
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 387

HEALTH AND SAFETY

**The Carriage of Explosives by Rail Regulations
(Northern Ireland) 2001**

Made 17th October 2001

Coming into operation 22nd November 2001

To be laid before Parliament 2001

ARRANGEMENT OF REGULATIONS

PART I

INTERPRETATION AND APPLICATION

1. Citation, commencement and interpretation.
2. Application.

PART II

REQUIREMENTS CONCERNING THE CARRIAGE OF EXPLOSIVES

3. Restrictions on the carriage of explosives.
4. Carriage of explosives on passenger trains.
5. Carriage in bulk.
6. Carriage in small containers.
7. Suitability of containers, packages and wagons.

PART III

INFORMATION

8. Classification, packaging and labelling of explosives.
9. Carriage information to be provided by consignors.
10. Carriage information to be provided to operators and infrastructure controllers.
11. Keeping of information by operators.
12. Information to be displayed on containers and wagons.
13. Information, instruction and training for train crews and other persons connected with the carriage of explosives.

PART IV

LOADING AND UNLOADING

14. Prohibitions on mixed loading and segregation of certain dangerous goods.
15. Loading, stowage and unloading of containers and wagons.
16. Supervision of loading and unloading and requirement to clean and stow safely.

PART V

SECURITY AND OTHER SAFETY MEASURES AND EMERGENCY ARRANGEMENTS

17. Marshalling and formation of trains.
18. Safe carriage and security.
19. Security measures.
20. Prevention of fire and explosion.
21. Emergency arrangements.

PART VI

MISCELLANEOUS AND GENERAL

22. Exemption certificates.
23. Defence.
24. International provisions.
25. Repeal.

SCHEDULES

- | | |
|------------|---|
| Schedule 1 | Disapplication of these Regulations. |
| Schedule 2 | Requirements for the carriage of explosives in small containers. |
| Schedule 3 | Suitability of large containers. |
| Schedule 4 | Information to be displayed on containers and wagons. |
| Schedule 5 | Prohibitions on mixed loading of explosives and certain dangerous goods. |
| Schedule 6 | Requirements for the loading, stowage, unloading and cleaning of containers and wagons carrying explosives. |
| Schedule 7 | Limits on net explosive content of explosives permitted to be carried in containers and wagons and separation distance. |
| Schedule 8 | Permitted mixed loads of explosives within different compatibility groups carried in containers and wagons. |

The Secretary of State, in exercise of powers conferred on him by Articles 17(1), (2), (3)(a), (4)(b), (5)(b) and (6)(b), 54(1) and (2) 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(a) 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 Executive for Northern Ireland and such other bodies as appear to him to be appropriate, hereby makes the following regulations:

PART I

INTERPRETATION AND APPLICATION

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Explosives by Rail Regulations (Northern Ireland) 2001 and shall come into operation on 22nd November 2001.

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

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

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

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

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

“carriage” means carriage by rail and shall be construed in accordance with regulation 2(6), and related words shall be construed accordingly;

“Carriage Information” means the information referred to and described in regulation 9(1) and (2);

“the CER Regulations” means the Carriage of Explosives by Road Regulations (Northern Ireland) 1997(f);

“classification” means classification under the 1991 Regulations;

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

“computer” means a computer system including its software;

(a) 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)

(b) S.R. 1991/516 as amended by S.R. 1997/474

(c) S.R. 1993/268

(d) 1995 edition, ISBN 0 11 55 1265 9 (UK)

(e) S.R. 1997/247 as amended by S.R. 1997/360

(f) S.R. 1997/474

“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 regulation 9(2)(b)(v);

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

“COTIF” means the Convention concerning International Carriage by Rail, as revised or re-issued from time to time^(a);

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

“danger sign” means any of the signs referred to and described in paragraph 5 or 6 of Schedule 4;

“designation” in relation to a classified explosive means the name given for that explosive in the list of classified and authorised explosives 1994^(b) or the Ministry of Defence’s Lists of Temporary and Permanent Classifications for Military Explosives^(c), as revised or re-issued from time to time;

“the Directive” means Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;

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

“explosives” means explosive articles or explosive substances which—
(a) have been assigned on classification to Class 1 in accordance with the 1991 Regulations; 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) Cmnd 5897

(b) ISBN 0 7176 0772 0

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

a result of non-detonative self-sustaining exothermic chemical reactions;

“facility owner” means—

- (a) any person who has an estate or interest in, or right over, a railway facility; and
- (b) any person whose permission to use that railway facility is needed by another before that other may use it;

and any reference to a facility owner’s railway facility is a reference to the railway facility by reference to which he is a facility owner;

“factory” has the meaning assigned to it by section 175 of the Factories Act (Northern Ireland) 1965(a);

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

“harbour area” means—

- (a) (i) all areas of water within the statutory jurisdiction of a statutory harbour authority, other than the areas of water referred to in sub-paragraph (b);
- (ii) any berth, abutting any of the areas of water falling within head (i), where the loading or unloading of explosives takes place (whether or not that berth is for other purposes under the statutory jurisdiction of the harbour authority);
- (iii) any land, within the statutory jurisdiction of a statutory harbour authority or occupied by a statutory harbour authority, used in connection with the loading or unloading of vessels,

but excluding—

- (b) areas of water which are within the statutory jurisdiction of another statutory harbour authority where those areas of water are used primarily by vessels using berths or land within the harbour area of that other statutory harbour authority (for the purpose of these Regulations the harbour area of that other statutory harbour authority is known as “an overlapping harbour area”);

“harbour authority” means—

- (a) in relation to a harbour area, the harbour authority by reference to which that harbour area is defined,
- (b) in relation to a harbour, any person being, or claiming to be—
 - (i) the proprietor of that harbour, or
 - (ii) entrusted with the duty, or invested with the power of improving, managing, maintaining or regulating that harbour;

“hazardous properties” has the meaning assigned to it in regulation 2(1) of the CDG CPL Regulations;

(a) 1965 c. 20 (N.I.)

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organisation(a);

“infrastructure controller” means a person who controls railway infrastructure;

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

“locomotive” means any railway vehicle which has the capacity for self-propulsion (whether or not the power by which it operates is derived from a source external to the vehicle);

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for Defence;

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

“mine” means a mine within the meaning of the Mines Act (Northern Ireland) 1969(b);

“net explosive content” means the net mass of explosive substance in that explosive article;

“overpack” has the meaning assigned to it in regulation 2(1) of the CDG CPL Regulations;

“package” and “packagings” have the meanings assigned to them in regulation 2(1) of the 1993 Regulations;

“piggyback transport” means the carriage of a road vehicle on a wagon;

“quarry” means a quarry within the meaning of the Quarries (Northern Ireland) Order 1983(c);

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is—

- (a) a tramway or system of transport used wholly or mainly for the carriage of passengers where the rails are laid wholly or mainly across a street or in any place to which the public may have access; or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

“railway facility” means any track, station or light maintenance depot;

“railway fog signal” means a railway track explosive signal, in Division 1.4, and Compatibility Group S and with the UN number 0193;

“receptacle” has the meaning assigned to it in regulation 2(1) of the CDG CPL Regulations;

(a) Volumes I to IV, ISBN 92 801 13143; Supplement ISBN 92 801 1316X
(b) 1969 c. 6 (N.I.)
(c) S.I. 1983/150 (N.I. 4)

“RID” has the meaning assigned to it in regulation 2(1) of the CDG CPL Regulations;

“road vehicle” means any conveyance which is used for the carriage of explosives on a road;

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

“smokeless powder” means the explosive substance allocated on classification the UN Number 0160 or 0161;

“station” means any land or other property which consists of premises used as, or for the purposes of, or otherwise in connection with, a railway passenger station or railway passenger terminal (including any approaches, forecourt, cycle store or car park), whether or not the land or other property is, or the premises are, also used for other purposes;

“subsidiary hazard sign” means any of the signs which are referred to and described in paragraph 7 or 8 of Schedule 4;

“tank container” and “tank wagon” have the meanings assigned to them in regulation 2(1) of the CDG CPL Regulations;

“track” means any land or other property comprising the permanent way of any railway, taken together with the ballast, sleepers and metals laid on it, whether or not the land or other property is also used for other purposes, and any reference to track includes a reference to any—

- (a) level crossings, bridges, viaducts, tunnels, culverts, retaining walls or other structures used for the support of, or otherwise in connection with, track; and
- (b) walls, fences or other structures bounding the railway or bounding any adjacent or adjoining property;

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock;

“train operator” in relation to any train means any person who has the management of that train for the time being, and related expressions shall be construed accordingly;

“unclassified” in relation to any explosives means explosives which have not been classified in accordance with the 1991 Regulations;

“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;

“wagon” means a railway vehicle, other than a tank wagon, used for the carriage of explosives.

- (3) For the purposes of these Regulations—
- (a) the operator of a container or wagon shall be either—
- (i) the person who, having a place of business in Northern Ireland, owns the container or wagon concerned, or
 - (ii) if no person satisfies the requirements of head (i), the person who, having a place of business in Northern Ireland, acts as agent for the owner of the container or wagon, or
 - (iii) if no person satisfies the requirements of either head (i) or head (ii), the operator of the train on which the container is carried or of which the wagon forms part;
- (b) the members of the train crew shall include the driver, guard and any other person on board who has responsibilities in connection with the carriage of explosives on that train, and related expressions shall be construed accordingly;
- (c) “carriage in bulk” means the carriage of explosives without packagings;
- (d) any reference to explosives being carried in a wagon or large container under sole use shall be a reference to the carriage of a load of explosives which originate from one consignor in respect of which—
- (i) the use of the wagon or large container concerned is exclusively reserved; and
 - (ii) all operations for the loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.

(4) For the purposes of paragraph (3)(a), a person to whom a container or wagon is leased or hired shall be deemed to be the owner of it unless the lessor or, as the case may be, the hirer has made a written agreement with the person to whom he has leased or hired the container or wagon to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

- (5) In these Regulations—
- (a) “a train owned by the armed forces” means a train which is owned by—
- (i) Her Majesty’s Forces,
 - (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952(a), or
 - (iii) any headquarters or organisation designated for the purposes of the International and Headquarters and Defence Organisations Act 1964(b);
- (b) “a train under the control of the armed forces” means a train on board which there is, as a member of its crew—
- (i) a member of Her Majesty’s Forces,

(a) 1952 c. 67
(b) 1964 c. 5

- (ii) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952, or
- (iii) a civilian who is an employee of Her Majesty's Forces, acting in the course of his duties.

(6) For the purposes of regulations 3, 4, 16 and 19 where explosives are being carried by a passenger, the members of the crew of the train on which they are being carried shall not be treated as though they too are carrying those explosives.

Application

2.—(1) Subject to paragraphs (3) and (4), these Regulations shall apply to and in relation to the carriage of any explosives in a container, package or wagon, except where—

(a) the carriage commences and terminates within the same factory, harbour area, military establishment, mine or quarry;

(b) the carriage fulfils the conditions referred to in paragraph (2).

(2) The conditions referred to in paragraph (1)(b) are—

(a) the carriage is by any person whose main activity is not the carriage of explosives;

(b) the carriage is for—

(i) survey, repair or maintenance activities, or

(ii) deliveries to building or civil engineering sites; and

(c) the carriage is of explosives which are in compliance with the requirements of these Regulations subject to the exceptions specified in Schedule 1.

(3) Regulations 3, 5 to 12 and 14 to 15, shall not apply to the carriage of explosives where—

(a) the carriage 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 signatory and conforms with any conditions attached to that agreement;

(b) the carriage forms part of an international transport operation within the meaning of COTIF and conforms in every respect with the provisions of RID;

(c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of COTIF to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement;

(d) the explosives 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 carriage is carried out safely.

(4) Regulations 7 to 8 shall not apply to or in relation to the carriage of explosives in a road vehicle where, prior to being carried by rail, that road vehicle carried those explosives by road in accordance with the CER Regulations.

(5) Regulations 9 to 12 shall not apply to or in relation to the carriage of explosives from a container or wagon which has been damaged as the result of an accident on a railway or has broken down on a railway, (other than on the siding on which it was loaded), to the nearest suitable, safe place with a view to that container or wagon or any other receptacle which is carrying those explosives being repaired, cleaned or purged prior to the safe removal of those explosives provided—

(a) all reasonable steps have been taken to prevent any leakage of those explosives; and

(b) the prior consent is obtained of the train operator and each infrastructure controller on whose railway the explosives are to be carried.

(6) For the purposes of these Regulations, a container, package or wagon shall be deemed to be engaged in the carriage of explosives throughout the period commencing—

(a) in the case where the relevant container, package or wagon has been loaded with the explosives before being brought onto the railway, from the time when the container, package or wagon is brought onto the railway for the purpose of carrying those explosives; or

(b) in the case where the relevant container, package or wagon has been brought onto the railway before the commencement of loading, from the commencement of loading the container, package or wagon with the explosives for the purpose of carrying them,

until the time when either—

(c) the container, package or wagon is removed from the railway; or

(d) the container, package or wagon and, where appropriate, any compartment of it has been unloaded and, where necessary, cleaned, purged or decontaminated so that any of the explosives or their vapours which remain in it are not sufficient to create a significant risk to the health or safety of any person.

PART II

REQUIREMENTS CONCERNING THE CARRIAGE OF EXPLOSIVES

Restrictions on the carriage of explosives

3.—(1) A person shall not cause nor permit to be carried any unclassified explosives.

(2) A person shall not cause nor permit to be carried any explosives, except in accordance with these Regulations.

(3) A person shall not cause nor permit to be carried any explosives in a tank container or tank wagon.

(4) Except as provided for in paragraphs (6) and (13), explosives shall only be carried in closed containers or in closed wagons.

(5) A person shall not cause nor permit to be carried any explosives in Compatibility Group K unless—

(a) the explosives are to be carried for the purpose of explosive ordnance disposal under the direction of a member of Her Majesty's Forces or a person authorised by the Secretary of State for Defence; and

(b) the approval has been obtained of—

(i) the train operator, in whose train the explosives are to be carried; and

(ii) the infrastructure controller, on whose railway those explosives are to be carried.

(6) A person shall not cause nor permit to be carried any explosive substances in an open container or open wagon unless—

(a) the explosive substances form part of equipment or material belonging to Her Majesty's Forces or under the direction of a member of Her Majesty's Forces or a person authorised by the Secretary of State for Defence;

(b) the explosive substances are carried under the direction of a member of Her Majesty's Forces or a person authorised by the Secretary of State for Defence; and

(c) means of initiation not having at least two effective protective devices are removed or the explosive substances are in a locked military vehicle.

(7) A person shall not cause nor permit to be carried any explosive substances in Compatibility Group A.

(8) A person shall not cause nor permit to be carried any explosives in Compatibility Group L other than in a load which is under sole use.

(9) A person shall not cause nor permit to be carried in any container or wagon explosives with a net explosive content exceeding 20 tonnes unless such explosives are in Division 1.4.

(10) (a) A person shall not cause nor permit to be carried in any adjacent group of containers or wagons explosives of the type specified in column 1 of Schedule 7 with a net explosive content exceeding that specified for that type of explosives in the corresponding entry in column 2;

(b) where a train comprises more than one such group of adjacent containers or wagons, the train operator shall ensure that the minimum separation distance between the nearest parts of each such group shall be that specified in the corresponding entry in column 3 of Schedule 7.

(11) Subject to paragraph (12) a person shall not cause nor permit to be carried any explosives within different Compatibility Groups (other than those in the Division 1.4), in the same container or wagon unless effective measures have been taken to ensure that the carriage of such a mixed load is

no more dangerous than would be the carriage of the same quantity of explosives within any one of the Compatibility Groups in the load.

(12) Nothing in paragraph (11) shall apply to the carriage of explosives within different Compatibility Groups mixed in accordance with Schedule 8 to these Regulations.

(13) A person shall not cause nor permit to be carried any explosive articles in an open container or open wagon unless—

- (a) by reason of their packaged weight or dimension, it is not possible to carry the articles concerned in a closed container or closed wagon; or
- (b) (i) the explosive articles form part of equipment or material belonging to Her Majesty's Forces or under the direction of a member of Her Majesty's Forces or a person authorised by the Secretary of State for Defence;
- (ii) the explosive articles are carried under the direction of Her Majesty's Forces or a person authorised by the Secretary of State for Defence; and
- (iii) means of initiation not having at least two effective protective devices are removed or the explosive articles are in a locked military vehicle.

(14) Any person who causes or permits to be carried any explosive articles in an open container or open wagon in accordance with paragraph (13) shall ensure that the articles concerned are completely covered by sheeting and that the sheeting is securely fixed to the open container or open wagon concerned except where it would not be—

- (a) reasonably practicable to cover the explosive articles with such sheeting; and
- (b) necessary for their protection.

(15) In this regulation—

“means of initiation” means a device intended to cause the detonation of an explosive; and

“military vehicle” means a vehicle which is owned by Her Majesty's Forces, 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.

Carriage of explosives on passenger trains

4.—(1) Subject to paragraph (2), a person shall not carry any explosives on a passenger train.

(2) Notwithstanding paragraph (1)—

- (a) gunpowder or smokeless powder or any mixture of them; and
- (b) explosives in Compatibility Group S;

may be carried in a passenger train provided the person complies with the conditions specified in paragraph (3).

(3) The conditions referred to in paragraph (2) are that—

(a) subject to paragraph (4), the person concerned has obtained the approval of the train operator;

(b) subject to paragraph (4), the explosives are kept with the person concerned and are kept properly packed;

(c) the net explosive content of explosives carried by the person concerned does not exceed 2 kilograms; and

(d) all reasonable precautions are taken by the person concerned to prevent accidents arising from the explosives being carried.

(4) Nothing in sub-paragraphs (a) and (b) of paragraph (3) shall apply to the carriage of railway fog signals.

Carriage in bulk

5. A person shall not cause nor permit the carriage in bulk of explosives which are explosive substances.

Carriage in small containers

6. An operator of a small container shall not cause nor permit to be carried in it any explosives unless he complies with the requirements specified in Schedule 2 relating to those explosives.

Suitability of containers, packages and wagons

7.—(1) An operator of any container or wagon shall not cause nor permit to be carried in it any explosives unless the container or wagon concerned—

(a) is suitable for the purpose of such carriage; and

(b) has been adequately maintained.

(2) A train operator shall not cause nor permit to be carried in his train any explosives in any container or wagon unless he has taken all reasonable steps to ensure that it complies with paragraph (1).

(3) A train operator shall not cause nor permit to be carried in his train any explosives in a package unless he has taken all reasonable steps to ensure that the package—

(a) is suitable for such carriage; and

(b) has been adequately maintained.

(4) In this regulation the expression “suitable for such carriage” means suitable having regard to—

(a) the nature and circumstances of the journey to be undertaken; and

(b) the hazardous properties and quantities of the explosives and of all other goods to be carried with them.

(5) An operator of any large container shall not cause nor permit any explosives to be carried in it unless it is checked before loading to ensure that—

- (a) it is free from any residue of a previous load; and
- (b) the interior floor and walls are free from protrusions.

(6) An operator of any large container, which has corner fittings for the purpose of securing or handling it and which is of a size such that the area enclosed by the outer bottom corners is either—

- (a) if the container is fitted with top corner fittings, at least 7 square metres; or
- (b) in any other case, at least 14 square metres,

shall not cause nor permit any explosives to be carried in it unless it complies with the requirements of the International Convention for Safe Containers 1972 signed at Geneva on 2nd December 1972 and ratified by the United Kingdom on 8th March 1978 (published by the International Maritime Organisation, 4th Edition, 1996).

(7) No operator of any large container which—

- (a) is 6 or more metres long; or
- (b) is—
 - (i) 2.991 metres long, and
 - (ii) 2.438, 2.5 or 2.6 metres wide,

shall cause or permit to be carried in it any explosives unless that container complies with the requirements of those International Union of Railways UIC leaflets particularised in paragraph (8).

(8) The leaflets referred to in paragraph (7) are—

- (a) 590-10th edition, 1st January 1979 (as amended on 1st July 1979, and in 1981, 1985 and 1994 and updated on 1st January 1989);
- (b) 592-2-5th edition of 1st July 1996;
- (c) 592-3-1st edition, 1st July 1977 (as amended in 1979 and 1985); and
- (d) 592-4-1st edition, 1985 (as amended in 1987, 1989, 1990, 1991, 1992 and 1995 and reprinted on 1st July 1995).

(9) No operator of any large container shall cause or permit to be carried in it any explosives unless the requirements specified in Schedule 3 are complied with.

(10) In this regulation, “corner fittings” means an arrangement of apertures and faces at either the top or the bottom or both at the top and the bottom of the container for the purposes of handling, stacking and securing or any of those purposes.

PART III

INFORMATION

Classification, packaging and labelling of explosives

8. An operator of a container or wagon shall not cause nor permit to be carried in it any explosives—

- (a) to which the 1991 Regulations apply, unless he has taken all reasonable steps to ensure that those explosives have been classified and labelled in accordance with those Regulations;
- (b) to which the 1993 Regulations apply, unless he has taken all reasonable steps to ensure that those explosives have been packaged in accordance with those Regulations.

Carriage Information to be provided by consignors

9.—(1) Subject to paragraph (3), any consignor of explosives shall ensure that any operator of a container or wagon engaged by him to carry those explosives is provided with the information specified in paragraph (2), in these Regulations referred to as the Carriage Information.

(2) The Carriage Information shall be provided in documentary form prior to carriage and shall comprise—

- (a) in relation to each of the explosives being consigned—
 - (i) the designation,
 - (ii) the classification code, preceded by the word “Class” or the classification,
 - (iii) the UN number, preceded by the letters “UN”,
 - (iv) the Compatibility Group and Division of each type of explosive carried and the net explosive content,
 - (v) in the case of explosives in Compatibility Group C, D or G, whether the explosives are explosive articles or explosive substances,
 - (vi) the mass or volume of those explosives, and
- (b) in relation to the consignment as a whole—
 - (i) the total mass or volume of the explosives consigned,
 - (ii) the name and address of the consignor,
 - (iii) the names and addresses of all consignees, if known,
 - (iv) the name and telephone number where specialist advice concerning the explosives being carried can be obtained in English at any time, and
 - (v) a statement dated and signed or authenticated by or on behalf of the consignor, (in these Regulations referred to as “the consignor’s declaration”), confirming that, in accordance with the relevant provisions of these Regulations, the 1991 Regulations, the 1993 Regulations and the CDG CPL Regulations,—
 - (aa) the explosives as presented may be carried,
 - (bb) the explosives and any packaging in which they are contained are in a fit condition for carriage and are properly labelled, and
 - (cc) where several packages are packed together in an overpack or in a single container, that this mixed packing is not prohibited.

(3) Paragraph (1) shall not apply in circumstances where the consignor is also the operator provided he is carrying the explosives on his own behalf.

(4) A consignor or anyone acting on his behalf shall not provide false nor misleading information to any operator concerning the explosives to be carried.

Carriage Information to be provided to operators and infrastructure controllers

10.—(1) Any operator of any container or wagon which is being used for the carriage of explosives shall ensure that any train operator who has undertaken to carry that container or wagon is provided with the Carriage Information.

(2) Any operator of a large container which is being used for the carriage of explosives, where those explosives are intended for carriage by sea, shall ensure that any train operator who has undertaken to carry that large container is provided with a container packing certificate comprising the information set out in paragraph 12.3.7 of the International Maritime Dangerous Goods Code, as revised or reissued from time to time by the International Maritime Organisation [Current Edition: Volumes I to IV ISBN 92-801-1465-4].

(3) Any consignor of explosives for carriage, other than in a container or wagon, shall ensure that any train operator engaged by him to carry those explosives is provided with the Carriage Information.

(4) Any train operator who engages another train operator to carry explosives shall ensure that that train operator is provided with the Carriage Information.

(5) The operator of any train which is being used for the carriage of explosives shall ensure that each infrastructure controller on whose railway the explosives are to be carried is provided with the Carriage Information.

(6) An operator of a container, wagon or train or anyone acting on his behalf shall not provide false nor misleading information to any other operator engaged by him concerning the explosives to be carried.

Keeping of information by operators

11. The operator of any container or wagon which is used for the carriage of explosives and the train operator on whose train such explosives are carried shall keep a record of the Carriage Information in respect of each journey by train undertaken by the container or wagon concerned for a period of at least three months after the completion of the relevant journey.

Information to be displayed on containers and wagons

12.—(1) The operator of any container or wagon which is being used for the carriage of explosives shall ensure that information concerning those explosives is displayed on the container or wagon concerned in accordance with Schedule 4.

(2) A person shall not cause or permit any of the information referred to in Schedule 4 to be displayed on any container or wagon concerning any explosives which are no longer being carried in it.

(3) A person shall not cause or permit any information to be displayed on any container or wagon which would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 4.

(4) Nothing in these Regulations shall prevent the display of information on any container or wagon, in addition to the information required to be displayed in accordance with Schedule 4, concerning any explosives which are being carried in it.

(5) The operator of any container or wagon which is being used for the carriage of explosives shall ensure that any danger sign or subsidiary hazard sign affixed to it in accordance with Schedule 4 is clean and free from obstruction when the container or wagon concerned is handed over to the train operator.

(6) An operator of a train shall not cause or permit to be carried in it any explosives in a container or wagon unless he has taken all reasonable steps to ensure that information concerning those explosives is displayed on the container or wagon concerned in accordance with Schedule 4.

(7) The operator of any train which is being used for the carriage of explosives in a container or wagon shall take all reasonable steps to ensure that any danger sign and subsidiary hazard sign affixed to it in accordance with Schedule 4 is kept clean and free from obstruction until the container or wagon concerned is handed over to the consignee.

(8) A person shall not—

(a) remove any danger sign or subsidiary hazard sign affixed in accordance with Schedule 4 from a container or wagon which is being used for the carriage of explosives except for the purpose of updating the information on it;

(b) falsify any of the information on any such sign.

Information, instruction and training for train crews and other persons connected with the carriage of explosives

13.—(1) The operator of any train which is being used for the carriage of explosives shall ensure that those members of the crew of that train who have responsibilities in connection with the carriage of the explosives concerned have received adequate information, instruction and training to enable them to understand—

(a) the nature of the dangers to which the explosives being carried may give rise and the action which they should take in an emergency concerning them; and

(b) their duties under these Regulations and Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978(a).

(2) The train operator shall keep a record of any training received by members of a train crew pursuant to paragraph (1) whilst in his employment

(a) S.I. 1978/1039 (N.I. 9) as modified and amended

and shall make a copy of that record available to the crew members concerned.

(3) The infrastructure controller shall ensure that those of his employees who have responsibilities in connection with the carriage of explosives on his railway have received adequate information, instruction and training to enable them to understand—

- (a) the nature of the dangers to which the explosives being carried may give rise and the action which they should take in an emergency concerning them; and
- (b) their duties under these Regulations and Articles 8 and 9 of the Health and Safety at Work (Northern Ireland) Order 1978.

(4) The infrastructure controller shall keep a record of any training received by employees pursuant to paragraph (3) and shall make a copy of that record available to the employees concerned.

PART IV

LOADING AND UNLOADING

Prohibitions on mixed loading and segregation of certain explosives

14.—(1) A person shall not cause or permit to be carried in any container or wagon any of the mixed loads of explosives and any other dangerous goods specified in Schedule 5.

(2) A train operator shall not cause nor permit to be carried in his train any consignment of explosives unless that consignment is adequately segregated from any other consignment of explosives or dangerous goods carried with it in such a way as to prevent the creation of a significantly greater risk than each of the consignments is liable to create separately.

Loading, stowage and unloading of containers and wagons

15.—(1) The operator of a container or wagon which is being used for the carriage of explosives and any other person engaged in such carriage shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which explosives are loaded, stowed or unloaded from the container or wagon concerned is liable to create a significant risk or increase significantly any existing risk to the health or safety of any person.

(2) Without prejudice to the generality of paragraph (1), a person shall not cause or permit to be carried in any large container or wagon any package containing explosives unless any requirements specified in Schedule 6 relating to those explosives have been complied with.

(3) The operator of any container or wagon which is to be loaded with explosives shall ensure that those explosives will not, in conjunction with any product remaining in the container or wagon concerned, create a significant risk or significantly increase any existing risk to the health or safety of any person which arises out of the presence of that remaining product.

(4) A person shall not cause or permit any food, or any fodder or feeding stuff for animals, birds or fish, to be carried in any container, or wagon which is—

- (a) being used for the carriage of explosives, or
- (b) empty, uncleaned, having been used for the carriage of explosives unless that food, fodder or feeding stuff is effectively separated from the explosives by completed partitions as high as the packages containing the explosives or a space of at least 0.8m, or is otherwise adequately protected by additional packaging or complete coverage of those explosives for the risk of contamination by the explosives.

(5) The operator of any container or wagon which has been used for the carriage of packages labelled as containing toxic subsidiary hazard explosives shall ensure that—

- (a) after unloading it is checked for any residue of the load; and
- (b) where the explosives have leaked and been spilled in the container or wagon—
 - (i) all other goods and articles carried therein are examined for possible contamination, and
 - (ii) the container or wagon concerned is not reused until after it has been thoroughly cleaned and, if necessary, decontaminated.

Supervision of loading and unloading and requirement to clean and stow safely

16.—(1) The consignor of explosives, other than explosives contained in a sealed container or sealed wagon, shall—

- (a) appoint a responsible person; and
- (b) ensure that that person is in constant attendance during the loading of those explosives.

(2) The consignee of the explosives referred to in paragraph (1) shall—

- (a) appoint a responsible person; and
- (b) ensure that that person is in constant attendance during the unloading of those explosives.

(3) The operator of that container or wagon which is being used for the carriage of explosives shall ensure that—

- (a) prior to loading, the floor of the container or wagon concerned is properly cleaned;
- (b) the explosives are stowed in the container or wagon so that they cannot move or shift in such a way as to create a significant risk or increase significantly any existing risk to the health or safety of any person during carriage.

(4) Other than any person directly concerned with the carriage of the explosives, a person shall not come within 25 metres of those explosives without reasonable cause whilst they are being loaded into or unloaded from any container or wagon.

(5) A person shall not smoke nor carry any source of ignition in the vicinity of explosives whilst they are being loaded into or unloaded from any container or wagon.

PART V

SECURITY AND OTHER SAFETY MEASURES AND EMERGENCY ARRANGEMENTS

Marshalling and formation of trains

17. The operator of a train which is being used for the carriage of explosives shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

Safe carriage and security

18. Every person engaged in the carriage of explosives shall take all reasonable steps to—

- (a) ensure that nothing is done during that carriage to create a significant risk or increase significantly any existing risk to the health or safety of any person; and
- (b) prevent unauthorised access to the explosives.

Security measures

19.—(1) Where explosives are to be carried in a closed container or closed wagon the operator of it shall ensure that it is sealed prior to carriage to prevent unauthorised access.

(2) The train operator and the infrastructure controller shall ensure that the security of any container or wagon which is being used for the carriage of explosives is maintained whenever the train is stationary.

(3) The train operator shall ensure that the carriage of the explosives is completed within a reasonable length of time, having regard to the distance involved.

(4) The consignee of explosives which have been carried by train shall ensure that the explosives are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

Prevention of fire, and explosion

20. A person shall not cause nor permit anything to be done which is liable to create a significant risk or increase significantly any existing risk of a fire or an explosion whilst explosives are being carried in any container, package or wagon.

Emergency arrangements

21. Train operators, facility owners and infrastructure controllers shall—

- (a) draw up and, where appropriate, give effect to such safety systems and procedures as will adequately deal with any emergency involving explosives—
 - (i) being carried by the relevant train,
 - (ii) present at the relevant railway facility, or
 - (iii) present on the relevant railway, and
- (b) co-operate with each other so as to ensure effective co-ordination of their respective safety systems and procedures.

PART VI

MISCELLANEOUS AND GENERAL

Exemption certificates

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

- (a) any person or class of persons;
- (b) any explosives or class of explosives; or
- (c) any container, package or wagon,

from any or all of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the 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) any conditions which he proposes to attach to the exemption, and
- (b) any other requirements imposed by or under any enactments which apply to the case,

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

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any person from all or any of the requirements or prohibitions imposed by these Regulations in so far as they relate to the carriage of any explosives and any such exemption may be granted subject to the conditions and to a limit of time and may be revoked by the said Secretary of State at any time by a further certificate in writing.

Defence

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

(2) The person charged shall not, without leave of the court, be entitled to rely upon 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 such information identifying or assisting in the identification of the other person, as was then in his possession.

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

International provisions

24.—(1) Where, in relation to the carriage of any explosives, any provision of regulations 3, 5 to 12 or 14 to 15 applies to a matter to which any specified international provision also 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.

(2) For the purposes of paragraph (1), the specified international provision means any provision of—

(a) ADR;

(b) the IMDG Code; or

(c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as revised or re-issued from time to time by the International Civil Aviation Organization^(a).

Repeal

25. Section 35 of the Explosives Act 1875^(b) (which purports to impose a duty on railway companies which carry explosives to make and publish byelaws in relation to their carriage) is hereby repealed to the extent that it imposes a duty upon every railway company over whose railway any explosives are carried and in this regulation the expression “railway company” has the meaning assigned to it in section 108 of that Act.

Northern Ireland Office
17th October 2001.

Dr. John Reid
One of Her Majesty’s Principal
Secretaries of State

^(a) Current edition and supplement (1995-1996): Doc 9284-AN/905
^(b) 1875 (38 & 39 Vict. c. 17)

Disapplications of these Regulations

These Regulations shall not apply where—

- (a) (i) the explosives carried are explosive substances in Compatibility Group G and Division 1.1 or 1.3 not exceeding 20 kilograms in quantity,
 - (ii) the explosives carried are explosive articles in Compatibility Group B and Division 1.1 or 1.2 not exceeding 20 kilograms in quantity,
 - (iii) the explosives carried are—
 - (aa) explosives of a type marked with an asterisk in Part II of Schedule 1, or
 - (bb) smokeless powder in Division 1.3 (being the explosive substance allocated on classification the UN Number 0161),and the total quantity of all such explosives carried in the vehicle does not exceed 100 kilograms,
 - (iv) the explosives carried are in Division 1.4 and are—
 - (aa) articles in Compatibility Group B or substances in Compatibility Group G not exceeding (in either case) 300 kilograms in quantity,
 - (bb) articles in Compatibility Group C, D, E, F or G or substances in Compatibility Group C or D not exceeding (in either case) 500 kilograms in quantity, or
 - (cc) in Compatibility Group S in which case no upper limit applies, or
 - (v) the explosives carried are 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; and
- (b) a mixed load of explosives is carried in a single vehicle in accordance with regulation 14, and the sum of the figures calculated by reference to paragraphs (i) to (v) does not exceed 1,000—
- (i) the quantity of explosives as referred to in sub-paragraph (a)(i) and (ii) multiplied by 50,
 - (ii) the quantity of explosives as referred to in sub-paragraph (a)(iii) multiplied by 10,
 - (iii) the quantity of explosives as referred to in sub-paragraph (a)(iv)(aa) multiplied by 3,
 - (iv) the quantity of explosives as referred to in sub-paragraph (a)(iv)(bb) multiplied by 2, and
 - (v) the quantity of explosives as referred to in sub-paragraph (a)(v) multiplied by 20.

**Requirements for the carriage of Explosive substances and
Articles in small containers**

1.—(1) The carriage of EXPLOSIVE SUBSTANCES OR ARTICLES in small containers is permitted provided they are contained in packages.

(2) Where explosive substances of Division 1.1C, 1.1D, 1.1G, 1.3C and 1.3G and fireworks of Division 1.1G, 1.2G and 1.3G are carried in small containers, the floor of those containers shall have a non-metallic surface or covering.

Suitability of Large Containers

1. Large containers used for the carriage of explosives shall be structurally serviceable and free from unacceptable deterioration in any component.

2. In this Schedule—

“major defects” means—

- (a) dents or bends, greater than 19mm in depth but regardless of length, in structural members;
- (b) cracks or breaks in structural members;
- (c) more than one splice or an improper splice, such as a lapped splice, in top or bottom end rails or door headers;
- (d) more than two splices in any one top or bottom side rail;
- (e) any splice in a door sill or corner post;
- (f) door hinges and hardware that are seized, twisted, broken, missing or otherwise inoperative;
- (g) non-closing gaskets and seals;
- (h) any distortion of the overall configuration sufficient to prevent proper alignment of handling equipment, mounting and security on a chassis or wagon;

“structurally serviceable” means free from major defects in its structural components including top and bottom side rails, top and bottom end rails, door sill and header, floor cross members, corner posts and corner fittings; and

“unacceptable deterioration in any component” includes rusted metal in sidewalls or disintegrated fibreglass, regardless of the material of construction, but does not include normal wear (including oxidation (rust), slight dents, scratches, and other damage that does not affect serviceability or weather-tightness).

INFORMATION TO BE DISPLAYED ON CONTAINERS AND WAGONS

Requirements

1.—(1) Where explosives in packages or unpackaged explosive articles are being carried in a container or wagon and those explosives are such that—

- (a) a label is required by regulation 6(1), (2), (3) or (4) of the 1991 Regulations to be displayed on packages containing those explosives or on unpackaged explosive articles, subject to sub-paragraphs (2) and (3), a danger sign ascertained in accordance with paragraphs 5 and 6 shall be affixed to or displayed on the outside of the container or wagon concerned;
- (b) a label is required by regulation 6(5) and (6) of the 1991 Regulations to be displayed on packages containing those explosives or on unpackaged explosive articles, a subsidiary hazard sign ascertained in accordance with paragraphs 7 and 8 shall be affixed to or displayed on the outside of the container or wagon concerned, as follows—
 - (i) the danger sign on each side of the container or wagon; and
 - (ii) the subsidiary hazard sign, if any, adjacent to and on the same horizontal plane as each danger sign.

(2) Where explosives with different Compatibility Groups are being carried in the same container or wagon, the Compatibility Group Letters for those Groups shall not be shown on the danger sign required to be affixed to the container or wagon concerned.

(3) Where explosives with different Division numbers are being carried in the same container or wagon, the Division number amongst them which comes highest in the following list (that is 1.1 highest), 1.5, 1.2, 1.3, 1.6 and 1.4 (lowest), shall be shown on the danger sign required to be affixed to the container or wagon concerned, except that where explosives with a Division number of 1.2 are carried together with explosives with a Division number of 1.5 the Division number of 1.1 shall be shown on the danger sign.

(4) Nothing in this Schedule shall require a danger sign for a particular classification or a subsidiary hazard sign for a particular subsidiary hazard to be displayed more than once on the side of any container or wagon.

Piggyback transport

2.—(1) Subject to sub-paragraph (2), where explosives are being carried by piggyback transport, the wagon shall display—

- (a) the danger sign on each side; and
- (b) the subsidiary hazard sign, if any, adjacent to and on the same horizontal plane as the danger sign.

(2) Paragraph (1) shall not apply where the road vehicle being carried displays information concerning the explosives being carried in accordance with regulation 15 of the CER Regulations and that information is clearly visible.

3. Each danger sign and subsidiary hazard sign required to be displayed under this Schedule shall—

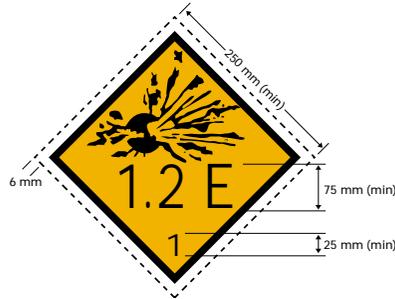
- (a) be in the form of a square set with its side at an angle of 45° to the vertical; and

(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.

4. Each danger sign and subsidiary hazard sign required to be displayed under this Schedule shall be clearly visible.

5. Where explosives in Division 1.1, 1.2 or 1.3 are carried in a wagon 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);



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

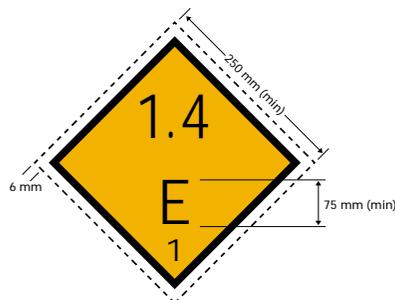
(c) have a pictograph of a bomb blast filling most of the upper half;

(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.

6. Where explosives in Division 1.4, 1.5 or 1.6 are carried in a wagon 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);



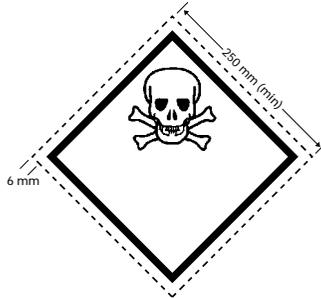
(b) comply with the measurements in the diagram except that larger measurements, increased proportionally, may be used;

(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.

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

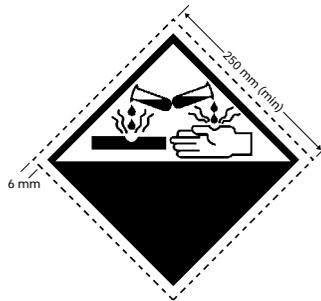
- (a) are in the form of the following diagram; and



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

8. Where explosives allocated on classification the UN Number—

- (a) 0015, 0016 or 0303, provided that those explosives contain at least one substance which, if classified in accordance with regulation 5 of the 1996 Regulations (whether or not it is required to be so classified), would be classified as corrosive; or
- (b) 0018, 0019 or 0301,
- (c) are carried in a vehicle or container, there shall be displayed in accordance with paragraph 1, subsidiary hazard signs which—
- (d) are in the form of the following diagram; and



- (e) comply with the measurements in the diagram except that larger measurements may be used in which case the measurements shall be increased proportionally.

Prohibitions on mixed loading of certain Explosives and Dangerous Goods

1. Explosives (except those in Division 1.4 and Compatibility Group S) shall not be loaded in the same container or wagon together with any package or small container labelled as containing dangerous goods (except explosives).

2. Explosives in Division 1.4 and Compatibility Group S shall not be loaded in the same container or wagon together with any package or small container labelled as containing—

(a) flammable solids; or

(b) organic peroxides,

and displaying the subsidiary hazard sign “liable to explosion”.

3. In this Schedule “labelled” means required to display a danger sign or subsidiary hazard signs in accordance with the CDG CPL Regulations.

Requirements for the Loading, Stowage, and Unloading of Containers and Wagons Carrying Explosives*General requirements*

1.—(1) Packages labelled as containing explosives shall be protected against damage that may be caused by other packages.

(2) Packages labelled as containing explosives shall be loaded into large containers or wagons so that they cannot shift dangerously, tip over or fall.

(3) Packages labelled as containing explosives shall not be thrown or subjected to impact.

2.—(1) Sub-paragraphs (2) to (4) of this paragraph shall only apply to large containers and wagons constructed after 31st December 1996.

(2) No metal objects shall be allowed to protrude in the interior of any large container or wagon used for the carriage of explosives, other than those metal objects which form part of the construction of the large container or wagon concerned.

(3) Explosive articles or substances in Division 1.1, 1.2, 1.3, 1.5 or 1.6, whether or not loaded in large containers, shall only be carried in wagons which have been fitted with regulation sheet steel spark-guards.

(4) The regulation sheet steel spark-guards referred to in sub-paragraph (3) shall not be fixed directly to the floor of the wagon concerned where that floor is combustible.

(5) Where packages containing—

(a) explosive substances in Division 1.1 and Compatibility Group C, D or G;

(b) explosive substances in Division 1.3 and Compatibility Group C or G; or

(c) fireworks in Division 1.1, 1.2 or 1.3 and Compatibility Group G,

are being carried in a wagon or large container, the floor of the wagon or large container concerned shall have a non-metallic surface or covering.

Limits on Net Explosive content of Explosives permitted to be carried in Containers and Wagons and separation distance

Where explosives within different Divisions are carried in the same container or wagon, then, for the purpose of this Schedule, all the explosives, with the exception of those in Division 1.4, shall be deemed to be within the Division amongst them with the Division number coming highest in the following list (that is Division number 1.1 (highest), 1.5, 1.2, 1.3 and 1.6 (lowest); except that where explosives with a Division number of 1.2 are carried together with explosives with a Division number of 1.5 they shall all be deemed to be within the Division with the Division number 1.1.

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|--|---|
| <i>Type of explosive (Division number)</i> | <i>Maximum net explosive content in tonnes in any group of adjacent containers or wagons</i> | <i>Minimum separation distance in metres between groups of containers or wagons</i> |
| 1.1 | 40 | 80 |
| Any combination of 1.1, 1.3 and 1.5 | Aggregate of 40 | 80 |
| 1.3 and 1.5 alone or mixed | 120 | 40 |

Permitted Mixed Loads of Explosives within different compatibility groups carried in Containers and Wagons

Regulation 3(11) shall not apply to the carriage of explosives mixed as follows—

- (a) detonating fuses in Compatibility Group B (with UN Number 0106 or 0107) may be carried with explosive articles in Compatibility Groups D, E or F of which the fuses are components provided the aggregate is treated as falling in Compatibility Group F;
- (b) explosive substances in Compatibility Group C or D may be carried—
 - (i) together,
 - (ii) with explosive articles in Compatibility Groups C, D or E provided appropriate precautions are taken against harmful physical interactions including impact or friction by exposed metal, or
 - (iii) with explosive articles in Compatibility Group G;
- (c) explosive articles in Compatibility Groups C, D or E may be carried—
 - (i) together,
 - (ii) with explosives in Compatibility Group F, or
 - (iii) with explosive articles in Compatibility Group G;
- (d) explosives in Compatibility Group N may be carried together with explosives in Compatibility Groups C, D or E;
- (e) explosive articles in Compatibility Group B may be carried with explosives in Compatibility Group D provided—
 - (i) the explosive articles in Compatibility Group B are carried in a separate container or compartment from the explosives in Compatibility Group D; and
 - (ii) the explosives are carried in a container or compartment which conforms to a design approved for the time being in writing by the Health and Safety Executive or, in the case of military explosives, by the Secretary of State for Defence.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations implement—
 - (a) Commission Directive 96/87/EC (O.J. No. L335, 24.12.96, p. 45) adapting to technical progress Council Directive 96/49/EC (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of the Member States with regard to the transport of explosives by rail;
 - (b) Commission Directive 99/48 EC of 21 May 1999 (O.J. No. L169) adapting to technical progress Council Directive 96/49/EC and Commission Directive 96/87/EC on the approximation of the laws of the Member States with regard to the transport of explosives by rail.

2. These Regulations impose requirements and prohibitions in relation to the carriage of explosives by rail in a container, package or wagon. They repeal section 35 of the Explosives Act 1875 to the extent specified.

3. The terms and expressions used in the Regulations are defined in regulation 1 and the scope of the Regulations is defined in regulation 2.

4. The Regulations—
 - (a) impose prohibitions and restrictions on the carriage of explosives (including on passenger trains) (regulations 3-4);
 - (b) prohibit the carriage of explosives in bulk (regulation 5);
 - (c) prohibit the carriage of explosives in small containers unless in each case certain requirements are complied with (regulation 6);
 - (d) require containers, packages and wagons used for the carriage of explosives to be suitable for such carriage and adequately maintained (regulation 7);
 - (e) prohibit the carriage of explosives in any container or wagon unless the operator has taken all reasonable steps to ensure that those explosives have been classified, packaged and labelled in accordance with specified Regulations (regulation 8);
 - (f) require Carriage Information to be provided to operators of containers and wagons, train operators and infrastructure controllers prior to carriage and for that information to be kept (regulations 9-11);
 - (g) require specified information to be displayed on any container or wagon used for the carriage of explosives and impose duties in relation to that display (regulation 12 and Schedule 4);
 - (h) require train crew members and employees of infrastructure controllers who have responsibilities in connection with the carriage of explosives to receive adequate information, instruction and training and records of such training to be kept and made available to trainees (regulation 13);
 - (i) prohibit the carriage of specified mixed or inadequately segregated loads (regulation 14 and Schedule 5);

- (j) impose requirements in relation to the loading, stowage and unloading of containers and wagons used for the carriage of explosives (regulation 15 and Schedule 6);
- (k) impose requirements in relation the loading, stowage, unloading and cleaning of containers and wagons used for the carriage of explosives (regulation 16);
- (l) require train operators to ensure the safe marshalling and formation of trains carrying explosives (regulation 17);
- (m) impose requirements to ensure the safe carriage and security of explosives and to prevent fire or explosion during carriage (regulations 18-20);
- (n) require train operators, facility owners and infrastructure controllers to draw up emergency arrangements and to co-operate with each other to ensure effective co-ordination of those arrangements (regulation 21);
- (o) permit the granting of exemptions by the Secretary of State or the Secretary of State for Defence in given circumstances (regulation 22);
- (p) provide a defence to offences under the Regulations and allow alternative compliance with specified international provisions, where those provisions apply to a matter to which these Regulations apply (regulations 23-24); and
- (q) repeal section 35 of the Explosives Act 1875 (regulation 25).

5. Copies of relevant documents may be obtained as follows—

- (a) the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) (1999 edition) [ISBN 0-11-552032-5] as revised from time to time, the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) (1999 edition) [ISBN 0-11-941712-X] and the Convention concerning International carriage by Rail (“COTIF”), Cmnd.5397 [ISBN 0-11-550681-0] as revised from time to time, from the Stationery Office;
- (b) the current edition of the International Maritime Dangerous Goods Code volumes I to IV and Supplement (ISBN 92-801-1465-4) and the International Convention for Safe Containers, 1972 (1996 edition, ISBN 92-801-1411-5) from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
- (c) the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (1999/2000 edition) [Doc 9284-AN/905 and supplement] from Civil Aviation Authority, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire GL50 2BN.
- (d) International Union of Railways UK leaflets 590, 592-2, 592-3 and 592-4 from Railtrack Freight Commercial, Room 279, Derwent House, RTC Business Park, London Road, Derby DE24 8UP.

£6.00

Published by The Stationery Office Limited

ISBN 0-337-94072-X



Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N10284. C4. 10/01. Gp. 130. 14567.