

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2006 No. 182**

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

**PART I**

**INTRODUCTORY PROVISIONS**

**Interpretation**

**2. –**

(1) In these Regulations–

“ADR” means (except for the purposes of regulation 4) the provisions which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by road which–

- (a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2003)(**1**); and
- (b) are contained in Annexes A and B to Council Directive [94/55/EC](#), as amended, of 21 November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(**2**),

and “ADR Directive” means the Directive referred to in sub-paragraph (b);

“battery-vehicle” has the meaning in section 1.2.1 of ADR;

“battery-wagon” has the meaning in section 1.2.1 of RID;

“bundle of cylinders” means–

- (a) in relation to carriage by road, a “bundle of cylinders” as set out in section 1.2.1 of ADR; or
- (b) in relation to carriage by rail, a “bundle of cylinders (frame)” as set out in section 1.2.1 of RID;

“carriage” and “carrier” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“the Carriage of Dangerous Goods Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(**3**);

“class 1 goods” shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 2 goods” shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

---

(1) 2003 Edition: ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003)  
(2) O.J. No. L319, 12.12.94, p. 7; relevant amending directives are Directive [2000/61/EC](#) of the European Parliament and Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive [2003/28/EC](#) of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 45)  
(3) [S.R. 2006 No. 173](#)

“class 5 goods” shall be construed in accordance with sub-section 2.2.51.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 6 goods” shall be construed in accordance with sub-section 2.2.61.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compatibility group” shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compressed gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“consignee”, “consignment” and “consignor” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“COTIF” means the Convention concerning International Carriage by Rail, as revised or reissued from time to time(4);

“cylinder” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“dangerous goods” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“demountable tank” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“division 1.1” and “division 1.4” shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EEC-type cylinder” means transportable pressure equipment–

- (a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate–
  - (i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or
  - (ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives, which conforms to the requirements of the Directives referred to in subparagraph (i); and
- (b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

“emergency action code” (“EAC”) means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004(5);

“Executive” means the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978;

“explosive article” shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

---

(4) Cmnd. 2232  
(5) ISBN 0-11-341275-4

“explosive substance” shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EX/II vehicle” and “EX/III vehicle” have the meaning in sub-section 9.1.1.2 of ADR;

“factory” has the meaning in section 175 of the Factories Act (Northern Ireland) 1965(6);

“filler” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“flammable gases” shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“FRP tank” means a tank constructed of fibre-reinforced plastics;

“gas” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“goods vehicle examiner” means an examiner appointed under Article 74 of the Road Traffic (Northern Ireland) Order 1995(7) who examines goods vehicles within the meaning of Article 2 of that Order;

“harbour area” has the meaning in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(8);

“hazard identification number” (“HIN”) shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization(9);

“inland waterway” includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition “member State” does not include the United Kingdom;

“intermediate bulk container” (“IBC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquefied gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquid” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“loader” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the Department of the Secretary of State responsible for defence;

“military explosive” has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(10);

“multiple-element gas container” (“MEGC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“Northern Ireland competent authority” means the competent authority for Northern Ireland in accordance with regulation 8(1) to (3);

---

(6) 1965 c. 20 (N.I.); section 175(2)(n) was amended by regulation 3(1) of, and Schedule 1 to, S.R. 1984 No. 283

(7) 1995 No. 2994 (N.I. 18)

(8) S.R. 1995 No. 87

(9) Current edition (2004): ISBN 92-801-4184-8

(10) S.R. 1991 No. 516

“old pressure receptacle” means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of class 2 goods, except that—

- (a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;
- (b) the definition of—
  - (i) “bundle of cylinders” in section 1.2.1 of ADR; and
  - (ii) “bundle of cylinders (frame)” in section 1.2.1 of RID,

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed—

- (a) in the case of cylinders and cryogenic receptacles, on or before 30th September 2005; and
- (b) in the case of other pressure receptacles, on or before 31st July 2006;

“old tank” means—

- (a) a tank;
- (b) pressure receptacles forming elements of—
  - (i) a battery-vehicle in relation to carriage by road; or
  - (ii) a battery-wagon in relation to carriage by rail; and
- (c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 31st July 2006;

“operator” means an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“outer packaging” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“owner” means in relation to transportable pressure equipment or an IBC—

- (a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it except for a person who buys it solely to use the goods in it before selling it back to the supplier;
- (b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or
- (c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Northern Ireland—
  - (i) the agent of that person in Northern Ireland; or
  - (ii) if there is no such agent, the user;

“package” and “packaging” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“packer” and “packing group” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“piggyback transport” has the meaning in section 1.2.1 of RID;

“portable tank” has the meaning in–

- (a) section 1.2.1;
- (b) sub-section 6.7.2.1 for the purposes of section 6.7.2;
- (c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or
- (d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure receptacle” means a cylinder, pressure drum, closed cryogenic receptacle or bundle of cylinders;

“Pressure Vessels Framework Directive” means Council Directive [76/767/EEC](#) of 27th July 1976(11), as amended, concerning the approximation of laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

“quality assurance” has, for the purposes of Parts II and III, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“quarry” has the meaning in Article 2(2) of the Quarries (Northern Ireland) Order 1983(12);

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is–

- (a) a tramway, that is to say a system of transport used wholly or mainly for the transport of passengers and employing parallel rails and which are laid wholly or mainly along a street or in any place to which the public has access (including a place to which the public has access only on making a payment); or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

“railway infrastructure manager” has the meaning in section 1.2.1 of RID;

“railway vehicle” means any conveyance which is used for the carriage of dangerous goods on a railway;

“receptacle” has the meaning given in the definition of “receptacle” in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, except that when used in relation to receptacles for class 1 goods it shall include the items listed in the definition of ““receptacles” (class 1)” in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“RID” means (except for the purposes of regulation 4) the Regulations which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by rail which–

- (a) form Annex 1 to Appendix B to COTIF;
- (b) are contained in the Annex to Council Directive [96/49/EC](#) of 23rd July 1996, as amended, on the approximation of the laws of the member States with regard to the transport of dangerous goods by rail(13); and
- (c) include the 2004 Supplement which came into force on 1st January 2004(14),

and the “RID Directive” means the Directive referred to in sub-paragraph (b);

(11) O.J. No. L262, 27.9.1976, p. 153; relevant amending Directives are Council Directive [87/354/EEC](#) of 25th June 1987 (O.J. No. L192, 11.7.1987, p. 43) and Council Directive [88/66/EEC](#) of 21st December 1988 (O.J. No. L382, 31.12.1988, p. 42)

(12) [S.I. 1983/150 \(N.I. 4\)](#)

(13) O.J. No. L235, 17.9.96, p. 25; relevant amending Directives are Directive [2000/62/EC](#) of the European Parliament and the Council of 10th October 2000 (O.J. No. L279, 1.11.2000, p. 44) and Commission Directive [2003/29/EC](#) of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 47)

(14) ISBN 0-11-55-2553-X

“road” means any highway and any road to which the public has access and includes bridges over which a road passes;

“safe and secure place” means a safe and secure place within a factory or magazine—

- (a) licensed under the Explosives Act 1875<sup>(15)</sup>; or
- (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations (Northern Ireland) 1983<sup>(16)</sup>;

“separate Directives” means Council Directives [84/525/EEC](#) of 17th September 1984, [84/526/EEC](#) of 17th September 1984 and [84/527/EEC](#) of 17th September 1984<sup>(17)</sup> concerning the approximation of laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

“standard” means—

- (a) a nationally or internationally agreed standard; or
- (b) any other document not falling within sub-paragraph (a), which is a technical code within the meaning of that term in ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank” has the meaning in—

- (a) section 1.2.1; or
- (b) sub-section 6.7.4.1 when used for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail and in relation to carriage by rail such term includes a demountable tank, tank-container, a tank wagon, a portable tank or fixed tank, including tanks forming elements of battery-wagons or MEGCs;

“tank-container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank-vehicle” has the meaning in section 1.2.1 of ADR;

“tank wagon” has the meaning in section 1.2.1 of RID;

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock;

“train operator” in relation to any train, means any person who has the management of that train for the time being;

“transportable pressure equipment” means a pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC or tank which is used or intended to be used for the carriage by road or by rail or storage of class 2 goods including any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment;

“transport category” means a category to which goods are assigned for the purposes of sub-section 1.1.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, as modified by regulation 3(8);

“transport document” shall mean the document containing the information set out in section 5.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

---

<sup>(15)</sup> 1875 c. 17

<sup>(16)</sup> S.R. 1983 No. 326

<sup>(17)</sup> O.J. No. L300, 19.11.1984, pp. 1, 20 and 48 respectively

“transport unit” has the meaning in section 1.2.1 of ADR;

“UN certified multiple-element gas container” (“UN-certified MEGC”) has the meaning in sub-section 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“vehicle” means (other than for the purposes of the definition of “railway”) any conveyance used for the carriage of goods by road; and

“wagon” has the meaning in section 1.2.1 of RID.

(2) In these Regulations a vehicle or a train is owned by the armed forces when it is owned by—

- (a) Her Majesty's Forces;
- (b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(18)</sup>; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(19)</sup>,

and includes a vehicle which has been provided under any kind of 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.

(3) In these Regulations a vehicle or a train is under the control of the armed forces when—

- (a) a member of the crew on board is a member of the armed forces acting in the course of his duties; or
- (b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within sub-paragraph (a).

(4) In paragraph (3) “a member of the armed forces” means—

- (a) a member of Her Majesty's Forces;
- (b) a member of any visiting force within the meaning of Part 1 of the Visiting Forces Act 1952; or
- (c) a civilian who is an employee of Her Majesty's Forces.

(5) In these Regulations, the words “used at work”, when referring to transportable pressure equipment, include the filling, emptying, refilling, storage and transport by road or by rail of that equipment at work and an intention to conduct any of those activities.

(6) In these Regulations the “transport of dangerous goods by inland waterway” means the—

- (a) transport;
- (b) related loading or unloading,

of dangerous goods by inland waterway.

(7) Any document which is—

- (a) required to be sent, submitted or otherwise delivered; or
- (b) issued pursuant to these Regulations,

may be sent to the recipient by electronic means.

(8) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, and “UN number” shall be construed accordingly.

---

<sup>(18)</sup> 1952 c. 67

<sup>(19)</sup> 1964 c. 5

(9) In these Regulations, the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(10) For the purposes of these Regulations—

- (a) subject to sub-paragraph (b), there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products extracted from the mine or the removal from the mine of the refuse of it;
- (b) premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for sale of the minerals extracted from it shall not be deemed to form part of a mine;
- (c) premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine, and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969<sup>(20)</sup>;
- (d) a railway line serving a single mine (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within sub-paragraph (a) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Executive may direct under section 156 of the Mines Act (Northern Ireland) 1969; and
- (e) a conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it or refuse from it shall be deemed to form part of a mine.

(11) In paragraph (10) “owner” means, in relation to a mine, the person for the time being entitled to work it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of paragraph (10) to be an additional owner of the mine.

(12) Where a term is defined in ADR in relation to carriage by road or in RID in relation to carriage by rail and is not defined for the purposes of these Regulations, it bears the meaning as defined in ADR in relation to carriage by road and in RID in relation to carriage by rail.

(13) In these Regulations a reference to a numbered Part, chapter, section or sub-section of ADR in relation to carriage by road or of RID in relation to carriage by rail is a reference to that numbered Part, chapter, section or sub-section of—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail.

---

<sup>(20)</sup> 1969 c. 6 (N.I.), as amended by S.R. 1999 No. 150. There are other amendments to the Act not relevant to these Regulations