
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 390

HEALTH AND SAFETY

**The Carriage of Explosives (Amendment)
Regulations (Northern Ireland) 2001**

Made - - - - 22nd October 2001

To be laid before Parliament

22nd November

Coming into operation

2001

The Secretary of State, in pursuance of Articles 17(1) to (6), 40(2) to (4), 43(3), 54 and 55(2) of, and paragraphs 1, 2, 3, 5, 6, 11, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978⁽¹⁾ as so applied and modified, and after consultation in accordance with Article 46(1) of that order with the Health and Safety Executive for Northern Ireland and such other bodies as appear to him to be appropriate, makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 22nd November 2001.

Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

2. The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991⁽²⁾ shall be amended in accordance with Schedule 1.

Amendments to the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993

3. The Packaging of Explosives for Carriage by Road Regulations (Northern Ireland) 1993⁽³⁾ shall be amended in accordance with Schedule 2.

(1) 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)

(2) S.R. 1991/516 as amended by S.R. 1997/474

(3) S.R. 1993/268

Amendments to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997

4. The Carriage of Explosives by Road Regulations (Northern Ireland) 1997(4) shall be amended in accordance with Schedule 3.

Amendments to the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997

5. The Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997(5) shall be amended in accordance with Schedule 4.

Amendments to the Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000.

6. The Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000(6) shall be amended in accordance with Schedule 5.

Northern Ireland Office
22nd October 2001

Dr. John Reid
One of Her Majesty's Principal Secretaries of
State

(4) [S.R. 1997/474](#)
(5) [S.R. 1997/475](#)
(6) [S.R. 2000/171](#)

SCHEDULE 1

Regulation 2

Amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991

1. In regulation 6—
 - (a) in paragraph (6), for the words “A packaged article or substance or a combination of them or an unpackaged article” substitute “An article, whether in packaging or not”, and for the numbers “0015, 0016, 0018, 0019, 0113, 0301 or 0303” substitute “0018, 0019 or 0301”;
 - (b) after paragraph (6), insert the following paragraph—

“(7) An article, whether in packaging or not, to which these Regulations apply, allocated on classification the United Nations Serial Number 0015, 0016 or 0303 and containing a substance which, if classified in accordance with regulation 5 of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(7) (whether or not it is required to be so classified), would be classified as corrosive, shall bear a label in accordance with paragraph 17 of Schedule 3, and “classified” in this paragraph shall have the meaning assigned to it in those Regulations.”
2. In regulation 9(2), for the words “or (6)” substitute “, (6) or (7)”.
3. In Schedule 2, in the Compatibility Group entry for the Compatibility Group B insert the words “do not” before the word “contain”.
4. In paragraph 17 of Schedule 3, after the words “regulation 6(6)” insert “or (7)”.

SCHEDULE 2

Regulation 3

Amendments to the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993

1. In regulation 2(1), for the definition of “the United Nations Recommendations”, substitute the following—

““the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G (XXIII) of 26th April 1957)) [Current Edition (1997): ISBN 92-1-139057 5], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of 6 months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued.”
2. In regulation 3—
 - (a) for paragraph (2), substitute the following paragraph—

“(2) Regulations 7 to 9 and 11 shall not apply to explosives which are carried or consigned for carriage between—

 - (a) private premises and a vehicle in the immediate vicinity of those premises; or

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- (b) one part of private premises and another part of those premises situated in the immediate vicinity of that first part, notwithstanding that those parts may be separated by a road.”; and
- (b) for sub-paragraph (d) of paragraph (4), substitute the following sub-paragraph—
 - “(d) the carriage of explosives which have not been classified under the 1991 Regulations or which have been allocated on classification the UN Number 0190 where—
 - (i) those explosives are not initiating explosives,
 - (ii) those explosives are a commercial sample or a sample for one or more of the purposes of research and development, quality control, their testing or in connection with an application for their classification under the 1991 Regulations, and
 - (iii) the carriage is in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,
 and in this sub-paragraph, “initiating explosives” means explosives intended solely to cause the detonation of other explosives;”.
- 3. In paragraph (2) of regulation 12, for the words from “he is satisfied” to the end of the paragraph substitute “he is satisfied that the environment, the security of the explosives and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it”.
- 4. In column 3 of Schedule 1 Part I—
 - (a) in the entry corresponding to Item “(b)” in column 1, delete the words “or Substances”,
 - (b) in the entry corresponding to Item “(c)” in column 1 and Class and Division “1.4” in column 2, delete “B,”; and
 - (c) following the entry corresponding to Item “(c)” in column 1 and Class and Division “1.4” in column 2, add the words “Articles of B”.

SCHEDULE 3

Regulation 4

Amendments to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997

- 1. In Regulation 2—
 - (a) in paragraph (1)—
 - (i) for the definition of “classified” substitute the following—

““classified” means, in relation to explosives, classified under the 1991 Regulations and, in relation to dangerous goods other than radioactive material, classified under the 1997 Regulations, and “classification” and “unclassified” shall be construed accordingly;”;
 - (ii) at the end of the definition of “permissible maximum weight”, insert the following definition—

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“radioactive material” has the meaning assigned to it in Article 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(8);”;

- (iii) for the definition of “the United Nations Recommendations” substitute the following—

“the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G(XXIII) of 26th April 1957)) [Current Edition (1997): ISBN 92-1-139057 5], as revised or reissued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of 6 months after any revision or reissue, be a reference to either the document as it was immediately before that revision or reissue took effect or the document as revised or reissued;”;

- (b) in paragraph (5), delete the words “or large container” (in both places where they occur).

2. In regulation 3—

- (a) in paragraph (3)(a) for the words “under section 7(1)” there shall be substituted the words “under section 5(1)”;

- (b) for paragraph (3)(b) substitute the following paragraph—

“(b) the vehicle carrying the explosives is one which is used—

- (i) for delivering goods between private premises and a vehicle in the immediate vicinity of those premises, or
- (ii) in passing 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.”;

- (c) at the end, add the following paragraph—

“(6) These Regulations shall not apply to or in relation to the carriage of explosives as a result of an emergency where that carriage is intended to save human life or protect the environment, provided that all measures are taken to ensure that such carriage is carried out safely.”

3. For paragraphs (2) and (3) of regulation 7, substitute the following paragraph—

“(2) A person shall not carry in a vehicle explosives which are unclassified or which have been allocated on classification the UN Number 0190 except—

- (a) (i) as a commercial sample,
- (ii) as a sample for one or more of the following purposes— research and development, quality control, their testing or in connection with an application for their classification, provided that the samples are not initiating explosives; and
- (b) in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation,

and in this paragraph “initiating explosives” means explosives intended solely to cause the detonation of other explosives.

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- (3) A person shall not carry explosives in Compatibility Group L in a vehicle other than in a load which is under sole use.”.
4. In regulation 11—
- (a) in paragraph (1) for the words “shall approve the document” there shall be substituted the words “approves the document”. After the words “Health and Safety Commission” there shall be inserted the words “and which contains” and the full stop and words “. It shall contain” shall be deleted;
- (b) at the end of paragraph (2) the following paragraph shall be inserted—
- “(2A) Where the Secretary of State approves a revision referred to in paragraph (2), during the period between the publication of a notice specifying that revision and the date on which that revision takes effect, a person may comply with the requirements of these Regulations as if any reference to the approved document were a reference to the approved document either—
- (a) prior to that revision; or
- (b) as revised.”.
5. In regulation 14(1)(b), for the words “in the same Compatibility Group” substitute “in Compatibility Group G”.
6. In regulation 15(3) and (4), after the word “together”, insert “Part I of”.
7. At the end of paragraph (2) of regulation 17, add the following paragraph—
- “(2A) The emergency information referred to in paragraph 1(d), and specified in paragraphs 2 and 3, of Part II of Schedule 6 shall be in the form set out in Part III of that Schedule.”.
8. For sub-paragraph (b) of regulation 20(3), substitute the following sub-paragraph—
- “(b) (i) the vehicle is parked on a site, or
- (ii) the vehicle is being used for delivering goods between private premises and a vehicle in the immediate vicinity of those premises, or
- (iii) the vehicle is being used in passing 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,
- and some or all of the explosives are to be used that day; and”.
9. In regulation 21(4), for the words “are those specified in Part I and II of Schedule 1” substitute “comply with the exceptions in paragraph 15 of Schedule 5”.
10. At the end of regulation 22, add the following regulation—

“Training for persons engaged in the carriage of explosives

22A.—(1) The operator, consignor or any other person involved in the carriage of explosives by road shall ensure that he and those of his employees whose responsibilities are concerned with such carriage receive training so as to enable them to discharge those responsibilities.

(2) Each employer shall keep a record for a minimum of 5 years of any training provided by him in accordance with paragraph (1) and shall make available a copy of that record to the employee concerned.”.

11. In regulation 25(3), for the words “in Division 1.4 and Compatibility Group S” substitute “those explosives specified in paragraph 15(a), or sub-paragraphs (a) to (c) of paragraph 16, of Schedule 5”.

12. In paragraph (2) of regulation 29, for the words from “she is satisfied” to the end of the paragraph substitute “she is satisfied that the environment, the security of the explosives and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it”.

13. In regulation 30, for paragraph (3) substitute the following—

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

14. In Schedule 1—

- (a) in the side heading delete the figures “, 21(4)”;
- (b) in Part II, for the words “paragraph 15(c)(i)” substitute “paragraph 15(a)(iii)(aa)”;
- (c) in Part III, delete the entry—

“POTASSIUM SALTS OF AROMATIC NITRO-DERIVATIVES, explosives 0158”.

15. In paragraph 3 of Schedule 2, delete the words “vehicle or” (in both places where they occur) and the word “respectively”.

16. At the end of Part I of Schedule 3, add the following paragraph—

“7. Where the explosives are being carried in containers as part of a multi-modal journey, it shall be sufficient compliance with regulation 13(1)(a) if a vehicle of Type II is used instead of a vehicle of Type III, and in this paragraph “multi-modal journey” means a journey in which more than one mode of carriage is used.”.

17. In Schedule 4—

- (a) in paragraph 2, delete the words “and Schedule 5”;
- (b) in paragraphs 3, 4 and 5, for the words “Schedules 3 and 5” substitute “Schedule 3 and Part I of Schedule 5”;
- (c) for sub-paragraphs (b) to (d) of paragraph 6, substitute the following sub-paragraphs—

“(b) explosives in Compatibility Group C, D, N or S and explosive articles in Compatibility Group E may be carried together or in any combination of them;

(c) explosives in Compatibility Group F may be carried with explosive articles in Compatibility Group C, D or E or explosives in Compatibility Group S;

(d) explosive articles in Compatibility Group G may be carried with explosive articles in Compatibility Group C, D or E;”;

- (d) after sub-paragraph (e) of paragraph 6, insert the following sub-paragraph—

“(f) explosive articles in Compatibility Group B may be carried with explosives in Compatibility Group D, provided that—

(i) the explosive articles in Compatibility Group B are carried in a separate container or compartment from the explosives in Compatibility Group D, and

(ii) the explosives are carried in a container or compartment which conforms to a design approved for the time being in writing by the Secretary of

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State, or, in the case of military explosives, by the Secretary of State for Defence,”;

- (e) in paragraph 7(b) for the words from “explosives” to “0191” substitute “any explosives the carriage of which is not prohibited by these Regulations”;
- (f) in paragraph 7(c), for the numbers “0030, 0042, 0065, 0081, 0082, 0241, 0255, 0360 or 0361” substitute “0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360, 0361, 0455 or 0500”;
- (g) for sub-paragraph (d) of paragraph 7, substitute the following sub-paragraph—
 - “(d) explosives allocated on classification the UN Number 0191, 0197, 0336, 0403, 0431 or 0453 may be carried with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 and the total net mass of such explosives does not exceed 500 kilograms;” and
- (h) for sub-paragraph (e) of paragraph 7, substitute the following sub-paragraph—
 - “(e) explosives in Compatibility Group S and Division 1.4 may be carried with dangerous goods except—
 - (i) flammable solids, or
 - (ii) organic peroxides,
 which bear the sign shown in column 2 of Part I of Schedule 2 to the 1997 Regulations for the subsidiary hazard “Liable to explosion” shown in column 1 of Part I of that Schedule;”.

18. In Part I of Schedule 5—

- (a) in paragraph 1(c), after the words “affixed to” insert “each side, and at the rear and front of”;
- (b) at the end of sub-paragraph (c) of paragraph 1, add the following sub-paragraph—
 - “(d) where more than one container is carried on that vehicle, each such container shall individually comply with the requirements of this Part of this Schedule.”;
- (c) in paragraph 11, for the words from “solely” to “classification” substitute “and are unclassified and carried as a sample for one or more of the purposes set out in regulation 7(2)(a) or as a commercial sample”;
- (d) in paragraph 12, delete the numbers “0020, 0021,”; and
- (e) for paragraph 13, substitute the following paragraph—

“13. Where explosives allocated on classification the UN number—

 - (a) 0015, 0016 or 0303, provided that those explosives contain at least one substance which, if classified in accordance with regulation 5, of the 1997 Regulations (whether or not it is required to be so classified), would be classified as corrosive; or
 - (b) 0018, 0019 or 0301,

are carried in a vehicle or container, there shall be displayed in accordance with paragraph 1, subsidiary hazard signs which—

 - (c) are in the form of the following diagram; and

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- (d) comply with the measurements in the diagram except that larger measurements may be used in which case the measurements shall be increased proportionally.”.

19. For paragraph 15 of Part II of Schedule 5, substitute the following paragraph—

“15. Paragraphs 1 to 7 and 9 to 14 shall not apply where—

(a) the explosives carried are—

- (i) explosive substances in Compatibility Group G and Division 1.1 or 1.3 and do not exceed 20 kilograms in quantity,
- (ii) explosive articles in Compatibility Group B and Division 1.1 or 1.2 and do not exceed 20 kilograms in quantity,
- (iii)
 - (aa) explosives of a type marked with an asterisk in Part II of Schedule 1, or
 - (bb) smokeless powder in Division 1.3 (being the explosive substance allocated on classification the UN Number 0161),and the total quantity of all such explosives carried in the vehicle does not exceed 100 kilograms,

(iv) in Division 1.4 and are—

- (aa) articles in Compatibility Group B or substances in Compatibility Group G and do not exceed (in either case) 300 kilograms in quantity,
- (bb) articles in Compatibility Group C, D, E, F or G or substances in Compatibility Group C or D not exceeding (in either case) 500 kilograms in quantity, or
- (cc) in Compatibility Group S in which case no upper limit applies, or
- (v) in a quantity not exceeding 50 kilograms and are of a type other than any of those specified in any of the sub-paragraphs above; and

(b) a mixed load of explosives in a single vehicle in accordance with regulation 14, and the sum of the figures calculated by multiplying the quantity of explosives referred to in sub-paragraph—

- (i) (a)(i) and (ii) by 50,
- (ii) (a)(iii) by 10,
- (iii) (a)(iv)(aa) by 3,
- (iv) (a)(iv)(bb) by 2, and

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(v) (a)(v) by 20,
does not exceed 1000.”.

20. In Part I of Schedule 6—

- (a) for sub-paragraph (iii) of paragraph (b), substitute the following sub-paragraph—
“(iii) the names and addresses of all consignees,”; and
- (b) in paragraph (b)(iv) for the words “regulation 17(1)” substitute “regulation 17(2)”.

21. In Part II of Schedule 6—

- (a) at the end of paragraph 1, add the following sub-paragraphs—
 - “(f) where the explosives being carried are in a large container and intended for carriage by sea, a container packing certificate comprising the information set out in paragraph 12.3.7 of the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization [Current Edition: Volumes I to IV ISBN 92 801 1465 4];
 - (g) the current ADR Certificate for Type II and Type III explosives vehicles, together with the current ADR Certificate for any associated trailer constructed on or after 1 January 1997,

and in this sub-paragraph “ADR Certificate” means a special certificate of approval issued by the Secretary of State for the Environment, Transport and the Regions for a vehicle following inspection of the vehicle in pursuance of marginal 10 282 of Annex B to ADR.”;

- (b) for paragraph 2, substitute the following paragraph—

“2. The emergency information referred to in paragraph 1(d) shall comprise details of the measures to be taken by the driver in the event of an accident or an emergency and other safety information concerning the explosives being carried and shall include—

- (a)
 - (i) subject to paragraph 3, the proper shipping name of the explosives, that they are of Class 1 and their UN number,
 - (ii) the nature of the danger inherent in the explosives and the safety measures to be taken to avert any such danger including the use of personal protective equipment by the driver,
 - (iii) the general actions to be taken including warning other road users and pedestrians of the danger and calling the police and fire brigade,
 - (iv) the additional actions needed to deal with and prevent escalation of minor leakage or spillage, provided this can be achieved without personal risk, and
 - (v) the necessary equipment for any action required by this paragraph, and
- (b) any further information specified in Part III of this Schedule.”; and

- (c) at the end of paragraph 2, add the following paragraph—

“3. Notwithstanding paragraph 2(a), where mixed loads of packaged explosives are carried, emergency information may be provided for each group of explosives, which present the same dangers, in which case neither the proper shipping name of the individual explosives nor their UN number need be mentioned in the emergency information.”.

22. At the end of Schedule 6, insert the following Part—

“Part III

Form of Emergency Information

Load

1. Include—
 - (a) the proper shipping name of the explosives;
 - (b) that the explosives are of Class 1; and
 - (c) the UN number of the explosives.
2. Include a description of the explosives limited to—
 - (a) their physical state including colour; and
 - (b) any odour, to assist in the identification of leakage and spillage.

Nature of the danger

3. Include a short description of the expected dangers—
 - (a) the main danger;
 - (b) any additional dangers including possible delayed effects and dangers to the environment;
 - (c) the behaviour of the explosives when exposed to fire or heat including decomposition, explosion and the development of toxic fumes; and
 - (d) where applicable, that the explosives react dangerously with water.

Personal Protection

4. Include details of any personal protective equipment provided for the driver.

General actions to be taken by the driver

5. Include the following instructions—
 - (a) stop the engine of the vehicle;
 - (b) subject to paragraph 8, extinguish any open flames;
 - (c) no smoking;
 - (d) warn other road users and pedestrians—
 - (i) of the danger; and
 - (ii) to keep upwind; and
 - (e) notify the police and fire brigade as soon as possible.

Additional actions to be taken by the driver

6. Include the instructions and list the equipment necessary for the driver to perform any additional actions required for the explosives being carried.
7. Provide the instructions necessary for the driver to be able to deal with and prevent the escalation of any minor spillage or leakage, so far as this can be achieved without personal risk.

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Fire

8. Provide the instructions required by the driver in case of fire, including how to deal with minor vehicle fires and a direction not to attempt to deal with any fire involving the load.

First Aid

9. Include first aid instructions for the driver in the event of contact with the explosives.

Additional information

10. Include, where applicable, any additional information which would be of assistance in an emergency.”

23. In Schedule 8—

- (a) for sub-paragraphs (a) and (b) of paragraph 1, substitute the following sub-paragraphs—
 - “(a) at least one portable fire extinguisher with—
 - (i) a minimum capacity of 2 kilograms of dry powder, or
 - (ii) other suitable extinguishant and 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—
 - (i) a minimum capacity of 6 kilograms of dry powder, or
 - (ii) other suitable extinguishant and 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.”;
- (b) for paragraph 3, substitute the following paragraph—

“3. Where a vehicle which is being used for the carriage of explosives comprises a trailer and that laden trailer is uncoupled and left on the road at a distance from the motor vehicle, paragraph 1 shall not apply.”; and
- (c) at the end, add the following paragraph—

“8. The operator shall ensure that the driver of the vehicle and any attendants, know how to use the fire extinguishers provided in accordance with this Schedule.”.

SCHEDULE 4

Regulation 5

Amendments to the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997

1. In regulation 1—

- (a) in paragraph (2) in the definition of “the Council Directive” the words from “and any reference in these Regulations” to the words “of the Directive” should be deleted and a semi-colon inserted after (g);

- (b) in paragraph (6) for the words “generality of regulation 2(4)”, there shall be substituted the words “generality of regulation 2(2)”.
- 2. In regulation 3(1)(b), after the word “under” insert “Articles 5, 8 and 9 of”.
- 3. In regulation 4—
 - (a) in paragraph (1) for the words “Subject to paragraphs (2) and (9)” there shall be substituted the words “Subject to paragraph (2)”;
 - (b) paragraph (2) the words from “in the case” to “regulation 2(1)” and the words “in packages” shall be deleted;
 - (c) at the end of paragraph (5) (but before the full stop), insert the words “, except that in the case of the subject specified in paragraph 3(c) of Schedule 3, the training need not be accompanied by practical exercises”;
 - (d) in paragraph (6)—
 - (i) for the words “for periods of up to 5 years by the Secretary of State” substitute “by the Secretary of State for periods of up to 5 years from the date of expiry of the original certificate or of any extension of it granted in accordance with this paragraph,” and
 - (ii) for sub-paragraph (b), substitute the following sub-paragraph—
 - “(b) passed an examination (the syllabus of which shall cover the course referred to in sub-paragraph (a) of this paragraph) which has been approved by the Secretary of State.”; and
 - (e) after paragraph (6), insert the following paragraph—
 - “(6A) The course referred to in paragraph (6)(a) shall be a theoretical one accompanied by practical exercises and shall cover new technical, legal and substance-related developments in at least the subjects specified in—
 - (a) paragraph 1 of Schedule 3;
 - (b) paragraph 2 of Schedule 3, in the case of a vocational training certificate referred to in paragraph (2)(b);
 - (c) paragraph 4 of Schedule 3, in the case of a vocational training certificate referred to in paragraph (2)(c); and
 - (d) paragraph 5 of Schedule 3, in the case of a vocational training certificate referred to in paragraph (2)(d),except that in the case of the subject specified in paragraph 3(c) of Schedule 3, the training need not be accompanied by practical exercises.”.
- 4. In regulation 5(1)(a) for the words “on 1st July 1997” there shall be substituted the words “on 1st December 1997”.
- 5. In paragraph (2) of regulation 8, for the words from “he is satisfied” to the end of the paragraph substitute “he is satisfied that neither the health and safety of persons who are likely to be affected by the exemption nor the environment will be prejudiced in consequence of it.”.
- 6. In regulation 9, for paragraph (3) substitute the following—
 - “(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of some other person, that other person shall be guilty of the offence which would, but for any defence under this regulation available to the first-mentioned person, be constituted by the act or default.”.
- 7. In Schedule 1, at the end, insert the following paragraph—

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- “(g) as a result of an emergency the vehicle concerned is being driven with the intention of saving human life or protecting the environment, provided that all measures are taken to ensure that such carriage is carried out safely.”.
8. In Schedule 2, for paragraph (d) substitute the following—
- “(d) for the purposes of regulation 4(1) only, in compliance with the requirements of paragraph 15 of Part II of Schedule 5 to the Carriage of Explosives by Road Regulations (Northern Ireland) 1997.”.
9. In Schedule 3—
- (a) delete “1.”;
- (b) in the first line after the word “training” the words “or refresher course” should be inserted;
- (c) in the second line after the words “regulation 4(3)(a)” there should be inserted “or 4(6)(a)”;
- (d) after sub-paragraph (k) insert the following sub-paragraphs—
- “(l) the handling and stowing of explosives in packages;
- (m) specific hazards related to explosive and pyrotechnic substances and articles;
- (n) specific requirements concerning mixed loading of explosives.”
- (e) delete paragraph 2.
10. In paragraph 1 of Schedule 4 after the words “for the approval” there should be inserted the words “or renewal of any approval”.

SCHEDULE 5

Regulation 6

Amendments to the Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000

1. In Regulation 5(1) for the words “regulation 7(10)” substitute the words “regulation 7(9)”.
2. In Regulation 7(7) for the words “paragraph (5)” substitute the words “paragraph (4)”.
3. In Schedule 1 paragraph 1(b) for the words “paragraph 21” substitute the words “paragraph 20A”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These regulations implement—
 - (a) Commission Directive [96/86/EC](#) (O.J. No. L335, 24.12.96, p. 43) adapting to technical progress 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; and

- (b) Commission Directive [99/47/EC](#) (O.J. No. L169, 5.7.99, p. 1) adapting to technical progress Council Directive [94/55/EC](#) and Commission Directive [96/86/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;

2. The Regulations amend—

- (a) the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991 (Regulation 2 and Schedule 1);
- (b) the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993 (Regulation 3 and Schedule 2);
- (c) the Carriage of Explosives by Road Regulations (Northern Ireland) 1997 (Regulation 4 and Schedule 3);
- (d) the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997 (Regulation 5 and Schedule 4);
- (e) the Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000 (Regulation 6 and Schedule 5).

3. The effect of the amendments is to align the Regulations in paragraph 2 with the latest versions of the ADR agreement, as defined in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997.

4. Apart from minor and drafting amendments, the principal modifications are—

- (a) a general disapplication where explosives are carried in an emergency in order to save life or protect the environment (Schedule 3, paragraph 2(c));
- (b) revisions to the content and format of emergency information for the carriage of explosives by road (Schedule 3, paragraphs 7 and 21(b));
- (c) a new training requirement for employees with responsibilities related to the carriage of explosives by road (Schedule 3, paragraph 10);
- (d) training for the drivers of road vehicles which carry explosives to be in the form of a theoretical course in specified subjects accompanied by practical exercises (Schedule 4, paragraph 3(e));
- (e) greater flexibility in the carriage of mixed loads of explosives (Schedule 3, paragraph 17);
- (f) the requirement of an ADR (B3) certificate for Types II and III explosive vehicles constructed after 1st January 1997 (Schedule 3, paragraph 21(a));
- (g) the introduction of transitional provisions in relation to the publication of a new edition of an Approved Document (Schedule 3, paragraph 4(b)).

5. Copies of relevant documents may be obtained as follows—

- (a) the current edition of the International Maritime Dangerous Goods Code volumes I to IV and Supplement (ISBN 92-801-1465-4) and the International Convention for Safe Containers, 1972 (1996 edition, ISBN 92-801-1411-5) from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.