
EXPLANATORY NOTE

(This note is not part of the Regulations.)

(1) These Regulations implement Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, insofar as it relates to the transport of dangerous goods (other than radioactive material and explosives). The Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by rail in a container, package, tank container, tank wagon or wagon.

(2) The terms and expressions used in the Regulations are defined in regulation 1 and the scope of the Regulations is defined in regulation 2.

(3) The Regulations—

- (a) require the approval by the Department of Economic Development (“the Department”) of the “approved documents” published by the Health and Safety Commission, comprising the “Approved Carriage List” and the “Approved Tank Requirements”, and set out the duties of specified persons involved in the carriage of dangerous goods in relation to the requirements of those documents (*regulations 3 and 4*);
- (b) prohibit the carriage of dangerous goods in wagons and large containers in bulk, in small containers and in tanks, unless in each case certain requirements are complied with (*regulations 5 to 7 and Schedules 2 and 3*);
- (c) require containers, packages, tank containers, tank wagons and wagons used for the carriage of dangerous goods to be suitable for such carriage and adequately maintained (*regulation 8*);
- (d) require tanks constructed after 31st December 1998 and used for the carriage of dangerous goods to comply with specified provisions relating to their design and suitability, and to be examined, tested and certified, and provide for the keeping of certificates issued in connection therewith (*regulation 9*);
- (e) prohibit the carriage of dangerous goods in any container, tank container, tank wagon or wagon unless the operator thereof has taken all reasonable steps to ensure that those goods have been classified, packaged and labelled in accordance with the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997 (*regulation 10*);
- (f) require Carriage Information to be provided to operators of containers, tank containers, tank wagons and wagons, train operators and infrastructure controllers prior to carriage and for that information to be kept (*regulations 11 to 13*);
- (g) require specified information to be displayed on any container, tank container, tank wagon or wagon used for the carriage of dangerous goods and impose duties in relation to that display (*regulation 14 and Schedule 5*);
- (h) require train crew members and employees of infrastructure controllers who have responsibilities in connection with the carriage of dangerous goods to receive adequate information, instruction and training, and records of such training to be kept and made available to trainees (*regulation 15*);
- (i) prohibit the overfilling with dangerous goods of tank containers and tank wagons and the carriage of specified mixed or inadequately segregated loads (*regulations 16 and 17 and Schedule 6*);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (j) impose requirements in relation to the loading, stowage, unloading and cleaning of containers, tank containers, tank wagons and wagons used for the carriage of dangerous goods (*regulation 18 and Schedule 7*);
 - (k) require openings in any tank container or tank wagon and any valves and caps to be securely closed prior to and during carriage of dangerous goods (*regulation 19*);
 - (l) require train operators to ensure the safe marshalling and formation of trains carrying dangerous goods (*regulation 20*);
 - (m) impose requirements to ensure the safe carriage and security of dangerous goods and to prevent fire or explosion during carriage (*regulations 21 and 22*);
 - (n) require train operators, facility owners and infrastructure controllers to draw up emergency arrangements and to co-operate with each other to ensure effective co-ordination of those arrangements (*regulation 23*);
 - (o) prohibit the carriage of temperature controlled substances (*regulation 24*);
 - (p) permit the granting of exemptions by the Department or the Secretary of State for Defence in given circumstances (*regulation 25*);
 - (q) provide a defence and allow alternative compliance with specified international provisions where those provisions apply to a matter to which these Regulations apply (*regulations 26 and 27*).
- (4) Copies of relevant documents may be obtained as follows—
- (a) the Approved Carriage List, Approved Tank Requirements and Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS; Dillons; The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD; and all good booksellers;
 - (b) the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) (1995 edition) (ISBN 0-11-551265-9) and the Convention concerning International Carriage by Rail (“COTIF”), Cmnd. 5897, from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD;
 - (c) the current edition of the International Maritime Dangerous Goods Code (volumes I to IV ISBN 92-801-1314-3, volume V ISBN 92-801-1316-X) from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
 - (d) the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) (1995 edition) (ISBN 0-11-551266-7) from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD; and
 - (e) the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284-AN/905 and supplement) from Civil Aviation Authority, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire GL50 2BN.
- (5) In Great Britain, the corresponding Regulations are the Carriage of Dangerous Goods by Rail Regulations 1996, [S.I. 1996/2089](#). The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment, together with the Northern Ireland Supplement prepared by the Department, is held at 83 Ladas Drive, Belfast, BT6 9FJ, from where copies may be obtained on request.
- (6) A person who contravenes the Regulations or any requirement or prohibition imposed thereunder is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.