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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 160**

**The Carriage of Dangerous Goods and Use of Transportable  
Pressure Equipment Regulations (Northern Ireland) 2010**

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 and shall come into operation on 19th May 2010.

**Commencement Information**

**II** Reg. 1 in operation at 19.5.2010, see [reg. 1](#)

**Interpretation — General**

- 2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.
- (2) In these Regulations, any reference to a “Part”, “Chapter”, “Section” or “Sub-section” shall be construed—
- (a) in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;
  - (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and
  - (c) in relation to the carriage of goods by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADN.
- (3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the meaning as defined in—
- (a) ADR in relation to carriage by road;
  - (b) RID in relation to carriage by rail; and
  - (c) ADN in relation to carriage by inland waterway.
- (4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the meaning as in that Directive.
- (5) The expressions mentioned in column 1 of the following Table shall have the meanings given opposite thereto in column 2.

Table

<i>Column 1</i>	<i>Column 2</i>
“the 2006 Regulations”	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 <sup>(1)</sup> .
“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway <sup>(2)</sup> , as revised or re-issued from time to time.
“ADR”	Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road <sup>(3)</sup> , as revised or reissued from time to time.
	But—
	(a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and
	(b) in regulation 11(6)(b) it means Annexes A and B as in force on the date in question.
“armed forces”	Means—
	(a) one of Her Majesty’s forces within the meaning of the Armed Forces Act 2006 <sup>(4)</sup> ;
	(b) the Ministry of Defence Police <sup>(5)</sup> ;
	(c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952 <sup>(6)</sup> ; or
	(d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 <sup>(7)</sup> .
[ <sup>F1</sup> “conformity assessment”	The assessment and the procedure for assessment of conformity set out in the Directives.]
[ <sup>F2</sup> “conformity mark”	The mark referred to in article 14 of the Transportable Pressure Equipment Directive,

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(1) S.R. 2006 No. 173

(2) ISBN 9789211391343 (2009 edition)

(3) ISBN 9789211391336 (2009 edition)

(4) 2006 c. 52

(5) See Section 1(1) of the Ministry of Defence Police Act 1987 (c. 4)

(6) 1952 c. 67

(7) 1964 c. 5

<i>Column 1</i>	<i>Column 2</i>
	the form of the mark being set out in article 15 of that Directive.]
“COTIF”	The Convention concerning International Carriage by Rail(8), as revised or re-issued from time to time.
“the Dangerous Good Directive”	Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods(9) as amended from time to time.
[ <sup>F3</sup> “the Directives”	The Dangerous Goods Directive and the Transportable Pressure Equipment Directive.]
“the Northern Ireland competent authority”	The competent authority in Northern Ireland for the purposes of these Regulations as determined under regulation 21.  But a reference to the “2006 Northern Ireland Competent Authority” is a reference to the competent authority in Northern Ireland for the purposes of the 2006 Regulations.
“national carriage”	Carriage that includes carriage in Northern Ireland and does not include carriage outside of the United Kingdom.
[ <sup>F4</sup> “relevant member State”	A member State of the EU on whose market the equipment in question has been made available.]
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF(10) as revised or re-issued from time to time.  But— (a) to the extent that the reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2006 Regulations, it has the same meaning as in regulation 2 of those Regulations; and (b) in regulation 11(6)(b) it means the Annex as in force on the date in question.
“the security provisions”	The prohibitions and requirements of Chapter 1.10 (including those requirements deemed to be part of ADR in consequence of regulation 7).

(8) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873)

(9) O.J. No. L260, 30.9.2008, p. 13

(10) ISBN 9788086206394 (2009 edition)

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, PART 1. (See end of Document for details)

Column 1	Column 2
[ <sup>F5</sup> “TPED competent authority”	The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland or another member State of the EU.]
[ <sup>F6</sup> “the Transportable Pressure Equipment Directive”	Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives <a href="#">76/767/EEC</a> , <a href="#">84/525/EEC</a> , <a href="#">84/526/EEC</a> , <a href="#">84/527/EEC</a> and <a href="#">1999/36/EC</a> .]
“vehicle”	Has the meaning given in article 2 of the Dangerous Goods Directive except that the words “at least four wheels and” are to be omitted.
“wagon”	Has the meaning given in article 2 of the Dangerous Goods Directive.

- F1** Words in reg. 2(5) Table inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(3)**
- F2** Words in reg. 2(5) Table substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(2)**
- F3** Words in reg. 2(5) Table inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(4)**
- F4** Words in reg. 2(5) Table inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(5)**
- F5** Words in reg. 2(5) Table inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(6)**
- F6** Words in reg. 2(5) Table substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011](#) (S.R. 2011/365), regs. 1, **3(7)**

#### Commencement Information

- I2** Reg. 2 in operation at 19.5.2010, see [reg. 1](#)

### Interpretation of ADR, RID and ADN for the purposes of these Regulations

#### 3. For the purposes of these Regulations—

- the scope of the ADR, RID and ADN shall be deemed to include national as well as international carriage;
- a member State of the [<sup>F7</sup>EU] which is not a Contracting Party to ADR or ADN shall be deemed to be a Contracting Party to ADR or ADN (as the case may be);

- (c) a member State of the [F8EU] which is not a Member State of COTIF shall be deemed to be a Member State of COTIF;
- (d) a reference in—
  - (i) ADR or RID to “competent military authority”;
  - (ii) ADR or ADN to “Contracting Party”; and
  - (iii) RID to “Member State”,shall be treated as a reference to “the Northern Ireland competent authority” unless the context requires otherwise;
- (e) Sub-section 1.1.4.4 of RID shall apply as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 in so far as they relate to carriage by road” were included after the words “provisions of ADR”;
- F9(f) .....
- F10(g) .....
- F11(h) .....
- (i) the words “The competent authorities of the Contracting Parties may provide that” are omitted from Sub-section 1.8.3.2 of ADR;
- (j) the words “The competent authorities of the Member States may provide that” are omitted from Sub-section 1.8.3.2 of RID;
- (k) the reference in Sub-section 1.8.3.3 to “national authorities” shall be treated as a reference to “the Northern Ireland competent authority or an enforcement authority”; F12 ...
- (l) Sub-section 5.3.4 of RID is omitted [F13];
- (m) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of ADR apply as if the words “by the competent authority of a Contracting Party” were included after the word “assigned”; and
- (n) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of RID apply as if the words “by the competent authority of a Member State of COTIF” were included after the word “assigned”.]

**F7** Word in reg. 3(b) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(2)**

**F8** Word in reg. 3(c) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(2)**

**F9** Reg. 3(f) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(3)**

**F10** Reg. 3(g) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(3)**

**F11** Reg. 3(h) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(3)**

**F12** Word in reg. 3(k) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(4)**

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, PART 1. (See end of Document for details)

**F13** Reg. 3(m)(n) and semicolon substituted for full stop in reg. 3(l) (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **4(5)**

**Commencement Information**

**I3** Reg. 3 in operation at 19.5.2010, see [reg. 1](#)

**Application**

4.—(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.

[<sup>F14</sup>(1A) Part 5 of these Regulations also applies in relation to the carriage of class 7 goods by inland waterway.]

(2) [<sup>F15</sup>Parts 1 to 4, 6 and 7 of these Regulations] apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).

(3) These Regulations do not apply to the carriage of explosives within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970.

**F14** Reg. 4(1A) inserted (18.6.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/111\)](#), regs. 1, **3(a)** (with reg. 7)

**F15** Words in reg. 4(2) substituted (18.6.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/111\)](#), regs. 1, **3(b)** (with reg. 7)

**Commencement Information**

**I4** Reg. 4 in operation at 19.5.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, PART 1.