
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 160

**The Carriage of Dangerous Goods and Use of Transportable
Pressure Equipment Regulations (Northern Ireland) 2010**

PART 6

NORTHERN IRELAND COMPETENT AUTHORITY FUNCTIONS

Competent authority

21.—(1) Subject to paragraph (2), the competent authority for Northern Ireland for the purposes of these Regulations is the Health and Safety Executive for Northern Ireland.

(2) The competent authority for Northern Ireland is the Department of the Environment for the functions of the competent authority—

(a) in relation to—

(i) the inspection of vehicles; and

(ii) the issue of certificates following inspections or copies thereof, in pursuance of chapter 9.1 of Annex B to ADR; and

(b) in relation to ADR carriage of class 7 goods by road.

(3) The Northern Ireland competent authority may appoint a person to carry out a function of the Northern Ireland competent authority under these Regulations and a reference in these Regulations to the performance of the function by the Northern Ireland competent authority is to be treated as including a reference to the performance of the function by the person appointed.

(4) The person may be appointed to carry out the function in particular circumstances or generally.

(5) Paragraphs (6) and (7) apply if the 2006 Northern Ireland competent authority appointed, or was deemed by regulation 29 of the 2006 Regulations to have appointed, a person to perform a competent authority function pursuant to regulation 26 of those Regulations and that appointment had effect immediately before the coming into operation of these Regulations.

(6) The person appointed, or deemed appointed, under the 2006 Regulations shall be deemed to be a person appointed pursuant to paragraph (3) to perform the equivalent function in ADR or RID.

(7) But in the case of a function performed in relation to carriage by inland waterway, the Northern Ireland competent authority shall be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 26 of the 2006 Regulations.

Functions of the Northern Ireland competent authority arising under ADR, RID and ADN

22. The Northern Ireland competent authority shall perform those functions that are identified in ADR, RID and ADN as being the functions of a competent authority.

Fees in relation to functions of the Northern Ireland competent authority

23.—(1) This regulation applies where a person has asked the Northern Ireland competent authority to perform a function which is, by virtue of regulation 22, a function of the Northern Ireland authority.

(2) A fee may be charged for, or in conjunction with, the performance of the function by, or on behalf of, the Northern Ireland competent authority.

(3) Any fee charged shall be reasonable for the work performed or to be performed.

(4) But in relation to—

- (a) a function mentioned in regulation 25(3), paragraph 1(2) and (3) of Schedule 4 applies; and
- (b) a function mentioned in paragraphs (5) to (15) the fee specified in those paragraphs in relation to that function shall apply, instead of paragraphs (2) and (3).

(5) The fee for the provision of inspection facilities, including the carrying out of an inspection, and the administrative work carried out upon receipt of an application for an ADR certificate in respect of a vehicle shall be £88.50.

(6) Subject to paragraph (7), where a vehicle fails to pass an inspection carried out in respect of an application for an ADR certificate, an application for a further inspection shall be treated for the purpose of these Regulations as a separate application for an ADR certificate.

(7) Where a vehicle fails to pass an inspection and within 21 days thereafter arrangements are made for a further inspection to be carried out within that period, paragraph (6) shall not apply but a further fee of £45.50 shall be payable in respect of such arrangements.

(8) The fees paid in pursuance of paragraphs (5), (7) or (11) shall be repaid—

- (a) if no appointment for an examination of the vehicle is made or the appointment made is subsequently cancelled by the Northern Ireland competent authority;
- (b) if the person for whom the appointment is made gives to the Northern Ireland competent authority notice cancelling the appointment of not less than one clear day before the date of the appointment;
- (c) if the person for whom the appointment is made keeps the appointment but the examination does not take place, or is not completed, for a reason not specified in Schedule 3; or
- (d) if the person for whom the appointment is made satisfies the Northern Ireland competent authority that the vehicle cannot, or, as the case may be, could not, reasonably be presented for examination on the date of the appointment due to exceptional circumstances occurring not more than seven days before the said date and of which notice is given within three days of the occurrence thereof to the Northern Ireland competent authority at the vehicle testing centre where the examination is or, as the case may be, was to be held.

(9) Where an application is made for a first ADR certificate in respect of a tractor for a semi trailer, and an inspection of the tractor is waived, the fee payable upon receipt of such an application shall be £28.00.

(10) The fee for the issue of a copy of an ADR certificate which has been lost or destroyed shall be £14.

(11) An application made to the Northern Ireland competent authority for an ADR certificate shall be accompanied by the appropriate fee determined in accordance with this regulation.

(12) The fee payable under paragraph (7) in respect of arrangements for a further inspection of a vehicle shall be paid on or before the date arranged for such further inspection.

(13) Where applications are made for inspections to be carried out in respect of ADR certificates for a vehicle and trailer at the same time or consecutively, separate applications, each accompanied by the appropriate fee, shall be submitted.

(14) Subject to paragraph (15), an application for an ADR certificate shall be accompanied by an application for a test made under regulation 10 of the Goods Vehicle (Testing) Regulations (Northern Ireland) 2003(1) (a “goods vehicle test”).

(15) An application for an ADR certificate need not be accompanied by an application for a goods vehicle test where—

- (a) a motor vehicle having a maximum gross weight exceeding 3,500 kilograms which has not yet reached the end of the month in which falls the first anniversary of the date on which it was registered;
- (b) a trailer which has not yet reached the end of the month in which falls the first anniversary of the date on which it was first sold or supplied by retail; or
- (c) it has a current goods vehicle test certificate.

(16) In this regulation—

- (a) “ADR certificate” means a certificate of approval issued for a vehicle following inspection of the vehicle in pursuance of Sub-sections 9.1.2.1 and 9.1.3.1 of Annex B to ADR, and references to an inspection of a vehicle or the issue of a certificate or a copy thereof are references to such an inspection, or issue of a certificate or copy, by the Northern Ireland competent authority;
- (b) “exceptional circumstances” means an accident, a fire, industrial action, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor); and
- (c) save in paragraphs (7) and (8)(d) (insofar as it relates to seven days), no period of time shall include any day which is a Saturday, Sunday or public holiday and “public holiday” shall not include Good Friday and shall include Easter Tuesday.

Northern Ireland competent authority functions relating to reference temperatures and standards

24.—(1) The Northern Ireland competent authority may recognise different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of Section 4.1.4; or
- (b) Sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

in relation to the filling of pressure receptacles and tanks intended to be used only for the national carriage of liquefied gas.

(2) The Northern Ireland competent authority may recognise standards for the construction of the shell of a tank intended to be used only for the national carriage of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or
- (b) a different test pressure specified for the shell of the tank from that set out in Sub-sections 4.3.3.2.2 and 4.3.3.2.3,

provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

Appointments by the Northern Ireland competent authority

25.—(1) Paragraph (2) applies in respect of equipment which under these Regulations may not be used in connection with the carriage of dangerous goods unless it has been approved for that use.

(1) [S.R. 2003 No. 304](#) to which there are amendments not relevant to these Regulations

(2) The Northern Ireland competent authority may appoint such persons as it thinks fit to determine whether the equipment should be approved and, if so, to approve that equipment for use.

(3) Where it is a function of the Northern Ireland competent authority, by virtue of regulation 22, to approve or authorise a body or expert to carry out, witness, supervise or decide to waive an inspection, examination, test or approval in respect of equipment used in connection with the carriage of dangerous goods, that function shall be performed by the appointment of a person pursuant to paragraph (2).

(4) In respect of the appointment of a person to carry out the functions of a notified body for the purposes of Part 4 of these Regulations, the Northern Ireland competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in Annexes I and II to the Transportable Pressure Equipment Directive.

(5) In respect of the appointment of a person to carry out the functions of an approved body for the purposes of Part 4 of these Regulations, the Northern Ireland competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in Annexes I and III to the Transportable Pressure Equipment Directive.

(6) Schedule 4 has effect in relation to the making of appointments pursuant to paragraph (2).

Certain functions to be deemed to have been performed by the Northern Ireland competent authority

26.—(1) Paragraphs (3) and (4) apply if—

- (a) the 2006 Northern Ireland competent authority or a person to whom a function has been delegated by regulation 26(4) of the 2006 Regulations performed a function pursuant to regulation 26(1) of those Regulations; and
- (b) the action taken by the 2006 Northern Ireland competent authority or that other person, as a consequence of the performance of the function, had effect immediately before the coming into operation of these Regulations.

(2) But paragraphs (3) and (4) do not apply where the function was performed by appointment in accordance with regulation 29 of the 2006 Regulations.

(3) The Northern Ireland competent authority or other person shall be deemed to have performed the function pursuant to regulation 22 under the same provision of ADR or RID as it was performed pursuant to regulation 26 (1) of the 2006 Regulations.

(4) In the case of a function performed in relation to carriage by inland waterway, the Northern Ireland competent authority shall be deemed to have performed the function under the equivalent provision of ADN as it was performed under ADR pursuant to regulation 26(1) of the 2006 Regulations.