
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 474

HEALTH AND SAFETY

**The Carriage of Explosives by Road
Regulations (Northern Ireland) 1997**

Made - - - - 28th October 1997

To be laid before Parliament

Coming into operation 1st December 1997

The Secretary of State, in pursuance of Articles 17(1), (2), (3)(a), (4) and 5(b), 54(1) and (5) and 55(2) of, and paragraphs 1, 2, 6, 11, 13, 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(1) as applied and modified by Article 53 of that Order and after consulting, in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Agency for Northern Ireland and such other bodies as appear to her to be appropriate, hereby makes the following regulations:—

Part I

INTERPRETATION AND APPLICATION

Citation and commencement

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

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1989 Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(2);

“the 1991 Regulations” means the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(3);

(1) S.I.1978/1039 (N.I. 9) as modified by the Health and Safety at Work Order (Application to Environmentally Hazardous Substances) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 525)
(2) S.R. 1989 No. 299, to which there are amendments not relevant to these Regulations
(3) S.R. 1991 No. 516

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

“the Carriage Regulations” means the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993(5);

“the Packaging Regulations” means the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993(6);

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(7), as revised or re-issued from time to time;

“Approved Explosives Vehicle Requirements” shall be construed in accordance with regulation 11(3);

“Approved Carriage List” means the list described in regulation 4(1)(a) of the 1997 Regulations as revised in accordance with regulation 4(2) of those Regulations;

“attendant” means the person nominated to act as the attendant in accordance with regulation 20(1)(a);

“blasting explosive” means an explosive substance allocated on classification the UN Number 0048, 0081, 0082, 0083, 0084, 0241, 0331 or 0332;

“carriage” means carriage by road and shall be construed in accordance with paragraph (7) and related words shall be construed accordingly;

“Class 1” and “Class 2” mean Class 1 and Class 2 respectively, in respect of explosives or the classification of dangerous goods set out in the United Nations Recommendations;

“classified” means classified under the 1991 Regulations and “classification” and “unclassified” shall be construed accordingly;

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

“Compatibility Group” and “Compatibility Group letter” have the meanings assigned to them in regulation 2 of the 1991 Regulations;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of recognising standards for fire extinguishers and for Northern Ireland the competent authority is the Secretary of State;

“consignor” means—

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

“consignor’s declaration” has the meaning assigned to it by paragraph 1(b)(v) of Part I of Schedule 6;

“container” has the meaning assigned to it in regulation 2(1) of the 1997 Regulations;

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the 1997 Regulations;

“danger sign” means any of the signs referred to and described in paragraph 9, 10 or 11 of Schedule 5;

(4) S.R. 1997 No. 247

(5) S.R. 1993 No. 83

(6) S.R. 1993 No. 268

(7) 1995 edition, ISBN 0 11 551265 9

“designation” in relation to a classified explosive means the name given for that explosive in the List of Classified and Authorised Explosives 1994⁽⁸⁾ or the Ministry of Defence’s Lists of Temporary and Permanent Classifications for Military Explosives,⁽⁹⁾ as revised or re-issued from time to time;

“detonating cord” means the explosive article allocated on classification the UN Number 0065 or 0289;

“detonating fuse” means the explosive article allocated on classification the UN Number 0106, 0107, 0257 or 0367;

“detonator” means the explosive article allocated on classification the UN Number 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 or 0500;

“Division” and “Division number” have the meanings assigned to them in regulation 2 of the 1991 Regulations;

“emergency information” has the meaning assigned to it in paragraph 2 of Part II of Schedule 6;

“explosives” means explosive articles or substances which—

- (a) have been assigned on classification to Class 1, or
- (b) are unclassified.

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance, or
- (b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“Fire Authority” means the Fire Authority for Northern Ireland established under Article 3 of the Fire Services (Northern Ireland) Order 1984⁽¹⁰⁾;

“gunpowder” means the explosive substance allocated on classification the UN Number 0027 or 0028;

“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⁽¹¹⁾;

“the Health and Safety Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc Act 1974;

“large container” means a container having an internal volume of more than 3 cubic metres;

“military explosive” has the meaning assigned to it by regulation 2 of the 1991 Regulations;

“motor vehicle” has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995⁽¹²⁾;

“operator” is to be construed in accordance with regulation 6;

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

⁽⁸⁾ ISBN 0 7176 0772 0

⁽⁹⁾ MOD ESTC Leaflets Nos. 3 and 4, June 1996

⁽¹⁰⁾ S.I. 1984/1821 (N.I. 11)

⁽¹¹⁾ 1974 c. 37

⁽¹²⁾ S.I. 1995/2994 (N.I. 18)

“orange-coloured panel” means the reflectorised panel referred to and described in paragraph 1(a) of Schedule 5;

“package” and “packagings” have the meanings assigned to them in regulation 2(1) of the 1997 Regulations;

“permissible maximum weight” in relation to any vehicle, has the same meaning as in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981⁽¹³⁾ in relation to a goods vehicle as defined in Article 2(2) of that Order;

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

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

“sheeted vehicle” means an open vehicle provided with a sheet to protect the load;

“small container” means a container having an internal volume of not more than 3 cubic metres;

“smokeless powder” means (except in paragraph 15(c)(ii) of Part II of Schedule 5) the explosive substance allocated on classification the UN Number 0160 or 0161;

“subsidiary hazard sign” means any of the signs which are referred to and described in paragraph 12 or 13 of Part I of Schedule 5;

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

“transport category” has the meaning assigned to it in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997⁽¹⁴⁾;

“Transport Documentation” means the documentation specified in Part II of Schedule 6;

“the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G(XXIII) of 26th April 1957)⁽¹⁵⁾ as revised or re-issued from time to time;

“UN Number” means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and in the case of explosives, allocated by the Health and Safety Executive or the Secretary of State for Defence to an explosive article or explosive substance as a means of identification and in the case of other dangerous goods, specified in the Approved Carriage List as a means of identification for dangerous goods;

“vehicle” means any conveyance used for the carriage of explosives by road;

“vehicle crew” means those persons authorised by the operator to be on board the vehicle.;

“vehicle examiner” means a person appointed by the Department of the Environment for Northern Ireland under Article 74 of the Road Traffic (Northern Ireland) Order 1995.

(2) Any reference in these Regulations to an explosive specified in Part I, Part II or Part III of Schedule 1 is a reference to an explosive of the description specified in column 1 of the said Part I, Part II or Part III, as the case may be, allocated on classification the UN Number specified opposite it in column 2 of that Part.

(3) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.

(4) Any reference in these Regulations to the carriage of explosives in bulk shall be a reference to the carriage of explosives without packaging.

⁽¹³⁾ S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3) Schedule 1

⁽¹⁴⁾ S.R. 1997 No. 248

⁽¹⁵⁾ Ninth Revised Edition (1995): ISBN 92 1139048 6 X

(5) Any reference in these Regulations to explosives being carried in a vehicle or large container under sole use shall be a reference to the carriage of a load of explosives which originates from one consignor and in respect of which—

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

(6) For the purposes of these Regulations—

- (a) any reference to a motor vehicle, which is registered outside the United Kingdom, is a reference to a vehicle which is not registered in the United Kingdom but is registered in another country, in accordance with that country's rules governing the registration of such vehicles; and
- (b)
 - (i) a combination of a motor vehicle and a trailer or semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts remain attached,
 - (ii) explosives contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle, and
 - (iii) explosive articles or explosive substances or both of them carried in one vehicle shall be deemed to be carried together.

(7) For the purposes of these Regulations a vehicle or container shall be deemed to be engaged in the carriage of explosives throughout the period—

- (a) in the case of a vehicle, from the commencement of loading it with the explosives concerned for the purpose of carrying them by road until the said vehicle and, where appropriate, any compartment of it, has been unloaded and, where necessary, cleaned so that any of the explosives which remain in it are not sufficient to create a significant risk to the health or safety of any person; or
- (b) in the case of a container, where the container concerned has been—
 - (i) loaded with the explosives before being placed on the vehicle which is to be used to carry it, from the time when the said container is placed on the vehicle for the purpose of carrying the explosives by road, or
 - (ii) placed on the vehicle which is to be used to carry it before the commencement of loading, from the commencement of loading the said container with the explosives for the purpose of carrying those goods by road,

until the time when either,

- (iii) the container is removed from the relevant vehicle, or
- (iv) the container and, where appropriate, any compartment of it has been unloaded and, where necessary, cleaned so that any of the explosives which remain in it are not sufficient to create a significant risk to the health or safety of any person,

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

General application

3.—(1) These Regulations shall apply to and in relation to the carriage of explosives.

(2) Regulations 10 to 28 shall not apply to the carriage of explosives in a vehicle being used to carry passengers for hire or reward.

(3) Regulations 15 to 18 shall not apply where—

- (a) the vehicle carrying the explosives has been exempted from excise duty by the Secretary of State under section 7(1) of the Vehicle Excise and Registration Act 1994⁽¹⁶⁾;
- (b) the vehicle carrying the explosives is one which is only used—
 - (i) on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises, or
 - (ii) in passing from one part of such premises to another in the immediate vicinity, notwithstanding that those parts may be separated by a road.
- (4) Regulations 17(2) to (4) and 18 shall not apply to the carriage of—
 - (a) any explosives specified in Part I of Schedule 1;
 - (b) gunpowder or smokeless powder or a mixture of them, if the total quantity of such explosives does not exceed 5 kilograms;
 - (c) any explosives specified in Parts II or III of Schedule 1 if—
 - (i) throughout the carriage the explosives are accompanied by a person who has knowledge of the information specified in the Transport Documentation, and
 - (ii) the quantity of such explosives does not exceed 50 kilograms, except that if other explosives are being carried pursuant to sub-paragraph (b) above in the same vehicle, the total quantity of explosives carried pursuant to that sub-paragraph and this sub-paragraph shall not exceed 50 kilograms.
- (5) These Regulations shall not apply to any explosive nuclear device.

Armed forces etc

4.—(1) These Regulations shall not apply to or in relation to the carriage of explosives where the carriage forms part of an international transport operation within the meaning of Article 1(c) of ADR and the explosives being carried are in a vehicle which is—

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

of a country which is a contracting party to ADR.

(2) Regulations 7(1) and (3), 9, 12 to 15(1), (3) and (4), 16, 17(2) to (4), 18, 20(6), 27 and 28 shall not apply to a vehicle under the control of the armed forces.

(3) Regulations 15(1), (3) and (4), 17(2) to (4) (except in so far as it imposes requirements with regard to the emergency information) and 18 shall not apply to the carriage of explosives in a vehicle which is owned by the armed forces, in so far as the vehicle concerned is being used in connection with—

- (a) training—
 - (i) which has been certified in writing for the purposes of regulation 10(1)(a) of the Road Vehicle Lighting Regulations (Northern Ireland) 1995⁽¹⁷⁾ by a person duly authorised to do so, and
 - (ii) in respect of which not less than 48 hours notice has been given to—
 - (aa) the Chief Constable, and
 - (bb) the Chief Fire Officer;
- (b) manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958⁽¹⁸⁾.

⁽¹⁶⁾ 1994 c. 22

⁽¹⁷⁾ S.R. 1995 No. 449

⁽¹⁸⁾ 1958 c. 7

(4) Regulations 7, 9, 10(2), 12 to 15(1), (3) and (4), 17(2) to (4), 18, 20(6), 27 and 28 shall not apply to the carriage of explosives for the purposes of explosive ordnance disposal (other than in connection with dumping at sea) under the direction of a member of Her Majesty's Forces, a constable, or a person authorised by the Secretary of State for Defence.

(5) Where explosives are being carried in a vehicle which is owned by the armed forces, the vehicle shall be deemed to satisfy a particular requirement of the Approved Explosives Vehicle Requirements to the extent that it is not reasonably practicable for the vehicle to meet that requirement because of design constraints made necessary by its intended operational use.

- (a) (6) (a) In these Regulations “a vehicle under the control of the armed forces” means—
 - (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 sub-paragraph (i), and
- (b) in this paragraph “a member of the armed forces” means—
 - (i) a member of Her Majesty's Forces,
 - (ii) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(19), or
 - (iii) a civilian who is an employee of Her Majesty's Forces.

(7) In these Regulations “a vehicle which is owned by the armed forces” means a vehicle which is owned by—

- (a) Her Majesty's Forces;
- (b) visiting forces within the meaning of Part I of the Visiting Forces Act 1952; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(20),

and includes a vehicle which has been provided 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.

International provision

5.—(1) Regulations 7 to 21, 23 to 26 and 28, shall not apply, where—

- (a) the motor vehicle concerned is registered outside the United Kingdom and the carriage is confined to Northern Ireland but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;
- (b) the carriage concerned forms part of an international transport operation within the meaning of Article 1(c) of ADR and conforms with the provisions of that agreement;
- (c) the carriage concerned forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of Article 4.3 of ADR to which the United Kingdom is a contracting party and conforms with any conditions attached to the agreement.

(2) Where, in relation to the carriage of any explosives, any provision of regulations 7 to 21, 23 to 26 or 28 applies to a matter to which any specified international provision applies, it shall be sufficient compliance with the provision of the particular regulation, if the specified international provision is satisfied in respect of that matter.

(19) 1952 c. 67

(20) 1964 c. 5

- (3) For the purposes of paragraph (2) the specified international provision is any provision of—
- (a) the Convention concerning International Carriage by Rail(**21**) as revised or re-issued from time to time or any regulations made under it;
 - (b) the International Maritime Dangerous Goods Code(**22**) as revised or re-issued from time to time by the International Maritime Organisation;
 - (c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air(**23**), as revised or re-issued from time to time by the International Civil Aviation Organisation.

Meaning of “operator”

6.—(1) For the purposes of these Regulations, subject to paragraph (2), the operator of a vehicle or container shall be—

- (a) the person who, having a place of business in Northern Ireland, has the management of the vehicle or container for the time being; or
- (b) if no person satisfies the requirements of sub-paragraph (a), the driver of the vehicle or, in the case of a container, the driver of the vehicle on which the container is carried.

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

- (a) he has the management of it during loading or unloading; or
- (b) the vehicle or container is on premises which are under his control.

Part II

MODE OF CARRIAGE

Prohibition of the carriage of certain explosives

7.—(1) A person shall not carry explosives in Compatibility Group K in a vehicle.

(2) A person shall not carry unclassified explosives in a vehicle except—

- (a) solely in connection with an application for their classification; and
- (b) in accordance with such conditions as are approved in writing for the time being by the Secretary of State or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation.

(3) A person shall not carry explosives—

- (a) in Compatibility Group L; or
- (b) in Divisions 1.1, 1.2 or 1.5 in large containers,

in a vehicle other than in a load which is under sole use.

Carriage of explosives in vehicles used to carry passengers for hire or reward

8.—(1) A person shall not carry explosives in a vehicle being used to carry passengers for hire or reward except when—

(21) Cmnd 5897 ISBN 011 55068 10

(22) Volumes I to IV ISBN 92 801 1314 3: supplement ISBN 92 801 1316 X

(23) Current edition and supplement (1995-1996) Doc. 9284 — AN/905

- (a) the only explosives carried by that person are any of the explosives specified in Parts I or II of Schedule 1, gunpowder or smokeless powder, or any mixture of them;
 - (b) the maximum total quantity of explosives carried by that person does not exceed 2 kilograms;
 - (c) the explosives are kept with that person and are kept properly packed;
 - (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the explosives.
- (2) For the purposes of this regulation, where explosives are being carried by a passenger, the driver and operator of the vehicle shall not be treated as carrying them as well.

Carriage in bulk

9. A person shall not cause or permit the carriage in bulk of explosives which are explosive substances.

Suitability of vehicles and containers

10.—(1) The operator of a vehicle or container, which is intended to be or is being used for the carriage of explosives, shall ensure that such vehicle or container is suitable for the safety and security of the explosives being carried.

(2) Without prejudice to the generality of paragraph (1), the operator of a vehicle constructed on or after 1st April 1998 or a container, whether constructed before or after that date, which is intended to be or is being used for the carriage of explosives, shall comply with the requirements of Schedule 2.

The Approved Explosives Vehicle Requirements

11.—(1) For the purposes of these Regulations the Secretary of State shall approve the document entitled “Approved Requirements for the Construction of Vehicles Intended for the Carriage of Explosives by Road”, which is published by the Health and Safety Commission. It shall contain—

- (a) the requirements for the construction of different types of vehicles for the carriage of explosives for the purposes of regulations 10, 12 and 13 and Schedules 2 and 3; and
- (b) explanatory notes and other material needed for the use of the document.

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

(3) In these Regulations “the Approved Explosives Vehicle Requirements” means the document referred to in paragraph (1) or, where there has been a revision of that document under paragraph (2), the revised document.

Types of vehicle

12. In these Regulations any reference to—

- (a) a type of vehicle is a reference to a vehicle of type I, II or III;
- (b) a vehicle of type I is a reference to a vehicle other than one of type II or type III;
- (c) a vehicle of type II or type III is a reference to a vehicle which satisfies the requirements for a type II or type III vehicle respectively in the Approved Explosives Vehicle Requirements.

Limits on quantities

- 13.**—(1) Subject to Part I of Schedule 3, the operator of a vehicle constructed—
- (a) on or after 1st April 1998 and of a type specified in column 1 of the Table in Part II of Schedule 3, shall ensure that it does not carry explosives in any of the Divisions specified in the Table in excess of the quantity specified for that type of vehicle and the Division of the explosives concerned;
 - (b) before 1st April 1998 shall ensure that it does not carry explosives of the type specified in column 1 of the Table in Part III of that Schedule in excess of the quantity specified for that type of explosive in the corresponding entry in column 2.
- (2) It shall be sufficient compliance with paragraph (1)(b) if the operator complies with paragraph (1)(a) as if the vehicle was constructed on or after 1st April 1998.
- (3) Nothing in this regulation or Schedule 3 shall be construed as allowing a greater quantity of explosives to be carried than that for which the vehicle and any container in which the explosives are carried are suitable as described in regulation 10.
- (4) Where explosives are being carried in—
- (a) a container in or on a vehicle; or
 - (b) a trailer, other than a semi-trailer, attached to a vehicle,

and, in order to comply with paragraph (1)(a), the vehicle needs to satisfy a particular requirement of the Approved Explosive Vehicle Requirements as to the construction of its body it shall be sufficient compliance with that requirement, if it is satisfied by the container or trailer, as the case may be, as if it were a vehicle.

Mixed loads

- 14.**—(1) The operator of a vehicle or container, which is being used for the carriage of explosives, shall ensure that—
- (a) explosives in different Compatibility Groups are not carried together unless—
 - (i) such carriage is permitted by paragraph 6 of Schedule 4, or
 - (ii) subject to paragraph (2)(a), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in any one of the Compatibility Groups carried;
 - (b) explosive substances and explosive articles in the same Compatibility Group are not carried together unless effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in the form of explosive substances or explosive articles alone; and
 - (c) explosives in Compatibility Group L are not carried with a different type of explosive in the same Compatibility Group.
- (2) The operator of a vehicle or container, which is being used for the carriage of explosives, shall ensure that—
- (a) notwithstanding paragraph (1)(a)(ii)—
 - (i) explosives in Compatibility Groups A or L are not carried with each other or with explosives in any other Compatibility Group;
 - (ii) explosives in Compatibility Group H are not carried with explosives in any other Compatibility Group other than explosives in Division 1.4 and Compatibility Group S;

- (b) unclassified explosives are not carried with classified explosives except those in Compatibility Group S.
- (3) The operator of a vehicle or container which is being used for the carriage of explosives shall ensure that they are not carried with any other dangerous goods unless—
 - (a) such carriage is permitted by paragraph 7 of Schedule 4; and
 - (b) all reasonably practicable measures have been taken to prevent the explosives being brought into contact with or otherwise endangering or being endangered by any such goods.

Part III

INFORMATION

Information to be displayed on vehicles and containers

15.—(1) The operator of a vehicle or container, which is being used for the carriage of explosives shall, subject to the exceptions specified in Part II of Schedule 5, comply with the requirements in Part I of that Schedule.

(2) The driver and any attendant of a vehicle used for the carriage of explosives shall, subject to the exceptions specified in Part II of Schedule 5, comply with paragraph 8 of Part I of that Schedule.

(3) In a case where explosives in different Compatibility Groups are being carried together, Schedule 5 shall be applied in accordance with the provisions of paragraph 2 of Schedule 4.

(4) In a case where explosives in different Divisions are being carried together, Schedule 5 shall be applied in accordance with the provisions of paragraphs 3, 4 and 5 of Schedule 4.

(5) A person shall not cause or permit any orange-coloured panel, danger sign or subsidiary hazard sign to be affixed or displayed on a vehicle or container which is not being used for the carriage of explosives.

(6) A person shall not cause or permit any information to be displayed on a vehicle or container, which would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 5.

(7) A person shall not—

- (a) remove any orange-coloured panel, danger sign or subsidiary hazard sign, affixed or displayed in accordance with Schedule 5, from a vehicle or container which is being used for the carriage of explosives except, in the case of a danger sign or subsidiary hazard sign, for the purposes of updating the information on it;
- (b) falsify any of the information on such a danger sign or subsidiary hazard sign.

Information to be provided by consignors

16.—(1) Subject to paragraph (2), any consignor of explosives shall ensure that prior to carriage any operator engaged by him to carry those explosives is provided with the information specified in Part I of Schedule 6, in documentary form.

(2) Subject to regulation 17(2), paragraph (1) shall not apply in circumstances where the consignor is also the operator, provided he is carrying those explosives on his own behalf.

(3) A consignor or any one acting on his behalf shall not provide false or misleading information to any operator engaged by him concerning the explosives to be carried.

Documentation to be provided by operators

17.—(1) Any operator who engages another operator to carry explosives shall ensure that prior to carriage that operator is provided with the information referred to in regulation 16(1).

(2) Notwithstanding regulation 16(2), prior to the commencement of the journey, the operator of a vehicle, which is to be used for the carriage of explosives, shall ensure that the driver of that vehicle, or any attendant, is in possession of the information specified in Part II of Schedule 6 in documentary form, referred to in these Regulations as the “Transport Documentation”.

(3) An operator, or anyone acting on his behalf, shall not provide false or misleading information to any other operator engaged by him or to any driver concerning the explosives to be carried.

(4) The operator shall keep a record of the information contained within the Transport Documentation, other than the emergency information, in respect of each journey undertaken by the vehicle for a period of at least three months after the completion of the relevant journey.

Documentation to be available during carriage

18.—(1) The driver and any attendant of a vehicle, which is being used for the carriage of explosives shall ensure that the Transport Documentation is—

- (a) subject to paragraph (4), kept readily available on the vehicle at all times while the explosives are being carried; and
- (b) produced on request to any constable or vehicle examiner.

(2) Where a trailer, which is being used for the carriage of explosives, becomes detached from the motor vehicle—

- (a) (i) the driver of the vehicle shall give the Transport Documentation (or an authenticated copy of it) to the occupier of any premises on which the trailer is parked, and
- (ii) in such a case, the occupier shall ensure that such documentation is kept readily available at those premises; or
- (b) the driver of the vehicle shall attach the Transport Documentation (or an authenticated copy of it) to the trailer in a readily visible position.

(3) The driver of a vehicle, which has been used for the carriage of explosives, shall ensure that any documentation relating solely to explosives, which are not then being carried, is either removed from the vehicle or placed in a securely closed container, clearly marked to show that it does not relate to any explosives which are being carried.

(4) Nothing in paragraph (1)(a) shall prevent the removal of the Transport Documentation from the vehicle for the purpose of showing it or otherwise communicating it to a constable, a member of the fire brigade or a vehicle examiner.

Part IV

SAFETY AND SECURITY DURING CARRIAGE

Loading, stowage, unloading and cleaning of vehicles and containers

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

(2) Without prejudice to the generality of (1), the operator, driver and any attendant shall comply with the requirements of Schedule 7.

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

(a) being used for the carriage of explosives which require labelling in accordance with regulation 6(5) of the 1991 Regulations; or

(b) empty and uncleaned, having been used for the carriage of such explosives,

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

(4) A driver or member of the crew of a vehicle, which is being used for the carriage of explosives shall not open a package containing any explosives unless authorised to do so by the operator of that vehicle.

Attendance

20.—(1) The operator of a vehicle, which is being used for the carriage of explosives and any person engaged in the carriage or having custody or control of the explosives during the carriage shall take such steps as it is reasonable for them to take to ensure that, when—

(a) subject to paragraphs (2) and (3) the vehicle is not parked, a person who has been nominated by the operator to act as an attendant (in these Regulations known as the “attendant”) accompanies the driver of the vehicle; and

(b) subject to paragraphs (3) and (4) the vehicle is parked and the driver is not present, a person who is competent to ensure the security of the explosives, is constantly with the vehicle.

(2) Paragraph (1)(a) shall not apply to—

(a) the carriage of explosives to which the exemptions under paragraph 15 of Schedule 5 apply;

(b) the carriage of explosives where the only explosives being carried are those allocated on classification the UN Number 0336 and in a quantity at or below 5,000 kilograms;

(c) any vehicle in a convoy of more than two vehicles other than the first and last such vehicle.

(3) Paragraph (1)(a) and (b) shall not apply where—

(a) adequate measures for the security of the explosives in relation to the vehicle have been taken;

(b) (i) the vehicle is parked on a site, or

(ii) the vehicle is only being used on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises or in passing from one part of such premises to another notwithstanding that those parts may be separated by a road,

and some or all of the explosives are to be used that day; and

(c) the only explosives in the vehicle consist of one or more of the following—

(i) blasting explosives not exceeding 50 kilograms in quantity;

(ii) detonating cord not exceeding 10 kilograms in quantity;

(iii) detonators not exceeding 100 grams in quantity or 100 in number.

(4) Paragraph (1)(b) shall not apply—

(a) to the carriage of any explosives specified in Part I, II or III of Schedule 1;

(b) during stops in a safe and secure place.

(5) In paragraph (4)(b) “a safe and secure place” means a safe and secure place within—

- (a) a factory or magazine licensed under the Explosives Act 1875⁽²⁴⁾ or lawfully existing under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983⁽²⁵⁾; or
 - (b) premises under the control of the Ministry of Defence.
- (6) The driver or attendant of a vehicle which is being used for the carriage of explosives shall not cause or permit any person, other than a member of the vehicle crew, to be carried.

Route of carriage and parking

21.—(1) The operator and driver of a vehicle used for the carriage of more than 5 tonnes of explosives in Division 1.1 shall ensure that the route followed is the route or one of the routes agreed with the Chief Constable.

(2) Where any vehicle, which is being used for the carriage of explosives, is part of a convoy of such vehicles, the driver of the vehicle, where practicable, shall ensure that there is a distance of more than 50 metres between that vehicle and any other vehicle in the convoy.

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

(4) Other than when the only explosives being carried are those specified in Parts I and II of Schedule 1, where any vehicle, which is being used for the carriage of explosives, has stopped for the purpose of loading or unloading the explosives in a public place, the driver of the vehicle shall ensure, where practicable, that there is a distance of not less than 50 metres between the vehicle and any other stationary vehicle, whether or not that vehicle is being used for the carriage of explosives.

Duty to ensure safe and secure carriage

22.—(1) The operator of a vehicle, which is being used for the carriage of explosives, and any person engaged in the carriage or having custody or control of the explosives during the carriage, shall take such steps as it is reasonable for them to take to prevent—

- (a) accidents and minimise the harmful effects of any accident which may occur; and
- (b) unauthorised access to or removal of all or part of the load.

Smoking and open flames

23.—(1) A person shall not smoke or produce an open flame—

- (a) on a vehicle which is being used for the carriage of explosives;
- (b) in the vicinity of such a vehicle during the loading and unloading of the explosives.

(2) A person shall not bring on to a vehicle, which is being used for the carriage of explosives, any portable lighting apparatus, which comprises a flame or has any metal surface that is liable to produce sparks.

Equipment

24.—(1) The operator of a vehicle, which is being used for the carriage of explosives, shall ensure that it is equipped so that the driver can take the measures detailed in the emergency information.

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

⁽²⁴⁾ 1875 c. 17
⁽²⁵⁾ S.R. 1983 No. 326

Precautions against fire or explosion

25.—(1) A person shall not cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion when explosives are being carried in any vehicle or container.

(2) Without prejudice to the generality of paragraph (1)—

- (a) the operator of a vehicle is being used for the carriage of explosives shall comply with the requirements specified in Schedule 8 except paragraph 7;
- (b) the driver of such a vehicle shall comply with paragraphs 3 and 7 of Schedule 8;
- (c) any attendant of such a vehicle shall comply with paragraph 3 of Schedule 8.

(3) Paragraphs 1(b), 2 and 3 of Schedule 8 shall not apply where the only explosives being carried are in Division 1.4 and Compatibility Group S.

Accidents and Emergencies

26.—(1) In the event of a vehicle, which is being used for the carriage of explosives, being involved in an emergency which cannot be brought under immediate control—

- (a) the driver or any attendant or, where neither is present, any person attending the vehicle in accordance with regulation 20(1)(b), shall ensure that the appropriate emergency services are notified by the quickest practical means; and
- (b) the driver or any attendant shall ensure that the operator of that vehicle is notified by the quickest practical means.

(2) On being informed of the occurrence of any emergency under paragraph (1), the operator of the vehicle shall inform the Secretary of State by the quickest practical means of the occurrence of that emergency.

(3) In the event of any accident or emergency the operator, driver and any attendant shall ensure that all proper precautions are taken for—

- (a) the safety of persons likely to be affected by ignition or initiation of the explosives; and
- (b) the security of the explosives.

(4) Without prejudice to the generality of paragraph (3), in the event of any accident or emergency, the driver of the vehicle shall take all reasonable steps to comply with any instructions contained in the emergency information which relates to the explosives.

Part V

MISCELLANEOUS AND GENERAL

Duration of carriage and delivery

27.—(1) The operator and the driver of a vehicle, which is being used for the carriage of explosives, shall ensure that—

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the explosives are delivered to—
 - (i) the consignee or his agent, or
 - (ii) any other person who is authorised by the consignee to accept custody of the explosives for onward despatch, provided that they are delivered to either a safe and

secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, and that, if they cannot be so delivered, they are returned to the consignor or his agent; and

- (c) any trailer, semi-trailer or container containing explosives is not detached from the vehicle except—
- (i) in either a safe and secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, or
 - (ii) in an emergency.

(2) The operator, driver and any attendant of a vehicle, which is being used for the carriage of explosives, shall ensure that any explosives intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) In this regulation—

- (a) “harbour” and “harbour area” have the meanings assigned to them in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(26);
- (b) “designated parking area” means in relation to—
 - (i) an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying explosives,
 - (ii) a harbour or harbour area, a parking area designated for the purposes of regulation 33 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995.

(4) The operator of a vehicle used for the carriage of explosives shall not remove any explosives from the consignor’s premises unless he is ready to despatch them immediately to the consignee or other person described in sub-paragraph (1)(b)(ii).

Minimum age limits for persons engaged in the carriage of explosives

28.—(1) Subject to paragraph (2) a person under the age of 18 years shall not—

- (a) use any vehicle for the carriage of explosives;
- (b) be employed as the driver or attendant of such a vehicle;
- (c) be made responsible for the security of explosives;
- (d) be allowed to go on or in such a vehicle except in the presence and under the supervision of a competent person who is at least 18 years of age.

(2) Paragraph (1) shall not apply to the carriage of any explosives specified in—

- (a) Part I of Schedule 1; or
- (b) Part II of Schedule 1, if the total quantity of such explosives does not exceed 50 kilograms.

Exemption certificates

29.—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the carriage of explosives by road, the Secretary of State may, by a certificate in writing, exempt any—

- (a) person or class of person;
- (b) explosive or class of explosive;

(c) vehicle or container or class of vehicle or container, from all or any 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 Secretary of State by a further certificate in writing.

(2) The Secretary of State 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 he proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

she is satisfied that neither the health and safety of persons who are likely to be affected by the exemption nor the security of the explosives will be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, exempt by a certificate in writing from all or any requirements or prohibitions imposed by these Regulations any particular class of—

- (a) military explosive;
- (b) person engaged in the carriage of military explosive;
- (c) vehicle used for the carriage of military explosive,

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

30.—(1) In any proceedings for an offence for 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 that—

- (a) 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) 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 to determine the mode of trial, he has served on the prosecutor a notice in writing giving any information identifying or assisting in the identification of the other person, which he had.

(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 provision

31. Until 1st April 1998 it shall be sufficient compliance with the requirements of these Regulations if the requirements in the Carriage Regulations are complied with as if they had been in force.

Amendment of the 1991 Regulations

32. The 1991 Regulations shall be amended in accordance with Schedule 9.

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Revocation

33. The Carriage Regulations are hereby revoked.

Northern Ireland Office
28th October 1997

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of
State

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SCHEDULE 1

Regulations 2(3), 3(4), 8(2), 15(1) and (2),
20(4), 21(4) and 28(2)

Exceptions

Part I

1 <i>Explosives</i>	2 <i>UN Number</i>
ARTICLES, PYROTECHNIC for technical purposes	0432
CARTRIDGES, POWER DEVICE	0323
CARTRIDGES, SIGNAL	0405
CARTRIDGES, SMALL ARMS	0012
CARTRIDGES, SMALL ARMS, BLANK	0014
CASES CARTRIDGE, EMPTY, WITH PRIMER	0055
CUTTERS, CABLE EXPLOSIVE	0070
FIREWORKS	0337
FLARES, AERIAL	0404
FUSE, SAFETY	0105
IGNITERS	0454
LIGHTERS, FUSE	0131
PRIMERS, CAP TYPE	0044
SIGNAL DEVICES, HAND	0373
SIGNALS, RAILWAYS TRACK, EXPLOSIVE	0193

Part II

1 <i>Explosives</i>	2 <i>UN Number</i>
CARTRIDGES, SMALL ARMS*	0328
CARTRIDGES, SMALL ARMS	0339
CARTRIDGES, SMALL ARMS, BLANK*	0327
CARTRIDGES, SMALL ARMS, BLANK	0338
CASES, CARTRIDGE, EMPTY WITH PRIMER	0379

* These explosives are referred to in paragraph 15(c)(i) of Part II of Schedule 5.

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1 <i>Explosives</i>	2 <i>UN Number</i>
FIREWORKS*	0333
FIREWORKS*	0334
FIREWORKS*	0335
FIREWORKS	0336
SIGNAL DEVICES, HAND	0191
SIGNAL, DISTRESS, SHIP*	0195

* These explosives are referred to in paragraph 15(c)(i) of Part II of Schedule 5.

Part III

1 <i>Explosives</i>	2 <i>UN Number</i>
ARTICLES, PYROTECHNIC for technical purposes	0428
ARTICLES, PYROTECHNIC for technical purposes	0429
ARTICLES, PYROTECHNIC for technical purposes	0430
ARTICLES, PYROTECHNIC for technical purposes	0431
CARTRIDGES, OIL WELL	0277
CARTRIDGES, OIL WELL	0278
CARTRIDGES, POWER DEVICE	0275
CARTRIDGES, POWER DEVICE	0276
CARTRIDGES, POWER DEVICE	0381
CARTRIDGES, SIGNAL	0054
CARTRIDGES, SIGNAL	0312
CASES, COMBUSTIBLE EMPTY, WITHOUT PRIMER	0446
CASES, COMBUSTIBLE EMPTY, WITHOUT PRIMER	0447
CORD, IGNITER	0066
DINITROSOBENZENE	0406
FLARES, AERIAL	0093
FLARES, AERIAL	0403
FLARES, SURFACE	0092

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1 <i>Explosives</i>	2 <i>UN Number</i>
FLASH POWDER	0094
FLASH POWDER	0305
FUSE, INSTANTANEOUS NON- DETONATING; (QUICKMATCH)	0101
IGNITERS	0121
IGNITERS	0314
IGNITERS	0315
IGNITERS	0325
5-MERCAPTO-TETRAZOLE-1-ACETIC ACID	0448
POTASSIUM SALTS OF AROMATIC NITRO-DERIVATIVES, explosive	0158
PRIMERS, CAP TYPE	0377
PRIMERS, CAP TYPE	0378
ROCKETS, LINE THROWING	0238
ROCKETS, LINE THROWING	0240
ROCKETS, LINE THROWING	0453
SIGNALS, DISTRESS, ship	0194
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0192
SIGNALS, SMOKE with explosive sound unit	0196
SIGNALS, SMOKE without explosive sound unit	0197
SODIUM DINITRO-o-CRESOLATE, dry or wetted with less than 15% water by mass	0234
SODIUM PICRAMATE, dry or wetted with less than 20% water by mass	0235
TETRAZOLE-1-ACETIC ACID	0407
ZIRCONIUM PICRAMATE, dry or wetted with less than 20% water by mass	0236

SCHEDULE 2

Regulation 10(2)

Suitability of Vehicles and Containers

1. The operator of a vehicle shall ensure that the vehicle—
 - (a) has no more than one trailer or semi-trailer attached to it;

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- (b) where it is being used for the carriage of packages comprising packaging made of materials sensitive to moisture, is either a sheeted or closed vehicle.
- 2. The operator of a container shall ensure that in the case of—
 - (a) a small container, it is of the closed type with complete sides; and
 - (b) a large container in or on a vehicle, it satisfies paragraph (1)(b) as though it was a vehicle, in which case that requirement shall not apply to the vehicle itself.
- 3. The operator of a vehicle or container which is carrying—
 - (a) explosive substances in Division 1.1 and Compatibility Group C, D or G or in Division 1.2 and Compatibility Group G or in Division 1.3 and Compatibility Group C or G, which are free-flowing and powdery;
 - (b) fireworks in Divisions 1.1, 1.2 or 1.3 and Compatibility Group G,
 shall ensure that the floor of the vehicle or container respectively has a non-metallic surface or covering which is incapable of producing sparks.
- 4. The operator of a vehicle or container shall ensure that no explosive substances are carried in it, if the body of that vehicle or container respectively was constructed, in part or in whole, with any materials which are likely to form dangerous compounds with those substances.

SCHEDULE 3

Regulation 13

Limits on Quantities Permitted to be Carried

Part I

1. In a case where explosives in different Divisions are being carried together, regulation 13(1)(a) and (b) shall be applied in accordance with the provisions of paragraphs 3, 4 and 5 of Schedule 4.
2. In a case where explosives in different Compatibility Groups are being carried together regulation 13(1)(b) shall be applied in accordance with paragraph 2 of Schedule 4.
3. Where explosives in Division 1.4 and Compatibility Group S are being carried in a vehicle, regulation 13(1)(a) and (b) shall apply as if there were no upper limit on the quantity of such explosives which may be carried.
4. Where explosives allocated on classification UN Number 0336 are being carried in a vehicle of type I, regulation 13(1)(a) shall apply as if the maximum quantity which may be carried in that vehicle, where it is not attached to a trailer, was 3,000 kilograms and the maximum quantity where the vehicle is attached to a trailer, was 4,000 kilograms.
5. Notwithstanding regulation 13(1)(a) a person shall not carry explosives in Compatibility Group A in a vehicle, which was constructed on or after 1st January 1997, unless the vehicle is of type III and the quantity of explosives is 50 kilograms or less.
6. Where, in accordance with paragraph 7(c) of Schedule 4, the dangerous goods allocated on classification the UN Number 1942 are carried with explosives, they shall be treated as if they were explosives in Division 1.1 and Compatibility Group D for the purposes of regulation 13.

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Part II

Vehicle type	Division					
	1.1	1.2	1.3	1.4	1.5	1.6
Type I	50 kg	50 kg	50 kg	300 kg	50 kg	50 kg
Type II	1,000 kg	3,000 kg	5,000 kg	15,000 kg	5,000 kg	5,000 kg
Type III	16,000 kg	16,000 kg	16,000 kg	16,000 kg	16,000 kg	16,000 kg

Part III

1 Type of Explosives	2 Maximum Quantity (Kilograms)
Division	Compatibility Group
1.1	A
1.1	B, F, G or L
1.1	C, D, E or J
1.2	Any
1.3	Any
1.4	Any
1.5	Any
1.6	Any

SCHEDULE 4

Regulation 14

Mixed Loads

Compatibility Groups

1. Where explosive articles in Compatibility Group N are carried together with explosives in Compatibility Groups C, D or E, they shall, for the purpose of applying this Schedule, be deemed to be in Compatibility Group D.

2. Where explosives in different Compatibility Groups are carried together, then, subject to paragraph (1), they shall all, for the purpose of applying the Table in Part III of Schedule 3 and Schedule 5, be deemed to be in the Group amongst them which comes highest in the following list, that is Group B (highest), F, G, C, D, E and J (lowest).

Divisions

3. Where explosives in different Divisions are carried together, then, subject to paragraphs 4 and 5 of this Schedule and paragraph 6 of Schedule 3, for the purpose of applying Schedules 3 and 5,

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all the explosives shall be deemed to be in the Division amongst them which comes highest in the following list, that is Division 1.1 (highest), 1.5, 1.2, 1.3, 1.6 and 1.4 (lowest).

4. Where explosives in Compatibility Group D and Division 1.5 are carried with explosives in Division 1.2, then, for the purpose of applying Schedules 3 and 5, they shall all be deemed to be in Division 1.1.

5. Where explosive articles in Compatibility Group N and Division 1.6 are carried with a different type of explosive article in the same Division and Compatibility Group, then, unless it can be shown that effective measures have been taken to ensure that there is no additional risk of sympathetic detonation between the articles, they shall all, for the purpose of applying Schedules 3 and 5, be deemed to be in Division 1.1.

Permitted mixed loads

6. For the purposes of regulation 14(1)(a), the following explosives may be carried together—
- (a) detonating fuses in Compatibility Group B may be carried with explosive articles in Compatibility Group D, E or F of which the fuses are components;
 - (b) explosives in Compatibility Group C, D, E, N or S may be carried together or in any combination of them;
 - (c) explosives in Compatibility Group F may be carried with explosive articles in Compatibility Group C or D or explosives in Compatibility Group E or S;
 - (d) explosive articles in Compatibility Group G may be carried with explosive articles in Compatibility Group C or D or explosives in Compatibility Group E;
 - (e) explosives in Compatibility Group S may be carried with explosives in Compatibility Group B, G, H or J,

and, where a particular type of explosive is mentioned in more than one sub-paragraph above as being permitted to be carried with other types of explosives, it may be carried with all or any of those other types of explosives.

7. For the purpose of regulation 14(3) the following explosives and other dangerous goods may be carried together—

- (a) explosives allocated on classification the UN Number 0276, 0323, 0431 or 0432 may be carried with the dangerous goods allocated on classification the UN Number 3268 or with automotive airbag inflator units allocated on classification to UN Class 2, or in any combination of them, provided the total mass or volume of dangerous goods when added together does not exceed 500;
- (b) explosives allocated on classification the UN Number 0092, 0093 or 0191 may be carried with the dangerous goods allocated on classification the UN Number 3072 and 2990 and/or in any combination of them, provided the total mass or volume of dangerous goods allocated on classification the UN Number 3072 or 2990 does not exceed 500;
- (c) explosives allocated on classification the UN Number 0030, 0042, 0065, 0081, 0082, 0241, 0255, 0360 or 0361 may be carried with the dangerous goods allocated on classification the UN Number 1942;
- (d) explosives allocated on classification the UN Number 0191, 0197, 0336, 0403, 0431, 0432 or 0453 may be carried with dangerous goods in transport category 3, provided the total net mass of such explosives does not exceed 500 kilograms;
- (e) explosive articles in Compatibility Group S and Division 1.4 may be carried with dangerous goods in transport categories 2, 3 or 4, provided the total mass or volume of dangerous goods in transport categories 2 and 3 do not exceed 200 and 500 respectively;

- (f) explosives in Compatibility Group G and Division 1.4 may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them, provided the total mass or volume of dangerous goods does not exceed 200 and the total net mass of explosives does not exceed 20 kilograms,

and in this paragraph “total mass or volume of dangerous goods” shall be construed in accordance with regulation 2(3), (4) and (5) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997⁽²⁷⁾ as if—

- (g) those Regulations applied to explosives; and
- (h) in relation to their application to explosives—
 - (i) the references in paragraphs (3)(a) and (4)(b)(ii) of those Regulations to “gross mass of any article” and “gross mass” respectively were references to “net mass of any explosive substance or article” and “net mass”, and
 - (ii) sub-paragraphs (b) to (f) of paragraph (3) and heads (iii) to (vi) of paragraph 4(b) of those Regulations did not apply.

SCHEDULE 5

Regulation 15

Information to be Displayed on Vehicles and Containers

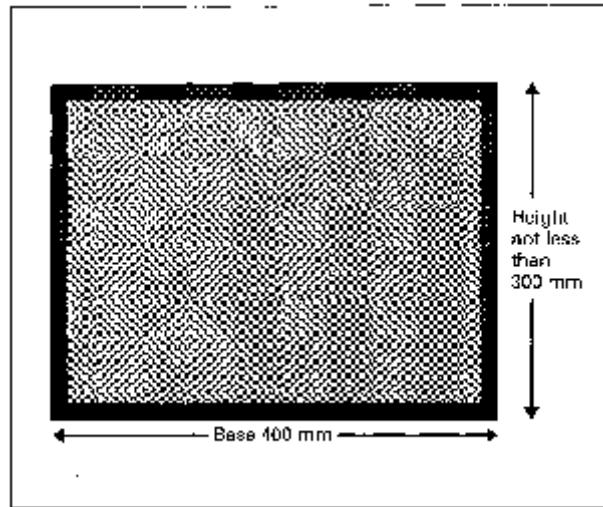
Part I

REQUIREMENTS

1. At all times when explosives are being carried in a vehicle—
 - (a) two blank rectangular orange-coloured panels conforming with the requirements of paragraphs 4 or 5 shall be affixed to the vehicle, one at the front and the other at the rear;
 - (b) three of each of any danger sign and subsidiary hazard sign required to be displayed under this Schedule shall be affixed to the vehicle, one of each to each side and one of each to the rear of the vehicle; and
 - (c) where the explosives are carried in a container, one of each of any danger sign and subsidiary hazard sign required to be displayed under this Schedule shall be affixed to the container.
2. Where explosives are being carried in a container in or on a vehicle, it shall be sufficient compliance with paragraph 1(b) if any danger sign or subsidiary hazard sign, which is required to be affixed to the vehicle under that paragraph, is affixed to the container, provided any such sign is visible from the outside of the vehicle and positioned as if it had been affixed to the vehicle in accordance with that sub-paragraph.
3. Nothing in this Schedule shall require a danger sign or subsidiary hazard sign of the same specification to be displayed more than once at the rear or on either side of a vehicle.
4. Each panel referred to in paragraph 1(a) shall—
 - (a) be in the form of the following diagram and comply with the measurements in the diagram; and

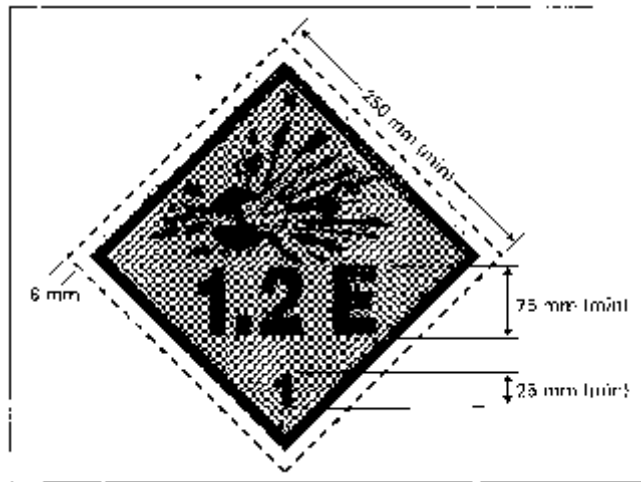
(27) S.R. 1997 No. 248

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- (b) have a black border not more than 15 millimetres wide.
5. Where the size and construction of the vehicle is such that the available surface area is insufficient to affix a panel of the measurements specified in paragraph 4, that paragraph shall apply as if the specified measurements were for the base 300 millimetres, for the height 120 millimetres and for the border 10 millimetres.
6. Each danger sign and subsidiary hazard sign required to be displayed under this Schedule shall—
- (a) be in the form of a square set with its side at an angle of 45° to the vertical; and
 - (b) have an orange-coloured background with a black border and any figure, letter or pictograph required by the provisions of this Schedule shall be in black.
7. Each orange-coloured panel, danger sign and subsidiary hazard sign required to be displayed under this Schedule shall be—
- (a) clearly visible;
 - (b) so far as is reasonably practicable, kept clean and free from obstruction at all times when explosives are being carried.
8. Any orange-coloured panel, danger or subsidiary hazard sign, other than one which is displayed under the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1996, which does not relate to the explosives being carried or any residue of them—
- (a) shall be covered or removed; and
 - (b) in the case where an orange-coloured panel is covered, any material used to cover it shall remain effective after it has been engulfed in fire for 15 minutes.
9. Where explosives in Division 1.1, 1.2 or 1.3 are carried in a vehicle or container, there shall be displayed, in accordance with paragraph 1, danger signs which—
- (a) are in the form of the following diagram (the Division number “1.2” and the Compatibility Group letter “E” are only examples);

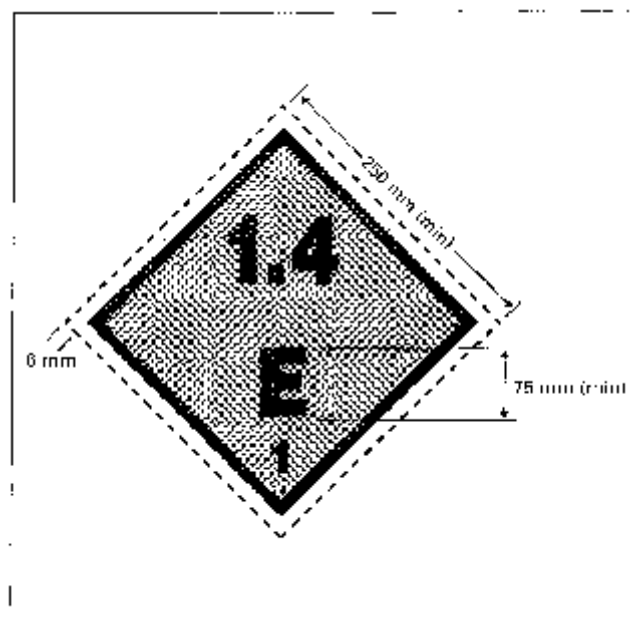
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- (b) comply with the measurements in the diagram except that larger measurements, increased proportionally, may be used;
- (c) have a pictograph of a bomb blast filling most of the upper half;
- (d) have the Division number and Compatibility Group letter appropriate to the explosives being carried written on the lower half; and
- (e) have the class number “1” written in the bottom corner below the Division Number and Compatibility Group letter.

10. Where explosives in Division 1.4, 1.5 or 1.6 are carried in a vehicle or container, there shall be displayed, in accordance with paragraph 1, danger signs which—

- (a) are in the form of the following diagram (the Division number “1.4” and the Compatibility Group letter “E” are only examples);



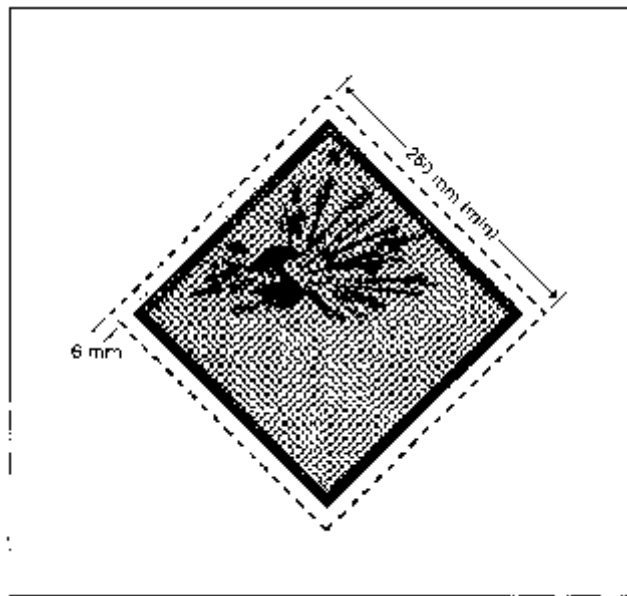
- (b) comply with the measurements in the diagram except that larger measurements, increased proportionally, may be used;

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- (c) have the Division number appropriate to the explosives being carried written on the upper half;
- (d) have the Compatibility Group letter appropriate to the explosives being carried written on the lower half; and
- (e) have the class number “1” written in the bottom corner below the Compatibility Group letter.

11. In the case of explosives which are carried in a vehicle or container, solely in connection with an application for their classification, there shall be displayed, in accordance with paragraph 1, danger signs which—

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

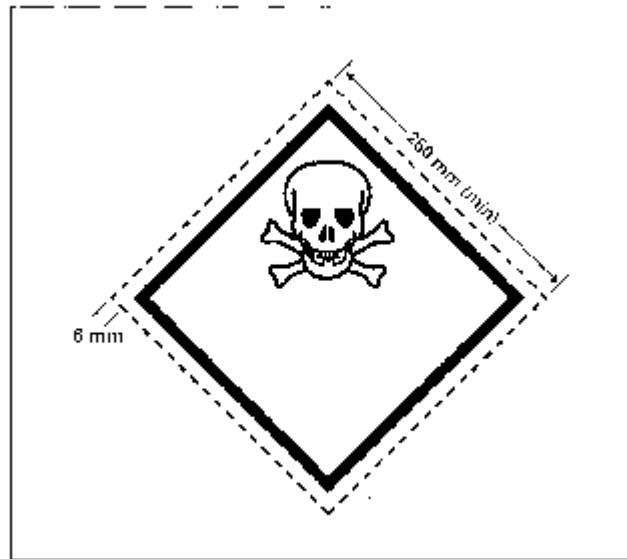


- (b) comply with the measurements in the diagram, except that larger measurements, increased proportionally, may be used.

12. Where explosives allocated on classification the UN Number 0018, 0019, 0020, 0021, 0076, 0077, 0143, 0224 or 0301 are carried in a vehicle or container, there shall be displayed, in accordance with paragraph 1, subsidiary hazard signs which—

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

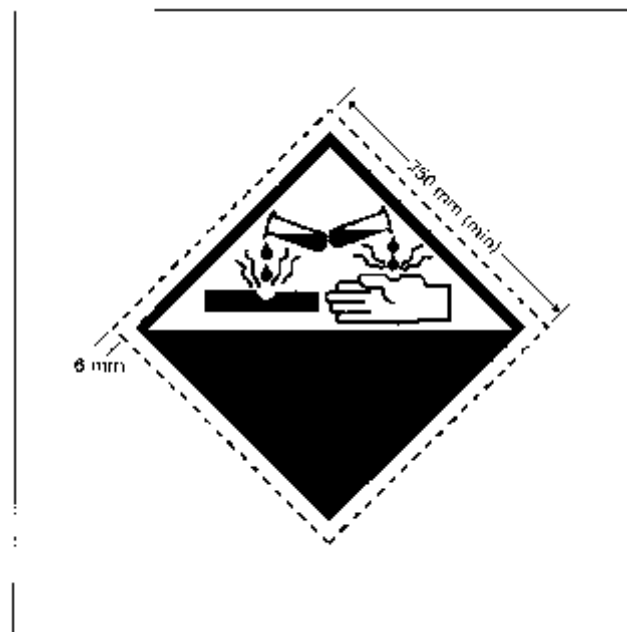
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(b) comply with the measurements in the diagram except that larger measurements, increased proportionally may be used.

13. Where explosives allocated on classification the UN Number 0015, 0016, 0018, 0019, 0301 or 0303 are carried in a vehicle or container, there shall be displayed in accordance with paragraph 1, subsidiary hazard signs which—

(a) are in the form of the following diagram; and



(b) comply with the measurements in the diagram except that larger measurements, increased proportionally, may be used.

14. In the case of a vehicle or container carrying explosives of different Compatibility Groups, no Compatibility Group letter shall be written on any danger or subsidiary hazard sign required to be displayed under this Schedule.

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Part II

EXCEPTIONS

15. Paragraphs 1 to 7 and 9 to 14 shall not apply where the explosives carried are—
- (a) explosive substances in Compatibility Group G not exceeding 1 kilogram in quantity;
 - (b) in Compatibility Group B or are unclassified explosives not exceeding (in either case) 10 kilograms in quantity;
 - (c) (i) explosives of a type marked with an asterisk in Part II of Schedule 1; or
(ii) smokeless powder in Division 1.3 (being the explosive substance allocated on classification the UN Number 0161),
and the total quantity of all explosives carried in the vehicle does not exceed 100 kilograms;
 - (d) (i) in Division 1.4 and in a quantity not exceeding 500 kilograms except in the case of explosives in Compatibility Group S in which case no upper limit applies, and
(ii) of a type other than any of those specified in any of the sub-paragraphs above;
 - (e) in a quantity not exceeding 50 kilograms and are of a type other than any of those specified in any of the sub-paragraphs above.
16. Paragraphs 1 to 7 and 9 to 14 shall not apply where the only explosives in the vehicle consist of one or more of the following—
- (a) blasting explosives not exceeding 50 kilograms in quantity;
 - (b) detonating cord not exceeding 10 kilograms in quantity; and
 - (c) detonators not exceeding 100 grams in quantity or 100 in number.
17. Paragraph 8(a) shall not apply to any danger or subsidiary hazard sign displayed on a vehicle or container in circumstances where some of the explosives, in respect of which the signs were displayed, have been unloaded and the only remaining explosives being carried are of any of the types and quantities specified in sub-paragraphs of paragraphs 15 and 16.
18. While the vehicle is being loaded or unloaded—
- (a) paragraph 1(b) and (c) of this Schedule shall not apply, and
 - (b) paragraph 7 shall not apply to the orange-coloured panel at the rear of the vehicle.
19. Paragraph 1(a) shall not apply in relation to any trailer which is being used for the carriage of explosives, where that trailer is detached from the motor vehicle.

SCHEDULE 6

Regulations 16 and 17

Information to be Provided and Carried

Part I

1. The information referred to in regulation 16(1) shall comprise—
- (a) in relation to each of the types of explosives being carried—
 - (i) the designation;
 - (ii) the classification;

- (iii) the UN Number preceded by the letters “UN”;
 - (iv) the total net mass in tonnes or kilograms of explosives carried except that the gross mass (in tonnes or kilograms) may be stated instead, if the consignor does not know or could not reasonably ascertain what the net mass is;
 - (v) whether in the case of explosives in Compatibility Group C, D or G, the explosives carried are explosive substances or explosive articles;
- (b) in relation to the consignment as a whole—
- (i) the number of packages consigned,
 - (ii) the name and address of the consignor,
 - (iii) the name and address of the consignee,
 - (iv) any other information which will enable the operator to comply with regulation 17(1), and
 - (v) a statement signed or authenticated by or on behalf of the consignor (in these Regulations referred to as the “consignor’s declaration”) confirming that—
 - (aa) the explosives as presented to the operator may be carried in conformity with these Regulations, and
 - (bb) the labelling and packaging of the explosives as presented to the operator conform with the 1991 Regulations and the Packaging Regulations.

Part II

1. The “Transport Documentation” concerning the explosives being carried shall comprise the following information—
- (a) the information specified in Part I of this Schedule;
 - (b) the total number of packages;
 - (c) the total net mass in tonnes or kilograms of each type of explosive carried, except that the gross mass (in tonnes or kilograms) may be stated instead, if the operator does not know or could not reasonably ascertain what the net mass is;
 - (d) the emergency information specified in paragraph 2;
 - (e) the name and address of the operator of the vehicle.
2. The emergency information referred to in paragraph 1(d) shall comprise details of the measures to be taken by the driver in the event of an accident or emergency and other safety information concerning the explosives being carried and shall include details of—
- (a) the nature of the danger inherent in the explosives being carried and the safety measures to be taken to avert any such danger;
 - (b) the action to be taken and treatment to be given in the event of any person coming into contact with the explosives being carried or with any substances which might be evolved;
 - (c) the measures to be taken in case of fire and, in particular, the fire-fighting appliances or equipment which must not be used;
 - (d) the measures to be taken in the case of breakage or deterioration of the packaging or of the explosives being carried, particularly where such breakage or deterioration results in a spillage of the explosives onto the road; and
 - (e) the measures to be taken to avoid or minimise damage in the event of spillage of explosives, which would pollute the aquatic environment.

SCHEDULE 7

Regulation 19

Loading, Stowage, Unloading and Cleaning of Vehicles and Containers

1. The various components of a load comprising explosives shall be properly stowed and secured by appropriate means to prevent them from being significantly displaced in relation to each other and to the walls of the vehicle.
2. Where explosives have escaped from any package into a container or vehicle in which they are being carried, the container or vehicle concerned shall be cleaned as soon as possible and, in any case, before reloading.
3. Before any explosives are loaded onto a vehicle or into a container, the surface upon which they are to be loaded shall be thoroughly cleaned.
4. Except where the engine has to be used to drive the pumps or other appliances for loading or unloading the vehicle, the vehicle's engine shall be shut off during loading and unloading operations.

SCHEDULE 8

Regulation 25

Precautions against Fire and Explosion

1. Subject to paragraph 2, the operator of a vehicle, which is being used for the carriage of explosives, shall ensure that it is equipped with at least—
 - (a) one portable fire extinguisher with a minimum capacity of 2 kilograms of dry powder or other suitable extinguishant with an equivalent test-fire rating of at least 5A and 34B, as defined in British Standard BSEN 3-1: 1996, suitable for fighting a fire in the engine or cab of the vehicle and such that, if it is used to fight a fire involving the load, it does not aggravate the fire and, if possible, controls it; and
 - (b) one portable fire extinguisher with a minimum capacity of 6 kilograms of dry powder or other suitable extinguishant with equivalent test-fire rating of at least 21A and 183B, as defined in British Standard BSEN 3-1: 1996, suitable for fighting a tyre or brake fire or a fire involving the load and such that, if it is used to fight a fire in the engine or cab of the vehicle, it does not aggravate the fire.
- 2.—(1) The fire extinguisher referred to in paragraph 1(a) need not be suitable for fighting a fire in the engine, if the vehicle is equipped with a fixed fire extinguisher suitable for fighting a fire in the engine, which either works automatically or is easily brought into action.

(2) Where the vehicle is a motor vehicle with a permissible maximum weight of less than 3.5 tonnes, the fire extinguisher referred to in paragraph 1(b) may be replaced by a fire extinguisher with a minimum capacity of 2 kilograms of dry powder or other suitable extinguishant with an equivalent test-fire rating of at least 5A and 34B as defined in British Standard BSEN 3-1: 1996.
3. Where a vehicle, which is being used for the carriage of explosives, comprises a trailer and the laden trailer is uncoupled and left on the road at a distance from the motor vehicle—
 - (a) paragraph 1(a) shall not apply;
 - (b) the operator, driver and any attendant of the said motor vehicle shall ensure that the trailer is equipped with at least one fire extinguisher which conforms to the provisions of paragraph 1(b).
4. The operator shall ensure that the extinguishants contained in the fire extinguishers referred to in this Schedule are such that they are not liable to release toxic gases—

- (a) into the driver's cab; or
 - (b) when under the influence of the heat of a fire.
5. The operator shall ensure that any portable fire extinguisher provided in accordance with this Schedule—
- (a) bears a mark of compliance with a standard recognised by a competent authority for that type of extinguisher;
 - (b) is fitted with a seal verifying that it has not been used; and
 - (c) where manufactured after 31st December 1996, bears an inscription indicating the date when it should next be inspected.
6. The operator of the vehicle referred to in paragraph 5 shall ensure, prior to carriage, that the date inscribed on any portable fire extinguisher in accordance with sub-paragraph (c) of that paragraph has not passed.
7. The driver shall ensure that the fire extinguishers referred to in this Schedule are stored in such a way as to be suitably protected and easily accessible.

SCHEDULE 9

Regulation 32

Amendments to the 1991 Regulations

1. The 1991 Regulations shall be amended in accordance with the following paragraphs of this Schedule.
2. Regulation 6 shall be amended by—
 - (a) the substitution in paragraph (3) of “, 1.5 or 1.6” for “or 1.5”;
 - (b) the addition after paragraph (4) of the following paragraphs:
 - “(5) A packaged article or substance or a combination of them or an unpackaged article to which these Regulations apply, allocated on classification the United Nations Serial Number 0018, 0019, 0020, 0021, 0076, 0077, 0143, 0224 or 0301, shall bear a label in accordance with paragraph 16 of Schedule 3.
 - (6) A packaged article or substance or a combination of them or an unpackaged article to which these Regulations apply, allocated on classification the United Nations Serial Numbers 0015, 0016, 0018, 0019, 0113, 0301 or 0303, shall bear a label in accordance with paragraph 17 of Schedule 3.”
3. Regulation 9 shall be amended by the substitution in paragraph (2) of, “(3), (5) or (6)” for “or (3)”.
4. After regulation 12 there shall be added the following regulation—
 - “12A. In any proceedings for an offence—
 - (a) consisting of a contravention of regulation 3(2)(b), 6 or 9; and
 - (b) committed on or after 1st April 1998 and before 1st January 1999,it shall be a defence for the accused to prove that—
 - (i) the explosives were labelled on or before 31st March 1998 in accordance with these Regulations as in operation on that date;
 - (ii) the labelling has not been altered or removed;

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(iii) it has not at any time since 31st March 1998 been reasonably practicable to re-label the explosives; and

in the case of packaged explosives—

(iv) the explosives were packaged on or before 31st March 1998 in accordance with the Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993,

(v) the explosives have not been removed from their package since they were packaged, and

(vi) it has not at any time since 31st March 1998 been reasonably practicable to repackage the explosives”.

5. Schedule 1 shall be amended by the addition of the following Division and Division number after the entry or Division 1.5—

“Extremely insensitive articles which do not 1.6”
have a mass explosion hazard.

6. Schedule 2 shall be amended by—

(a) the addition of the following words at the end of the Compatibility Group entry for Compatibility Group B—

“Some articles, such as detonators for blasting, detonator assemblies for blasting and primers, cap-type, are included even though they contain primary explosives”;

(b) the addition of the following Compatibility Group and Compatibility Group letter after the entry for Compatibility Group L—

“Articles containing only extremely N”
insensitive detonating substances.

7. Schedule 3 shall be amended by—

(a) the substitution of “, 1.5 or 1.6” for “or 1.5” in the heading above paragraph 4.

(b) the addition after paragraph 15 of the following paragraphs—

“Subsidiary Hazard Labelling

(16) The label required by regulation 6(5) shall—

(a) be a square set with its sides at an angle of 45° to the vertical;

(b) be in the form of the following diagram; and

(c) comply with the measurements in the diagram except that—

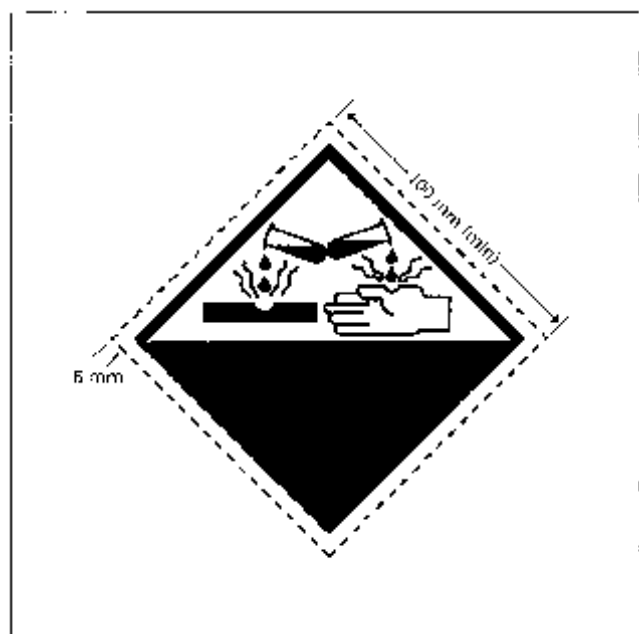
(i) larger measurements, increased proportionally, may be used, or

(ii) where, in order to comply with regulation 10(1), a smaller label is necessary, the dimensions may be decreased proportionally while remaining as large as is reasonably practicable for the purpose of such compliance.

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- (17) The label required by regulation 6(6) shall—
- (a) be a square set with its side at an angle 45° to the vertical;
 - (b) be in the form of the following diagram; and



- (c) comply with the measurements in the diagram except that—
- (i) larger measurements, increased proportionally may be used, or
 - (ii) where, in order to comply with regulation 10(1), a smaller label is necessary, the dimensions may be decreased proportionally while

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remaining as large as is reasonably practicable for the purpose of such compliance.”

8. Schedule 4 shall be amended by the addition of the following before the entry for the explosive article allocated on classification the UN Number 0354—

“0486	ARTICLES EXPLOSIVE, EXTREMELY INSENSITIVE (ARTICLES, EEI)	1.6N”
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EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations impose requirements and prohibitions with regard to the carriage of explosives by road. They implement Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, in so far as the Directive concerns explosives. This Directive seeks to apply the European Agreement Concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (1995 edition: ISBN 92 1 139043 5).

Part II: Mode of carriage

2. Regulations 7 to 9 impose prohibitions on the carriage of explosives including the carriage of unclassified explosives, carriage in vehicles used to carry passengers for hire or reward and the carriage of explosive substances in bulk. Regulation 10 places a duty on the operator to ensure that the vehicle or container is suitable for the safety and security of the explosives being carried.

3. Regulation 11 provides for the Secretary of State to approve a document published by the Health and Safety Executive and called the “Approved Requirements for the Construction of Vehicles Intended for the Carriage of Explosives by Road”. This specifies the construction requirements to be satisfied by different types of vehicle. The type of vehicle in which explosives are to be carried is determined in accordance with regulations 12 and 13 and Schedule 3 depending on the type and quantity of explosives carried. Regulation 14 and Schedule 4 place restrictions on the carriage of mixed loads of different kinds of explosives and mixed loads of explosives and other dangerous goods.

Part III: Information

4. Regulation 15 and Schedule 5 make provision for the display of information on vehicles and containers. Regulation 16 requires the consignor to provide the operator with the information set out in Part I of Schedule 6. Regulation 17 requires the operator to ensure that the driver or attendant has in his possession the Transport Documentation, which is set out in Part II of Schedule 6. Regulation 18 requires the driver and attendant to keep the Transport Documentation readily available throughout the carriage.

Part IV: Safety and security during carriage

5. Regulation 19 and Schedule 7 make provision for the loading, stowage, unloading and cleaning of vehicles and containers. Regulation 20 requires the operator in certain circumstances to ensure that an attendant accompanies the driver, and when the vehicle is parked and the driver is not present, a person competent to ensure the security of the explosives is in attendance. Regulations 21 and 22 impose duties with regard to the route of carriage, parking, the prevention of accidents and unauthorised access to the explosives.

6. Regulation 23 prohibits smoking or the production of an open flame on or near the vehicle during loading and unloading. Regulation 24 requires the operator to ensure that the vehicle is equipped to take the measures set out in the emergency information in the Transport Documentation. Regulation 25 prohibits activity which is liable to create or increase the risk of fire and imposes the duties set out in Schedule 8. Regulation 26 makes provision for the notification of emergencies and for safety and security precautions.

Part V: Miscellaneous and general

7. Regulation 27 makes provision with regard to the duration of carriage and the delivery of the explosives. Regulation 28 provides for a minimum age of 18 years for those engaged in the carriage of certain explosives. Regulation 29 enables the Secretary of State to grant certificates of exemption from these Regulations. Regulation 30 provides for a defence to a contravention of these Regulations. Regulation 31 makes transitional provision. Regulation 32 and Schedule 9 make amendments to the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991.

8. The current edition of the European Agreement Concerning the International Carriage of Dangerous Goods by Road and the current edition of the United Nations Recommendations on the Transport of Dangerous Goods [ISBN 0 11 551265 9] may be obtained from The Stationery Office: the current edition of the International Maritime Dangerous Goods Code [vols I to IV ISBN 92 801 1243 0, vol V, ISBN 92 801 1248 1] may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR; the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air [Doc 9284-AN/905 and supplement] may be obtained from the Civil Aviation Authority, Printing and Publishing Services, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire GL50 2BN; the British Standard BSEN 3-1: 1996 may be obtained from the British Standards Institution, British Standards House, 389 Chiswick High Road, London W4 4AL.

9. The Approved Explosive Vehicle Requirements may be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS; and all good booksellers.

10. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable on summary conviction to a fine not exceeding the statutory maximum (currently £5,000) or on conviction on indictment, to a fine.