

**2020 No. 222**

**ROAD TRAFFIC AND VEHICLES**

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2020**

*Made* - - - - *14th October 2020*

*Coming into operation* - *16th November 2020*

The Department for Infrastructure<sup>(a)</sup>, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

The Department for Infrastructure is designated<sup>(d)</sup> for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the transport of dangerous or environmentally hazardous goods by road or rail.

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 16th November 2020.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(e)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland)**

**2.**—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010<sup>(f)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In the Table in regulation 9 (authorisations), after the entry for “the Health and Safety Executive for Northern Ireland” insert—

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- (a) Formerly the Department for Regional Development; *see* section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
- (b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7)
- (c) *See* Article 8(1)(b) of, and Part 2 of Schedule 5 to, the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76)
- (d) S.I. 1996/266
- (e) 1954 c. 33 (N.I.)
- (f) S.R. 2010 No. 160; relevant amending Regulations are S.R. 2019 No. 6

“The Department of Agriculture,  
Environment and Rural Affairs

The carriage is national carriage and the  
authorisation relates to prohibitions and  
requirements arising out of functions for  
which the Department of Agriculture,  
Environment and Rural Affairs is the  
competent authority in Northern Ireland.”.

(3) In regulation 21 (competent authority)—

(a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”; and

(b) for paragraph (2) substitute—

“(2) The competent authority for Northern Ireland is the Department for Infrastructure for  
the functions of the competent authority in relation to—

(a) the inspection of vehicles; and

(b) the issue of certificates following inspections or copies thereof, in pursuance of  
chapter 9.1 of Annex B to ADR.

(2A) The competent authority for Northern Ireland is the Department of Agriculture,  
Environment and Rural Affairs for the functions of the competent authority in relation to  
ADR carriage of class 7 goods by road.”.

(4) In regulation 28 (enforcement) for “Department for Infrastructure”, in each place that it  
occurs, substitute “Department of Agriculture, Environment and Rural Affairs”.

Sealed with the Official Seal of the Department for Infrastructure on 14th October 2020



*Chris Hughes*  
A senior officer of the  
Department for Infrastructure

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 (“the 2010 Regulations”) which impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway.

Following the dissolution of the Department of the Environment (DoE) by the Departments Act (Northern Ireland) 2016, the Road Traffic and Vehicles and Waterways (Amendment) Regulations (Northern Ireland) 2019 replaced all references to DoE, a designated competent authority in the 2010 Regulations, with references to the Department for Infrastructure (DfI).

However those amendments overlooked the transfer, via the Departments (Transfer of Functions) Order (Northern Ireland) 2016, of some of the functions in this area for which the DoE had been responsible to the Department of Agriculture, Environment and Rural Affairs (DAERA).

Accordingly, these Regulations amend the 2010 Regulations to correct that error and to provide for DAERA’s role as competent authority in relation to the carriage of radioactive (ADR class 7) goods by road.

An Explanatory Memorandum has been produced and is available from Safe and Accessible Travel Division, Department for Infrastructure, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or online alongside this Statutory Rule at <http://www.legislation.gov.uk/nisr>.

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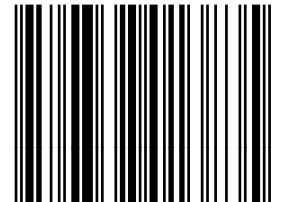
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