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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 182**

**The Carriage of Explosives Regulations (Northern Ireland) 2006**

**PART IV**

**REQUIREMENTS ADDITIONAL TO ADR AND TO RID**

**Attendant for carriage of class 1 goods by road**

**34. –**

(1) Subject to paragraph (3), where a carrier is carrying any class 1 goods by road in a transport unit he shall ensure that the driver of the transport unit is accompanied by an attendant when the transport unit is not parked.

(2) The carrier shall ensure that the attendant–

- (a) is a person who is competent to ensure the security of the class 1 goods in question;
- (b) has received detailed written instructions on his duties to ensure the security of the class 1 goods in question; and
- (c) has received training appropriate to his responsibility for the security of the class 1 goods in accordance with chapter 1.3 and section 8.2.3 of ADR.

(3) Paragraph (1) shall not apply where–

- (a) the quantity of the class 1 goods in question does not exceed the maximum total quantity per transport unit calculated in accordance with sub-section 1.1.3.6 of ADR as modified by regulation 3(8) and the goods are carried in packages;
- (b) the only class 1 goods being carried are those set out in Schedule 3;
- (c) the carrier has taken adequate alternative measures to ensure the security of the class 1 goods carried on the transport unit and such measures have been agreed in writing with the Chief Constable; or
- (d) the transport unit is in a convoy of more than two transport units unless it is the first or the last transport unit in the convoy.

**Duration of carriage and delivery of class 1 goods by road**

**35. –**

(1) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods shall ensure that–

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the class 1 goods are delivered to–
  - (i) the consignee or his agent; or

- (ii) any other person who is authorised by the consignee to accept custody of the class 1 goods for onward despatch, provided that they are delivered to either–
    - (aa) a safe and secure place or premises under the control of the Ministry of Defence; or
    - (bb) a designated parking area in an airport, a railway transshipment depot or siding, or a harbour or harbour area,
 and if the consignee has compelling reasons not to accept the goods in accordance with sub-section 1.4.2.3 of ADR the consignee shall make arrangements for them to be delivered to an alternative safe and secure place; and
  - (c) any trailer or container containing class 1 goods is not detached from the vehicle except–
    - (i) in either a safe and secure place or a designated parking area in an airport, a railway transshipment depot or siding, or a harbour or harbour area; or
    - (ii) in an emergency.
- (2) The carrier, driver and any attendant within the meaning of regulation 34(2) of a vehicle which is being used for the carriage of class 1 goods shall ensure that any class 1 goods intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.
- (3) The carrier of a vehicle used for the carriage of class 1 goods shall not remove any class 1 goods from the consignor's premises unless he is ready immediately to despatch them to the consignee or other person referred to in paragraph (1)(b)(ii).
- (4) In this regulation “designated parking area” means–
- (a) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and
  - (b) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 33 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(1).

### **Miscellaneous security requirements for carriage of class 1 goods by road**

#### **36. –**

- (1) Any consignor consigning for carriage, or carrier carrying, class 1 goods by road in a transport unit or container shall ensure that the transport unit or container is suitable for the security of the class 1 goods being carried.
- (2) Where class 1 goods are being carried by road and any accident or emergency occurs, the carrier and each member of the vehicle crew shall ensure that all proper precautions are taken for the security of those goods.
- (3) Where class 1 goods are being carried by road and any accident or emergency occurs which cannot be brought under immediate control–
- (a) the driver and any attendant within the meaning of regulation 34(2) shall ensure that the carrier is notified by the quickest practical means;
  - (b) on being informed of the emergency under paragraph (a), the carrier shall inform the Secretary of State by the quickest practical means of the occurrence of that emergency.
- (4) The carrier and the driver of a transport unit used for the carriage by road of more than five tonnes of class 1 goods which fall into division 1.1, shall ensure that the route followed is a route which has been agreed with the Chief Constable.

(5) For the purposes of paragraph (4), when calculating the quantity of class 1 goods which fall into division 1.1 regulation 21(5)(a) shall not apply to the extent that it relates to sub-section 7.5.5.2.2 of ADR.

#### **Miscellaneous security requirements for carriage of class 1 goods by rail**

**37.** –

(1) The train operator shall ensure that the security of any container or wagon, which is being used for the carriage of class 1 goods by rail, is maintained whenever the train is stationary.

(2) The train operator shall ensure that the carriage of class 1 goods by rail is completed within a reasonable length of time, having regard to the distance involved.

(3) Where class 1 goods have been carried on a train, the consignee shall ensure that they are removed from any track, station or light maintenance depot to which they have been carried as soon as is practicable after their arrival there.

#### **Security requirement for carriage of class 1 goods by road or by rail**

**38.** Any person involved in the carriage of class 1 goods by road or by rail shall take all reasonable steps to ensure that unauthorised access to the goods is prevented.

#### **Carriage of class 1 goods in vehicles used to carry passengers for hire or reward**

**39.** –

(1) A person shall not carry class 1 goods in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are that–

(a) the only class 1 goods carried by that person are aerial flares (UN 0404), black powder (UN 0027 and 0028), cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055 and 0379), cartridges (UN 0012, 0014, 0323, 0327, 0328, 0338, 0339 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), safety fuse (UN 0105), signals (UN 0191, 0193, 0195 and 0373), or smokeless powder (UN 0160 and 0161), or any combination of such goods;

(b) the net mass of explosive substances carried by that person does not exceed two kilograms;

(c) the class 1 goods are kept with that person and are kept properly packed; and

(d) all reasonable precautions are taken by that person for the prevention of accidents arising from the class 1 goods.

(3) For the purposes of this regulation, where class 1 goods are being carried by a passenger, the driver and carrier shall not be treated as carrying them.

#### **Carriage of class 1 goods by road in motor vehicles**

**40.** Any person carrying class 1 goods by road in a vehicle, other than an EX/II or EX/III vehicle or a vehicle which is not being used for hire or reward, shall ensure that those goods are segregated from any person travelling in the vehicle by being placed in a suitable container or in a separate load compartment of the vehicle.

### **Marshalling and formation of trains**

41. Where dangerous goods are being carried by train, the train operator shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

### **Keeping of information by carriers**

42. Where the carrier is required to ensure that a transport document accompanies a consignment of dangerous goods pursuant to regulation 19(3), he shall keep a written record of all the information contained within the transport document for a period of three months after the completion of the journey in question.

### **Placards, marks and plate markings for carriage within Northern Ireland**

43. –

(1) Subject to the requirements in Part 1 of Schedule 4 in relation to carriage by road or Part 2 of that Schedule in relation to carriage by rail, where dangerous goods are being carried by–

- (a) road or by rail in tanks or in bulk and, in the case of carriage by road, on a transport unit registered in Northern Ireland; or
- (b) rail in piggyback transport,

and the whole of that carriage operation takes place in Northern Ireland, the loader, filler, consignor and carrier shall comply with the requirements in regulation 19(2) relating to placards, marks or plate markings.

(2) Where, in relation to carriage by rail, the loader, filler, consignor and carrier comply with the requirements in Part 2 of Schedule 4, then regulation 19(3) and sub-section 5.4.1.1.1(j) of RID shall apply as if they required the EAC to be entered in the transport document instead of the HIN.