
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 160

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

PART 3

EXEMPTIONS

Derogations and transitional provisions

8.—(1) The Health and Safety Executive for Northern Ireland may exempt the carriage of dangerous goods from requirements and prohibitions arising under Part 2 of these Regulations.

(2) But paragraph (1) only applies for the purposes of—

- (a) implementing a derogation authorised under article 6(2) to (4) of the Dangerous Goods Directive;
- (b) maintaining a transitional provision permitted by article 7 of the Dangerous Goods Directive; or
- (c) ensuring that carriage to which these Regulations apply, but the Dangerous Goods Directive, ADR or RID does not apply, is carried out in a manner consistent with a derogation or transitional provision referred to at sub-paragraph (a) or (b).

(3) Where any exemption is granted pursuant to paragraph (1), that exemption is to be set out in a document to be called “Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions” (in this regulation referred to as “the document”).

(4) The document may be revised in whole or in part from time to time.

(5) In the document the Health and Safety Executive for Northern Ireland shall set out—

- (a) the types of carriage to which the exemption applies;
- (b) the circumstances in which the exemption applies;
- (c) the requirements and prohibitions that do not apply pursuant to paragraph (1); and
- (d) any requirements and prohibitions that apply instead.

(6) The Health and Safety Executive for Northern Ireland may not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.

(7) This regulation does not limit the power to issue an authorisation under regulation 9(1).

Authorisations

9.—(1) A body referred to in column 1 of the following Table may issue an authorisation to a person or class of persons to carry dangerous goods in circumstances which are contrary to prohibitions and requirements arising under Part 2 of these Regulations providing the conditions specified in column 2 opposite that body are satisfied in respect of that carriage.

<i>Column 1</i>	<i>Column 2</i>
The Health and Safety Executive for Northern Ireland	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Health and Safety Executive for Northern Ireland is the competent authority in Northern Ireland.
The Department of the Environment for Northern Ireland	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Department of the Environment is the competent authority in Northern Ireland.

(2) An authorisation issued pursuant to paragraph (1) shall be in writing and shall set out—

- (a) the carriage that is covered by the authorisation;
- (b) the reason that the authorisation is being issued; and
- (c) any time limit applicable to the validity of the authorisation.

(3) An authorisation issued pursuant to paragraph (1) may be—

- (a) made subject to conditions; and
- (b) withdrawn at any time by the body which granted it by the provision of a notice in writing to that effect to the person authorised and that notice shall set out whether the withdrawal of the authorisation has effect immediately or whether the withdrawal has effect from a specified date.

(4) Any authorisation granted, or deemed to be granted, pursuant to regulation 36 of the 2006 Regulations that was in force immediately before the coming into operation of these Regulations shall be deemed to be an authorisation issued pursuant to paragraph (1) of this regulation and subject to the same conditions as were in force immediately before the coming into operation of these Regulations.

Reference temperatures and standards

10.—(1) This regulation applies where the Northern Ireland competent authority has recognised reference temperatures or standards in accordance with regulation 24(1) or (2).

(2) Part 2 does not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with regulation 24(1) or (2).

(3) The exemption set out in paragraph (2) only applies if the tank or pressure receptacle being used for carriage—

- (a) is clearly marked or labelled to show that it is suitable for national carriage only; and
- (b) does not carry the conformity mark.

Old pressure receptacles

11.—(1) This regulation applies in relation to national carriage.

(2) This regulation applies in relation to the carriage of dangerous goods which is not permitted under Part 2 of these Regulations because the old pressure receptacle used for that carriage cannot, by virtue of its design or construction, satisfy the requirements for the use of pressure receptacles set out in ADR or RID.

(3) Subject to paragraph (5), the requirements in ADR or RID which cannot be complied with are to be disregarded for the purposes of Part 2 if the requirements of paragraph (4) are satisfied.

(4) The requirements are—

- (a) the old pressure receptacle has not been subject to modification, major repair or re-rating which has put it outside the scope of the design standard or design specification to which it was originally constructed;
- (b) the old pressure receptacle—
 - (i) has been approved by a person appointed pursuant to regulation 25(2) as being safe for use; or
 - (ii) was found to be safe by an inspection body or competent person in accordance with paragraph 4(2) of Schedule 2 to the 2006 Regulations and marked accordingly, and the time elapsed since the approval or the finding that the receptacle was safe does not exceed the intervals for periodic inspection specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4; and
- (c) in respect of old pressure receptacles used for the carriage of acetylene, the operator has a written record of—
 - (i) the tare weight of the old pressure receptacle, including the porous substance and, where relevant, the acetone or other solvent;
 - (ii) the nature of the solvent used; and
 - (iii) the maximum safe operating pressure of the old pressure receptacle.

(5) An old pressure receptacle which is of seamless construction or has contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken may not be used for the carriage of dangerous goods.

(6) In this regulation “old pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders—

- (a) constructed—
 - (i) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and
 - (ii) in the case of other pressure receptacles, on or before 9th May 2004;
- (b) which did not meet the design and construction requirements applicable to that receptacle that were set out in ADR or RID as in force on the date construction was completed;
- (c) which did comply with the design and construction requirements imposed under the law of the United Kingdom in force on the date construction was completed; and
- (d) which has not been subject to a reassessment of conformity pursuant to a provision of the law of the United Kingdom or other EEA State giving effect to article 5 of the Transportable Pressure Equipment Directive (including regulation 17 of these Regulations).

Carriage within the perimeter of an enclosed area

12. Part 2 does not apply to the carriage of dangerous goods where such carriage is wholly performed within the perimeter of an enclosed area.

Carriage by road other than by vehicles

13.—(1) This regulation applies in relation to carriage by road.

(2) Part 2 does not apply in relation to carriage where that carriage is not undertaken by a vehicle.

Instruments of war and related material and nuclear material

14. Part 2 does not apply in relation to the carriage of—

- (a) class 7 goods by a vehicle or wagon belonging to, or under the responsibility of, one of the armed forces; or
- (b) nuclear material within the meaning of the Nuclear Industries Security Regulations 2003⁽¹⁾.

⁽¹⁾ S.I. 2003/403