
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 182

The Carriage of Explosives Regulations (Northern Ireland) 2006

PART III

COMPETENT AUTHORITY FUNCTIONS

Interpretation of Part III and Schedule 1

24. –

(1) In this Part and in Schedule 1, where a function set out in a provision of ADR in relation to carriage by road or of RID in relation to carriage by rail is conferred on the Northern Ireland competent authority by reference to that provision of ADR or of RID then the Northern Ireland competent authority shall carry out that function in accordance with any requirements of that provision of ADR or of RID which are applicable to the function in question.

(2) Regulations 25(a), 26(1)(a), 27(1)(a), and 28(1)(a) shall be construed as if they included references to related expressions to those contained in the regulation in question.

(3) Any–

- (a) approval granted;
- (b) appointment made;
- (c) matter recognised;
- (d) requirement imposed;
- (e) notification made;
- (f) packing group assigned; or
- (g) information provided,

pursuant to this Part, shall be in writing.

Grant of approvals by the Northern Ireland competent authority

25. The Northern Ireland competent authority may grant approvals in respect of those matters–

- (a) which are referred to in ADR in relation to carriage by road or in RID in relation to carriage by rail, as–
 - (i) requiring the approval, permission, authorisation or agreement of the competent authority;
 - (ii) a matter which may be allowed by or shall be satisfactory or acceptable to the competent authority; or
 - (iii) being subject to a certificate of approval issued by a competent authority; and
- (b) the references to which are set out in paragraph 1 of Part 1 of Schedule 1, and

subject to any conditions set out in paragraph 2 of Part 1 of Schedule 1.

Appointment of persons by the Northern Ireland competent authority

26. –

- (1) The Northern Ireland competent authority may appoint persons to carry out those functions–
 - (a) which ADR in relation to carriage by road or which RID in relation to carriage by rail provide may be carried out by a body or expert designated, approved or authorised by the competent authority;
 - (b) the references to which are set out in paragraph 3 of Part 2 of Schedule 1.
- (2) A person appointed under this regulation by reference to sub-section 6.2.5.6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall–
 - (a) comply with the requirements of sub-sections 6.2.5.6.2.4 and 6.2.5.6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
 - (b) keep the documentation referred to in sub-section 6.2.5.6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that paragraph.

Recognition of approvals, tests, methods, standards and procedures etc by the Northern Ireland competent authority

27. The Northern Ireland competent authority may recognise approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications or other requirements in respect of those matters–

- (a) where ADR in relation to carriage by road or where RID in relation to carriage by rail provide–
 - (i) for recognition or acceptance by a competent authority of; or
 - (ii) that the competent authority is satisfied with, approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications or other requirements;
- (b) the references to which are set out in paragraph 4 of Part 3 of Schedule 1.

Imposing of requirements by the Northern Ireland competent authority

28. –

- (1) The Northern Ireland competent authority may impose requirements which apply to, or in relation to, the carriage of dangerous goods by road or by rail in respect of those matters where–
 - (a) ADR in relation to carriage by road or RID in relation to carriage by rail provide for–
 - (i) provisions, conditions, standards, restrictions or other requirements to be specified, imposed, assigned, allocated, determined, established, requested or required by the competent authority;
 - (ii) a matter to be carried out as required by the competent authority; or
 - (iii) for a request to be made to the competent authority for further instructions;
 - (b) the references to which are set out in paragraph 5 of Part 4 of Schedule 1, and subject to the conditions set out in paragraph 6 of Part 4 of Schedule 1.
- (2) The Northern Ireland competent authority may require a consignment of goods to be accompanied by persons specified by him in the circumstances where special provision W2 of section 7.2.4 of RID provides for consignments to be accompanied by order of the competent military authority.

Issue of safety adviser vocational training certificates by the Northern Ireland competent authority

29. –

(1) The Northern Ireland competent authority or a person appointed by him may issue a certificate as provided for in sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) The Northern Ireland competent authority or a person appointed by him may only issue a certificate to a person by reference to sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail (“safety adviser vocational training certificate”) where that person has–

- (a) completed training which complies with sub-section 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) passed an examination, which has been approved by the Northern Ireland competent authority; and
- (c) paid the appropriate fee in accordance with Schedule 2.

(3) The examination referred to in paragraph (2)(b) shall–

- (a) be organised by the Northern Ireland competent authority or by a person appointed by him in accordance with sub-section 1.8.3.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) comply with sub-sections 1.8.3.11 and 1.8.3.12 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) The training and examination may be limited to one or more–

- (a) modes of transport;
- (b) of those dangerous goods listed in sub-section 1.8.3.13 of ADR in relation to carriage by road or of RID in relation to carriage by rail and if this is the case the safety adviser vocational training certificate shall clearly indicate that it is only valid for that mode or for the goods in question.

(5) The safety adviser vocational training certificate referred to in paragraph (2)–

- (a) shall be in the form set out in sub-section 1.8.3.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) shall be valid for five years from the date of issue; and
- (c) may be extended as set out in sub-section 1.8.3.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The Northern Ireland competent authority, or a person appointed by him under paragraph (3) (a), shall keep a list of the questions that have been included in the examination referred to in paragraph (2)(b).

(7) Any current safety adviser vocational training certificate held by a person which–

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive, the RID Directive or to Council Directive [96/35/EC](#) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway⁽¹⁾; and
- (b) is in the form required by paragraph (5),

(1) O.J. No. L145, 19.6.1996, p 10

shall be deemed to be a safety adviser vocational training certificate issued by the Northern Ireland competent authority under this regulation and where it indicates that it applies to only one or more of the dangerous goods referred to in paragraph (4)(b) it shall be deemed to be limited to those goods.

(8) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities referred to in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978(2).

(9) Any vocational training certificate issued in accordance with regulation 7 of the Transport of Explosives by Road (Safety Advisers) Regulations (Northern Ireland) 2000(3) shall be deemed to be a safety adviser vocational training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 7(5) of the said 2000 Regulations or paragraph (5)(c).

(10) The Northern Ireland competent authority may issue a safety adviser vocational training certificate under this regulation in relation to transport of dangerous goods by inland waterway and in so doing he shall comply with this regulation and the provisions of ADR to which it refers as if they referred to the transport of dangerous goods by inland waterway.

Issue of driver training certificates by the Northern Ireland competent authority

30. –

(1) The Northern Ireland competent authority or a person appointed by him may issue a driver training certificate to a driver of a vehicle to the effect set out in sub-section 8.2.1.1 of ADR.

(2) The Northern Ireland competent authority or a person appointed by him may only issue a driver training certificate to a driver where the driver has–

- (a) completed a basic training course as set out in sub-section 8.2.1.2 of ADR and passed an examination in accordance with sub-section 8.2.2.7.1 of ADR;
- (b) if applicable–
 - (i) completed a specialisation course for the vehicle and goods in question where required by section 8.2.1 of ADR; or
 - (ii) acquired the knowledge referred to in sub-section 8.2.2.8.1(b) of ADR, and in either case has passed an examination in accordance with sub-section 8.2.2.7.2 of ADR; and
- (c) paid the fee in accordance with Schedule 2.

(3) The person carrying out the training shall ensure that those courses shall comply with sub-sections 8.2.2.1 to 8.2.2.6 of ADR.

(4) The examinations referred to in paragraph (2) shall–

- (a) be organised by the Northern Ireland competent authority or by a person appointed by him for that purpose; and
- (b) comply with the requirements for the examination in question in sub-section 8.2.2.7 of ADR.

(5) The Northern Ireland competent authority or the person appointed by him to organise the examinations shall keep a catalogue of examination questions in accordance with sub-section 8.2.2.7.1.3 of ADR.

(6) The driver training certificate–

- (a) shall be in the form required in sub-section 8.2.2.8.3;

(2) [S.I. 1978/1039 \(N.I. 9\)](#)

(3) [S.R. 2000 No. 171](#)

- (b) shall be valid for five years from the date of issue; and
 - (c) may be extended as set out in and subject to the requirements in sub-sections 8.2.1.5 and sub-section 8.2.2.8.2 of ADR.
- (7) Any current driver training certificate held by a person which–
- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive or to article 1 of Council Directive [89/684/EEC](#) on vocational training for certain drivers carrying dangerous goods by road⁽⁴⁾; and
 - (b) is in the form required by paragraph (6),

shall be deemed to be a driver training certificate issued by the Northern Ireland competent authority under this regulation.

(8) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.

(9) Any driver training certificate issued in accordance with regulation 4 of the Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997⁽⁵⁾ shall be deemed to be a driver training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 4(6) of the said 1997 Regulations or paragraph (6)(c).

Notification under sub-section 1.8.2.2 of ADR or of RID

31. –

(1) The Northern Ireland competent authority shall notify the relevant competent authority in another member State in the circumstances set out in sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) If the Northern Ireland competent authority receives a notification from another member State pursuant to sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail then he shall comply with the requirements of sub-section 1.8.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Miscellaneous functions of the Northern Ireland competent authority

32. –

(1) Subject to paragraph (2), the Northern Ireland competent authority may issue certificates of approval where sub-section 9.1.2.1.2 of ADR requires such certificates to be issued by the competent authority in Northern Ireland.

(2) The Northern Ireland competent authority may only issue a certificate of approval where the appropriate fee has been paid in accordance with Schedule 2.

(3) A certificate issued by the Northern Ireland competent authority by reference to sub-section 9.1.2.1.2 of ADR shall–

- (a) comply with that sub-section and sub-section 9.1.2.1.5 of ADR;
- (b) comply with sub-section–
 - (i) 1.6.5.2; or
 - (ii) 1.6.5.3,of ADR where applicable to the vehicle in question; and

(4) O.J. No L398, 30.12.1989, p. 33

(5) [S.R. 1997 No. 475](#)

(c) be valid for the period calculated in accordance with sub-section 9.1.2.1.4 of ADR.

(4) Any current certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and

(b) is in the form required by paragraph (3),

shall be deemed to be a certificate issued by the Northern Ireland competent authority under this regulation.

(5) Where a certificate referred to in paragraph (3)(a) is required pursuant to regulation 23 and Part 9 of ADR, in relation to the base vehicle of a new motor vehicle or its trailer, the Northern Ireland competent authority may instead issue a type approval for such a vehicle in the circumstances set out in and in accordance with sub-section 9.1.2.2.1 of ADR.

(6) Any type approval held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and

(b) complies with sub-section 9.1.2.2.1 of ADR,

shall be deemed to be a type approval issued by the Northern Ireland competent authority under this regulation provided that no modification has been made to the base vehicle since the type approval was issued.

(7) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.

(8) In this regulation, “base vehicle” has the meaning in sub-section 9.1.1.2 of ADR.

Exemption certificates, temporary and ad hoc exemptions

33. –

(1) Subject to paragraph (2), the Secretary of State, by a certificate in writing, may exempt any—

(a) person or class of persons;

(b) dangerous goods or class of dangerous goods;

(c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulations 34 to 42 of these Regulations and any exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Secretary of State by a further certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

(a) the conditions, if any, which he proposes to attach to the exemption; and

(b) any requirements imposed by or under any statutory provisions which apply to the case, he is satisfied that the environment, the security of the goods (in the case of class 1 goods) and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it and that the exemption will be compatible with the requirements of the Directives.

(3) For the purposes of paragraph (2), “the Directives” means—

(a) Council Directive [94/55/EC](#)(6) on the approximation of the laws of member States with regard to the transport of dangerous goods by road (as amended by Directive [2000/61/](#)

(6) O.J. No. L319, 12.12.94, p. 7

EC of the European Parliament and the Council(7) and Commission Directive 2003/28/EC(8); and

- (b) Council Directive 96/49/EC(9) on the approximation of the laws of member States with regard to the transport of dangerous goods by rail (as amended by Directive 2000/62/EC of the European Parliament and the Council(10) and Commission Directive 2003/29/EC(11)).

(4) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing, exempt any—

- (a) military explosive or any vehicle intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations;
- (b) person from all or any of the requirements or prohibitions imposed by these Regulations, in so far as they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

(5) Subject to paragraph (6), the Secretary of State may authorise a person or class of persons in writing, in relation to any carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts II and III where such authorisation operates only to extend derogations allowed by a multilateral agreement which is in force at the time the authorisation is made and which has been entered into by the United Kingdom under chapter 1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail or under any provision of ADR or of RID which the said chapter 1.5 re-enacted or replaced.

(6) An authorisation issued under paragraph (5) shall be—

- (a) subject to the same conditions as the multilateral agreement in question; and
- (b) withdrawn by the Secretary of State by a further communication in writing to the person authorised with effect from the same date as the multilateral agreement in question is terminated and may be so withdrawn by the Secretary of State at any time before that.

(7) The Secretary of State may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts II and III or regulation 43 provided that an authorisation—

- (a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;
- (b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Secretary of State by a further communication in writing to the person authorised.

(8) In this regulation—

- (a) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(12);

(7) O.J. No. L279, 1.11.2000, p. 40

(8) O.J. No. L90, 8.4.2003, p. 45

(9) O.J. No. L235, 17.9.96, p. 25

(10) O.J. No. L279, 1.11.2000, p. 44

(11) O.J. No. L90, 8.4.2003, p. 47

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- (b) “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train; and
- (c) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to COTIF.