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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 131**

**Carriage of Dangerous Goods by Rail  
Regulation (Northern Ireland) 1998**

**Part I**

**Interpretation and Application**

**Application**

2.—(1) Subject to paragraphs (2) to (4), these Regulations shall apply to and in relation to the carriage of any dangerous goods in a container, package, tank container, tank wagon, or wagon, except where—

- (a) the goods (other than any liquid nitrogen in the jacket of the tank of a tank container or tank wagon which is being carried exclusively for the purpose of insulating any liquid helium or liquid hydrogen) are being carried in a locomotive, container, tank container, tank wagon or wagon solely for use in connection with the operation of the locomotive, container, tank container, tank wagon or wagon concerned;
- (b) the goods are being carried in a road vehicle and are intended for use solely in connection with the operation of that vehicle;
- (c) the goods are commercial butane, commercial propane, or any mixture thereof, and are being carried in a cylinder either—
  - (i) in a rail vehicle designed for a purpose which includes the use of such goods and the goods concerned are being carried in connection with the operation of that vehicle, or
  - (ii) as part of the equipment carried on that vehicle,

provided that the number of cylinders carried thus (including any spare cylinders) does not exceed two;

- (d) the goods are—
  - UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS, only,
  - UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.\*
  - UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.\*
  - UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,being carried on a train owned by the armed forces or on a train under the control of the armed forces;
- (e) the goods are petroleum spirit, intended for use as fuel in any internal combustion engine and not wholly or partly for the purposes of sale, and are being carried in a receptacle which conforms with the requirements of—

- (i) the Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland) 1930(1),  
or
  - (ii) regulations 3 to 6 of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983(2);
  - (f) the goods are a pesticide or a plant protection product, (other than sulphuric acid or a wood preservative), diluted ready for use or otherwise in a condition ready for use and in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations (Northern Ireland) 1987(3) or an approval under regulation 5 of the Plant Protection Products Regulations (Northern Ireland) 1995(4); and in this sub-paragraph “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985(5), “plant protection product” has the meaning assigned to it in regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995 and “wood preservative” means a pesticide for preserving wood;
  - (g) the goods are radioactive material;
  - (h) the goods are being carried solely for use in connection with the provision of train catering facilities;
  - (i) the carriage commences and terminates within the same factory, harbour area, military establishment, mine or quarry;
  - (j) the goods are substances to which the Explosives Acts (Northern Ireland) 1875 to 1970(6) or the Explosives (Northern Ireland) Order 1972(7) applies.
- (2) Regulations 3 to 14 and 16 to 19 shall not apply to the carriage of dangerous goods where—
- (a) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of Article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement;
  - (b) the carriage forms part of an international transport operation within the meaning of COTIF and conforms in every respect with the provisions of RID; or
  - (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of COTIF to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement.
- (3) Regulation 4(a) to (c) and regulation 9 and paragraph 1 of Schedule 1 shall not apply to or in relation to the carriage of a storage tank which is nominally empty, provided—
- (a) in the case where the tank is subject to the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991(8), it has been examined by a competent person and there is in existence a valid report of that examination in accordance with those Regulations;
  - (b) as much of the pipe-work which was connected to the tank as it was reasonably practicable to remove from it has been so removed;

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(1) S.R. & O. (N.I.) 1930 No. 11 (p. 330)

(2) S.R. 1983 No. 43

(3) S.R. 1987 No. 414 as amended by S.R. 1997 No. 469

(4) S.R. 1995 No. 371 as amended by S.R. 1996 No. 456 and S.R. 1997 No. 471

(5) 1985 c. 48

(6) 1875 c. 17; 1924 c. 5 (N.I.); 1970 c. 10 (N.I.)

(7) S.I. 1972/730 (N.I. 3)

(8) S.R. 1991 No. 471, as amended by S.R. 1997 No. 247

- (c) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
- (d) subject to sub-paragraph (c), all openings in the tank and in any pipe-work attached thereto have been sealed to prevent the escape of any dangerous goods, insofar as it is reasonably practicable to do so.

(4) Regulations 5 to 10, 16 and 19 shall not apply to or in relation to the carriage of dangerous goods in a road vehicle where, prior to being carried by rail, that road vehicle carried those goods by road in accordance with the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997<sup>(9)</sup>.

(5) Regulation 7(2) and (3) shall not apply to or in relation to the carriage of tanks constructed before 1st January 1999.

(6) Regulations 11 to 14 shall not apply to or in relation to the carriage of dangerous goods from a container, tank container, tank wagon or wagon which has been damaged as the result of an accident on a railway or has broken down on a railway, (other than on the siding on which it was loaded), to the nearest suitable, safe place with a view to that container, tank container, tank wagon or wagon or any other receptacle which is carrying those goods being repaired, cleaned or purged prior to the safe removal of those goods provided—

- (a) all reasonable steps have been taken to prevent any leakage of those goods; and
- (b) the prior consent is obtained of the train operator and each infrastructure controller on whose railway the goods are to be carried.

(7) Schedule 1 shall only apply to or in relation to the carriage of the tanks of tank containers and tank wagons manufactured before 1st January 1999.

(8) For the purposes of these Regulations, a container, package, tank container, tank wagon or wagon shall be deemed to be engaged in the carriage of dangerous goods throughout the period commencing—

- (a) in the case where the relevant container, package, tank container, tank wagon or wagon has been loaded with the dangerous goods concerned before being brought onto the railway, from the time when the container, package, tank container, tank wagon or wagon is brought onto the railway for the purpose of carrying those goods; or
- (b) in the case where the relevant container, package, tank container, tank wagon or wagon has been brought onto the railway before the commencement of loading, from the commencement of loading the container, package, tank container, tank wagon or wagon with the dangerous goods concerned for the purpose of carrying them,

until the time when either—

- (c) the container, package, tank container, tank wagon or wagon is removed from the railway; or
- (d) the container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been unloaded and, where necessary, cleaned, purged or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health and safety of any person.

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<sup>(9)</sup> S.R. 1997 No. 248