
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 248

**Carriage of Dangerous Goods by Road
Regulations (Northern Ireland) 1997**

Part I

INTERPRETATION AND APPLICATION

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 and shall come into operation on 1st July 1997.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 1989 Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989⁽¹⁾;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, or nursery grounds or for market gardening and the preparation of land for agricultural purposes;

“agricultural vehicle” means any agricultural or forestry tractor or agricultural machinery;

“agricultural or forestry tractor” means any motor vehicle and its trailers which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose, not being a dual-purpose vehicle;

“agricultural machinery” means any mobile machinery which is constructed or adapted for use off road for the purpose of agriculture and which is primarily used for that purpose;

“ADR” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“Approved Carriage List” means the list referred to in regulation 5(1)(a) as revised in accordance with regulation 5(2);

“approved documents” means the documents published by the Health and Safety Commission and approved by the Department in accordance with regulation 5(1) as revised in accordance with regulation 5(2);

“approved design” means the design referred to and described in regulation 11(2);

“Approved Methods” means the document entitled “Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage” approved by

(1) S.R. 1989 No. 299 as amended by S.R. 1991 No. 147, S.R. 1991 No. 420, S.R. 1992 No. 54, S.R. 1992 No. 227, S.R. 1992 No. 373, S.R. 1992 No. 509, S.R. 1993 No. 39, S.R. 1993 No. 247, S.R. 1994 No. 231, S.R. 1994 No. 353 and S.R. 1994 No. 452

the Department under regulation 4(1)(b) of the CDGCPL Regulations, as revised in accordance with regulation 4(2) of those Regulations;

“Approved Tank Requirements” means the document referred to and described in regulation 5(1)(c), as revised in accordance with regulation 5(2);

“Approved Vehicle Requirements” means the document referred to and described in regulation 5(1)(b) as revised in accordance with regulation 5(2);

“articulated vehicle” has the meaning assigned to it by regulation 2(1) of the 1989 Regulations;

“carriage” means carriage by road and shall be construed in accordance with regulation 2(8), and related words shall be construed accordingly;

“carrying tank” means the same as “carrying tank” within the definition of “road tanker” in regulation 2(1) of the CDGCPL Regulations;

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(2);

“classification” has the meaning assigned to it by regulation 2(1) of the CDGCPL Regulations;

“classification code” in relation to dangerous goods, means the code referred to in regulation 4(1)(a)(i)(cc) of the CDGCPL Regulations and any reference to “classification code” or “class” followed by a number means the particular classification code for those goods specified in the Approved Carriage List;

“closed vehicle” means a vehicle having a body capable of being closed;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of—

- (a) approving persons to examine, test and certify tanks;
- (b) examining, testing and certifying tanks; and
- (c) recognising standards for fire extinguishers,

and for Northern Ireland the competent authority means the Secretary of State;

“computer” means a computer system including its software;

“consignor” means—

- (a) the person who, having a place of business in Northern Ireland, consigns, whether as principal or agent for another, dangerous goods for carriage; or
- (b) if no person satisfies the requirements of paragraph (a), the consignee of those goods insofar as that person has control over the carriage of those goods in Northern Ireland;

“consignor’s declaration” means the declaration referred to and described in regulation 13(2)(b)(vi);

“container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“control temperature” means the maximum temperature at which certain dangerous goods can be safely carried as determined in accordance with the Approved Methods;

“corrosive substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“danger sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“demountable tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“the Department” means the Department of Economic Development;

“designation” means the designation for dangerous goods ascertained in accordance with regulation 5(4)(a) of the CDGCPL Regulations;

“dual-purpose vehicle” has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(3);

“emergency action code” means the code, required to be displayed on tanks and vehicles which are being used for the carriage of certain dangerous goods ascertained in accordance with the Approved Carriage List;

“emergency information” means the information referred to in regulation 14(3)(e) and described in regulation 14(4);

“emergency temperature” means the temperature, determined in accordance with the Approved Methods, at which the safety measures for certain dangerous goods shall be set in motion;

“explosives” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“Fire Authority” means the Fire Authority for Northern Ireland established under Article 3 of the Fire Services (Northern Ireland) Order 1984(4);

“flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable liquid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable solid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flash-point” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“food” means food within the meaning of Article 2(1) of the Food Safety (Northern Ireland) Order 1991(5);

“gas” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“gross mass” in relation to dangerous goods which are articles carried other than in receptacles, means the gross mass of those goods, measured in kilogrammes (kg);

“hazardous properties” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“hazard warning panel” means the panel referred to in paragraph 22 and depicted in Figure 5 of Schedule 10;

“the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(6);

“IMDG Code” means the International Maritime Dangerous Goods Code as revised or re-issued from time to time by the International Maritime Organisation(7);

“infectious substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“intermediate bulk container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

(3) [S.I. 1981/154 \(N.I. 1\)](#) to which there are amendments not relevant to this definition

(4) [S.I. 1984/1821 \(N.I. 11\)](#)

(5) [S.I. 1991/762 \(N.I. 7\)](#)

(6) 1974 c. 37

(7) Current Edition: Volumes I to IV ISBN 92 801 1314 3; Supplement ISBN 92 801 1316 X

“large container” means a container having an internal volume of more than 3 cubic metres (m³);

“motor vehicle” has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(8);

“multi-load” means a load consisting of two or more dangerous goods carried other than in packages in—

(a) separate containers or tanks; or

(b) separate compartments of a container, tank or vehicle,

whether or not carried in conjunction with goods which are not dangerous goods;

“net mass” in relation to dangerous goods which are solids, liquefied gases, compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, means the net mass of those goods, measured in kg;

“nominal capacity” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“nominally empty” in relation to a vehicle or a receptacle, means that it is not in fact empty but that as much of the dangerous goods which the vehicle or receptacle contained as was reasonably practicable to discharge therefrom has been so discharged;

“non-flammable, non-toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“N.O.S.” means not otherwise specified;

“open vehicle” means a vehicle, the platform of which has no superstructure or is merely provided with sideboards and a tailboard;

“operator” means the operator of any container, tank or vehicle used for the carriage of dangerous goods and shall be construed in accordance with regulation 4;

“orange-coloured” means that colour which has the same colour and luminance properties as that of an orange-coloured panel;

“orange-coloured panel” means a reflectorised panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 10 500(1) of ADR;

“organic peroxide” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“organic peroxide, type b or c” means dangerous goods whose designation includes the phrase “ORGANIC PEROXIDE TYPE B” or the phrase “ORGANIC PEROXIDE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“oxidizing substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“package” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packagings” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packing group” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to “packing group” followed by “I”, “II” or “III”, in relation to certain dangerous goods, means the particular packing group for those goods ascertained in accordance with regulation 5 of those Regulations;

“permissible maximum weight” in relation to any vehicle, has the same meaning as it does in Article 19D(1) of the Road Traffic (Northern Ireland) Order 1981⁽⁹⁾ in relation to a goods vehicle as defined by Article 2(2) of that Order;

“prescribed temperature” means the temperature specified by the operator of the container, tank or vehicle in which certain dangerous goods are being carried which does not exceed the control temperature and which avoids dangerous separation of phases;

“radioactive material” has the meaning assigned to it in regulation 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992⁽¹⁰⁾;

“rail vehicle” means any conveyance which is used for the carriage of dangerous goods by rail;

“railway” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“RID” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“risk group” means one of the risk groups referred to in the Approved Methods to which infectious substances are assigned and any reference to a risk group followed by a number means the specific risk group to which an infectious substance has been assigned in accordance with the said Approved Methods;

“road” has the meaning assigned to it in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995;

“road tanker” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“self-reactive substance” means dangerous goods whose designation includes the phrase “SELF-REACTIVE” when classified in accordance with regulation 5 of the CDGCPL Regulations;

“self-reactive substance, type b or c” means dangerous goods whose designation includes the phrase “SELF-REACTIVE SUBSTANCE TYPE B” or the phrase “SELF-REACTIVE SUBSTANCE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“semi-trailer” has the meaning assigned to it in regulation 2(1) of the 1989 Regulations;

“sheeted vehicle” means an open vehicle provided with a sheet to protect the load;

“small container” means a container having an internal volume of not more than 3 cubic metres (m³);

“spontaneously combustible substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“storage tank” means a tank used or intended to be used solely for the storage of dangerous goods;

“subsidiary hazard” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“subsidiary hazard sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“substance which in contact with water emits flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“surveillance inspection” means an inspection of such premises, equipment and documents and the making of such enquiries as the person carrying out the inspection thinks appropriate for the purpose of verifying compliance by an approved person with regulation 11(11);

⁽⁹⁾ S.I. 1981/154 (N.I. 1); Article 19D was inserted by S.I. 1991/197 (N.I. 3), Schedule 1

⁽¹⁰⁾ S.I. 1992/234 (N.I. 2)

“tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“tank container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“temperature controlled substance” means dangerous goods whose designation includes the phrase “TEMPERATURE CONTROLLED”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“toxic goods” means dangerous goods which, in accordance with regulation 5 of the CDGCPL Regulations, are either classified as “TOXIC GAS”, “TOXIC SUBSTANCE” or have the subsidiary hazard “TOXIC”;

“toxic substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“trailer” has the meaning assigned to it in regulation 2(1) of the 1989 Regulations;

“transport category” means one of the categories specified in column 2 of Table 1 in Schedule 1 for the dangerous goods shown in the corresponding entry in column 1 of that Table and any reference to transport category followed by a number is a reference to the transport category so numbered in that Table;

“Transport Documentation” means the documentation referred to in regulation 14(2) and described in regulation 14(3);

“transportable pressure receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“UN number” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

“vehicle” means any conveyance used for the carriage of goods by road;

“vehicle crew” means those persons authorised by the operator to be on board the vehicle;

“vehicle examiner” has the meaning assigned to it in Article 74 of the Road Traffic (Northern Ireland) Order 1995;

(2) For the purposes of these Regulations—

(a) any reference to a motor vehicle which is registered outside the United Kingdom is a reference to a motor vehicle which is not registered in the United Kingdom but is registered in another country in accordance with that country’s rules governing the registration of such vehicles; and

(b) (i) a combination of a motor vehicle and a trailer or semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts of such a combination remain attached; and

(ii) dangerous goods contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.

(3) In these Regulations the expression “mass or volume” in relation to dangerous goods, means the amount of dangerous goods being carried, expressed in the form of a number, which number shall be determined as follows—

(a) the gross mass of any article;

(b) the net mass of any solid;

(c) the net mass of any liquefied gas;

- (d) the net mass of any compressed gas dissolved in a solvent plus the net mass of the solvent itself;
 - (e) the nominal capacity of any receptacle carrying a compressed gas other than a compressed gas dissolved in a solvent; or
 - (f) the nominal capacity of any receptacle carrying a liquid.
- (4) Subject to paragraph (5), in these Regulations—
- (a) the “total mass or volume of packaged dangerous goods” means the total amount of dangerous goods, other than those goods which fall within transport category 4, being carried in packages, expressed in the form of a number, which number shall be calculated by adding together the mass or volume of each package whose mass or volume exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the transport category of the goods contained in the package concerned;
 - (b) the “total mass or volume of dangerous goods” means the total amount of dangerous goods, other than those goods which fall within transport category 4, being carried, expressed in the form of a number, which number shall be calculated by adding together—
 - (i) the total mass or volume of packaged dangerous goods;
 - (ii) the gross mass of all articles being carried in bulk;
 - (iii) the net mass of all solids being carried in bulk;
 - (iv) the net mass of all compressed gases dissolved in a solvent plus the net mass of the solvent itself, being carried in a tank;
 - (v) the net mass of all liquefied gases being carried in a tank; and
 - (vi) the nominal capacity of all compressed gases (other than those dissolved in a solvent) and all liquids, being carried in a tank.
- (5) Where goods with different transport categories, other than those goods which belong to transport category 4, are carried in the same load, all the dangerous goods in that load shall be deemed to belong to the highest of those transport categories.
- (6) In these Regulations any reference to dangerous goods being carried in a vehicle or large container under sole use shall be a reference to the carriage of a load of dangerous goods which originates from one consignor in respect of which—
- (a) the use of the vehicle or large container concerned is exclusively reserved; and
 - (b) all operations for the loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.
- (7) In these Regulations any reference to the carriage of dangerous goods in bulk shall be a reference to the carriage of solid dangerous goods without packagings.
- (8) For the purpose of these Regulations a vehicle, container or tank (other than the carrying tank of a road tanker) shall be deemed to be engaged in the carriage of dangerous goods throughout the period—
- (a) in the case of a vehicle, from the commencement of loading it with the dangerous goods concerned for the purpose of carrying those goods by road until the said vehicle and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person;
 - (b) in the case of a container or tank, other than the carrying tank of a road tanker—
 - (i) where the container or tank concerned has been loaded with the dangerous goods before being placed on the vehicle which is to be used to carry that container or tank,

from the time when the said container or tank is placed on the vehicle for the purpose of carrying the dangerous goods by road; or

- (ii) where the container or tank concerned has been placed on the vehicle which is to be used to carry that container or tank before the commencement of loading, from the commencement of loading the said container or tank with the dangerous goods for the purpose of carrying those goods by road,

until the time when either—

- (iii) the container or tank is removed from the relevant vehicle; or
- (iv) the container or tank and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned or purged so that any of the dangerous goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person,

and in either case, whether or not the vehicle, container or tank concerned is on a road at the material time.

(9) In these Regulations—

- (a) “a vehicle owned by the armed forces” means a vehicle which is owned by—

- (i) Her Majesty’s Forces;
- (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952⁽¹¹⁾; or
- (iii) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽¹²⁾;

and includes a vehicle which has been provided to the armed forces under any agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire purchase agreement and a contract for sale;

- (b) “a vehicle under the control of the armed forces” means—

- (i) a vehicle on board which there is, as a member of its crew—

- (aa) a member of Her Majesty’s Forces;
- (bb) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952; or
- (cc) a civilian who is an employee of Her Majesty’s Forces, acting in the course of his duties; or

- (ii) a vehicle in a convoy escorted by a vehicle of the type referred to in head (i).

(10) In these Regulations the provisions of the Schedules shall have effect in addition to and not in substitution for other provisions of these Regulations.

Application

3. Subject to the provisions of Schedule 2, these Regulations shall apply to and in relation to the carriage of dangerous goods.

Meaning of operator

4.—(1) For the purposes of these Regulations—

- (a) subject to paragraph (2), the operator of a container or vehicle shall be—

(11) 1952 c. 67

(12) 1964 c. 5

- (i) the person who, having a place of business in Northern Ireland, has the management of the container or vehicle for the time being; or
 - (ii) if no person satisfies the requirements of head (i), the driver of the vehicle or, in the case of a container, the driver of the vehicle on which the container is carried;
- (b) the operator of a tank, other than the carrying tank of a road tanker, shall be—
 - (i) the person who, having a place of business in Northern Ireland, owns that tank; or
 - (ii) if no person satisfies the requirements of head (i), the person who, having a place of business in Northern Ireland, acts as agent for the owner of that tank; or
 - (iii) if no person satisfies the requirements of either head (i) or (ii), the person who, having a place of business in Northern Ireland, has the management of that tank for the time being, or
 - (iv) if no person satisfies the requirements of heads (i), (ii) or (iii), the driver of the vehicle on which the tank is carried.
- (2) Notwithstanding paragraph (1)(a), a person shall not be regarded as the operator of a container or vehicle solely because—
 - (a) he has the management thereof during loading or unloading; or
 - (b) the container or vehicle is on premises which are under his control.
- (3) For the purposes of these Regulations, a person to whom a tank, other than the carrying tank of a road tanker, is leased or hired shall be deemed to be the owner of that tank, unless the lessor or, as the case may be, the hirer has made an agreement in writing with the person to whom he has leased or hired the tank to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.