

SCHEDULE 3

Regulation 11(1)

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

Construction of vehicles and tank containers

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

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

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

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

- (a) for the purpose of ensuring that they are properly maintained, there has been prepared and there is carried into effect a suitable written scheme for—
 - (i) the initial and periodic examination; and
 - (ii) the initial and, where appropriate, periodic testing,of the relevant carrying tank or tank container and its fittings by a competent person;
- (b) before being brought into use for the first time for the carriage of dangerous goods, the relevant carrying tank or tank container was certified by a competent person as suitable for the purposes for which he understood it was to be used and those purposes were specified in the certificate; and

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- (c) subject to sub-paragraph (13), there is in existence a current report signed by the competent person who carried out the most recent examination and test in accordance with the written scheme required by head (a) stating—
- (i) the date or dates on which the said examination and test were carried out and the results thereof;
 - (ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in head (a) or such shorter interval as the competent person may specify;
 - (iii) that the relevant carrying tank or tank container remains suitable either for the purposes specified in the certificate for that tank referred to in head (b) or for the purposes specified in a further certificate issued under sub-paragraph (10), or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable; and
 - (iv) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.
- (2) Where, before 6th July 1992, there was in existence in respect of the carrying tank of a road tanker or a tank container and any fittings attached thereto, a suitable written scheme drawn up in accordance with regulation 7(2)(a) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1988(1), that written scheme shall be deemed to be a suitable written scheme in existence in respect of that carrying tank or tank container and those fittings drawn up in accordance with sub-paragraph (1)(a).
- (3) Subject to sub-paragraph (13), dangerous goods shall not be carried in the carrying tank of a road tanker or in a tank container if—
- (a) the carrying tank or tank container concerned or any fittings attached thereto have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, where the carrying tank or tank container is such as is specified in paragraph 3(1), the tank and its fittings were last examined and tested under—
 - (i) ADR;
 - (ii) RID; or
 - (iii) the IMDG Code; or
 - (b) in the case of a pressure vessel, the pressure in the vessel exceeds the maximum working pressure specified in the report referred to in sub-paragraph (1)(c).
- (4) It shall be sufficient compliance with sub-paragraph (1)(c) if—
- (a) the competent person referred to therein first enters his report in a computer under the operator's control and then duly authenticates it; or
 - (b) where the competent person does not enter it in a computer under the operator's control, the report is transferred to such a computer by, or on the instructions of, the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.
- (5) The procedure referred to in sub-paragraph (4) may only be used if the report—
- (a) is capable of being reproduced in written form when required at the appropriate place referred to in paragraph 4(1);
 - (b) is secure from unauthorised interference; and
 - (c) can be authenticated only by the competent person.
- (6) Subject to sub-paragraph (7), every carrying tank of a road tanker and every tank container shall have securely fastened to it, or to any support which is welded to that carrying tank or

(1) S.R. 1988 No. 24 revoked by S.R. 1992 No. 260, regulation 30(2) and Schedule 5, Part I

tank container, in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked—

- (a) the name or identifying mark of the manufacturer of the carrying tank or tank container;
- (b) the serial number of the carrying tank or tank container by which it can be identified;
- (c) the date of the most recent examination and test carried out in accordance with sub-paragraph (1); and
- (d) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(7) Where compliance with sub-paragraph (6)(c) is not possible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be securely fastened to the relevant carrying tank or tank container, or to any support welded thereto, in a readily accessible position; and, in such a case, that additional plate shall also be marked in accordance with sub-paragraphs (6)(a), (b) and, where appropriate, (d).

(8) Where any corrosion-resistant plate such as is described in sub-paragraph (6) or (7) and which is securely fastened to the carrying tank of a road tanker or to a tank container is covered by an insulating layer which surrounds that carrying tank or tank container, a duplicate corrosion-resistant plate, indelibly marked with the same information as is marked on the plate which is covered as aforesaid, shall be securely fastened to the exterior of that insulating layer.

(9) Where the carrying tank of a road tanker, a tank container or the fittings of any such tank have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, in the case of any carrying tank or tank container such as is specified in paragraph 3(1), that tank and its fittings were last examined and tested under ADR, RID or the IMDG Code, the provisions of sub-paragraph (1) or, as the case may be, ADR, RID or the IMDG Code shall apply in respect of any such tank and its fittings as if the tank had not previously been used for the carriage of dangerous goods.

(10) Where the competent person is satisfied that the carrying tank of a road tanker or a tank container is suitable for purposes other than those specified in the certificate referred to in sub-paragraph (1)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

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

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

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

Exceptions to paragraph 2

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

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

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

Keeping of documents

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

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

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

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

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

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

5. In this Schedule—

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

- (a) used or intended to be used for the carriage of dangerous goods—
 - (i) at a pressure of more than 500 millibar above or below atmospheric pressure; or
 - (ii) at a pressure of 500 millibar or less above atmospheric pressure if that pressure is maintained by artificial means and would rise above it if such means were no longer employed; or
- (b) loaded or discharged at a pressure of more than 500 millibar above or below atmospheric pressure;

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

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