
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 182

The Carriage of Explosives Regulations (Northern Ireland) 2006

PART I

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Carriage of Explosives Regulations (Northern Ireland) 2006 and shall come into operation on 1st August 2006.

Interpretation

2. –

(1) In these Regulations–

“ADR” means (except for the purposes of regulation 4) the provisions which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by road which–

- (a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2003)(1); and
- (b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21 November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(2),

and “ADR Directive” means the Directive referred to in sub-paragraph (b);

“battery-vehicle” has the meaning in section 1.2.1 of ADR;

“battery-wagon” has the meaning in section 1.2.1 of RID;

“bundle of cylinders” means–

- (a) in relation to carriage by road, a “bundle of cylinders” as set out in section 1.2.1 of ADR; or
- (b) in relation to carriage by rail, a “bundle of cylinders (frame)” as set out in section 1.2.1 of RID;

“carriage” and “carrier” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“the Carriage of Dangerous Goods Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(3);

(1) 2003 Edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)
(2) O.J. No. L319, 12.12.94, p. 7; relevant amending directives are Directive 2000/61/EC of the European Parliament and Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive 2003/28/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 45)
(3) S.R. 2006 No. 173

“class 1 goods” shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 2 goods” shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 5 goods” shall be construed in accordance with sub-section 2.2.51.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 6 goods” shall be construed in accordance with sub-section 2.2.61.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compatibility group” shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compressed gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“consignee”, “consignment” and “consignor” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“COTIF” means the Convention concerning International Carriage by Rail, as revised or reissued from time to time⁽⁴⁾;

“cylinder” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“dangerous goods” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“demountable tank” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“division 1.1” and “division 1.4” shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EEC-type cylinder” means transportable pressure equipment–

(a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate–

(i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or

(ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives, which conforms to the requirements of the Directives referred to in subparagraph (i); and

(b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

“emergency action code” (“EAC”) means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004⁽⁵⁾;

(4) Cmnd. 2232

(5) ISBN 0-11-341275-4

“Executive” means the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978;

“explosive article” shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“explosive substance” shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EX/II vehicle” and “EX/III vehicle” have the meaning in sub-section 9.1.1.2 of ADR;

“factory” has the meaning in section 175 of the Factories Act (Northern Ireland) 1965(6);

“filler” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“flammable gases” shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“FRP tank” means a tank constructed of fibre-reinforced plastics;

“gas” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“goods vehicle examiner” means an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(7) who examines goods vehicles within the meaning of Article 2 of that Order;

“harbour area” has the meaning in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(8);

“hazard identification number” (“HIN”) shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization(9);

“inland waterway” includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition “member State” does not include the United Kingdom;

“intermediate bulk container” (“IBC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquefied gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquid” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“loader” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“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 responsible for defence;

“military explosive” has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(10);

(6) 1965 c. 20 (N.I.); section 175(2)(n) was amended by regulation 3(1) of, and Schedule 1 to, S.R. 1984 No. 283

(7) 1995 No. 2994 (N.I. 18)

(8) S.R. 1995 No. 87

(9) Current edition (2004): ISBN 92-801-4184-8

(10) S.R. 1991 No. 516

“multiple-element gas container” (“MEGC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“Northern Ireland competent authority” means the competent authority for Northern Ireland in accordance with regulation 8(1) to (3);

“old pressure receptacle” means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of class 2 goods, except that—

- (a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;
- (b) the definition of—
 - (i) “bundle of cylinders” in section 1.2.1 of ADR; and
 - (ii) “bundle of cylinders (frame)” in section 1.2.1 of RID,

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed—

- (a) in the case of cylinders and cryogenic receptacles, on or before 30th September 2005; and
- (b) in the case of other pressure receptacles, on or before 31st July 2006;

“old tank” means—

- (a) a tank;
- (b) pressure receptacles forming elements of—
 - (i) a battery-vehicle in relation to carriage by road; or
 - (ii) a battery-wagon in relation to carriage by rail; and
- (c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 31st July 2006;

“operator” means an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“outer packaging” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“owner” means in relation to transportable pressure equipment or an IBC—

- (a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it except for a person who buys it solely to use the goods in it before selling it back to the supplier;
- (b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or
- (c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Northern Ireland—
 - (i) the agent of that person in Northern Ireland; or
 - (ii) if there is no such agent, the user;

“package” and “packaging” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“packer” and “packing group” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“piggyback transport” has the meaning in section 1.2.1 of RID;

“portable tank” has the meaning in–

- (a) section 1.2.1;
- (b) sub-section 6.7.2.1 for the purposes of section 6.7.2;
- (c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or
- (d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure receptacle” means a cylinder, pressure drum, closed cryogenic receptacle or bundle of cylinders;

“Pressure Vessels Framework Directive” means Council Directive [76/767/EEC](#) of 27th July 1976⁽¹¹⁾, as amended, concerning the approximation of laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

“quality assurance” has, for the purposes of Parts II and III, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“quarry” has the meaning in Article 2(2) of the Quarries (Northern Ireland) Order 1983⁽¹²⁾;

“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, that is to say a system of transport used wholly or mainly for the transport of passengers and employing parallel rails and which are laid wholly or mainly along a street or in any place to which the public has access (including a place to which the public has access only on making a payment); or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

“railway infrastructure manager” has the meaning in section 1.2.1 of RID;

“railway vehicle” means any conveyance which is used for the carriage of dangerous goods on a railway;

“receptacle” has the meaning given in the definition of “receptacle” in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, except that when used in relation to receptacles for class 1 goods it shall include the items listed in the definition of “receptacles” (class 1) in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“RID” means (except for the purposes of regulation 4) the Regulations which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by rail which–

- (a) form Annex 1 to Appendix B to COTIF;

⁽¹¹⁾ O.J. No. L262, 27.9.1976, p. 153; relevant amending Directives are Council Directive [87/354/EEC](#) of 25th June 1987 (O.J. No. L192, 11.7.1987, p. 43) and Council Directive [88/66/EEC](#) of 21st December 1988 (O.J. No. L382, 31.12.1988, p. 42)

⁽¹²⁾ [S.I. 1983/150 \(N.I. 4\)](#)

(b) are contained in the Annex to Council Directive [96/49/EC](#) of 23rd July 1996, as amended, on the approximation of the laws of the member States with regard to the transport of dangerous goods by rail⁽¹³⁾; and

(c) include the 2004 Supplement which came into force on 1st January 2004⁽¹⁴⁾, and the “RID Directive” means the Directive referred to in sub-paragraph (b);

“road” means any highway and any road to which the public has access and includes bridges over which a road passes;

“safe and secure place” means a safe and secure place within a factory or magazine—

(a) licensed under the Explosives Act 1875⁽¹⁵⁾; or

(b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983⁽¹⁶⁾;

“separate Directives” means Council Directives [84/525/EEC](#) of 17th September 1984, [84/526/EEC](#) of 17th September 1984 and [84/527/EEC](#) of 17th September 1984⁽¹⁷⁾ concerning the approximation of laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

“standard” means—

(a) a nationally or internationally agreed standard; or

(b) any other document not falling within sub-paragraph (a), which is a technical code within the meaning of that term in ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank” has the meaning in—

(a) section 1.2.1; or

(b) sub-section 6.7.4.1 when used for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail and in relation to carriage by rail such term includes a demountable tank, tank-container, a tank wagon, a portable tank or fixed tank, including tanks forming elements of battery-wagons or MEGCs;

“tank-container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank-vehicle” has the meaning in section 1.2.1 of ADR;

“tank wagon” has the meaning in section 1.2.1 of RID;

“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;

“transportable pressure equipment” means a pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC or tank which is used or intended to be used for the

⁽¹³⁾ O.J. No. L235, 17.9.96, p. 25; relevant amending Directives are Directive [2000/62/EC](#) of the European Parliament and the Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 44) and Commission Directive [2003/29/EC](#) of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 47)

⁽¹⁴⁾ ISBN 0-11-55-2553-X

⁽¹⁵⁾ [1875 c. 17](#)

⁽¹⁶⁾ [S.R. 1983 No. 326](#)

⁽¹⁷⁾ O.J. No. L300, 19.11.1984, pp. 1, 20 and 48 respectively

carriage by road or by rail or storage of class 2 goods including any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment;

“transport category” means a category to which goods are assigned for the purposes of sub-section 1.1.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, as modified by regulation 3(8);

“transport document” shall mean the document containing the information set out in section 5.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“transport unit” has the meaning in section 1.2.1 of ADR;

“UN certified multiple-element gas container” (“UN-certified MEGC”) has the meaning in sub-section 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“vehicle” means (other than for the purposes of the definition of “railway”) any conveyance used for the carriage of goods by road; and

“wagon” has the meaning in section 1.2.1 of RID.

(2) In these Regulations a vehicle or a train is owned by the armed forces when it is owned by—

- (a) Her Majesty's Forces;
- (b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952⁽¹⁸⁾; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽¹⁹⁾,

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.

(3) In these Regulations a vehicle or a train is under the control of the armed forces when—

- (a) a member of the crew on board is a member of the armed forces acting in the course of his duties; or
- (b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within subparagraph (a).

(4) In paragraph (3) “a member of the armed forces” means—

- (a) a member of Her Majesty's Forces;
- (b) a member of any visiting force within the meaning of Part 1 of the Visiting Forces Act 1952; or
- (c) a civilian who is an employee of Her Majesty's Forces.

(5) In these Regulations, the words “used at work”, when referring to transportable pressure equipment, include the filling, emptying, refilling, storage and transport by road or by rail of that equipment at work and an intention to conduct any of those activities.

(6) In these Regulations the “transport of dangerous goods by inland waterway” means the—

- (a) transport;
- (b) related loading or unloading,

of dangerous goods by inland waterway.

(7) Any document which is—

- (a) required to be sent, submitted or otherwise delivered; or

⁽¹⁸⁾ 1952 c. 67

⁽¹⁹⁾ 1964 c. 5

(b) issued pursuant to these Regulations, may be sent to the recipient by electronic means.

(8) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, and “UN number” shall be construed accordingly.

(9) In these Regulations, the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(10) For the purposes of these Regulations—

- (a) subject to sub-paragraph (b), there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products extracted from the mine or the removal from the mine of the refuse of it;
- (b) premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for sale of the minerals extracted from it shall not be deemed to form part of a mine;
- (c) premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine, and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969⁽²⁰⁾;
- (d) a railway line serving a single mine (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969; and
- (e) a conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it or refuse from it shall be deemed to form part of a mine.

(11) In paragraph (10) “owner” means, in relation to a mine, the person for the time being entitled to work it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of paragraph (10) to be an additional owner of the mine.

(12) Where a term is defined in ADR in relation to carriage by road or in RID in relation to carriage by rail and is not defined for the purposes of these Regulations, it bears the meaning as defined in ADR in relation to carriage by road and in RID in relation to carriage by rail.

(13) In these Regulations a reference to a numbered Part, chapter, section or sub-section of ADR in relation to carriage by road or of RID in relation to carriage by rail is a reference to that numbered Part, chapter, section or sub-section of—

(20) 1969 c. 6 (N.I.), as amended by S.R. 1999 No. 150. There are other amendments to the Act not relevant to these Regulations

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail.

Application

3. –

(1) These Regulations shall apply to explosives and other dangerous goods within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970⁽²¹⁾ or the Explosives (Northern Ireland) Order 1972⁽²²⁾ and to any regulations, orders or other instruments of a legislative character made or having effect under those provisions.

(2) Part IV (Transportable Pressure Equipment) of the Carriage of Dangerous Goods Regulations shall apply to the carriage of those class 2 goods that fall within the meaning of paragraph (1).

(3) Subject to paragraphs (4) to (18) and to regulations 4 to 6, Parts II to IV of these Regulations, and Schedule 1 to the Carriage of Dangerous Goods Regulations, these Regulations shall apply to and in relation to the carriage of dangerous goods by road and by rail.

(4) Regulation 11(2) shall apply to and in relation to the transport of dangerous goods by inland waterway.

(5) Regulation 11(3) shall apply to and in relation to the carriage of dangerous goods by road and by rail and the transport of dangerous goods by inland waterway.

(6) These Regulations shall not apply to the carriage by road of dangerous goods in a vehicle intended for use on the road which–

- (a) has fewer than 4 wheels and has a maximum design speed of 25 kilometres per hour or less;
- (b) runs on rails;
- (c) is mobile machinery; or
- (d) is an agricultural or forestry tractor,

or any trailer being towed by such a vehicle.

(7) Subject to paragraphs (8) and (9), these Regulations shall not apply to or in relation to the carriage of dangerous goods–

- (a) by road or transport of dangerous goods by inland waterway in the circumstances and to the extent that section 1.1.3 of ADR provides that the provisions of ADR shall not apply to any such carriage; and
- (b) by rail in the circumstances and to the extent that section 1.1.3 of RID provides that the provisions of RID shall not apply in relation to such carriage.

(8) For the purposes of paragraph (7)–

- (a) the fifth indent of sub-section 1.1.3.6.2 of ADR in relation to carriage by road shall apply as if “8.1.2.1(a) and (c)” were omitted for the carriage of–
 - (i) class 2, 5 and 6 goods; and
 - (ii) class 1 goods where the goods being carried are–
 - (aa) cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055), cartridges (UN 0012, 0014, 0323 and 0405), fireworks (UN 0337), flares (UN 0404), fuse (UN 0105), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), and signals (UN 0193 and 0373); or

(21) 1970 c. 10 (N.I.), as amended by S.R. 1996 No. 1920 (N.I. 17)

(22) 1972 No. 730 (N.I. 3)

- (bb) cartridge cases (UN 0379, 0446 and 0447), cartridges (UN 0054, 0275, 0276, 0277, 0278, 0312, 0327, 0328, 0338, 0339 and 0381), fireworks (UN 0333, 0334, 0335 and 0336), flares (UN 0092, 0093 and 0403), flash powder (UN 0094 and 0305), fuse (UN 0101), igniter cord and igniters (UN 0066, 0121, 0314, 0315 and 0325), primers (UN 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430 and 0431), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0194, 0195, 0196 and 0197), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236) of a net mass of explosive substance of not more than 50 kilograms; or
 - (cc) black powder (UN 0027 and 0028) and smokeless powder (UN 0160 and 0161) of a net mass of explosive substance of not more than 5 kilograms; and
- (b) section 1.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply with the following modifications–

(i) in the table in sub-section 1.1.3.6.3 of ADR and of RID–

(aa) in the second row omit the entry for class 1;

(bb) after the second row insert a new row–

| | | |
|-----|---|-----|
| “1A | Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D | 50” |
|-----|---|-----|

(cc) in the third row omit the entry for class 1;

(dd) after the third row insert a new row–

| | | |
|-----|-----------------------------------|------|
| “2A | Class 1: 1.4B to 1.4G and 1.6N | 500” |
|-----|-----------------------------------|------|

(ee) at the end, in the note omit the words “0081, 0082, 0084, 0241, 0331, 0332, 0482,”; and

(ii) in sub-section 1.1.3.6.4 of ADR and of RID–

(aa) after the second indent insert–

“the quantity of substances and articles of transport category 1A multiplied by “20”,”;

(bb) at the end of the third indent delete “and”;

(cc) after the third indent insert–

“the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

(9) Notwithstanding paragraph (7), regulations–

- (a) 21(5)(a), in so far as it relates to the requirements in section 7.5.2 of ADR in relation to carriage by road;
- (b) 22(3), in so far as it relates to the requirements in section 8.3.5 of ADR in relation to carriage by road;
- (c) 22(4), in so far as it relates to the requirements in special provisions S1:(3) and S1:(6) of chapter 8.5 of ADR in relation to carriage by road; and

(d) 36 and 38 to 40,

shall apply to the carriage of class 1 goods in the circumstances set out in sub-section 1.1.3.1(c) of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(10) These Regulations shall not apply to or in relation to the carriage of dangerous goods by road by private individuals in the circumstances set out in sub-section 1.1.3.1(a) of ADR where—

- (a) the net mass of explosive substance in a transport unit does not exceed in the case of—
 - (i) fireworks, 50 kilograms; and
 - (ii) other explosives or a combination of fireworks and other explosives, 30 kilograms; and
- (b) the individual has taken all reasonable steps to ensure that—
 - (i) the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health and safety of any person; and
 - (ii) there is no unauthorised access to the explosives; and
- (c) where the goods are being carried in a vehicle used to carry passengers for hire or reward, the conditions and limits of regulation 39 apply.

(11) Packages, containers, portable tanks and tank-containers which do not meet the—

- (a) requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply pursuant to Part II; or
- (b) modified placarding, marking and plate marking requirements of regulation 43,

shall be accepted for carriage provided that they comply with the conditions set out in sub-section 1.1.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(12) These Regulations shall not apply to the extent and in the circumstances that sub-section 1.1.4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(13) Parts II and III shall not apply to the extent, in the circumstances and subject to the conditions that chapter 1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(14) These Regulations shall not apply where—

- (a) a special provision or special requirement is indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the goods in question; and
- (b) that special provision is for an exemption from the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail—
 - (i) to the extent;
 - (ii) in the circumstances; and
 - (iii) subject to any conditions,

set out in that special provision or special requirement of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(15) These Regulations shall not apply to dangerous goods packed in limited quantities as indicated in column (7) of Table A of chapter 3.2 and the table in section 3.4.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail—

- (a) to the extent;

- (b) in the circumstances; and
- (c) subject to the conditions,

set out in chapter 3.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(16) These Regulations shall not apply to or in relation to the carriage of class 2, 5 and 6 goods by road in a vehicle which is used for–

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person including where those parts are separated by a road.

(17) Regulations–

- (a) 11;
- (b) 17;
- (c) 19(2), to the extent that it relates to the requirements in chapter 5.3 of ADR;
- (d) 19(3), to the extent that it relates to the requirements in chapter 5.4 of ADR;
- (e) 22(1)(a), to the extent that it relates to the requirements in section 8.2.1 of ADR;
- (f) 22(1)(b) and 22(3), to the extent that they relate to the requirements in sections 8.1.2 and 8.1.3 of ADR; and
- (g) 22(5),

shall not apply to the carriage of class 1 goods by road in a vehicle which is used for the purposes described in paragraph (16).

(18) Parts II to IV of these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where the dangerous goods in question are moved only within an establishment in compliance with such regulations relating to safety as apply to that establishment and where such movement is not on a road or on a railway.

Application to international carriage

4. –

(1) Regulations 9, 10 and 14 to 23 and Part III (except in so far as it relates to competent authority functions referred to in chapter 1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail and Parts 8 and 9 of ADR in relation to carriage by road) and Part IV (except regulations 34, 35 and 38) of these Regulations shall not apply to or in relation to the carriage of dangerous goods where the carriage forms part of an international transport operation–

- (a) within the meaning of–
 - (i) COTIF and conforms in every respect with the provisions of RID; or
 - (ii) article 1(c) of ADR and the carriage conforms in every respect with the provisions of ADR; or
- (b) which is subject to a bilateral or multilateral special agreement made under the terms of–
 - (i) COTIF to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned; or
 - (ii) article 4.3 of ADR to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned.

(2) In this regulation–

- (a) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF; and
- (b) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(23).

Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment

5. –

(1) Regulations 17 and 20, in so far as they relate to pressure receptacles, shall not apply to pressure receptacles which are old pressure receptacles.

(2) Regulation 18 (except for paragraphs (1)(a) and (3)(a)), in so far as it relates to tanks, shall not apply to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks which are old tanks.

Application to armed forces

6. –

(1) Subject to paragraph (5), these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where–

- (a) they are carried on a railway which is operated wholly within a military establishment; or
- (b) their carriage commences and terminates within the same military establishment.

(2) Subject to paragraph (5) and notwithstanding the requirements in regulations 19(2) and (3) and 22(3), the requirements in chapter 5.3, sections 5.4.0 to 5.4.2 and sub-sections 5.4.3.4 and 8.1.2.3 of ADR shall not apply to the carriage of dangerous goods in a vehicle owned by the armed forces which is being used in connection with–

- (a) training–
 - (i) which has been certified to be training on a special occasion in accordance with regulation 9(1)(a) of the Road Vehicles Lighting Regulations (Northern Ireland) 2000(24); and
 - (ii) in respect of which at least 48 hours' notice has been given to–
 - (aa) the Chief Constable; and
 - (bb) the chief fire officer within the meaning of Article 9(2) of the Fire Services (Northern Ireland) Order 1984(25); or
- (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(26).

(3) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 of ADR which applies to the vehicle in question by virtue of regulation 23 may be deemed to be satisfied to the extent that it is not reasonably practicable for

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(24) S.R. 2000 No. 169

(25) S.I. 1984/1821 (N.I. 11)

(26) 1958 c. 7; section 1(3)(a)(i) was substituted by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words 'Environment Agency' were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words 'Countryside Agency' were substituted by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), Article 3. There are other amendments not relevant to these Regulations

the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

(4) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by or under the control of the armed forces, the requirements in regulation 43 shall not apply.

(5) The disapplications in paragraphs (1) to (4) shall not apply where a vehicle or train owned by or under the control of the armed forces is carrying dangerous goods by road or by rail on behalf of a person who is not a member of the armed forces.

Exemptions

7. –

(1) Notwithstanding regulation 21(5) and section 7.5.2 of ADR and provided that all reasonably practicable measures have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods, the following dangerous goods may be carried by road together–

- (a) detonating cord (UN 0065, 0104, 0289 and 0290), boosters (UN 0042 and 0283), detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361) or blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332) with AMMONIUM NITRATE (UN 1942), and note d to the Table in sub-section 7.5.2.1 of ADR shall apply to the carriage of such goods together as it applies to the carriage of the goods referred to in that note;
- (b) signals (UN 0191 and 0197), fireworks (UN 0336), aerial flares (UN 0403), pyrotechnic articles (UN 0431) or line-throwing rockets (UN 0453) with–
 - (i) dangerous goods in transport category 2 (except for flammable gases, class 6.1 or 6.2 goods) or 3; or
 - (ii) any combination of goods falling within head (i),
 provided that the maximum total quantity of the goods in transport category 2 does not exceed 500 kilograms or litres or a combined total of 500 kilograms and litres and the maximum total quantity of the class 1 goods shall not exceed 500 kilograms;
- (c) class 1 goods in compatibility group G and division 1.4 with–
 - (i) class 3 goods and flammable gases in transport category 2;
 - (ii) non-flammable, non-toxic gases that are–
 - (aa) of group A or O as referred to in sub-section 2.2.2.1.3 of ADR; and
 - (bb) in transport category 3; or
 - (iii) any combination of goods falling within heads (i) and (ii),
 provided that the maximum total quantity of dangerous goods per transport unit shall not exceed 200 kilograms or litres or a combined total of 200 kilograms and litres of which the class 1 goods shall not exceed 20 kilograms.

(2) Notwithstanding regulation 21(5), the following dangerous goods may be carried by road or by rail together–

- (a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B with explosive articles in compatibility groups D, E or F of which the fuzes are component parts;
- (b) class 1 goods in compatibility group F with explosive articles in compatibility groups C, D or E.

(3) Notwithstanding regulation 21(5), and the limits set out in the table in sub-section 7.5.5.2.1 of ADR, the maximum total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.

- (4) Notwithstanding regulations 19(1) and 20(1), where—
- (a) goods are packaged in limited quantities in accordance with chapter 3.4 of ADR for carriage by road; and
 - (b) are then removed from their outer packaging for the final stages of the carriage operation from a—
 - (i) distribution centre to a retailer or end-user; or
 - (ii) retailer to an end-user,the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport unit does not exceed 30 kilograms or litres per substance or article and does not exceed 333 kilograms or litres per transport unit.
- (5) Notwithstanding regulation—
- (a) 22(3) and section 8.3.3 of ADR, the driver and any other member of the vehicle crew may open a package containing dangerous goods provided that the carrier has authorised him to do so;
 - (b) 22(1)(b) and 22(3), the requirements in special provisions S1:(4)(d) and (5)(a) of chapter 8.5 of ADR shall only apply where it is practicable for the carrier or the vehicle crew to comply with them;
 - (c) 22(3), the requirements in special provisions S1:(6) of chapter 8.5 of ADR shall not apply during stops—
 - (i) within a safe and secure place; or
 - (ii) within premises which are under the control of the Ministry of Defence, where the only class 1 goods being carried are cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055, 0379, 0446 and 0447), cartridges (UN 0012, 0014, 0054, 0275, 0276, 0277, 0278, 0312, 0323, 0327, 0328, 0338, 0339, 0381 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), flares (UN 0092, 0093, 0403 and 0404), flash powder (UN 0094 and 0305), fuse (UN 0101 and 0105), fuse lighters (UN 0131), igniter cord and igniters (UN 0066, 0121, 0314, 0315, 0325 and 0454), primers (UN 0044, 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430, 0431 and 0432), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0193, 0194, 0195, 0196, 0197 and 0373), 5-mercaptopotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236); and
 - (d) 22(3), the requirements in special provision S1:(6) of chapter 8.5 of ADR shall not apply where the following conditions are met—
 - (i) the load consists of one or more of the following—
 - (aa) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;
 - (bb) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or
 - (cc) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number;
 - (ii) any of the goods are to be used on the day in question;

- (iii) adequate measures for the security of the goods in relation to the vehicle in question have been taken; and
- (iv) the vehicle is–
 - (aa) parked on a site;
 - (bb) being used for delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
 - (cc) being used in passing between 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.

(6) Notwithstanding regulation 21(9), a carrier carrying dangerous goods by rail in piggyback transport need not comply with the provisions referred to in that regulation where the road vehicle which is being carried on the wagon displays–

- (a) the placards, marks, labels, plate markings and HIN required pursuant to regulation 19(2) and chapter 5.3 of ADR; or
- (b) the hazard warning panels referred to in paragraph 5 of Schedule 4 pursuant to regulation 43(1)(b),

provided that those placards or hazard warning panels are clearly visible.

(7) Notwithstanding regulation 19(2), the requirements of section 5.3.4 of RID shall not apply to the carriage of goods by rail.

(8) Notwithstanding the requirements of regulation 10(1)(b), where–

- (a) a consignor is carrying dangerous goods on his own behalf; and
- (b) the load does not exceed the quantities specified in sub-section 1.1.3.6 of ADR as modified by regulation 3(8),

he need not comply with the requirements of sub-section 1.4.2.1.1(b) of ADR.

(9) In paragraph (1) “maximum total quantity” shall be construed in accordance with sub-section 1.1.3.6.3 of ADR.

Competent authority

8. –

(1) Subject to paragraph (2) and regulation 8(2) of the Carriage of Dangerous Goods Regulations, the competent authority for Northern Ireland for competent authority functions referred to in ADR and in RID is the Secretary of State.

(2) The competent authority for Northern Ireland is the Department of the Environment for the functions of the competent authority–

- (a) in relation to the inspection of vehicles; and
- (b) the issue of certificates following such inspections or copies of the certificates,

in pursuance of chapter 9.1 of Annex B to ADR.

(3) The competent authority for Northern Ireland is the Secretary of State for Defence for the functions of the–

- (a) competent authority in relation to the classification of military explosives in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (b) competent authority in special provisions 16, 178, 266, 271 and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to military explosives;
 - (c) competent authority in mixed packing instruction MP21 of section 4.1.10, sub-sections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to military explosives;
 - (d) competent military authority in special provision W2 of section 7.2.4 of RID; and
 - (e) competent authority in relation to the design approval of containers or compartments for the carriage of military explosives, in accordance with sub-section 7.5.2.2, note a of ADR in relation to carriage by road or of RID in relation to carriage by rail.
- (4) The competent authority as regards a state other than the United Kingdom is the authority designated as the competent authority in that State for any purpose in connection with ADR or with RID.