

SCHEDULE 1

Regulation 3(2)

Disapplications to these Regulations

1. These Regulations shall not apply to or in relation to the transport—
 - (a) of any goods which are substances to which the Explosives Acts (Northern Ireland) 1875 to 1970⁽¹⁾ or the Explosives (Northern Ireland) Order 1972⁽²⁾ apply;
 - (b) of dangerous goods (other than radioactive material) in machinery or equipment which is not named individually in the Approved Carriage List and which happens to contain dangerous goods in its internal or operational equipment;
 - (c) of dangerous goods (other than radioactive material) from a container, tank or vehicle—
 - (i) which has been damaged as the result of an accident on a road or has broken down on a road, or
 - (ii) which has been damaged or derailed or has broken down on a railway, other than the siding on which it was loaded,to the nearest suitable, safe place, and in this sub-paragraph, “container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
 - (d) of luminous devices worn by a person or luminous devices as part of the vehicle;
 - (e) of no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kilobecquerels in any one vehicle;
 - (f) of gaseous tritium light devices with an individual activity not exceeding 10 gigabecquerels when no more than 5 such devices are transported in the vehicle;
 - (g) by road of dangerous goods (other than radioactive material) in a vehicle which is being used to transfer the goods between—
 - (i) private premises and another vehicle situated in the immediate vicinity of those premises, or
 - (ii) one part of private premises and another part of those premises situated in the immediate vicinity of that first part where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road;
 - (h) of dangerous goods (other than radioactive material) in a road construction vehicle engaged in the repair or construction of a road; and in this sub-paragraph—
 - (i) “built-in road construction machinery” means road construction machinery built in as part of a road construction vehicle or permanently attached to it,
 - (ii) “road construction machinery” means a machine or contrivance suitable for the repair and construction of roads, and
 - (iii) “road construction vehicle” means a vehicle constructed or adapted for the transport of built-in road construction machinery and not constructed or adapted for the transport of any other load, except articles and materials used for the purposes of that machinery;
 - (i) of live animals;
 - (j) of radioactive material contained in the body of any person as a result of the implantation in that person of a radioisotopic cardiac pacemaker or other device, or the diagnosis or treatment of that person with radiopharmaceuticals;
 - (k) in an agricultural vehicle of—

⁽¹⁾ 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)

⁽²⁾ S.I.1972/730 (N.I. 3)

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- (i) the goods listed in column 1 of the Approved Carriage List under the proper shipping name “DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT”—
 - (aa) with a total volume not exceeding 5,000 litres, and
 - (bb) from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 50 kilometres,
- (ii) the goods listed in column 1 of the Approved Carriage List under the proper shipping name “AMMONIUM NITRATE FERTILIZER, N.O.S.” or “AMMONIUM NITRATE FERTILIZERS”—
 - (aa) otherwise than in a tank,
 - (bb) with a total mass not exceeding 10 tonnes, and
 - (cc) from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 kilometres,
- (iii) a pesticide or a plant protection product (other than sulphuric acid, whether or not dilute, or a wood preservative) by road—
 - (aa) which is diluted ready for use or is otherwise in a condition ready for use,
 - (bb) in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations (Northern Ireland) 1987(3) or an approval under regulation 5 of the Plant Protection Products Regulations (Northern Ireland) 1995(4), or
- (iv) goods where—
 - (aa) the goods are being carried in packages and are diluted ready for use,
 - (bb) the total mass of the goods does not exceed 1 tonne, and
 - (cc) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 kilometres,

and in this sub-paragraph, “agriculture” and “agricultural vehicle” have the meanings assigned to them in regulation 2(1) of the CDG Road Regulations, “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985(5), “plant protection product” has the meaning assigned to it in regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995, and “wood preservative” means a pesticide for preserving wood;

- (l) by road of a flammable liquid with a flash point of not less than 32°C which is being transported in a volumetric prover or flammable liquid with a flash point of less than 32°C which is being transported in a volumetric prover which has been purged with nitrogen, and that volumetric prover—
 - (i) is not moved, driven or kept on a road, other than when it is nominally empty, and
 - (ii) has every opening and every valve closed during transport, other than those valves which need to be kept open to allow for liquid expansion on volumetric provers used for the measurement of liquefied petroleum gas,

and in this sub-paragraph “volumetric prover” means a tank or prover pipe with a capacity not exceeding 10m³ 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 road vehicle;

(3) S.R. 1987 No. 414, as amended by S.R. 1997 No. 469

(4) S.R. 1995 No. 371 to which there are amendments not relevant to these Regulations

(5) 1985 c. 48

- (m) by road of radioactive material which—
 - (i) is or forms part of an instrument of war or is required for research into or development or production of any such instrument or part of such an instrument or is produced in the course of or in connection with such a development or production, when the transport is on behalf of a Department of the Government of the United Kingdom or is in connection with the execution of a contract made with any such Department, or
 - (ii) is or forms part of an instrument of war when the transport is on behalf of a visiting force within the meaning of Part I of the Visiting Forces Act 1952⁽⁶⁾ or is in connection with the execution of a contract made with any such force;
- (n) of any of the following dangerous goods—
 - UN 2900 INFECTIOUS SUBSTANCES, 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 the goods are being transported in—

- (i) an agricultural or forestry tractor,
- (ii) mobile machinery for use on a road,
- (iii) a road vehicle with fewer than 4 wheels,
- (iv) a road vehicle with a maximum design speed of 25 kilometres per hour or less, or
- (v) a vehicle owned by the armed forces or under the control of the armed forces,

and in this sub-paragraph, “agricultural or forestry tractor” has the meaning assigned to it in regulation 2(1) of the CDG Road Regulations;

- (o) of dangerous goods where those goods are being carried as a result of an emergency, with the intention of saving human life or protecting the environment, provided that all measures are taken to ensure that such transport is carried out safely.

2. Regulation 4(1) shall not apply to or in relation to the transport in a vehicle by road or by railway of—

- (a) excepted packages, and in this sub-paragraph “excepted package” shall have the meaning assigned to it in regulation 1(2) of the Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations (Northern Ireland) 1998⁽⁷⁾;
- (b) dangerous goods (other than radioactive material)—
 - (i) in a receptacle in any package where the mass or volume of dangerous goods in that receptacle does not exceed the number specified in column 2 of Table 2 in Schedule 1 to the CDG Road Regulations opposite the entry in column 1 of that Table for the appropriate transport category of those goods,
 - (ii) in a receptacle which is a package, where the mass or volume of that package does not exceed the number specified in column 2 of Table 2 in Schedule 1 to the CDG Road Regulations opposite the entry in column 1 of that Table for the appropriate transport category of those goods,
 - (iii) in packages where the total mass or volume of packaged dangerous goods does not exceed the number specified in column 3 of Table 2 in Schedule 1 to the CDG Road

⁽⁶⁾ 1952 c. 67
⁽⁷⁾ S.R. 1998 No. 132

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Regulations opposite the entry in column 1 of that Table for the appropriate transport category of those goods,

and in this sub-paragraph “mass or volume” has the meaning assigned to it in regulation 2(3) of the CDG Road Regulations, “package” and “receptacle” have the meanings assigned to them in regulation 2(1) of the CDGCPL Regulations, “total mass or volume of packaged dangerous goods” has the meaning assigned to it in regulation 2(4) of the CDG Road Regulations, and “transport category” has the meaning assigned to it in regulation 2(1), as applied in accordance with regulation 2(5), of the CDG Road Regulations.

3. Regulation 4(1) shall not apply to an employer to whom dangerous goods are consigned and whose only involvement in the transport of those goods is in unloading those goods.
4. Regulation 4(1) shall not apply to an employer—
 - (a) whose main or secondary activity is not the transport of dangerous goods; and
 - (b) who occasionally engages in the transport of dangerous goods within the United Kingdom, and that transport does not create a significant risk to the health and safety of persons and to the environment.