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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 59**

**The Carriage of Explosives Regulations (Northern Ireland) 2010**

**PART 2**

**PROHIBITIONS AND REQUIREMENTS**

**Carriage to be in accordance with ADR or RID**

**5.** A person shall not carry dangerous goods, or cause or permit dangerous goods to be carried, where that carriage is prohibited by ADR or RID, including where that carriage does not comply with any applicable requirement of ADR or RID.

**Classification of Goods**

**6.—(1)** A consignor shall not consign dangerous goods for carriage unless the goods have been classified—

- (a) in accordance with any general requirement applicable to the goods in question in Chapter 2.1;
  - (b) in accordance with any class specified 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.
- (2) A consignor complying with sub-paragraph (1)(a) shall allocate—
- (a) a UN number as indicated in column (1) of Table A of Chapter 3.2;
  - (b) a name and description for the goods, as indicated in column (2) of Table A of Chapter 3.2; and
  - (c) a packing group for the goods, as indicated in column (4) of Table A of Chapter 3.2,

that is appropriate to the goods in question.

**Alternative placarding requirements to apply to certain national carriage**

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

- (a) in a tank;
- (b) in bulk; or
- (c) in relation to carriage by rail, by piggyback transport,

where that carriage is by a United Kingdom vehicle or a United Kingdom wagon.

(2) But this regulation does not apply in relation to carriage of any dangerous goods by a vehicle or wagon which belongs to or is the responsibility of one of the armed forces.

(3) For the purposes of regulation 5, the requirements of—

- (a) Part 1 of Schedule 1 in respect of carriage by road; and

(b) Part 2 of Schedule 1 in respect of carriage by rail, shall be deemed to be requirements of Section 5.3.2 and any conflicting requirements in ADR or RID shall be disregarded.

(4) In this regulation—

(a) a “United Kingdom vehicle” means a vehicle registered by the Secretary of State in accordance with section 21(1) of the Vehicle Excise and Registration Act 1994<sup>(1)</sup> or a trailer being towed by such a vehicle; and

(b) a “United Kingdom wagon” means a wagon used only for carriage within the United Kingdom.

(5) In Schedule 1 “emergency action code” is a reference to the emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List<sup>(2)</sup>, as revised or reissued from time to time.

#### **Additional security requirements for carriage by road**

**8.—**(1) For the purposes of regulation 5, the requirements set out in paragraphs (2) to (4) shall be deemed to be requirements of Chapter 1.10 of ADR.

(2) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods must ensure that—

(a) the carriage is completed within a reasonable length of time having regard to the distance involved;

(b) the class 1 goods are delivered to—

(i) the consignee or the consignee’s agent; or

(ii) a person who is authorised by the consignee to accept custody of the class 1 goods—

(aa) for onward despatch; or

(bb) in circumstances where the consignee has compelling reasons not to accept the goods in accordance with Sub-section 1.4.2.3,

provided they are delivered to qualifying premises;

(c) the goods are unloaded from the vehicle as soon as is reasonably practicable after it arrives at its place of delivery; and

(d) any trailer or container containing class 1 goods is not detached, or removed, from the vehicle unless it is in qualifying premises.

(3) But paragraph (2)(d) does not apply in an emergency.

(4) The carrier of a vehicle used for the carriage of class 1 goods must not remove any class 1 goods from the consignor’s premises unless ready immediately to dispatch them to the consignee or a person authorised by the consignee to accept custody in the circumstances referred to in paragraph (2) (b)(ii)(aa).

(5) In this regulation—

(a) “designated parking area” means—

(i) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and

(1) 1994 c.22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version.

(2) ISBN 9780113413263 (2009 edition)

- (ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 33 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(3);
- (b) “qualifying premises” means—
  - (i) premises under the control of the Secretary of State for Defence;
  - (ii) a safe and secure place; or
  - (iii) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area; and
- (c) “a safe and secure place” means a place within a site—
  - (i) in relation to which a person—
    - (aa) is licensed to manufacture or store explosives under regulation 11 of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006; or
    - (bb) is registered in respect of such storage under regulation 13 of those Regulations; or
  - (ii) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983(4).

#### **Additional security requirement relating to access**

9.—(1) For the purposes of regulation 5, the requirement set out in paragraph (2) shall be deemed to be a requirement of Chapter 1.10.

(2) A person involved in the carriage of dangerous goods shall take all reasonable steps to ensure that unauthorised access to those goods is prevented.

#### **Application of ADR to carriage by private individuals**

10.—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the exemption from the prohibitions and requirements of ADR provided for by Sub-section 1.1.3.1(a) of ADR (carriage by private individuals) is to be disregarded.

(3) But paragraph (2) does not apply if the conditions specified in paragraphs (4) and (5) are satisfied.

(4) The net mass of explosive substance being carried does not exceed—

- (a) in the case of fireworks, 50 kilograms; and
- (b) in the case of other explosives or a combination of fireworks and other explosives, 30 kilograms.

(5) The individual has taken all reasonable steps to ensure that—

- (a) the manner in which the class 1 goods are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) there is no unauthorised access to the class 1 goods.

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(3) [S.R. 1995 No.87](#)

(4) [S.R. 1983 No.326](#)

### **Application of ADR to carriage by certain enterprises**

**11.**—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the requirements referred to in paragraph (3) apply to carriage that would, but for this paragraph, be exempt from those requirements because of the exemption set out in Sub-section 1.1.3.1(c) of ADR (carriage by enterprises which is ancillary to their main activity).

(3) The requirements are—

(a) the requirements of ADR in—

(i) Section 7.5;

(ii) Section 8.3.5; and

(iii) special provisions S1:(3) and S1:(6) of Chapter 8.5; and

(b) the requirements deemed to be part of ADR in consequence of regulations 8 and 9.