
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 182

The Carriage of Explosives Regulations (Northern Ireland) 2006

PART II

REQUIREMENTS OF ADR AND OF RID

Training

- 9.** Any person involved in the carriage of dangerous goods by—
- (a) road shall ensure that—
 - (i) he; and
 - (ii) those of his employees whose responsibilities are concerned with such carriage, except for drivers who are required to receive training in accordance with regulation 22(1),
receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 and section 8.2.3 of ADR;
 - (b) rail shall ensure that he and those of his employees whose responsibilities are concerned with such carriage, receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 of RID.

Safety obligations

10. —

- (1) Any person involved in the carriage of dangerous goods by road shall comply with—
 - (a) in so far as they relate to matters within his control, the general safety measures; and
 - (b) any particular safety obligations applying to him,in chapter 1.4 of ADR.
- (2) Any person involved in the carriage of dangerous goods by rail shall comply with—
 - (a) in so far as they relate to matters within his control, the general safety measures; and
 - (b) any particular safety obligations applying to him,in chapter 1.4 of RID.

Safety advisers

11. —

- (1) Subject to paragraph (3), any carrier, filler or loader involved in the carriage of dangerous goods by road or by rail shall comply with the requirements relating to the appointment and duties of safety advisers in sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Subject to paragraph (3), any person who transports dangerous goods by inland waterway shall—

- (a) appoint a safety adviser in accordance with sub-section 1.8.3.1 of ADR as if that paragraph applied to those transporting dangerous goods by inland waterway; and
- (b) ensure that the duties of that adviser are as set out in sub-sections 1.8.3.3 to 1.8.3.9 of ADR except that those paragraphs shall apply as if they referred to the transport of dangerous goods by inland waterway.

(3) Paragraphs (1) and (2) shall not apply—

- (a) to any person—
 - (i) whose main or secondary activity is not the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway; and
 - (ii) who occasionally engages in the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway within Northern Ireland which pose little danger or risk of pollution; and
- (b) to any person whose activities only concern the carriage by road or by rail or the transport by inland waterway of dangerous goods where the quantity of dangerous goods in each—
 - (i) transport unit in relation to carriage by road;
 - (ii) wagon or large container in relation to carriage by rail; or
 - (iii) vessel in relation to transport by inland waterway,

is less than that specified for the goods in question in sub-section 1.1.3.6, as modified by regulation 3(8), or chapters 3.3 and 3.4 of ADR in relation to carriage by road or transport by inland waterway or of RID in relation to carriage by rail, and in relation to transport of dangerous goods by inland waterway sub-section 1.1.3.6 of ADR shall apply for the purposes of this paragraph as if the references to a “transport unit” were references to a “vessel”.

(4) Any person required by paragraph (1) to appoint a safety adviser shall—

- (a) when requested to do so by—
 - (i) the Northern Ireland competent authority in relation to carriage by road or by rail; or
 - (ii) any goods vehicle examiner in relation to carriage by road,
 inform him of the name of the adviser;
- (b) when requested to do so by—
 - (i) the Northern Ireland competent authority in relation to carriage by road or by rail; or
 - (ii) any goods vehicle examiner in relation to carriage by road,
 provide him with a copy of any accident and annual reports which have been prepared pursuant to this regulation in accordance with sub-sections 1.8.3.3 and 1.8.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Reports on accidents or incidents

12. Where a serious accident or incident takes place during the carriage of dangerous goods as described in sub-sections 1.8.5.1 and 1.8.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, the carrier in relation to carriage by road and the railway infrastructure manager in relation to carriage by rail, shall comply with the reporting requirements in sub-section 1.8.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Emergency plans for marshalling yards

13. Where goods are carried by rail, the railway infrastructure manager shall comply with the requirements of chapter 1.10 of RID, relating to the preparation of internal emergency plans for marshalling yards.

Classification of goods

14. A consignor shall not consign dangerous goods for carriage by road or by rail unless the goods have been classified—

- (a) in accordance with any general requirements applicable to the goods in question in chapter 2.1 and in so doing shall assign the—
 - (i) UN number for those goods as indicated in column (1) of Table A of chapter 3.2;
 - (ii) name and description for those goods as indicated in column (2) of Table A of chapter 3.2; and
 - (iii) packing group for those goods as indicated in column (4) of Table A of chapter 3.2;
- (b) in accordance with any class specific requirements applicable to the goods in question in chapter 2.2 as indicated in columns (3a) and (3b) of Table A of chapter 3.2; and
- (c) using the test methods applicable to the goods in question required by chapters 2.2 and 2.3, of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Prohibition from carriage

15. A carrier shall not accept for carriage by road or by rail any goods which—

- (a) chapter 2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
 - (b) sub-section 1.1.4.4 of RID in relation to carriage by rail,
- provides may not be so carried.

Dangerous goods list and special provisions

16. —

(1) Where a person is required to comply with a special provision indicated in column (6), (9a) or (16) to (19) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part, then that special provision shall prevail to the extent of the conflict.

(2) Where any person refers to a column of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part, that column shall be construed in accordance with section 3.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(3) Where any person complies with any requirement of Parts 2, 5 or 6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, pursuant to this Part, which relates to the use of a “proper shipping name”, then that person shall comply with any relevant requirements relating to the proper shipping name in section 3.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any person involved in the carriage of dangerous goods shall ensure, in so far as they relate to matters within their control, that any special provisions in chapter 3.3, which relate to the goods in question as 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, are complied with, in so far as they impose requirements relating to the carriage of those goods.

Use of packagings

17. Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that the goods are packed in accordance with any—

- (a) general packing provisions, applicable to the goods and packaging in question, in sections 4.1.1 to 4.1.3;
- (b) packing instruction, applicable to the goods in question, as indicated in column (8) of Table A of chapter 3.2;
- (c) special packing provisions, applicable to the goods in question, in sections 4.1.5 and 4.1.6;
- (d) special packing provisions, applicable to the goods in question, in chapter 4.1 as indicated in column (9a) of Table A of chapter 3.2; and
- (e) special provisions for mixed packing in section 4.1.10, applicable to the goods in question, as indicated in column (9b) of Table A of chapter 3.2,

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

Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs

18. —

(1) Any consignor consigning dangerous goods and any filler filling tanks for the carriage of dangerous goods by road or by rail in a portable tank shall ensure that—

- (a) the goods are not consigned and the tank is not filled unless a portable tank instruction is indicated in column (10) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) the tank is used in accordance with any—
 - (i) general and additional provisions in chapter 4.2;
 - (ii) requirements referred to in the portable tank instruction indicated in column (10) of Table A of chapter 3.2; and
 - (iii) special provisions indicated in column (11) of Table A of chapter 3.2,of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the dangerous goods in question.

(2) Any consignor consigning dangerous goods and any filler filling a UN-certified MEGC for carriage by road or by rail shall ensure that the UN-certified MEGC is used in accordance with the requirements of section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning dangerous goods and any filler filling any battery-vehicle, battery-wagon, MEGC or tank for carriage by road or by rail shall ensure that those goods are not carried in the equipment in question unless—

- (a) a tank code is indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) the equipment in question is used in accordance with—
 - (i) the requirements referred to in the tank code indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (ii) any provisions of chapters 4.3 to 4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment and dangerous goods in question; and
- (iii) any special provisions applicable to the equipment and the dangerous goods in question indicated in column (13) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Consignment

19. –

(1) Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that packages are–

- (a) marked; and
- (b) labelled, as indicated in column (5) 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 accordance with the requirements of sections 5.1.1 to 5.1.4 and chapter 5.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(2) Subject to regulation 43, any loader loading, consignor consigning or carrier carrying dangerous goods for carriage by road or by rail or any filler filling dangerous goods into the following equipment for such carriage shall ensure that any container, MEGC, UN-certified MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the–

- (a) placards which correspond to the labels required pursuant to paragraph (1), as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) marks, labels and plate markings; and
- (c) HIN indicated in column (20) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

required by chapter 5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning or carrier carrying dangerous goods for carriage by–

- (a) road; or
- (b) rail, subject to regulation 43(2),

shall ensure that the consignment is accompanied by the documentation required by chapter 5.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Construction and testing of packagings and packages

20. –

(1) Any–

- (a) person manufacturing a packaging or package which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is manufactured, tested and marked;
- (b) person reconditioning a packaging or package which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is reconditioned, tested and marked;

- (c) consignor consigning and packer packing dangerous goods into a packaging for carriage by road or by rail shall ensure that it has been manufactured, reconditioned, tested and marked,

in accordance with the requirements of chapters 6.1, 6.5 and 6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the packaging or package in question.

(2) Any manufacturer or subsequent distributor of a packaging or package which is used or intended to be used for the carriage of dangerous goods by road or by rail shall ensure that—

- (a) the information referred to in sub-sections 6.1.1.5 and 6.6.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is given to; and
- (b) the test report referred to in sub-sections 6.1.5.9.1 and 6.6.5.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is made available to,

the consignor and the packer before the packaging or package in question is presented for carriage.

(3) Any consignor consigning and any packer packing dangerous goods in IBCs for carriage by road or by rail shall ensure that all requirements relating to inspections are carried out as required by sub-section 6.5.1.6.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any consignor consigning or packer packing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment—

- (a) meet the requirements of chapter 6.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) have been inspected and tested in accordance with the requirements of sub-sections—
 - (i) 6.2.1.4 and 6.2.1.6; or
 - (ii) 6.2.5.2 to 6.2.5.6; and
- (c) have been marked in accordance with sub-sections—
 - (i) 6.2.1.8;
 - (ii) 6.2.5.7; or
 - (iii) 6.2.5.8,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the pressure receptacle in question.

Carriage, loading, unloading and handling

21. –

(1) Any carrier carrying dangerous goods, or any loader loading dangerous goods for carriage, by road or by rail—

- (a) in large containers, portable tanks and tank-containers shall ensure that the requirements in chapter 7.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, which are applicable to the type of equipment or the goods in question, are met;
- (b) in packages, shall ensure that—
 - (i) any special provisions, where indicated in column (16) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
 - (ii) any other requirements,

of chapter 7.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of packages or the goods in question, are met.

(2) Any carrier carrying dangerous goods or any filler filling a vehicle, wagon or container with dangerous goods for carriage by road or by rail, shall ensure that those dangerous goods are not carried in bulk in vehicles, wagons or containers unless—

- (a) such carriage is authorised by section 7.3.1 or column (17) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) any requirements specified in that column and in chapter 7.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, which are applicable to the goods, vehicle, wagon or container in question, are met.

(3) Any carrier carrying dangerous goods, and any filler filling a tank with dangerous goods for carriage by road or by rail shall ensure that those dangerous goods are not carried in tanks unless—

- (a) such carriage is authorised by chapter 7.4 and—
 - (i) column (10) of Table A of chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank pursuant to sub-section 6.7.1.3; or
 - (ii) column (12) of Table A of chapter 3.2,
- (b) the requirements relating to carriage in tanks in section 7.4.1 of ADR in relation to carriage by road or of chapter 7.4 of RID in relation to carriage by rail, which are applicable to the tank or the vehicle in question, are met.

(4) Any carrier carrying dangerous goods, and any filler filling a tank with dangerous goods for carriage by road shall ensure that those dangerous goods are not carried in tanks unless the requirements relating to the type of vehicle to be used in section 7.4.2 of ADR, as indicated in column (14) of Table A of chapter 3.2, are met.

(5) Subject to paragraph (8), any carrier carrying, loader loading or filler filling equipment, a wagon, vehicle or a transport unit with dangerous goods for carriage by road or by rail shall ensure that the requirements in sections—

- (a) 7.5.1, 7.5.2, 7.5.5 to 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of ADR in relation to carriage by road; or
- (b) 7.5.1 to 7.5.3 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of RID in relation to carriage by rail,

relating to the loading, unloading and handling of the goods which are applicable to the load in question, are met.

(6) Any carrier carrying dangerous goods for carriage by road or by rail shall ensure that the requirements in section 7.5.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail, are met.

(7) Any carrier carrying dangerous goods, and any filler filling equipment or a vehicle with dangerous goods for carriage by road shall ensure that the requirements of section 7.5.10 of ADR are met.

(8) Notwithstanding paragraph (5), the operations referred to in special provision CV1(1) of section 7.5.11 of ADR may be carried out without permission from, or prior notice being given to, the Northern Ireland competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.

(9) Notwithstanding section 1.1.4.4 of RID, vehicles and their contents handed over for piggyback transport may meet the provisions of these Regulations for carriage by road.

(10) Any consignor consigning, carrier carrying or packer packing dangerous goods for carriage by rail shall ensure that such goods are not carried as express goods unless–

- (a) such carriage is authorised as indicated in column (19) of Table A of chapter 3.2 of RID; and
- (b) any special provisions in chapter 7.6 of RID indicated in that column for the goods in question are met.

Vehicle crews, equipment, operation and documentation

22. –

(1) Subject to paragraph (2) any carrier carrying dangerous goods by road shall ensure that any–

- (a) driver required to be trained in accordance with sub-section 8.2.1.1 of ADR–
 - (i) has received training which complies with section 8.2.1 of ADR which is relevant to the goods, person and type of vehicle in question;
 - (ii) has received any special training required by chapter 8.5 of ADR in relation to the goods in question; and
 - (iii) holds a certificate issued by the Northern Ireland competent authority stating that the driver has participated in a training course and passed an examination in accordance with the requirements of chapter 8.2 of ADR in relation to the carriage of the dangerous goods in question; and
- (b) transport unit complies with–
 - (i) the requirements of sections 8.1.1 and 8.1.3 to 8.1.5 of ADR; and
 - (ii) any additional requirements applying to the transport unit in chapter 8.5 of ADR applicable to the goods in question.

(2) For the purposes of paragraph (1)(b)(i)–

- (a) sub-section 8.1.4.2 of ADR shall apply as if it referred to sub-section 1.1.3.6 of ADR as modified by regulation 3(8); and
- (b) the provisions of section 8.1.4 relating to the provision of fire fighting equipment shall not apply–
 - (i) during the loading and unloading of any vehicle; or
 - (ii) to any trailer used for the carriage of dangerous goods when the trailer is not attached to a motor vehicle.

(3) The carrier and each member of the vehicle crew shall ensure that the requirements of section 8.1.2 and chapters 8.3 to 8.5 of ADR (other than those referred to in paragraphs (1)(a)(ii) and (1)(b)), which are applicable to the goods in question, are met.

(4) The relevant requirements of chapter 8.5 of ADR which are applicable to the goods in question, as referred to in paragraphs (1)(a)(ii) and (1)(b), are indicated in column (19) of Table A of chapter 3.2 of ADR.

(5) In the event of an accident or emergency involving the carriage of dangerous goods, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing, required to be carried on the transport unit pursuant to paragraph (3) and sub-section 8.1.2.1(b) of ADR, are complied with.

(6) The driver of any vehicle which is engaged in the carriage of dangerous goods shall, on request, produce to any police constable or goods vehicle examiner the relevant certificate that he holds in accordance with this regulation and regulation 30.

Construction and approval of vehicles

23. Any carrier carrying dangerous goods by road shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 of ADR relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.