
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 249

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

Citation, commencement and interpretation

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

(2) In these Regulations—

“the 1989 Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989⁽¹⁾;

“the 1992 Regulations” means the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992⁽²⁾;

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957⁽³⁾ as revised or re-issued from time to time;

“the ADR Directive” means Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁽⁴⁾;

“agriculture” has the same meaning as in regulation 2(1) of the CDGRoad Regulations;

“agricultural or forestry tractor” has the same meaning as in regulation 2(1) of the CDGRoad Regulations;

“approved” means approved in writing for the purposes of these Regulations;

“Approved Carriage List” means the list described in regulation 4(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997⁽⁵⁾, as revised in accordance with regulation 4(2) of those Regulations;

“break-down vehicle” has the same meaning as in regulation 2(1) of the Goods Vehicles (Testing) Regulations (Northern Ireland) 1995⁽⁶⁾;

“carriage” means carriage by road and shall be construed in accordance with regulations 1(5) and 2(4);

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997⁽⁷⁾;

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

(2) S.R. 1992 No. 262 as amended by S.R. 1993 No. 240, S.R. 1995 No. 47 and S.R. 1996 No. 159

(3) Current edition (1995); ISBN 0 11 551265 9 (UK Version); ISBN 92 11 39043 5 (UN Version)

(4) O.J. No. L319, 12.12.94, p. 7

(5) S.R. 1997 No. 247

(6) S.R. 1995 No. 450

(7) S.R. 1997 No. 247

“the CDGRoad Regulations” means the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997⁽⁸⁾;

“the Council Directive” means Council Directive 89/684/EEC on vocational training for certain drivers carrying dangerous goods by road⁽⁹⁾; and any reference in these Regulations to anything done under that Directive shall have effect notwithstanding any subsequent revocation of that Directive;

“dangerous goods” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

“the Department” means the Department of Economic Development;

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

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

“flash point” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

“member State” means a country (other than the United Kingdom) which is a member of the European Communities;

“motor vehicle” has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995⁽¹⁰⁾;

“nominally empty” in relation to a vehicle or receptacle, means that it is not in fact empty but that as much of the dangerous goods which the vehicle or receptacle contained as it was reasonably practicable to discharge therefrom has been so discharged;

“N.O.S.” means not otherwise specified;

“operator” has the meaning assigned to it by regulation 2(1) of the CDG Road Regulations;

“package” has, in relation to dangerous goods other than radioactive material, the same meaning as in regulation 2(1) of the CDGCPL Regulations and, in relation to radioactive material, has the same meaning as in regulation 2(3) of the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983⁽¹¹⁾;

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

“permissible maximum weight” has, in relation to a road tanker or other vehicle, the same meaning as it does in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981⁽¹²⁾ in relation to a goods vehicle, as defined by Article 2(2) of that Order;

“petroleum fuel” includes petrol, kerosene, diesel and liquefied petroleum gas;

“petroleum licensing authority” has the same meaning as in regulation 20(2)(c) of the CDGRoad Regulations;

“radioactive material” has the same meaning as in Article 3 of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992⁽¹³⁾;

“road” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

“road tanker” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

“semi-trailer” has the same meaning as in regulation 2(1) of the 1989 Regulations;

“tank” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

“tank container” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

⁽⁸⁾ S.R. 1997 No. 248

⁽⁹⁾ O.J. No. L398, 30.12.89, p. 33

⁽¹⁰⁾ S.I.1995/2994 (N.I. 18)

⁽¹¹⁾ S.R. 1983 No. 344 as amended by S.R. 1986 No. 61

⁽¹²⁾ S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3), Schedule 1

⁽¹³⁾ S.I. 1992/234 (N.I. 2)

“total mass or volume of packaged dangerous goods” shall have the meaning assigned to it by regulation 2(4)(a) of the CDGRoad Regulations and shall be construed in accordance with regulation 2(5) of those Regulations;

“trailer” has the same meaning as in regulation 2(1) of the 1989 Regulations;

“transport category” shall have the meaning assigned to it by regulation 2(1) of the CDGRoad Regulations;

“Transport Index” means a single number determined in accordance with Schedule 17 to the Radioactive Material (Road Transport) (Great Britain) Regulations 1996(14) and assigned to a package containing radioactive material;

“UN number” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

“vehicle” has the same meaning as in regulation 2(1) of the CGDRoad Regulations;

“vehicle examiner” has the meaning assigned to it by Article 74(3) of the Road Traffic (Northern Ireland) Order 1995;

“vocational training certificate” has the meaning assigned to it by regulation 4(1); and

“volumetric prover” means a tank or prover pipe with a capacity not exceeding 10 cubic metres intended to be used for the calibration of metering equipment or the measurement of petroleum fuel deliveries and which is structurally attached to, or is an integral part of, the frame of a vehicle.

- (3) Where a vehicle which is engaged in the carriage of dangerous goods is—
- (a) being driven by a person undergoing training under the supervision of an instructor; or
 - (b) being towed or otherwise moved by a break-down or recovery vehicle and the driver of the break-down or recovery vehicle is accompanied by the driver of the vehicle which is being towed or otherwise moved,

the instructor or (as the case may be) the driver of the vehicle which is being towed or otherwise moved shall be regarded as the driver of the vehicle concerned for the purposes of these Regulations.

- (4) For the purposes of these Regulations—
- (a) a combination of a motor vehicle and a trailer or a semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts of such a combination remain attached; and
 - (b) dangerous goods contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.

(5) Without prejudice to the generality of regulation 2(4), a trailer or semi-trailer containing dangerous goods shall not be considered to be engaged in the carriage of dangerous goods for the purposes of these Regulations unless it forms part of a combination deemed to be a single vehicle in accordance with paragraph (4).

(6) For the purposes of these Regulations, any reference to a vehicle which is registered outside the United Kingdom is a reference to a motor vehicle which is not registered in the United Kingdom but is registered in another country in accordance with that country’s rules governing the registration of such vehicles.

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

(8) Any reference in these Regulations to the driver of a vehicle does not include a reference to a person whose work does not involve his driving the vehicle concerned on a road.

(9) In these Regulations—

- (a) any reference to a vehicle under the control of the armed forces is a reference to—
- (i) a vehicle on board which there is, as a member of its crew, a member of the armed forces acting in the course of his duties; or
 - (ii) a vehicle in a convoy escorted by a vehicle of the type referred to in head (i),
- where “a member of the armed forces” means—
- (iii) a member of Her Majesty’s Forces;
 - (iv) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁵⁾; or
 - (v) a civilian who is an employee of Her Majesty’s Forces; and
- (b) any reference to a vehicle owned by the armed forces is a reference to a vehicle owned by—
- (i) Her Majesty’s Forces;
 - (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952; or
 - (iii) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽¹⁶⁾,

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

Application

2.—(1) These Regulations shall apply to the carriage of—

- (a) the dangerous goods specified in paragraph (2)—
- (i) in—
 - (aa) a road tanker with a capacity greater than 1,000 litres; or
 - (bb) a tank container having a capacity greater than 3,000 litres, except where specified in Schedule 1 or paragraph 1 or 2 of Schedule 2; and
 - (ii) (subject to paragraph (3)) in or on a vehicle having a permissible maximum weight exceeding 3.5 tonnes—
 - (aa) in bulk;
 - (bb) in a road tanker with a capacity of 1,000 litres or less;
 - (cc) in a tank container with a capacity of 3,000 litres or less;
 - (dd) where any of the goods are in transport category 0;
 - (ee) where the goods carried are in packages, none of the goods are in transport category 0 and the total mass or volume of packaged dangerous goods is greater than 20 kilogrammes or litres, as the case may be;

⁽¹⁵⁾ 1952 c. 67

⁽¹⁶⁾ 1964 c. 5

(ff) where the goods carried are in packages, none of the goods are in transport category 0 or 1 and the total mass or volume of packaged dangerous goods is greater than 200 kilogrammes or litres, as the case may be; or

(gg) where the goods carried are in packages, none of the goods are in transport category 0, 1 or 2 and the total mass or volume of packaged dangerous goods is greater than 500 kilogrammes or litres, as the case may be,

except where specified in Schedule 1 or Schedule 2;

(b) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 of ADR)—

(i) in a road tanker with a capacity greater than 1,000 litres;

(ii) in a tank container with a capacity greater than 3,000 litres; or

(iii) in or on any other vehicle,

except where specified in Schedule 1,

and any reference in these Regulations to the carriage of dangerous goods shall be construed as a reference to any carriage to which these Regulations apply by virtue of this paragraph.

(2) The dangerous goods referred to in paragraph (1)(a) are dangerous goods other than—

(a) explosives;

(b) those dangerous goods in transport category 4;

(c) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 of ADR).

(3) The permissible maximum weight of the vehicle concerned shall not be taken into account in ascertaining whether or not regulation 3 applies to any carriage by virtue of paragraph 1(a)(ii).

(4) A vehicle shall be deemed to be engaged in the carriage of dangerous goods from the commencement of loading it with the dangerous goods concerned for the purpose of carrying those goods by road until the said vehicle and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the goods or their vapours which remain in or on the vehicle are not sufficient to create a significant risk to the health or safety of any person, regardless of whether or not the vehicle is on a road at the material time.

(5) These Regulations shall not apply to or in relation to the carriage of any of the following dangerous goods—

UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS* only

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

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

UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,

where those goods are being carried in—

(a) an agricultural or forestry tractor;

(b) mobile machinery;

(c) a vehicle with less than 4 wheels;

(d) a vehicle with a maximum design speed of 25 km/h or less; or

(e) a vehicle owned by the armed forces or a vehicle under the control of the armed forces.

Instructions and training for drivers

3.—(1) The operator of any motor vehicle (other than a motor vehicle registered outside the United Kingdom) which is engaged in the carriage of dangerous goods shall ensure that the driver of the vehicle has received—

- (a) adequate instruction and training to enable him to understand—
 - (i) the nature of the dangers to which the particular dangerous goods being carried may give rise and the action to be taken in an emergency concerning them; and
 - (ii) his duties under Articles 5, 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978; and
- (b) (in respect of any carriage to which these Regulations apply by virtue of regulation 2(1)(a)) adequate instruction and training to enable him to understand his duties under the CDGRoad Regulations;
- (c) (in respect of any carriage to which these Regulations apply by virtue of regulation 2(1)(b)) adequate instruction and training to enable him to understand his duties under the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983.

(2) Each operator shall keep a record of any training provided by him in accordance with paragraph (1) to the driver of a vehicle, where that driver is employed by him, and shall make available a copy of that record to the driver concerned.

Vocational training certificates

4.—(1) Subject to paragraphs (2) and (9) and regulation 5, the operator of any vehicle which is engaged in the carriage of dangerous goods shall ensure that the driver of that vehicle holds a valid certificate applicable to that carriage (to be known as a “vocational training certificate”) issued by the Secretary of State.

(2) Without prejudice to the generality of paragraph (1), in the case of any carriage referred to—

- (a) in regulation 2(1)(a)(i), 2(1)(b)(i) or 2(1)(b)(ii), the vocational training certificate shall be appropriate to the carriage of dangerous goods in road tankers or tank containers; and
- (b) in regulation 2(1)(a)(ii), or 2(1)(b)(iii), the vocational training certificate shall be appropriate to the carriage of dangerous goods in packages, and in this sub-paragraph “packages” shall be construed in accordance with “package” as defined in regulation 2(1) of the CDGCPL Regulations.

(3) A driver may only be issued with a vocational training certificate in accordance with paragraph (1) where—

- (a) he has successfully completed such training in the carriage of the dangerous goods concerned as the Secretary of State has from time to time approved;
- (b) he has passed an examination (the syllabus of which shall cover the training referred to in sub-paragraph (a)) which has been approved by the Secretary of State; and
- (c) a fee of £2·80 has been paid to the Secretary of State.

(4) Each vocational training certificate issued in accordance with paragraph (1) shall be in a form approved by the Secretary of State.

(5) The training referred to in paragraph (3)(a) shall be given in the form of a theoretical course accompanied by practical exercises and shall cover at least the subjects specified in Schedule 3.

(6) Each vocational training certificate issued in accordance with paragraph (1) shall be valid for a period of 5 years from the date of issue, but its validity may be extended for periods of up to 5 years by the Secretary of State where the holder can show to the satisfaction of the Secretary of

State that he has, within the period of 12 months which precede the expiry of the original certificate or any extension of it granted in accordance with this paragraph—

- (a) successfully completed a refresher course in the carriage of dangerous goods which has been approved by the Secretary of State;
- (b) passed the examination referred to in paragraph (3)(b); and
- (c) paid a fee of £2·80 to the Secretary of State.

(7) Schedule 4 shall have effect with respect to fees for applications for such approvals under this regulation as are specified in paragraph 1 of that Schedule.

(8) Any current certificate in the form set out in Appendix B.6 to ADR (regardless of whether or not that certificate has been extended in the manner described by Article 5.2 of the Council Directive or marginal 10315(3) of ADR) which is held by a driver and which was issued to him under national provisions giving effect to Article 1 of the Council Directive or the ADR Directive in a member State or in Great Britain shall be deemed to be a vocational training certificate issued in conformity with the foregoing provisions of this regulation and be valid for the carriage of those dangerous goods to which it is applicable.

(9) Notwithstanding paragraph (1), the driver shall not be required to hold a vocational training certificate solely by virtue of the fact that the dangerous goods being carried are radioactive material where—

- (a) the said material is of a type specified in Schedule 9 of marginal 2704 of ADR and is contained in packages;
- (b) the total number of such packages on the vehicle is not more than 10 and the sum of the Transport Indexes for the packages is not more than 3; and
- (c) the driver holds a certificate provided by his employer (or, in the case of self-employment, by himself) confirming that he has received the instruction and training specified in regulation 3(1)(a) and (c).

Existing training certificates

5.—(1) It shall be sufficient compliance with regulation 4(1) if the driver of the relevant vehicle holds a training certificate applicable to the dangerous goods being carried, which was issued to him by the appropriate national authority before the coming into operation of the 1992 Regulations as respects the carriage concerned, on the basis of national provisions existing at that time which the Commission of the European Communities has confirmed satisfy the corresponding requirements of the Council Directive; provided that such compliance shall cease—

- (a) on 1st May 1998, insofar as the certificate concerned relates to carriage in tanks with a capacity greater than 3,000 litres;
- (b) on 1st January 2000, insofar as the certificate concerned relates to carriage other than that specified in sub-paragraph (a); or
- (c) at the end of the period of validity of the certificate concerned, where that date is earlier than the relevant date specified in sub-paragraph (a) or (b).

(2) Any vocational training certificate issued in accordance with regulation 5(1) of the 1992 Regulations shall be deemed to be a vocational training certificate issued in accordance with regulation 4(1) and shall remain valid until the date of expiry stated therein, subject to any extension of the validity of the certificate in accordance with regulation 6(5) of the 1992 Regulations or regulation 4(6).

Certificates to be available during carriage

6. The driver of any vehicle which is engaged in the carriage of dangerous goods shall ensure that the relevant certificate he holds in accordance with regulation 4 or 5 is so kept by him that it is immediately available during the whole of the carriage.

Certificates to be produced to constables, etc.

7.—(1) The driver of any vehicle which is engaged in the carriage of dangerous goods shall on request produce to any constable or vehicle examiner the relevant certificate he holds in accordance with regulation 4 or 5.

(2) The driver of any vehicle which is engaged in the carriage of any radioactive material shall on request produce to any inspector appointed in accordance with Article 9(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992 the relevant certificate he holds in accordance with regulation 4 or 5.

Enforcement

8. Notwithstanding the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1997(17), the enforcing authority for these Regulations shall, insofar as they apply to the carriage of petrol (and that carriage is also carriage which is subject to the provisions of Schedule 12 to the CDGRoad Regulations), be the relevant petroleum licensing authority ascertained in accordance with regulation 20(2)(c) of the CDGRoad Regulations.

Exemption certificates

9.—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the transport of dangerous goods by road, the Department may, by a certificate in writing, exempt any person or class of person from all or any of the requirements or prohibitions imposed by these Regulations; and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Department by a further certificate in writing.

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

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

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

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

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

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

Defence

10.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

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

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

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

Transitional defence

11.—(1) In any proceedings for an offence consisting of a contravention of regulation 3 or 4(1) prior to 1st November 1997 in relation to the carriage of dangerous goods other than radioactive material, it shall be a defence for the accused to prove that, as regards the carriage concerned, he has complied with the relevant requirements (if any) of regulation 5 or 6(1), respectively, of the 1992 Regulations, as in operation immediately before the commencement of these Regulations.

(2) Without prejudice to the availability of the defence in paragraph (1), in any proceedings for an offence—

- (a) consisting of a contravention of regulation 3 or 4(1) prior to 1st May 1998; and
- (b) in relation to the carriage of radioactive material,

it shall be a defence for the accused to prove that, as regards the carriage concerned, he has complied with the relevant requirements (if any) of regulation 5 or 6(1), respectively, of the 1992 Regulations, as in operation immediately before the commencement of these Regulations.

Revocations

12. The following Regulations are hereby revoked—

- (a) the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations (Northern Ireland) 1992(18);
- (b) the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) (Amendment) Regulations (Northern Ireland) 1993(19);
- (c) regulation 3 of the Health and Safety (Miscellaneous Fees Amendment) Regulations (Northern Ireland) 1997(20).

(18) S.R. 1992 No. 262 as amended by S.R. 1993 No. 240, S.R. 1995 No. 47 and S.R. 1996 No. 159

(19) S.R. 1993 No. 240

(20) S.R. 1997 No. 234

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

Sealed with the Official Seal of the Department of Economic Development on

L.S.

20th May 1997.

Philip B. Strong
Assistant Secretary