

1988 No. 24

**HEALTH AND SAFETY****Dangerous Substances****(Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988***Made* . . . . . 26th January 1988*Coming into operation—* . . . . .*All Regulations except regulations  
7, 8, 10 and 21* . . . . . 1st April 1988*Regulations 8, 10 and 21* . . . . . 1st April 1989*Regulation 7* . . . . . 1st October 1989

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The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned<sup>(a)</sup> in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5), (6) and 55(2) of, and paragraphs 1(1), (2), (3) and (4), 2, 8, 11, 13, 14(1) and 15 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978<sup>(b)</sup> and of every other power enabling them 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 them to be appropriate, hereby make the following Regulations:—

#### *Citation and commencement*

1. These Regulations may be cited as the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988 and shall come into operation on 1st April 1988 except regulations 8, 10 and 21 which shall come into operation on 1st April 1989 and regulation 7 which shall come into operation on 1st October 1989.

#### *Interpretation*

2.—(1) In these Regulations—

“approved list” means the list described in regulation 4(1) as revised or re-issued from time to time in accordance with paragraph (2) of that regulation;

“classification” means in relation to a dangerous substance which is—

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

(b) S.I. 1978/1039 (N.I. 9)

- (a) specified in column 1 of Part I of the approved list, the classification specified in the corresponding entry in column 4 of that Part; or
  - (b) not specified in the approved list, the classification specified in column 2 of Part I of Schedule 1 corresponding to the most hazardous of the characteristic properties specified opposite thereto in column 1;
- “conveyance by road” shall be construed in accordance with regulation 3(2);
- “dangerous substance” means any substance (including any preparation) which is either—
- (a) a substance specified in Part I of the approved list, unless it is conveyed by road at such dilution that a risk to the health and safety of any person is not created by that conveyance; or
  - (b) any other substance which by reason of its characteristic properties (being properties specified in column 1 of Part I of Schedule 1) creates a risk to the health and safety of any person in the course of conveyance by road which is comparable with the risk created by substances which are specified in Part I of the approved list;
- “the Department” means the Department of Economic Development;
- “emergency action code” means in relation to a dangerous substance, the emergency action code specified for that substance in column 3 of Part I of the approved list and “multi-load emergency action code” means an emergency action code for a multi-load ascertained in accordance with Part II of that list;
- “flash point” means the flash point determined in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(a);
- “hazard warning sign” means in relation to a dangerous substance, the hazard warning sign specified in column 3 of Part I of Schedule 1 for the classification of the substance specified opposite thereto in column 2 or which conforms to the requirements of Part II of Schedule 1;
- “hazard warning panel” means a panel required under regulations 14 and 15 and specified in Schedule 3;
- “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(b);
- “inspector of vehicles” means a person appointed by the Department of the Environment as an inspector of vehicles for the purposes of any provision of the Road Traffic (Northern Ireland) Order 1981(c);
- “label” means a label required under regulation 16 and specified in Schedule 3;

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(a) S.R. 1985 No. 81

(b) 1974 c. 37

(c) S.I. 1981/154 (N.I. 1) to which there are amendments not relevant to these Regulations

“multi-load” means a load consisting of two or more dangerous substances in separate compartments, or tanks (whether or not a substance which is not a dangerous substance is being conveyed at the same time);

“operator” shall be construed in accordance with regulation 5;

“petroleum filling station” means a petroleum filling station within the meaning of section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929(a);

“petroleum-spirit” means petroleum-spirit within the meaning of section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929;

“road” means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;

“road tanker” means a goods vehicle within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981 which has a tank which is structurally attached to, or is an integral part of, the frame of the vehicle;

“single load” means a load consisting of only one dangerous substance (whether or not a substance which is not a dangerous substance is being conveyed at the same time);

“tank” means a tank which is—

(a) used for the conveyance by road of a liquid, gaseous, powdery or granular material or a sludge, in bulk; and

(b) so constructed that it can be securely closed (except for the purpose of relieving excessive pressure) during the course of conveyance by road;

“tank container” means a tank (whether or not divided into separate compartments) having a total capacity of more than 3 cubic metres other than the tank of a road tanker;

“visiting forces” means forces to which any provision of Part I of the Visiting Forces Act 1952(b) applies.

(2) For the purposes of these Regulations a combination of a motor vehicle and one or more trailers shall be treated as one vehicle for so long as they remain attached.

#### *Application of these Regulations*

3.—(1) Except as provided for by regulation 18, these Regulations shall apply to the conveyance by road of a dangerous substance in a road tanker or tank container, except—

(a) in so far as the substance is used solely in connection with the operation of the vehicle;

(b) where the substance being conveyed is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations (Northern Ireland) 1985(c);

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(a) 1929 c. 13 (N.I.) to which there are amendments not relevant to these Regulations

(b) 1952 c. 67

(c) S.R. 1985 No. 273

- (c) where—
- (i) the vehicle conveying the dangerous substance is engaged in an international transport operation within the meaning of the International Convention for the Conveyance of Goods by Rail (CIM)(a), as revised or reissued from time to time; and
  - (ii) such conveyance conforms in every respect to the requirements of Articles 1 to 5 of that Convention and to the Regulations made thereunder;
- (d) where the vehicle conveying the dangerous substance—
- (i) is engaged in an international transport operation within the meaning of the European Agreement concerning the international carriage of dangerous goods by road (ADR) signed at Geneva on 30th September 1957(b), as revised or reissued from time to time;
  - (ii) complies with the conditions contained in Annexes A and B to that Agreement; and
  - (iii) is certified pursuant to that Agreement as complying with it; unless by a provision of that Agreement the transport operation is one which is governed by national legislation;
- (e) where the vehicle conveying the dangerous substance is not, for the time being, subject to the provisions of the said European Agreement by reason only that it is under the control of the armed forces of the Crown or of visiting forces;
- (f) where the vehicle conveying the dangerous substance has been exempted from excise duty by the Secretary of State(c) under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(d);
- (g) where the vehicle conveying the dangerous substance is a road construction vehicle other than a road tanker used for the conveyance of liquid tar (including road asphalt and oils, bitumen and cutbacks) which has the substance identification number 1999 or 7033, and in this sub-paragraph—
- (i) “road construction vehicle” means a vehicle constructed or adapted for the conveyance of built-in road construction machinery and not constructed or adapted for the conveyance of any other load except articles and material used for the purpose of that machinery;
  - (ii) “road construction machinery” means a machine or contrivance suitable for use in the repair and construction of roads; and
  - (iii) “built-in road construction machinery”, in relation to a vehicle, means road construction machinery built in as part of the vehicle or permanently attached to it.

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(a) Cmnd. 5897

(b) Cmnd. 734

(c) Functions transferred from the Ministry of Home Affairs by S.I. 1973/2163 Article 2(1) and Schedule 1

(d) 1972 c. 10 (N.I.)

(2) A vehicle shall be deemed for the purposes of these Regulations to be used for the conveyance by road of a dangerous substance throughout the period—

- (a) in the case of a road tanker, from the commencement of loading for the purpose of conveying the substance on a road until the tank or compartment of the tank has been cleaned or purged so that any of the substance or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person; or
- (b) in the case of a vehicle carrying a tank container from either—
  - (i) the time at which the tank container containing the dangerous substance is placed on the vehicle; or
  - (ii) if the container was placed on the vehicle before loading was commenced, from the commencement of loading;
 for the purpose of conveying the substance on a road until either—
  - (iii) the tank container is removed from the vehicle; or
  - (iv) the tank container or compartment of the tank container has been cleaned or purged so that any of the substance or its vapour which remains in it is not sufficient to create a risk to the health or safety of any person;

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

#### *Meaning of and revisions to the approved list*

4.—(1) Subject to any revision mentioned in paragraph (2), in these Regulations the approved list means the list, published by the Health and Safety Commission and approved by the Department entitled “Approved Substance Identification Numbers, Emergency Action Codes and Classifications for Dangerous Substances conveyed in Road Tankers and Tank Containers”, which contains in Part I a list of those substances for which the Department has approved substance identification numbers, emergency action codes and classifications, and in Part II a method for ascertaining the multi-load emergency action code.

(2) Where the Department approves any revision of the approved list, it shall forthwith issue a notice in writing specifying the revision and the date on which it was approved, and any such revision shall not take effect until six months after the date of its approval, but during that time an operator may mark a road tanker or tank container in accordance with that revision.

#### *Meaning of operator*

- 5.—(1) “Operator” means in relation to a road tanker or other vehicle—
- (a) a person who holds, or is required by section 14 of the Transport Act (Northern Ireland) 1967(a) to hold, an operator’s licence for the use of that vehicle for the carriage of goods on a road; or
  - (b) where no such licence is required, the keeper of the vehicle.
- (2) “Operator” means in relation to a tank container either—
- (a) the owner of the tank container or his agent, if that person—

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(a) 1967 c. 37 (N.I.) to which there are amendments not relevant to these Regulations

- (i) has a place of business in Northern Ireland; and
  - (ii) is identified as the owner of or the agent of the owner of the tank container on the tank container itself or on a document carried on the vehicle; or
- (b) if no person satisfies the requirements set out in sub-paragraph (a), the operator of the vehicle on which the tank container is conveyed.
- (3) For the purpose of paragraph (2), a person to whom a tank container is leased or hired shall be the owner of that tank container.

*Construction of vehicles and tank containers*

6.—(1) An operator shall not use any vehicle or any tank container for the conveyance by road of a dangerous substance 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 substance and of all other substances being conveyed (including any which are not in themselves dangerous); and
- (c) the carrying tank of the road tanker or the tank container 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) in so far as they are likely to come into contact with the substance, are made of materials which are neither liable to be adversely affected by the substance nor liable in conjunction with it to form any other dangerous substance which would significantly increase the risk to the health or safety of any person.

(2) The provisions of Schedule 2, which relate to the construction of road tankers used for the conveyance by road of petroleum-spirit and mixtures of petroleum within the meaning of the Petroleum (Mixtures) Order (Northern Ireland) 1930(a) (Part I) and carbon disulphide (Part II) shall have effect for the purposes of regulating such construction except that this paragraph shall not apply to road tankers in the service of the armed forces of the Crown or of visiting forces.

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

7.—(1) In this regulation, “pressure vessel” means the tank of a road tanker or tank container which is used or is intended to be used for the conveyance by road of a dangerous substance—

- (a) at a pressure of more than 500 millibar above or below atmospheric pressure; or

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(a) S.R. & O. (N.I.) 1930 No. 21 (p. 325)

(b) at a pressure of 500 millibar or less above atmospheric pressure, if it is maintained at that pressure by artificial means and would rise above that pressure if such means were no longer employed.

(2) Subject to paragraph (6), a dangerous substance may only be conveyed by road in the carrying tank of a road tanker or in a tank container if—

- (a) there is in existence a suitable written scheme for the initial examination and testing and for the periodic examination and, where appropriate, testing of the tank and its fittings to ensure that they are properly maintained;
- (b) the appropriate examinations and tests of the tank and its fittings have been carried out by a competent person in accordance with that scheme and before being taken into use for the first time for the conveyance of a dangerous substance, the tank has been certified by that person as suitable for the purposes for which it is intended to be used and those purposes have been specified in the certificate;
- (c) there is in existence a current report signed by that competent person stating—
  - (i) the date on which the examination and tests required under this paragraph were carried out and the results thereof;
  - (ii) the interval before which further examinations and, where appropriate, tests must be carried out which shall be that specified in the scheme or such shorter interval as the competent person may specify;
  - (iii) that the tank is suitable for the purposes specified in the certificate for that tank issued under either sub-paragraph (b) or a further certificate issued under paragraph (5), but, if this is not the case, the purposes for which it is suitable;
  - (iv) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected;
- (d) the tank and its fittings have not been damaged, modified or repaired in such a way as might affect their safety since the report was issued; and
- (e) in the case of a pressure vessel the maximum working pressure specified in the report is not exceeded.

(3) Where the carrying tank of a road tanker or a tank container is a pressure vessel, that pressure vessel shall have securely fastened to it a corrosion resistant plate on which the following information is indelibly marked—

- (a) the name or identifying mark of the manufacturer;
- (b) the serial number of the pressure vessel by which it can be identified;
- (c) the date of the last examination and test carried out in accordance with paragraph (2)(b);
- (d) the maximum working pressure to which the vessel may be subjected.

(4) Where the carrying tank of a road tanker or a tank container has been damaged, modified or repaired in such a way as might affect its safety, it shall not be taken into use for the conveyance by road of a dangerous substance



until it has been examined, tested and certified in accordance with paragraph (2).

(5) Where a competent person is satisfied that a tank is suitable for purposes other than those specified in the certificate issued in accordance with paragraph (2)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

(6) Subject to regulation 26(1), where the carrying tank of a road tanker or a tank container had been taken into use for the first time before the date of coming into operation of this regulation, it shall be a sufficient compliance with the requirements of this regulation if they are complied with within 1 year after that date.

(7) It shall be the duty of the operator of a road tanker or the operator of a tank container to comply with this regulation.

*Information relating to a dangerous substance to be obtained by the operator*

8.—(1) An operator shall not convey a dangerous substance by road in a road tanker or a tank container unless he has obtained from the consignor of that substance or some other person acting on his behalf such information as will enable the operator to—

- (a) comply with the requirements of these Regulations; and
- (b) be aware of the risks created by the substance to the health or safety of any person.

(2) It shall be the duty of any person who supplies information relating to a dangerous substance to an operator for the purposes of paragraph (1) to ensure that that information is accurate and sufficient for the purposes of that paragraph.

*Limitation on the conveyance by road of certain substances*

9. The operator shall ensure that—

- (a) any organic peroxide which is a dangerous substance is not conveyed by road in a road tanker or tank container unless that substance is named in column 1 of Part I of the approved list and any conditions specified therein are complied with;
- (b) where a dangerous substance is not specified in column 1 of Part I of the approved list, it is not conveyed by road in a road tanker or tank container unless its characteristic properties, being properties specified in column 1 of Schedule 1, create no greater risk to health or safety than other substances having similar characteristic properties which are specified in the approved list; and
- (c) where a maximum concentration or some other condition is specified for a substance in column 1 of Part I of the approved list, that substance shall not be conveyed by road in a road tanker or tank container except at a concentration equal to or below the maximum concentration or, as the case may be, in accordance with the condition so specified.

*Information in writing to be available during conveyance*

**10.**—(1) Where a dangerous substance is conveyed by road in a road tanker or tank container, the operator of the vehicle used for conveying the substance shall ensure that the driver thereof is given such information in writing in relation to the substance as will enable him to know—

- (a) the identity of the substance; and
- (b) the nature of the dangers to which the substance may give rise and the emergency action he should take.

(2) The driver of a vehicle to which this regulation applies shall ensure that—

- (a) the information in writing given to him under paragraph (1) is kept in the cab of the vehicle and is available at all times while the substance to which it relates is being conveyed; and
- (b) the information in writing relating to any substance which is not being conveyed at that time is destroyed, or removed from the vehicle or placed in a securely closed container clearly marked to show that the information does not relate to a substance then being conveyed.

*Precautions against fire and explosion*

**11.** Every person engaged in the conveyance by road of a dangerous substance shall observe all the precautions necessary for preventing fire or explosion.

*Prohibition against overfilling road tankers or tank containers*

**12.** The operator and the driver of a road tanker or a tank container used for the conveyance by road of a dangerous substance shall ensure that any tank in which the substance is conveyed is not overfilled.

*Supervision of vehicles containing dangerous substances*

**13.**—(1) The driver of a vehicle to which this paragraph applies shall ensure that the vehicle, when not being driven, is either—

- (a) parked in a safe place; or
- (b) supervised at all times by him or by some other competent person over the age of 18 years.

(2) Paragraph (1) shall apply where a road tanker or tank container is required by regulation 14 or 15 to display hazard warning panels and the emergency action code (if any) required to be shown thereon ends with the letter "E", except that that paragraph shall not apply where the driver of the vehicle can show—

- (a) that any tank or compartment of a tank which had contained a substance which has an emergency action code ending with the letter "E" is nominally empty;
- (b) in a case where the substance identification number 1270 is displayed, that no petrol is being conveyed or that any tank or compartment of a tank which had contained petrol is nominally empty; or

- (c) in a case where the substance identification number 1268 is displayed, that no toluene or petroleum distillate having a flash point of less than 21°C is being conveyed or that any tank or compartment of a tank which had contained any such substance is nominally empty;

and in this paragraph “nominally empty” means in relation to a tank or compartment of a tank that as much of the dangerous substance as is reasonably practicable has been discharged from it.

*Road tankers conveying dangerous substances to carry hazard warning panels*

14. Subject to regulation 17, the operator of a road tanker which is being used for the conveyance by road of one or more dangerous substances shall ensure that it is provided with and displays three hazard warning panels, one at the rear and one on each side of the vehicle and—

- (a) each panel shall—
- (i) be weather resistant and be indelibly marked on one side only so as to comply with the provisions of Schedule 3 (which relates to the form, specification, colour and information required);
  - (ii) be either rigid or fixed so as to be rigid;
  - (iii) be marked on or securely attached to the vehicle or to the tank in a substantially vertical plane, and if the means of attachment is by a frame, that frame shall carry no other hazard warning panels; and
  - (iv) have its lower edge at least one metre from the ground or if that is not reasonably practicable as high as is reasonably practicable; and
- (b) the forward edge of each side panel shall be as close as is reasonably practicable to the front of the tank or, if there is more than one tank, to the front of the foremost tank.

*Tank containers conveying dangerous substances to carry hazard warning panels*

15. Subject to regulation 17, the operator of a tank container in which a dangerous substance is to be conveyed by road shall ensure that the tank container is provided with two hazard warning panels one of which shall be visible from each side of the vehicle while the tank container is being conveyed by road and—

- (a) each panel shall—
- (i) be weather resistant and be indelibly marked on one side only so as to comply with the provisions of Schedule 3;
  - (ii) be either rigid or fixed so as to be rigid;
  - (iii) be marked on or securely attached to the tank container in a substantially vertical plane and if the means of attachment is by a frame that frame shall carry no other hazard warning panels; and
- (b) the centre of the panel shall be as close as is reasonably practicable to a position midway between the front and rear of the tank container.

*Labelling requirements for road tankers and tank containers conveying multi-loads*

16. Subject to regulation 17, where a multi-load is conveyed by road, if in a road tanker, in separate tanks or in compartments of a tank, or in a compartmented tank container, the operator of the road tanker or, as the case may be, of the tank container, shall ensure that each such tank or compartment which contains a dangerous substance is provided with and displays two labels, one on each side which shall—

- (a) be weather resistant and indelibly marked on one side only so as to comply with the requirements of Schedule 3;
- (b) be marked on or securely attached to—
  - (i) in the case of a road tanker, the vehicle or the tank; or
  - (ii) in the case of a tank container, the tank container; and
- (c) have its centre as close as is reasonably practicable to a position midway between the front and rear of the compartment or tank in which the dangerous substance to which the label relates is being conveyed.

*Circumstances in which regulations 14 to 16 do not apply*

17.—(1) Regulations 14 to 16 shall not apply where a road tanker or tank container is being used solely for conveying a dangerous substance from—

- (a) another road tanker or tank container which has been damaged as a result of an accident occurring on a road, or has broken down on a road; or
- (b) a rail tanker which has been damaged or derailed or has broken down on a railway other than a siding on which it was loaded; and either—
- (c) the vehicle is being escorted by a vehicle being used for police or fire brigade purposes; or
- (d) the vehicle—
  - (i) displays at its rear either the appropriate hazard warning sign or that shown in Schedule 1 for “other dangerous substances”; and
  - (ii) complies so far as is reasonably practicable with the other provisions of these Regulations.

(2) Regulations 14 to 16 shall not apply to the conveyance by road of a dangerous substance in a road tanker or tank container to a port for carriage by sea, or from a port having been carried by sea, if that road tanker or tank container is labelled in accordance with the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organisation as revised and reissued from time to time.

(3) Regulations 14 to 16 shall not apply to the conveyance by road of a dangerous substance in a road tanker or tank container which is in the service of the armed forces of the Crown or of visiting forces whilst the vehicle conveying that substance is being used on training—

- (i) which has been certified by the appropriate Navy, Army or Air Force or visiting forces authority as a special occasion; and

- (ii) of which notice has been given by that authority to the Chief Constable of the Royal Ulster Constabulary and to the Chief Fire Officer of the Fire Authority for Northern Ireland at least 48 hours before the commencement of that training;

and in this paragraph "appropriate authority" has the meaning assigned to it by regulation 3(1) of and Schedule 3 to the Road Vehicles Lighting Regulations (Northern Ireland) 1969(a).

(4) Regulation 16 shall not apply to a multi-load which, in accordance with the note to Part I of the approved list, may be deemed to be a single load, if the road tanker or tank container in which the multi-load is conveyed displays the appropriate hazard warning panels marked in accordance with that note.

*Covering or removal of hazard warning panels and labels*

**18.**—(1) Where one or more dangerous substances have been conveyed by road in a road tanker or tank container and the tank or, as the case may be, the tank container and all the compartments thereof have been emptied and cleaned or purged so that any of a dangerous substance or its vapour which remains is not sufficient to create a risk to the health and safety of any person, then the operator and driver of the vehicle shall ensure that the hazard warning panels and labels are either—

- (a) completely covered or completely removed; or
- (b) partly covered or partly removed so as to leave visible only the telephone number or the text permitted by paragraphs 3(d), 4(d) and 5(1)(d) of Schedule 3.

(2) Where two or more dangerous substances have been conveyed by road in a road tanker or tank container, and the tank or compartment of the tank or tank container which was carrying one of them has been emptied and cleaned or purged so that any of the dangerous substance or its vapour which remains is not sufficient to create a risk to the health or safety of any person, then the operator and driver of the vehicle shall ensure that—

- (a) the labels referring to the substance which has been removed are completely covered or completely removed; and
- (b) the hazard warning panels are changed to those appropriate to the remaining load.

*Hazard warning panels and labels to be kept clean and free from obstruction*

**19.** Where a dangerous substance is being conveyed by road in a road tanker or tank container, the operator and driver of the vehicle conveying the substance shall ensure that any hazard warning panel required by regulation 14 or 15 and any labels required by regulation 16 are—

- (a) displayed at all times as required by these Regulations; and
- (b) kept clean and free from obstruction except that a rear panel may be mounted behind a ladder of light construction which does not prevent the information on the panel from being easily read.

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(a) S.R. & O. (N.I.) 1969 No. 214 to which there are amendments not relevant to these Regulations

*Unloading of petroleum-spirit at petroleum filling stations and certain other premises licensed for the keeping of petroleum-spirit*

20.—(1) The provisions of Schedule 4 shall have effect for regulating the unloading of petroleum-spirit at—

- (a) any petroleum filling station; and
- (b) any other premises licensed for the keeping of petroleum-spirit which is intended to be used as fuel for motor vehicles, except where those premises are licensed for keeping more than 100,000 litres of such petroleum-spirit in storage tanks.

(2) The enforcing authority for this regulation shall be the authority empowered to grant petroleum-spirit licences under the Petroleum (Consolidation) Act (Northern Ireland), 1929(a) for the petroleum filling station or premises concerned.

*Instruction and training for drivers*

21.—(1) The operator of a vehicle used for the conveyance of a dangerous substance by road shall ensure that the driver of that vehicle has received adequate instruction and training to enable him to understand—

- (a) the nature of the dangers to which the substance being conveyed may give rise and the emergency action he should take; and
- (b) his duties under these Regulations.

(2) The operator shall keep a record of such instruction and training received by a driver whilst in his employment, and a copy of that record shall be made available to the driver.

*Exemption certificates*

22.—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person or class of persons, dangerous substance or class of dangerous substances, 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.

(2) The Department shall not grant any such exemption 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 enactments 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.

*Information to be given to police officers and inspectors of vehicles*

23. A driver shall on request give to any police officer or inspector of vehicles any documents required to be carried under these Regulations and such other information in his possession as will enable that person to know the identity and quantity of dangerous substances being conveyed.

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(a) 1929 c. 13 (N.I.)

*Defence in proceedings for contravening these Regulations*

24. In any proceedings for an offence under these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

*Amendment and revocations*

25.—(1) Sections 5 and 18 of the Petroleum (Consolidation) Act (Northern Ireland), 1929 shall cease to have effect in so far as they relate to the conveyance by road of petroleum-spirit in a road tanker or tank container.

(2) The Regulations specified in Schedule 5 shall cease to have effect in so far as they relate to the conveyance by road of a dangerous substance in a road tanker or tank container.

(3) Part I of Schedule 1 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986(a) shall be amended as follows:—

(a) In paragraph 13(1) after the word “road” insert “, other than a vehicle to which paragraph 13A applies,”;

(b) After paragraph 13 there shall be added—

“13A.—(1) Any incident—

(a) in which a road tanker or tank container used for conveying a dangerous substance by road—

(i) overturns; or

(ii) suffers serious damage to the tank in which the dangerous substance is being conveyed; or

(b) in which there is, in relation to such a road tanker or tank container—

(i) an uncontrolled release or escape of the dangerous substance being conveyed; or

(ii) a fire which involves the dangerous substance being conveyed.

(2) In this paragraph, “conveyance by road”, “road tanker”, “tank container” and “dangerous substance” has in each case the meaning assigned to it by regulation 2(1) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988.”.

*Transitional provision and savings*

26.—(1) Until 1st October 1989 the operator shall ensure that carbon disulphide is not conveyed by road in a tank container and after that date, notwithstanding regulation 7(6), that it is only so conveyed in a tank container which complies with the requirements of paragraphs (2) to (5) of that regulation.

(2) Nothing in these Regulations shall affect any approval (relating to road tankers used for the conveyance by road of petroleum-spirit) given under the Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland)

1971(a), but any such approval shall, if in force on the coming into operation of these Regulations, continue in force as if it had been given under Part I of Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Agriculture on 26th January 1988.

(L.S.) *I. C. Henderson*  
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 26th January 1988.

(L.S.) *M. A. Warnock*  
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 26th January 1988.

(L.S.) *Trevor Pearson*  
Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 26th January 1988.

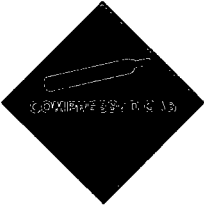



(L.S.) *R. McMurray*  
Assistant Secretary





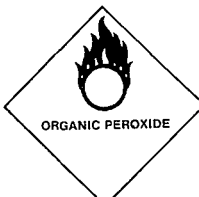



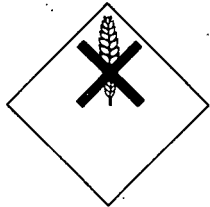

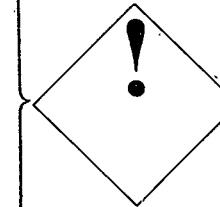
THE CLASSIFICATION OF AND HAZARD WARNING SIGNS FOR  
DANGEROUS SUBSTANCES

## PART I

TABLE OF CHARACTERISTIC PROPERTIES, CLASSIFICATIONS AND HAZARD  
WARNING SIGNS

| 1<br><i>Characteristic properties of<br/>the substance</i>  | 2<br><i>Classification</i>    | 3<br><i>Hazard warning sign</i>  |
|---|-------------------------------|--|
| <p>A substance which—</p> <p>(a) has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bar absolute; and</p> <p>(b) is conveyed by road at a pressure of more than 500 millibar above atmospheric pressure or in liquefied form;</p> <p>other than a toxic gas or flammable gas.</p>                            | Non-flammable compressed gas. |    |
| <p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour-pressure of more than 3 bar absolute and which is toxic.</p>   | Toxic gas.                    |   |
| <p>A substance which has a critical temperature below 50°C or which at 50°C has a vapour pressure of more than 3 bar absolute and is flammable.</p>   | Flammable gas.                |  |
| <p>A liquid with a flash point of 55°C and below except a liquid which—</p> <p>(a) has a flash point of 21°C and above but not exceeding 55°C; and</p> <p>(b) when tested in the manner specified in Schedule 2 to the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(a) does not support combustion.</p> | Flammable liquid.             |  |

| 1<br><i>Characteristic properties of the substance</i>   | 2<br><i>Classification</i>                                 | 3<br><i>Hazard warning sign</i>   |
|--|--|---|
| A solid which is readily combustible under conditions encountered in conveyance by road or which may cause or contribute to fire through friction.   | Flammable solid.   |    |
| A substance which is liable to spontaneous heating under conditions encountered in conveyance by road or to heating in contact with air being then liable to catch fire.                                 | Spontaneously combustible substance.                       |    |
| A substance which in contact with water is liable to become spontaneously combustible or to give off a flammable gas.  | Substance which in contact with water emits flammable gas. |    |
| A substance, other than an organic peroxide, which, although not itself necessarily combustible, may by yielding oxygen or by a similar process cause or contribute to the combustion of other material. | Oxidising substance.                                       |  |
| A substance which is—<br>(a) an organic peroxide; and<br>(b) an unstable substance which may undergo exothermic self-accelerating decomposition.   | Organic peroxide.  |  |

| <p style="text-align: center;">1</p> <p style="text-align: center;"><i>Characteristic properties of the substance</i></p>   | <p style="text-align: center;">2</p> <p style="text-align: center;"><i>Classification</i></p> | <p style="text-align: center;">3</p> <p style="text-align: center;"><i>Hazard warning sign</i></p>              |
|---|---|---|
| <p>A substance known to be so toxic to man as to afford a hazard to health during conveyance or which, in the absence of adequate data on human toxicity, is presumed to be toxic to man.</p>   | <p>Toxic substance.</p>   |                               |
| <p>A substance known to be toxic to man or, in the absence of adequate data on human toxicity, is presumed to be toxic to man but which is unlikely to afford a serious acute hazard to health during conveyance.</p>   | <p>Harmful substance.</p>   |                               |
| <p>A substance which by chemical action will—</p> <ul style="list-style-type: none"> <li>(a) cause severe damage when in contact with living tissue; or</li> <li>(b) materially damage other freight or equipment if leakage occurs.</li> </ul>   | <p>Corrosive substance.</p>   |                              |
| <p>A substance which although not having any of the characteristic properties set out above may nevertheless create a risk to the health and safety of any person in the conditions encountered in conveyance by road by reason—</p> <ul style="list-style-type: none"> <li>(a) of its chemical properties; or</li> <li>(b) that it is conveyed at a temperature of above 100°C. </li></ul> | <p>Other dangerous substance.</p>   |                             |
| <p>Dangerous substances which are conveyed as a multi-load but not all of which are of the same classification.</p>   | <p>Multi-load.</p>  | <p>(This sign is shared with the 'Other dangerous substance' category and is not explicitly repeated here.)</p> |

## PART II

## SPECIFICATION OF HAZARD WARNING SIGNS

1. The hazard warning sign to be used on a hazard warning panel or label shall be that shown in column 3 of Part I for the classification of the substance shown in the corresponding entry in column 2 of that Part and the signs shall conform in form and colour to those shown in the said column 3, except that—

- (a) in the case of the signs for the classifications non-flammable compressed gas;<sup>d</sup> flammable gas and flammable liquid the symbol and the lettering may be in white; and
- (b) in the case of the sign for the classification spontaneously combustible substance the lettering may be in white;
- (c) in place of the word "toxic" the word "poison" may be used wherever it occurs;
- (d) in place of the word "flammable" the word "inflammable" may be used wherever it occurs;
- (e) in the case of the sign for the classification harmful, the word "harmful" may be shown in black lettering under the symbol; and
- (f) the sign may show the class number in accordance with the International Maritime Dangerous Goods Code issued by the International Maritime Organisation as revised or re-issued from time to time.

2. Each hazard warning sign shall be in the form of a square set with its sides at an angle of 45° to the vertical and the length of the sides shall be—

- (a) in the case of signs on hazard warning panels, not less than 200 millimetres;
- (b) in the case of signs on labels, not less than 95 millimetres.

3. Hazard warning signs shall, for any part of the sign that is not black, have a black border—

- (a) in the case of signs for hazard warning panels, at least 2 millimetres wide;
- (b) in the case of signs for labels, at least 1 millimetre wide.

4. The colours of the signs shown in column 3 shall match the following colours of the British Standard Specification BSS No. 381C (1980)—

|        |         |               |
|--------|---------|---------------|
| Red    | No. 537 | Signal Red    |
| Yellow | No. 355 | Lemon         |
| Green  | No. 228 | Emerald Green |
| Blue   | No. 166 | French Blue   |

## CONSTRUCTION OF ROAD TANKERS

## PART I

CONSTRUCTION OF ROAD TANKERS FOR THE CONVEYANCE BY ROAD OF  
PETROLEUM-SPIRIT

1.—(1) In this Part of the Schedule—

“approved” means approved by the Department;

“composite vehicle” means a road tanker designed for the conveyance by road of petroleum-spirit both in the carrying tank thereof and otherwise than in a carrying tank;

“trailer” does not include a trailer which forms part of an articulated vehicle.

(2) In this Schedule, any reference to petroleum-spirit includes a reference to mixtures of petroleum within the meaning of the Petroleum (Mixtures) Order (Northern Ireland) 1930(a).

2. The body of a road tanker and its fittings and the carrying tank shall be constructed strongly and of fire resisting materials.

3. A road tanker shall be propelled by an internal combustion engine and—

(a) a quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible and clearly marked position, unless—

(i) no gravity fuel tank is incorporated in the fuel feed system,

(ii) the fuel feed pump is driven directly from the engine of the road tanker or electrically with a cut-off switch, and

(iii) the ignition switch or the cut-off switch is in an easily accessible and clearly marked position;

(b) the engine and electric batteries shall be efficiently screened from the body of the road tanker by a fire resisting shield carried down to at least the top of the chassis frame and upwards to the top of the tank or, if the roof of the cab is of fire resisting construction and is without an opening, to the top of the cab;

(c) in any case where the fuel used to propel the road tanker has a flash point of less than 65°C, the fuel tank shall not be behind the aforesaid shield unless the following requirements are complied with;

(i) the fuel tank is protected from blows by stout steel guards or by the frame of the vehicle,

(ii) the cover of the filling hole of the fuel tank is provided with a lock, and

(iii) a fuel feed apparatus placed in front of the fire resisting shield is used to lift the contents of the fuel tank;

(d) in any case where windows are provided in the aforesaid shield, they shall be fitted in fire resisting framing with wired glass or other approved heat resisting material, and shall not be capable of being opened; and

(e) the exhaust system of the road tanker shall be wholly in front of the aforesaid shield and shall be efficiently screened from contact with petroleum-spirit.

4. The following requirements shall be complied with in connection with the lighting of any road tanker:—

(a) S.R. & O. (N.I.) 1930 No. 21 (p. 325)

- (a) the voltage shall not exceed twenty-four volts;
- (b) the circuit shall be heavily insulated and be independent of the chassis;
- (c) the wiring shall be so fixed and protected as to reduce as far as practicable any risk of damage;
- (d) the battery shall be in an easily accessible position;
- (e) means of cutting off the current close to the battery by a double pole switch or other suitable method shall be provided in an easily accessible position, except that circuits which are intrinsically safe for petroleum-spirit may be connected to the battery side of that switch; and
- (f) in any case where the road tanker is required by paragraph 3(b) to be provided with a fire resisting shield, the generator, battery, switches and fuses shall be carried in front of that shield.

5. A trailer shall have not less than two axles, and the axles shall not be in line transversely.

6. In a case where a trailer is attached to a motor tractor, the trailer shall be effectively screened from the tractor by a fire resisting shield carried down to at least the top of the chassis frame and upwards to the level of the top of the carrying tank and if the tractor is wider than the trailer the said shield shall, unless the sides of the trailer themselves provide an efficient fire resisting shield, extend back to a distance of not less than 600 millimetres on both sides.

7.—(1) The capacity of a road tanker shall not exceed 30 cubic metres, nor shall the capacity exceed 6.9 cubic metres unless—

- (a) in the case of an articulated vehicle, the load unit and the tractor unit are constructed in accordance with a design approved as suitable, when the two said units are used together, for the conveyance of quantities of petroleum-spirit exceeding 6.9 cubic metres;
  - (b) in the case of any other road tanker, the vehicle is constructed in accordance with a design approved as suitable for the conveyance of the said quantities of petroleum-spirit,
- (2) The capacity of the carrying tank of a trailer shall not exceed 4.6 cubic metres.

8.—(1) There shall be a space, of not less than 150 millimetres between the carrying tank and the fire resisting shield required to be provided by paragraph 3(b) which shall be clear except for any part of the framework or vallances used to screen the sides of the carrying tank.

(2) Where any such vallances are used as aforesaid, their ends shall be insulated from the said shield by a layer of heat resisting material, and the vallances shall not be so constructed that, by reason of their being turned inwards, the aforesaid space is enclosed at the top or bottom.

9.—(1) The carrying tank shall either be a component part of the frame of the vehicle or be securely attached thereto; except that in the case of a composite vehicle a carrying tank shall be deemed to comply with the requirements of this paragraph if, though removable, it is securely fastened to a cradle.

(2) A carrying tank of more than 5 cubic metres capacity shall be divided into self-contained compartments no one of which shall be of more than 5 cubic metres capacity.

10.—(1) In the case of a road tanker provided with filling pipes, either—

- (a) each filling pipe shall—

- (i) be carried down as nearly as possible to the bottom of the carrying tank and terminate in such a way as to provide at all times a liquid seal at the bottom of the pipe which shall be of a depth, while the vehicle is on level ground, of not less than 130 millimetres, or
- (ii) be fitted with a device to form an efficient flame trap of an approved design; or

(b) the covers over the filling pipes shall be provided with locks.

(2) In the case of such a vehicle, any openings in the barrel of the filling pipes other than the orifices at the top and bottom shall in such a manner as to form an efficient flame trap be covered with fine wire gauze of not less than 1,100 meshes to the linear metre.

11. In the case of a road tanker designed to be filled through a filling opening in a manhole and without filling pipes—

- (a) the cover of the manhole shall be of an approved design and shall be securely attached to the tank, and if eyebolts are used for this purpose there shall be not less than six fitted with locking nuts; and
- (b) between the cover of the manhole and the body of the carrying tank if it is not welded thereto, and between the cap of the filling opening and the said cover there shall be a gasket of such material and so designed as effectively to prevent the escape of petroleum-spirit.

12.—(1) Any dipping pipe shall reach as nearly as is practicable to the bottom of the carrying tank, and any opening in a dipping pipe other than the upper orifice shall, in such manner as to form an efficient flame trap, be covered with fine wire gauze of not less than 1,100 meshes to the linear metre.

(2) In the case of a road tanker designed to be filled through a filling opening in a manhole and without filling pipes, any dipping pipes shall be separate from, and outside of, the cover over the filling opening.

13. Ventilating openings, if separate from the dipping pipes, shall, in such a manner as to form an efficient flame trap, be covered with fine wire gauze of not less than 1,100 meshes to the linear metre and shall be protected by covers when not in use.

14.—(1) Draw-off pipes shall be fitted with strong and secure taps, screwcaps and internal valves.

(2) Draw-off taps situated at the side of a vehicle shall either be—

- (a) enclosed in a strong box of hard wood or other suitable material provided with a lock, or
- (b) provided with locks and protected against blows by a stout steel guard or by the frame of the vehicle.

(3) Draw-off taps situated at the rear of a vehicle shall be protected against blows by the rear cross member of the frame of the vehicle and either be enclosed in such a box or be provided with locks, unless in the case of a composite vehicle, the draw-off taps do not project beyond the back of the vehicle and are adequately protected against damage from collision.

15. The lower part of the rear of a carrying tank shall be protected against blows by stout steel guards or by the frame of the vehicle.

16. Where immediately before the coming into operation of these Regulations, there was in existence a road tanker to which this Part applies which also complied

with the requirements of regulation 14 of and the First Schedule to the Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971(a) as then in force then that road tanker shall be deemed to comply with the provisions of this Part.

## PART II

### CONSTRUCTION OF ROAD TANKERS FOR THE CONVEYANCE BY ROAD OF CARBON DISULPHIDE

1. The body of a road tanker and its fittings and the carrying tank shall be constructed strongly and of fire resisting materials.

2. A road tanker shall be mechanically propelled by an internal combustion engine and—

- (a) a quick action cut-off valve shall be fitted to the fuel feed pipe in an easily accessible and clearly marked position, unless—
  - (i) no gravity fuel tank is incorporated in the fuel feed system,
  - (ii) the fuel feed pump is driven directly from the engine of the road tanker or electrically with a cut-off switch, and
  - (iii) the ignition switch or the cut-off switch is in an easily accessible and clearly marked position;
- (b) the engine and electric batteries shall be efficiently screened from the body of the road tanker by a fire resisting shield carried down to at least the top of the chassis frame and upwards to the top of the tank or, if the roof of the cab is of fire resisting construction and is without an opening, to the top of the cab;
- (c) in any case where the fuel used to propel the road tanker has a flash point of less than 65°C, the fuel tank shall not be behind the aforesaid shield unless the following requirements are complied with:—
  - (i) the fuel tank is protected from blows by stout steel guards or by the frame of the vehicle,
  - (ii) the cover of the filling hole of the fuel tank is provided with a lock, and
  - (iii) a fuel feed apparatus placed in front of the fire resisting shield is used to lift the contents of the fuel tank;
- (d) in any case where windows are provided in the aforesaid shield, they shall be fitted in fire resisting framing with wired glass and shall not be capable of being opened; and
- (e) the exhaust system of the road tanker shall be wholly in front of the aforesaid shield and shall be efficiently screened from contact with carbon disulphide.

3.—(1) There shall be a space of not less than 150 millimetres between the carrying tank and the fire resisting shield required to be provided by paragraph 2(b) which shall be clear except for any part of the framework or vallances used to screen the sides of the carrying tank.

(2) Where any such vallances are used as aforesaid, their ends shall be insulated from the said shield by a layer of heat resisting material, and the vallances shall not be so constructed that, by reason of their being turned inwards, the aforesaid space is enclosed at the top or bottom.

4. The carrying tank shall either be a component part of the frame of the road tanker or be securely attached thereto.



5. The capacity of the carrying tank of a road tanker shall not exceed 9.1 cubic metres, or, in the case of a road tanker not having on any axle any wheel of which the tyre when fully inflated is separated by a space of less than 150 millimetres from the tyre when fully inflated of any other wheel on that axle, 12.3 cubic metres, and a carrying tank of more than 3.3 cubic metres capacity shall be divided into self-contained compartments no one of which shall be of more than 3.3 cubic metres capacity.

6. The following requirements shall be complied with in connection with the lighting of any road tanker:—

- (a) the voltage shall not exceed twenty-four volts;
- (b) the circuit shall be heavily insulated and be independent of the chassis;
- (c) the wiring shall be so fixed and protected as to reduce as far as practicable any risk of damage;
- (d) the battery shall be in an easily accessible position;
- (e) means of cutting off the current close to the battery by a double pole switch or other suitable method shall be provided in an easily accessible position, except that circuits which are intrinsically safe for carbon disulphide may be connected to the battery side of that switch; and
- (f) in any case where the road tanker is required by paragraph 2(b) to be provided with a fire resisting shield, the generator, battery, switches and fuses shall be carried in front of that shield.

7.—(1) Discharge valves shall be situated only at the top of a carrying tank and the system of discharge shall be by the pressure of an inert gas or water.

(2) The valve for the attachment of the pressure pipe shall be fitted with a cover which is provided with a lock.

8. Any filling pipe and any discharge pipe shall be carried down as nearly as is practicable to the bottom of the carrying tank and terminated in such a way as to provide at all times a liquid seal at the bottom of the pipe.

9. Any dipping pipe shall be carried down as nearly as is practicable to the bottom of the carrying tank, and any opening in a dipping pipe other than the upper orifice shall, in such manner as to form an efficient flame trap, be covered with fine wire gauze of not less than 1,100 meshes to the linear metre.

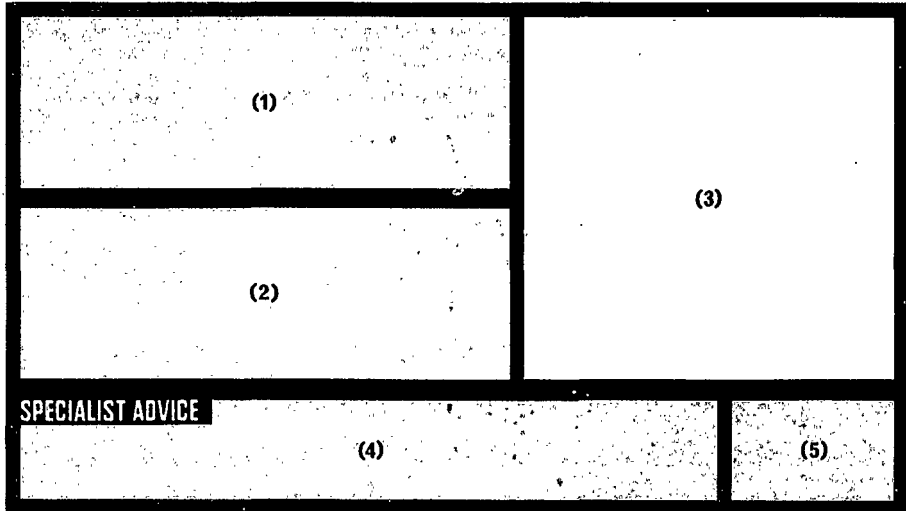
10. Ventilating openings, if separate from the dipping pipes, shall, in such a manner as to form an efficient flame trap, be covered with fine wire gauze of not less than 1,100 meshes to the linear metre and shall be protected by covers when not in use.

11. Where immediately before the coming into operation of these Regulations, there was in existence a road tanker to which this Part applies which also complied with the requirements of regulation 10 of and the First Schedule to the Carbon Disulphide (Conveyance by Road) Regulations (Northern Ireland) 1970(a) as then in force, then that road tanker shall be deemed to comply with the provisions of this Part.

## HAZARD WARNING PANELS AND LABELS

*Form of hazard warning panels*

1. Each hazard warning panel shall be in the form and colour of the following diagram:—



2. Any reference in paragraphs 3, 4, 5 and 7 to a space number is a reference to the space so numbered in the diagram in paragraph 1.

*Information about single loads*

3. The following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to convey a single load and the dangerous substance conveyed is listed in the approved list—

- (a) in space (1), the emergency action code, specified for that substance in column 3 of Part I of the approved list;
- (b) in space (2)—
  - (i) the substance identification number specified for that substance in column 2 of Part I of the approved list;
  - (ii) the name of the substance given in column 1 of Part I of the approved list or its trade name may be included;
- (c) in space (3), the hazard warning sign for the classification of the substance specified in column 4 of Part I of the approved list;
- (d) in space (4), the telephone number or the text in accordance with paragraph 7, indicating where specialist advice can be obtained at all times when the substance is being conveyed by road;
- (e) in space (5), the name of the manufacturer or owner of the substance, his house symbol or both may be shown but otherwise the space shall be left blank.

4. Subject to regulation 4(2), the following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to convey

a single load and the dangerous substance conveyed is not listed in Part I of the approved list—

- (a) in space (1), no information;
- (b) in space (2), the chemical name or accepted common name, or the trade name of the substance;
- (c) in space (3), the hazard warning sign for the classification of the substance specified in column 2 of Schedule 1;
- (d) in space (4), the telephone number or the text in accordance with paragraph 7 indicating where specialist advice can be obtained at all times when the substance is being conveyed by road;
- (e) in space (5), the name of the manufacturer or owner of the substance, his house symbol or both may be shown but otherwise the space shall be left blank.

#### *Information about multi-loads*

5.—(1) Subject to sub-paragraph (2), the following information shall be shown on each hazard warning panel where the road tanker or tank container is being used to convey a multi-load—

- (a) in space (1)—
  - (i) if the emergency action codes of all the dangerous substances being conveyed are specified in Part I of the approved list, the multi-load emergency action code ascertained in accordance with Part II of that list;
  - (ii) if they are not all specified in Part I of the approved list, no information;
- (b) in space (2), “multi-load”;
- (c) in space (3), the hazard warning sign for the classification multi-load unless all the substances being conveyed are of the same classification, in which case, the sign for that classification;
- (d) in space (4), the telephone number, or the text in accordance with paragraph 7, indicating where specialist advice can be obtained at all times when the substance is being conveyed by road;
- (e) in space (5), the name of the manufacturer or owner of the multi-load, his house symbol or both may be shown but otherwise the space shall be left blank.

(2) Sub-paragraph (1) shall not apply to a multi-load which, in accordance with the note to Part I of the approved list, may be deemed to be a single load, if the road tanker or tank container in which the multi-load is conveyed displays the appropriate hazard warning panels marked in accordance with that note.

#### *Specification for hazard warning panels*

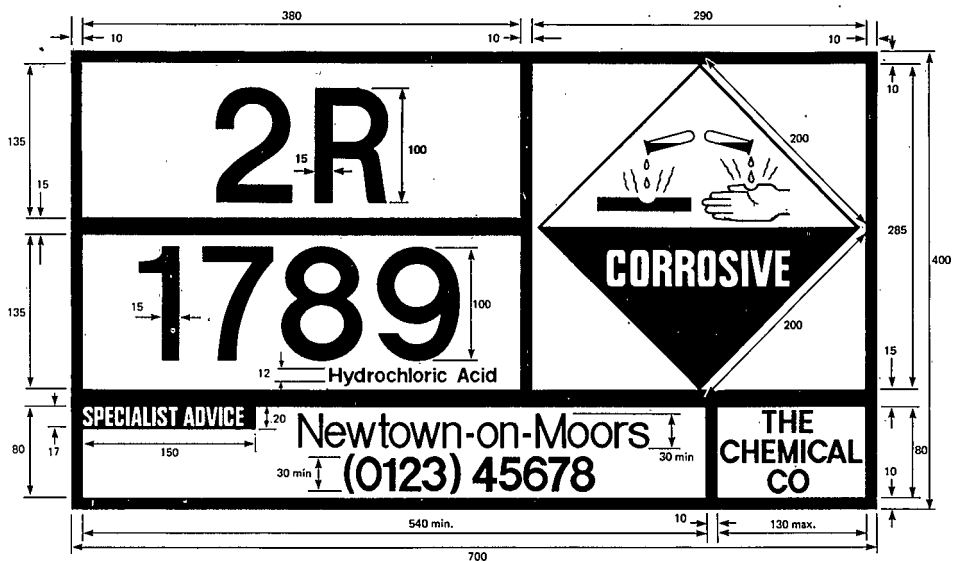
6.—(1) The specifications for hazard warning panels shall be those set out in the diagrams below with dimensions in millimetres; larger measurements may be used, but in that case they shall be kept in the same proportions to each other except that the lettering and figures may remain as shown in the diagram, or be of intermediate size.

(2) Where in column 3 of the approved list a letter is shown as a white letter on a black background it shall be displayed as an orange letter on a black rectangle having a height and width of 10mm greater than the height and width of the letter respectively.

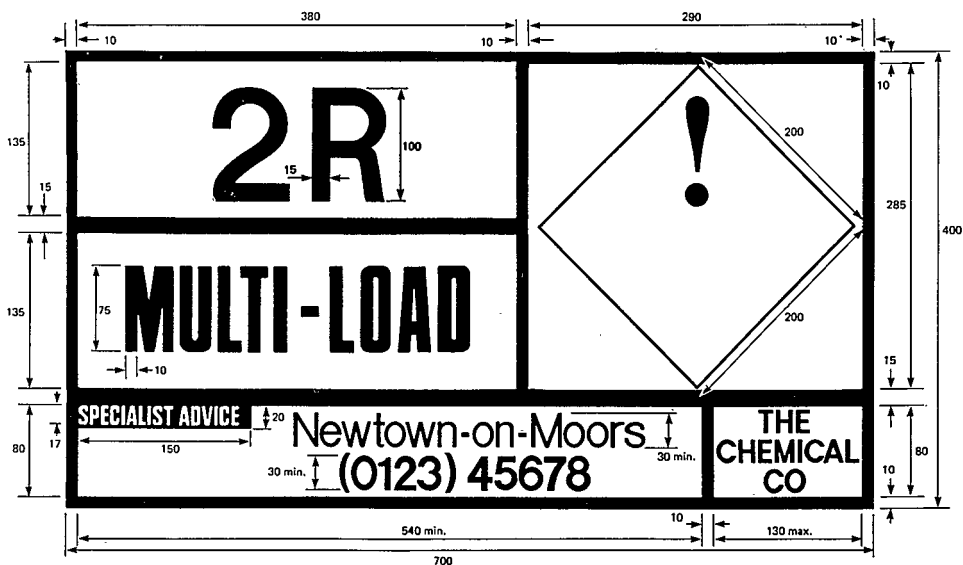
#### *Text permitted in space (4)*

7. The text permitted by paragraphs 3(d), 4(d) and 5(1)(d) to be shown in space (4) instead of the telephone number where specialist advice may be obtained is “contact local depot” if—

For single loads—



For multi-loads—

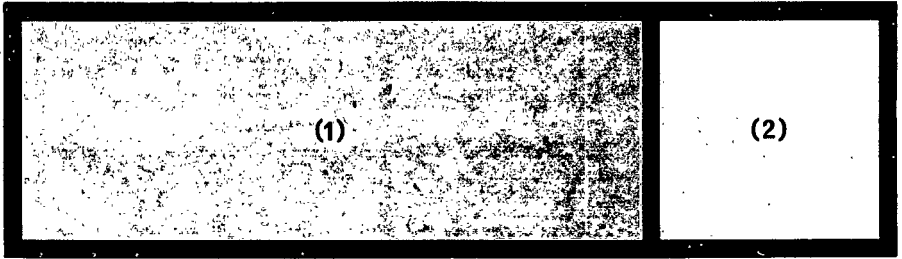


- (a) the name of the operator is clearly identifiable from the marking of the vehicle or tank container; and
- (b) the operator has notified in writing the chief fire officer of every area in which the vehicle will be used for the conveyance by road of a dangerous substance of the address and telephone number of that local depot, and each such chief fire officer has indicated in writing that he is satisfied with the arrangements made.

*Form of labels*

8. In the case of a road tanker or tank container used to convey a multi-load, the label to be attached to each tank or compartment in accordance with regulation 16

shall be in the form and colour of the following diagram except that where all the dangerous substances being conveyed are of the same classification, space (2) may be omitted.



9. Any reference to a space number in paragraphs 8 and 10 of this Part is a reference to the space so numbered in the diagram in paragraph 8.

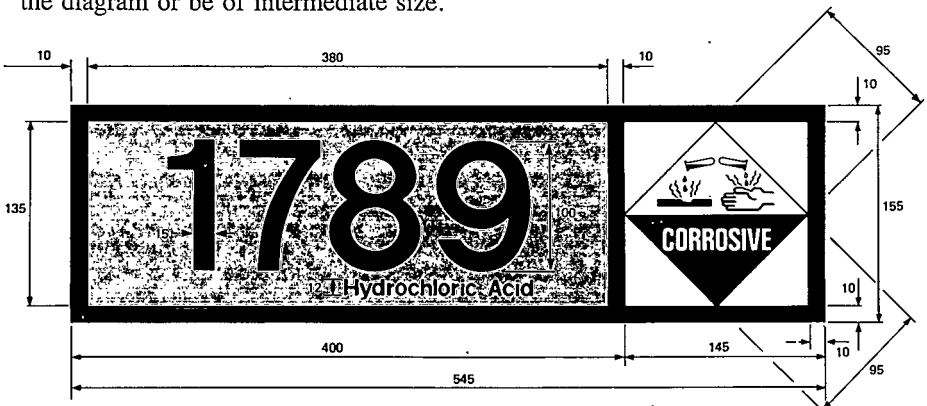
*Information to be shown on labels*

10. The following information shall be shown on each label—

- (a) if the substance is specified in the approved list—
  - (i) in space (1), the substance identification number for that substance specified in column 2 of Part I of the approved list and the name of the substance given in column 1 of that Part or its trade name may be included;
  - (ii) in space (2), the hazard warning sign for the classification of the substance specified in column 4 of Part I of the approved list;
- (b) if the substance is not specified in the approved list—
  - (i) in space (1), the chemical name or accepted common name, or its trade name;
  - (ii) in space (2), the hazard warning sign for the classification of the substance specified in column 2 of Schedule 1;
- (c) where all the substances being conveyed have the same classification, space (2), if included in the label, may be left blank.

*Specification for labels*

11. The specification for labels is set out below with dimensions in millimetres; larger measurements may be used but in that case they shall be kept in the same proportions to each other except that the lettering and figures may remain as shown in the diagram or be of intermediate size.



*Colour of hazard warning panels and labels*

12. Where in this Schedule parts of hazard warning panels and labels are shown as coloured orange that colour shall match the colour in the British Standard Specification BSS No. 381C (1980) No. 557 Light Orange.

UNLOADING OF PETROLEUM-SPIRIT AT PETROLEUM FILLING  
STATIONS AND CERTAIN OTHER PREMISES LICENSED FOR THE  
KEEPING OF PETROLEUM-SPIRIT

PART I

GENERAL REQUIREMENTS

1.—(1) The provisions of this Schedule shall have effect in relation to the transfer of petroleum-spirit which is intended to be used as a fuel for motor vehicles from a carrying tank into a storage tank at a petroleum filling station or at any other premises licensed for keeping 100,000 litres or less of such petroleum-spirit in storage tanks.

(2) This Part shall apply to all such transfers which may be carried out in accordance either with the procedure set out in Part II (“the Part II procedure”) or, with the consent of the petroleum licensing authority, the procedure set out in Part III (“the Part III procedure”).

(3) Where the petroleum licensing authority has consented to the use of the Part III procedure, the person licensed under the Petroleum (Consolidation) Act (Northern Ireland), 1929(a) to keep petroleum-spirit at the premises concerned (“the licensee”) shall not use the Part II procedure at those premises unless—

- (a) he has given at least one week’s notice in advance to the petroleum licensing authority that he intends to change to using the Part II procedure; or
- (b) due to failure of equipment, compliance with the Part III procedure was not possible and the licensee has agreed with the operator to revert temporarily to the Part II procedure.

(4) Where in accordance with sub-paragraph (3)(b) the Part II procedure has been temporarily used, the licensee shall inform the petroleum licensing authority within one week of its use.

2. For the purpose of distinguishing any storage tank from any other such storage tank on the same premises, every tank shall be clearly marked by or on behalf of the licensee with a number in such a manner that the number cannot be readily altered or obliterated.

3. Every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petroleum-spirit for the time being contained in a storage tank, shall in a like manner be marked by or on behalf of the licensee with the same number as that with which the storage tank in connection with which it is used is marked.

4. Where the method of filling a storage tank is by means of a pipe leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the said pipe shall in the like manner be clearly marked by or on behalf of the licensee on or near the filling point with the same number as that with which the tank is marked.

5. In any case where the method of filling the tank is that referred to in paragraph 4, no filling shall take place until the licensee has ensured that, so far as can be ascertained, all pipes through which the petroleum-spirit will pass between the filling point and the tank are properly connected to each other, or, to the tank, and are otherwise in good order.

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(a) 1929 c. 13 (N.I.)

## PART II

## PROCEDURE FOR LICENSEE-CONTROLLED DELIVERIES

6. Before delivery of petroleum-spirit into a storage tank is begun, the licensee shall secure that some competent person who is not the driver of, or any other person employed to be in attendance on, the vehicle from which the delivery is to be made, is in charge of the storage tank for the purpose of the delivery.

7. The person in charge of a storage tank shall so far as practicable secure that no petroleum-spirit overflows from the storage tank or escapes at the filling point of that tank or at any point between the filling point and the tank, and in particular, but without prejudice to the generality of the foregoing provisions, shall not permit delivery into that tank to be begun—

- (a) unless the tank has immediately before been tested with a dipstick or other suitable device and the test has shown that the quantity of petroleum-spirit proposed to be delivered can safely be received by that tank;
- (b) until he has taken all reasonable steps to secure that the connecting hose through which the petroleum-spirit will be delivered is properly and securely connected to the filling point of that tank; and
- (c) in any case where there is a dipping opening in the storage tank, until the dipping opening has been securely closed,

and shall not as respects that tank sign his name on the certificate referred to in paragraph 8 until he has complied with the requirements of sub-paragraphs (a), (b) and (c).

8. Before delivery into any storage tank is begun the person in charge thereof shall on each of two copies of a certificate in the form specified in Part IV in the first column enter the number of that tank and in the second column opposite thereto enter the quantity and the grade of petroleum-spirit which is to be delivered into that tank, and the person attending the vehicle from which the delivery of petroleum-spirit into the tank is to be made shall not begin delivery until the person appearing to him to be in charge of that tank has in his presence signed his name on each of the said two copies in the third column opposite to the number of that tank in the first column.

9. During the whole time of delivery into any storage tank, the person in charge thereof shall keep a constant watch thereon.

10. During the whole time of delivery from the road tanker its engine and any other engine or motor which is attached to the road tanker shall not be run.

11. During the whole time of delivery from any vehicle the person attending that vehicle shall keep constant watch on the carrying tank from which petroleum-spirit is being delivered.

12. The person in charge of a storage tank for the purposes of a delivery of petroleum-spirit into that tank shall give a copy of the certificate on which entries have been made in accordance with paragraph 8 in connection with that delivery to the person attending the vehicle from which the delivery is made and that copy shall be kept by the employer of the last-mentioned person for a period of not less than 6 months after the delivery, and the other copy of the said certificate shall be kept by the licensee at the petroleum filling station or other premises concerned for the like period.



13. For the purposes of paragraph 8, the form specified in the Second Schedule to the Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971(a) may be used instead of the form specified by Part IV.

### PART III

#### PROCEDURE FOR DRIVER-CONTROLLED DELIVERIES

14.—(1) A licensee shall not use the Part III procedure at any premises under his control unless—

- (a) at least one month before the date on which he intends starting to use the procedure, he had notified the petroleum licensing authority of that intention and had received the licensing authority's written consent by way of variation of the petroleum licence; and
- (b) he has agreed with the operator of any road tanker which is likely to deliver petroleum-spirit to the premises, that the procedure is to be followed for all future deliveries.

(2) A licensing authority to whom application is made in accordance with sub-paragraph (1)(a) shall not withhold its consent to the variation of the petroleum licence except on grounds relating to the safety of the specific site for which consent has been applied, but may attach to the variation such conditions as it considers appropriate for securing such safety.

15.—(1) Where a licensee intends to use Part III procedure at any premises under his control, then in addition to complying with the requirements of paragraphs 2 to 5, he shall ensure that—

- (a) the filling point for each storage tank is clearly marked to show the maximum capacity of the tank to which it is connected and the product grade of the product which it is to contain and that marking shall be alongside the tank number required by paragraph 4 and shall be done in a like manner;
- (b) the cap on the filling point is locked with a captive padlock, the key of which shall be identified with an individual number corresponding to the tank number and the key shall have a different profile from the key used for any other storage tank on the premises;
- (c) a suitable measuring device is provided for each tank which continuously indicates the ullage in that tank and which is clearly marked with the number of that tank;
- (d) safe and adequate illumination having an illuminance of 10 lux or more 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 (c) is situated, together with means which are accessible to the driver for switching that illumination on or off;
- (e) a telephone is provided which is accessible to the driver and will enable him to make direct contact with the emergency services and with the depot from which he operates;
- (f) a fire extinguisher is provided which is accessible to the driver and has a minimum test fire rating of 144B (British Standard BS 5423); and

(g) a site plan is provided which is accessible to the driver and which indicates the position of each filling point, together with its number, the capacity of the tank to which it is connected and the product grade which the tank is to contain and that plan shall also indicate the unloading position for the vehicle and the position of the surface drainage point.

(2) The licensee shall ensure that the operator of any road tanker which is likely to make deliveries of petroleum-spirit to any premises under his control is given written notice of any special conditions which apply to such deliveries and which are attached to the petroleum-spirit licence or to the consent given under paragraph 14.

16.—(1) Before taking delivery of petroleum-spirit in any storage tank, the licensee or some other competent person acting on his behalf shall on each of two copies of a certificate in the form specified in Part V, in the first column enter the number of the tank and in the second column enter the quantity and grade of petroleum-spirit which is to be delivered into that tank, but shall not sign his name on the certificate until he has measured the ullage in the tank and as a result of that measurement is satisfied that the quantity of petroleum-spirit proposed to be delivered can safely be received by that tank.

(2) The licensee shall ensure that one copy of the signed certificate is available to the driver of the road tanker making the delivery and that the other copy is kept at the petroleum filling station or other premises concerned for at least 6 months after the delivery to which it relates.

17. Before making any delivery of petroleum-spirit by the Part III procedure, the operator shall ensure that—

- (a) the road tanker in which the delivery is to be made is fitted with bottom-operated foot-valves (for each compartment of the carrying tank) and that means are provided to shut off all such valves quickly in an emergency;
- (b) the road tanker is loaded in such a way that the contents of a compartment of a tank will not need to be split between two storage tanks when the petroleum-spirit is unloaded; and
- (c) the tanker driver is given a written copy of any special conditions of which he has received notice under paragraph 15(2).

18.—(1) A driver of a road tanker who makes a delivery of petroleum-spirit to any premises in accordance with the Part III procedure shall—

- (a) comply with any special conditions of which he has been notified in accordance with paragraph 17(c);
- (b) before commencing the delivery—
  - (i) have in his possession the signed certificate mentioned in paragraph 16(2) relating to the storage tank in which delivery is to be made,
  - (ii) verify that the quantity to be delivered may be safely received by the storage tank by visually checking that the ullage indicated by the tank measuring device provided in accordance with paragraph 15(1)(c) exceeds the quantity to be delivered into that tank, and
  - (iii) take all reasonable steps to secure that the connecting hose through which the petroleum-spirit will be delivered is properly and securely connected to the filling point of the tank;
- (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) as far as is practicable, ensure that no petroleum-spirit overflows from the storage tank or at the filling point, and

- (iii) as far as is practicable, keep a constant watch on the storage tank, the carrying tank of the road tanker and the connecting hose through which the unloading is taking place; and
  - (d) after the delivery is complete but before departing from the premises, shall—
    - (i) ensure that all fillcaps on the tanks into which deliveries have been made are securely closed and locked, and
    - (ii) ensure that all manhole covers which were disturbed during this delivery have been securely replaced.
- (2) The driver shall give the certificate that he obtained in accordance with sub-paragraph (1)(a)(i) to the operator.
19. The operator shall keep each certificate that he has been given in accordance with paragraph 18(2) for at least 6 months from the date of the delivery.

PART IV

FORM OF CERTIFICATE

Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988

LICENSEE CONTROLLED DELIVERIES

Address of Premises

.....  
.....

Name of Licensee of Premises under the Petroleum (Consolidation) Act (Northern Ireland), 1929

.....

Date ..... Time .....

I certify that, in accordance with regulation 20 of and Part II of Schedule 4 to the above-named Regulations—

- (1) the storage tank identified by number in the first column has just been tested and the quantity of petroleum-spirit mentioned opposite thereto in the second column can safely be received by that tank;
- (2) the connecting hose is properly and securely connected to the filling point of that tank.

| <i>First Column</i> | <i>Second Column</i>  | <i>Third Column</i> |
|---------------------|---|---------------------|
| Storage tank number | Quantity and grade of petroleum-spirit proposed to be delivered | Signature           |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |

*Note:* The person in charge of the storage tank identified by number in the first column must enter in the second column opposite thereto the quantity and grade of petroleum-spirit which is to be delivered, and must sign his name in the third column opposite thereto after the hose has been connected to that tank and before delivery of petroleum-spirit into that tank is begun.

PART V

FORM OF CERTIFICATE

Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988

DRIVER CONTROLLED DELIVERIES

Address of Premises

.....  
.....

Name of Licensee of Premises under the Petroleum (Consolidation) Act (Northern Ireland), 1929

.....

Date ..... Time .....

I certify that, in accordance with regulation 20 of and Part III of Schedule 4 to the above-named Regulations the storage tank identified by number in the first column has just been tested and the quantity of petroleum-spirit mentioned opposite thereto in the second column can safely be received by that tank.

| <i>First Column</i> | <i>Second Column</i>  | <i>Third Column</i> |
|---------------------|---|---------------------|
| Storage tank number | Quantity and grade of petroleum-spirit proposed to be delivered | Signature           |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |
|                     |   |                     |

*Note:* The licensee or some other competent person acting on his behalf must enter in the second column opposite to the relevant storage tank number in the first column the quantity and grade of petroleum-spirit which is to be delivered, and must sign his name in the third column opposite thereto after the tank has been tested.

REGULATIONS CEASING TO HAVE EFFECT IN RELATION TO ROAD  
TANKERS AND TANK CONTAINERS

| <i>Title of Regulations</i>  | <i>Reference</i>               |
|--|--------------------------------|
| Carbon Disulphide (Conveyance by Road) Regulations (Northern Ireland) 1970.                  | S.R. & O. (N.I.) 1970 No. 249. |
| Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971.                   | S.R. & O. (N.I.) 1971 No. 143. |
| Corrosive Substances (Conveyance by Road) Regulations (Northern Ireland) 1973.               | S.R. & O. (N.I.) 1973 No. 469. |
| Inflammable Liquids (Conveyance by Road) Regulations (Northern Ireland) 1973.                | S.R. & O. (N.I.) 1973 No. 470. |
| Inflammable Substances (Conveyance by Road) (Labelling) Regulations (Northern Ireland) 1973. | S.R. & O. (N.I.) 1973 No. 471. |

EXPLANATORY NOTE

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

These Regulations impose duties on the operators of road tankers and tank containers used for the conveyance of dangerous substances to ensure any vehicle used for such conveyance is fit for the purpose, that the tanks of road tankers and tank containers are regularly examined and tested and that appropriate hazard warning panels are displayed. Dangerous substances are substances which are specified in the list entitled "Approved Substance Identification Numbers, Emergency Action Codes and Classifications for Dangerous Substances conveyed in Road Tankers and Tank Containers" ("the approved list") published by the Health and Safety Commission and approved by the Department of Economic Development and any other substances which have characteristic properties specified in Schedule 1.

The Regulations have the effect of preventing the conveyance of certain dangerous substances in road tankers or tank containers and require precautions to be taken against fire and explosion. They prohibit the overfilling of any tank which contains a dangerous substance and in certain cases require vehicles to be supervised when not being driven.

The Regulations provide that an operator shall not convey a dangerous substance in a road tanker or tank container unless he has obtained information from the consignor to enable him to be aware of the risks created by that substance, and that an operator shall ensure that the driver of a vehicle carrying a dangerous substance is given information to enable him to know the identity of the substance and its risks. The Regulations provide that the driver shall ensure that such information is kept in the cab of the vehicle. The Regulations also provide that the operator of a vehicle used for the conveyance of a dangerous substance shall ensure that the driver has received adequate instruction and training.

The Regulations provide that sections 5 and 18 of the Petroleum (Consolidation) Act (Northern Ireland), 1929 and Regulations made under section 6 of that Act shall cease to have effect for the conveyance by road of dangerous substances in road tankers and tank containers but certain of their provisions relating to road tankers for carrying petroleum-spirit or carbon disulphide and to the unloading of petroleum-spirit are reproduced with modifications in these Regulations.

The provisions as to information and driver training (regulations 8, 10 and 21) come into operation on 1st April 1989. The provisions as to regular examination and testing (regulation 7) come into operation on 1st October 1989. All the other provisions come into operation on 1st April 1988.

Copies of the approved list and the European Agreement concerning the international carriage of dangerous goods by road (ADR) can be obtained from Her Majesty's Stationery Office, 80 Chichester Street, Belfast BT1 4JY. Copies of the International Maritime Dangerous Goods Code can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR and of British Standard Specification Number 381C from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.

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 £2,000, or on conviction on indictment to a fine.