion of a delivery of petrol from a road tanker—
- (a) give one of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the driver of the road tanker from which the delivery has been made, and the driver shall give it to the supplier of the petrol, who shall keep it for a period of not less than 12 months after the delivery; and

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) give the second of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the licensee of the licensed premises where the delivery was made, who shall keep it at those premises for a period of not less than 12 months after the delivery.

## Part III

### THE PART III PROCEDURE

#### (PROCEDURE FOR DRIVER-CONTROLLED DELIVERIES)

- 19.—(1) The licensee shall not use the Part III procedure at the licensed premises unless—
- (a) he has made application in writing to the petroleum licensing authority and has received from that authority a Part III licence—
    - (i) in the form specified in Part VI; and
    - (ii) which has been completed in accordance with the Note to that Part; and
  - (b) he has agreed in writing with—
    - (i) the operator of each road tanker which is likely to deliver petrol to the licensed premises; and
    - (ii) each person (not being any such operator as is specified above) who is likely to supply petrol to the licensed premises,
- that, (subject to the occurrence of either of the events specified in paragraph 1(2)) the Part III procedure is to be followed for all future deliveries.
- (2) A petroleum licensing authority to whom application is made in accordance with sub-paragraph (1)(a) shall not refuse to grant a Part III licence except on grounds relating to the safety of the specific site in respect of which the licence application has been made and, having granted such a licence, may subsequently revoke it in writing at any time.
- (3) In the event of the transfer of a petroleum-spirit licence in accordance with section 1(1) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(30), the petroleum licensing authority may, by simultaneously endorsing it, transfer any Part III licence previously granted by it to the transferor to the transferee (“the subsequent licensee”); and when such a transfer takes place the subsequent licensee shall be deemed to have received a Part III licence pursuant to sub-paragraph (1)(a) on the date the transfer was effected as aforesaid.
- (4) A fee shall be payable—
- (a) by the applicant to the petroleum licensing authority on each application for a Part III licence made in accordance with sub-paragraph (1)(a); and
  - (b) by the subsequent licensee to the petroleum licensing authority on each transfer of a Part III licence effected in accordance with sub-paragraph (3).
- (5) The fee payable under sub-paragraph (4)(a) shall be £200 and that payable under sub-paragraph (4)(b) shall be £30.

- 20.—(1) Where the licensee intends to use the Part III procedure at the licensed premises, he shall ensure that—
- (a) the cap on the filling point of each storage tank is locked with a captive padlock, the key of which shall—

---

(30) 1937 c. 4 (N.I.)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (i) be identified with the number, letter, or number and letter corresponding with the number, letter, or number and letter marked on the relevant storage tank; and
    - (ii) have a different profile from the key used for any other such padlock;
  - (b) a suitable measuring device is provided for each storage tank, which device shall—
    - (i) be capable of continuously and visually indicating the ullage in that tank;
    - (ii) be clearly marked (adjacent to the said visual indication of ullage) with the number, letter, or number and letter marked on that tank; and
    - (iii) in the event of failure, indicate that the tank is full or that there is a fault condition;
  - (c) a ticket printer is provided which is capable of issuing a ticket on which the following information is indicated—
    - (i) the date and time of each delivery; and
    - (ii) (in respect of each storage tank) the number, letter, or number and letter marked on the storage tank, the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises and the ullage of the tank;
  - (d) a suitable high-level alarm which is audible to the driver is provided for each storage tank; and, where the measuring device referred to in sub-paragraph (1)(b) operates on the principle of differential air pressure, he shall also ensure that the system by which that operation is effected will fail-safe in the event of a failure of the air supply, and thereby sound the above-mentioned audible high-level alarm;
  - (e) safe and adequate illumination having an illuminance of 100 lux or more measured at ground level is provided for any area in which the vehicle stands during unloading and any area in which a storage tank filling point or a measuring device referred to in sub-paragraph (1)(b) is situated, together with means which are accessible to the driver for switching that illumination on or off;
  - (f) one or more telephones are provided which are accessible to the driver and which will enable the driver to make direct contact with the emergency services and with the depot from which he operates;
  - (g) a fire extinguisher suitable for fighting petrol fires is provided which is accessible to the driver and has a minimum test fire rating of 144B, as defined in British Standard BSEN 3-1: 1996;
  - (h) at least 25 kg of dry sand or such quantity of other suitable absorbent material as gives an equivalent degree of absorbency is, in conjunction with suitable tools for applying it, provided in a suitable container, for the purpose of containing spillages;
  - (i) a plan of the licensed premises (which shall have been approved by the petroleum licensing authority) is provided which is accessible to the driver and which indicates the position of each filling point, together with its number or identifying letter, the capacity of the tank to which it is connected and the grade of petrol which the tank is permitted to contain under the petroleum-spirit licence; and that plan shall also indicate the unloading position for the vehicle and the position of the surface drainage points; and
  - (j) a switch, which is capable of cutting off the power supply to all the petrol, diesel and, where appropriate, liquefied petroleum gas pumps at the licensed premises, is provided adjacent to each telephone provided pursuant to sub-paragraph (1)(f).
- (2) The licensee shall ensure that the operator of any road tanker which is likely to make deliveries of petrol to the licensed premises is given written notice of any conditions which apply to such deliveries and which are attached to the petroleum-spirit licence granted in respect of those premises.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

21. The licensee or the competent person shall, before the commencement of a delivery of petrol into any storage tank at the licensed premises—

- (a) in Part A of each of two copies of a certificate in the form specified in Part V, in the first column, enter the address of the licensed premises; in the second column, enter the name of the licensee; in the third column, enter the number, letter, or number and letter marked on the tank; in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank; in the sixth column, enter his signature (having first visually checked that the ullage in the tank as indicated by the tank measuring device provided in accordance with paragraph 20(1)(b) exceeds the quantity of petrol to be received by that tank) and, in the seventh column, enter the correct date and time; and
- (b) having completed Part A of each of two copies of a certificate in the form specified in Part V in the manner specified in sub-paragraph (a), ensure that both those copies are given to the driver who is to make the delivery.

22. Before making any delivery of petrol by the Part III procedure, the operator shall ensure that—

- (a) each compartment of the tank of the road tanker which is to make the delivery is fitted with a bottom-operated foot-valve;
- (b) means are provided to shut off all such valves in an emergency;
- (c) the road tanker is loaded in such a way that the contents of a single compartment of its tank will not need to be split between two storage tanks when the petrol is unloaded; and
- (d) the driver of the road tanker is given a written copy of any conditions of which he the operator of the road tanker has been given notice under paragraph 20(2).

23. A driver of a road tanker who makes a delivery of petrol in accordance with the Part III procedure shall—

- (a) comply with any conditions given to him in accordance with paragraph 22(d);
- (b) immediately before commencing the delivery—
  - (i) in Part B of each of the two copies of the certificate required to be given to him in accordance with paragraph 21(b), in the first column, enter the number, letter, or number and letter marked on the storage tank into which delivery is to be made; in the second column, enter the number of each compartment of any tank of the road tanker from which the petrol is to be delivered and, in the third column, enter his signature;
  - (ii) verify the availability of the key of the captive padlock with which, in accordance with paragraph 20(1)(a), the cap on the filling point of each storage tank which is specified in the copies of the certificate required to be given to him in accordance with paragraph 21(b) must be locked;
  - (iii) verify that the quantity to be delivered may be safely received by the storage tank by visually checking that the ullage indicated on a ticket obtained from the ticket printer provided in accordance with paragraph 20(1)(c) exceeds the quantity to be delivered into that tank;
  - (iv) verify that there is a dialling tone on each telephone provided in accordance with paragraph 20(1)(f);
  - (v) place the fire extinguisher provided in accordance with paragraph 20(1)(g) and the sand or other absorbent material and tools provided in accordance with paragraph 20(1)(h) in a convenient position close to the road tanker unloading point;
  - (vi) test the high-level alarm provided in accordance with paragraph 20(1)(d) to verify that the audible signal functions correctly; and

- (vii) take all reasonable steps to ensure that—
  - (aa) the delivery hose (whether a single length or segmented) is properly and securely connected to the appropriate outlet on the road tanker and to the filling point of the storage tank;
  - (bb) (where the delivery hose is segmented) each segment is properly and securely connected one with another; and
  - (cc) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is properly and securely connected to the vapour balance pipe and to the appropriate outlet on the road tanker before the delivery hose and (where appropriate) any segments thereof are properly and securely connected as aforesaid;
- (c) during the whole time of delivery—
  - (i) ensure that the engine of the road tanker and any other engine or motor which is attached to it is not run;
  - (ii) ensure that the road tanker remains stationary;
  - (iii) ensure, so far as is practicable, that no petrol—
    - (aa) overflows from the storage tank concerned; or
    - (bb) escapes from any hose connection such as is specified in sub-paragraph (b)(vii)(aa) and (bb); and
  - (iv) so far as practicable, keep a constant watch on the filling point of the storage tank, the tank of the road tanker, the delivery hose (whether a single length or segmented) and (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose;
- (d) after the delivery is complete but before departing from the relevant premises—
  - (i) ensure that all caps on the filling points into which deliveries have been made are securely closed and locked;
  - (ii) (where the provisions of paragraph 7 applied to the delivery, but having first disconnected the delivery hose, whether a single length or segmented) disconnect the vapour balance hose; and
  - (iii) ensure that all manhole covers which were disturbed during that delivery have been securely replaced.

24. The driver of a road tanker which has completed a delivery of petrol in accordance with the Part III procedure shall—

- (a) ensure that one of the two duly completed copies of the certificate given to him in accordance with paragraph 21(b) and completed by him in accordance with paragraph 23(b)(i) before the delivery commenced is given back to the licensee (who shall keep it at the licensed premises for a period of at least 12 months); and
- (b) give the other duly completed copy of the certificate to the supplier of the petrol.

25. The supplier of the petrol shall keep the copy certificate that he has been given in accordance with paragraph 24(b) for at least 12 months from the date of the relevant delivery.

26. It shall be sufficient compliance with paragraphs 10, 11(a), 19(1), 21 and 23(b)(i) if the information specified therein is entered into a form which is identical to the form in Part IV, V or VI, as the case may be, except that form may contain references to the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992, and to particular provisions thereof, instead of to these Regulations.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

27. In this Schedule—

- (a) “ullage” means the difference (expressed in litres) between the maximum working capacity of a storage tank and the quantity of petrol in it at any given time; and
- (b) any reference to the maximum working capacity of a storage tank shall be a reference to 97 per cent of its actual capacity, expressed in litres.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Part IV

### FORM OF CERTIFICATE FOR LICENSEE-CONTROLLED DELIVERIES

#### **The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")**

#### **Licensee-controlled deliveries in accordance with Part II of Schedule 12 to the Regulations**

##### PART A

<i>First Column</i>			<i>Second Column</i>	
Address of licensed premises			Name of licensee	
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of competent person (to certify that he has complied with the appropriate requirements of subparagraphs (a) to (d) of paragraph 9 of Schedule 12 to the Regulations before delivery commences)	Date and time of completion of this Part of the Certificate

**Note:** In Part A, the competent person appointed by the licensee must enter, in the first column, the address of the licensed premises concerned; in the second column, the name of the licensee; in the third column, the relevant storage tank number, letter or number and letter; in the fourth and fifth columns, the quantity and grade respectively of petrol to be delivered; in the sixth column, his signature; and, in the seventh column, the correct date and time. This Part must be completed before delivery into the tank commences. The sixth column may only be completed after compliance with the appropriate sub-paragraphs of paragraph 9 of Schedule 12 to the Regulations.





*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Part V

### FORM OF CERTIFICATE FOR DRIVER-CONTROLLED DELIVERIES

#### **The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")**

#### **Driver-controlled deliveries in accordance with Part III of Schedule 12 to the Regulations**

#### PART A

<i>First Column</i>			<i>Second Column</i>	
Address of licensed premises			Name of licensee	
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of licensee or competent person (to certify that in accordance with paragraph 21(a) of Schedule 12 to the Regulations he has visually checked the ullage space in the storage tank)	Date and time of completion of this Part of the Certificate



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Part VI

### FORM OF PART III LICENCE

#### PART III LICENCE

#### The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")

#### Driver-controlled deliveries in accordance with Part III of Schedule 12 to the Regulations

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>
Address of licensed premises	Name of licensee	Name of petroleum licensing authority	Signature of person issuing licence on behalf of petroleum licensing authority	Date of issue of Part III licence

**Note:** A person duly authorised by the petroleum licensing authority in act in the following behalf shall enter

- (a) in the first column, the address of the premises to which the Part III licence applies;
- (b) in the second column, the name of the licensee of those premises;
- (c) in the third column, the name of the petroleum licensing authority;
- (d) in the fourth column, his signature; and
- (e) in the fifth column, the date on which the Part III licence is issued.

### EXPLANATORY NOTE

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

1. The Regulations implement as respects Northern Ireland, Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, insofar as it relates to the transport of dangerous goods (other than radioactive material and explosives) but not the classification, packaging and labelling of dangerous goods. They also implement European Parliament and Council Directive [94/63/EC](#) (O.J. No. L365, 31.12.94, p. 24) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations insofar as it relates

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

to provisions for bottom loading and vapour recovery systems of mobile containers carrying petrol and the retention of vapours within such containers until reloading takes place at a terminal.

2. The Regulations impose prohibitions on and requirements for the carriage of dangerous goods by road in any container, tank or vehicle.

3. The Regulations revoke the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992 (S.R. 1992 No. 260) and the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 261). They amend the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986 (S.R. 1986 No. 247).

4. The terms and expressions used in the Regulations are defined in regulation 2 and the scope of the Regulations is defined in regulation 3 and Schedule 2.

5. The Regulations—

- (a) define the meaning of operator (*regulation 4*);
- (b) require the Department of Economic Development (“the Department”) to approve documents published by the Health and Safety Commission entitled “Approved Carriage List”, “Approved Tank Requirements” and “Approved Vehicle Requirements”, describe what each document shall contain and provide for the revision thereof (*regulation 5*);
- (c) place duties on the operator of, and other specified persons concerned with, any tank or vehicle used for the carriage of dangerous goods to comply with relevant requirements of those documents (*regulation 6*);
- (d) impose requirements for the method of dispatch of specified dangerous goods and restrictions on their forwarding (*regulation 7 and Schedule 4*);
- (e) prohibit the carriage of dangerous goods in a container or vehicle in bulk, or in a tank, unless specified requirements are complied with (*regulations 8 and 9*);
- (f) require a container, tank or vehicle used for the carriage of dangerous goods to be suitable for such carriage and adequately maintained, and impose additional requirements concerning their suitability (*regulation 10 and Schedule 7*);
- (g) require tanks constructed after 31st December 1998 and used for the carriage of dangerous goods to comply with specified provisions relating to their design and suitability, and to be examined, tested and certified, and provide for the keeping of certificates issued in connection therewith (*regulation 11*);
- (h) require the operator to be in possession of the consignor’s declaration as described and impose general requirements for the carriage of dangerous goods (*regulation 12*);
- (i) require specified information to be provided by the consignor of dangerous goods to the operator, and by the operator to any other operator engaged to carry those goods, require the operator to provide the driver with the Transport Documentation and for that documentation to be available during carriage, and provide for the keeping of certain information by operators (*regulations 13 to 16*);
- (j) require information to be displayed in accordance with Schedule 10 on any container, tank or vehicle used for the carriage of dangerous goods and impose duties in relation to that display (*regulation 17*);
- (k) prohibit the carriage of certain mixed loads (*regulation 18*);
- (l) impose requirements for the safe loading, stowage and unloading of dangerous goods and for the cleaning of containers, tanks and vehicles used for the carriage of dangerous goods (*regulation 19 and Schedule 11*);

- (m) set out requirements for the unloading of petrol from the tank of a road tanker at petroleum filling stations and certain other premises licensed for the keeping of petrol (*regulation 20 and Schedule 12*);
  - (n) impose duties in the event of accidents and emergencies and for the prevention of fire and explosion during the carriage of dangerous goods, and require the provision of equipment for dealing with such hazards (*regulations 21 to 23*);
  - (o) specify requirements for the supervision or other means of securing parked vehicles used for the carriage of dangerous goods (*regulation 24*);
  - (p) permit the granting of exemptions by the Department or the Secretary of State for Defence in specified circumstances (*regulation 25*);
  - (q) provide a defence to the Regulations, allow alternative compliance with specified international provisions, where those provisions apply to a matter to which these Regulations apply, and provide a transitional defence (*regulations 26 to 28*);
  - (r) set out revocations (*regulation 29*); and
  - (s) set out consequential amendments (*regulation 30*).
6. The Regulations also provide—
- (a) for the payment of fees for approvals and surveillance inspections in respect of examination, testing and certification of tanks calculated in accordance with regulation 11 and Schedule 8; and
  - (b) for the payment of a fee of—
    - (i) £200 (“application fee”) to a petroleum licensing authority on each application under the Petroleum (Consolidation) Act (Northern Ireland), 1929 for a Part III Licence; or
    - (ii) £30 (“transfer fee”) to such an authority on each transfer of such a licence.
- (*regulation 20 and Schedule 12*)
- These application and transfer fees replace but do not increase the same fees fixed by [S.R. 1992 No. 260](#) which are revoked by the Regulations.
7. Copies of the relevant documents may be obtained as follows—
- (a) the current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) [ISBN 0 11 551265 9 (UK) or ISBN 92 1139043 5 (UN version)], the Convention concerning International Carriage by Rail (“COTIF”) Cmnd. 5897, from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD;
  - (b) the current edition of the International Maritime Dangerous Goods Code [volumes I to IV ISBN 92 801 1314 3, Supplement ISBN 92 801 1316 X] from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
  - (c) the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air [Doc 9284-AN/905 and supplement] from Civil Aviation Authority, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire GL50 2BN;
  - (d) British Standard BSEN 3-1: 1996 from the British Standards Institution, British Standards House, 389 Chiswick High Road, London W4 4AL; and
  - (e) the Approved Carriage List, Approved Vehicle Requirements, Approved Tank Requirements and Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS; and all good booksellers.

8. In Great Britain the corresponding Regulations are the Carriage of Dangerous Goods by Road Regulations 1996 ([S.I. 1996/2095](#)). The Department of Transport has prepared a compliance cost

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

assessment in relation to those Regulations and other Regulations. A copy of that assessment together with the Northern Ireland supplement prepared by the Department is held at Health and Safety Division, 83 Ladas Drive, Belfast BT6 9FJ from where a copy may be obtained on request.

**9.** 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, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.