

---

STATUTORY INSTRUMENTS

---

**1989 No. 615**

**HEALTH AND SAFETY**

**The Road Traffic (Carriage of Explosives) Regulations 1989**

<i>Made</i>	- - - -	<i>5th April 1989</i>
<i>Laid before Parliament</i>		<i>11th April 1989</i>
<i>Coming into force</i>		
<i>for the purposes of</i>		
<i>all regulations except</i>		
<i>regulation 14</i>		<i>3rd July 1989</i>
<i>for the purposes of</i>		
<i>regulation 14</i>		<i>3rd January 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a) and (c), (4), (5)(b), 80(1) and (4) and 82(3)(a) of, and paragraphs 1(1), 3, 7, 12, 14, 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(1) ("the 1974 Act") and of all other enabling powers:—

- (a) for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act; and
- (b) it appearing to him that the repeal of paragraph 4 of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947(2) provided for by section 80(1) of the 1974 Act is expedient, after consulting the Health and Safety Executive being the only body appearing to him to be appropriate to consult in accordance with subsection (4) of that section,

hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Road Traffic (Carriage of Explosives) Regulations 1989 and shall come into force on 3rd July 1989, except regulation 14 which shall come into force on 3rd January 1990.

---

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.  
(2) 1947 c. 10 (11 and 12 Geo.6).

## Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983(3);

“attendant” means a person who accompanies the driver in the vehicle during the journey to help ensure the safety and security of the explosives;

“blasting explosive” means the explosive substance allocated on classification the UN Number 0081, 0082, 0083, 0084, 0241, 0331 or 0332;

“carriage” and related expressions shall be construed in accordance with paragraphs (5) to (7);

“Class 1” has the meaning assigned to it by regulation 2(1) of the 1983 Regulations;

“classified” means classified under the 1983 Regulations, and “classification” and “unclassified” shall be construed accordingly;

“Compatibility Group” and “Compatibility Group letter” have the meanings assigned to them by regulation 2(1) of the 1983 Regulations;

“consignor” means a person who consigns (whether as principal or as agent for another) explosives for carriage by road;

“detonating cord” means the explosive article allocated on classification the UN Number 0065 or 0289;

“detonating fuzes” means the explosive articles allocated on classification the UN Number 0106, 0107, 0257 or 0367;

“detonators” means the explosive articles allocated on classification the UN Number 0029, 0030, 0255, 0267, 0360, 0361, 0455 or 0456;

“Division” and “Division number” have the meanings assigned to them by regulation 2(1) of the 1983 Regulations;

“explosives” means explosive articles or explosive substances which—

- (a) have been assigned on classification to Class 1; or
- (b) are unclassified;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance, or
- (b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“freight container” means a container as defined in regulation 2(1) of the Freight Containers (Safety Convention) Regulations 1984(4);

“gunpowder” means the explosive substance allocated on classification the UN Number 0027;

“military explosive” has the meaning assigned to it by regulation 2(1) of the 1983 Regulations;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“operator” means in relation to a vehicle—

---

(3) S.I. 1983/1140.

(4) S.I. 1984/1890.

- (a) the person who holds an operator's licence (granted under Part V of the Transport Act 1968<sup>(5)</sup>) for the use of that vehicle for the carriage of goods on a road; except that where by virtue of regulation 32(1) to (3) of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984<sup>(6)</sup> the vehicle is included in a licence held by a holding company and that company is not operating the vehicle at the relevant time, the "operator" shall be the subsidiary company specified in the application made under the said regulation 32(1) or, if more than one subsidiary company is so specified, whichever one is operating the vehicle at the relevant time, and in this sub-paragraph "holding company" and "subsidiary company" have the same meanings as in the said Regulations of 1984;
- (b) where no such licence is held, the keeper of the vehicle, and for this purpose, where the vehicle is on hire or lease to another person that other person shall be treated as being the keeper;

"road" means—

- (a) as respects England and Wales, a road within the meaning of section 192(1) of the Road Traffic Act 1988<sup>(7)</sup>;
- (b) as respects Scotland, a road within the meaning of section 151 of the Roads (Scotland) Act 1984<sup>(8)</sup>;

"semi-trailer" has the same meaning as in column 2 of the Table set out in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986<sup>(9)</sup>;

"smokeless powder" means (except in paragraph 9(c) of Part II of Schedule 4) the explosive substance allocated on classification the UN Number 0160 or 0161;

"trailer" means a vehicle drawn by a motor vehicle but does not include a semi-trailer;

"UN Number" means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and allocated by the Health and Safety Executive or the Secretary of State to an explosive article or explosive substance as a means of identification;

"vehicle" includes a motor vehicle, trailer and semi-trailer.

- (2) Unless the context otherwise requires, any reference in these Regulations to—
  - (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
  - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.

(3) Any reference in these Regulations to an explosive specified in Part I, Part II or Part III of Schedule 1 is a reference to an explosive of the description specified in column 1 of the said Part I, Part II or Part III, as the case may be, allocated on classification the UN Number specified opposite thereto in column 2 of that Part.

(4) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.

(5) Any reference in these Regulations to the carriage of explosives in a vehicle includes a reference to the carriage of explosives on a vehicle or in a freight container attached to a vehicle, and, for the purposes of these Regulations, a motor vehicle and a trailer or semi-trailer attached to it

(5) 1968 c. 73; section 60(1) was modified by S.I. 1980/637.

(6) S.I. 1984/176.

(7) 1988 c. 52.

(8) 1984 c. 54.

(9) S.I. 1986/1078; the relevant amending instrument is S.I. 1987/676.

shall be deemed to be one vehicle, and articles or substances or both of them carried in one vehicle shall be deemed to be carried together.

(6) Subject to paragraph (7), a vehicle shall be deemed for the purposes of these Regulations to be used for the carriage of explosives from the commencement of loading the vehicle with the explosives for the purpose of carrying the explosives on a road until all the explosives have been unloaded, whether or not the vehicle is on a road at the material time.

(7) A trailer or semi-trailer containing explosives shall not be deemed for the purposes of these Regulations to be used for the carriage of explosives if it is not attached to a motor vehicle at the material time, and accordingly if the trailer or semi-trailer is loaded with the explosives before it is attached to the motor vehicle the carriage begins when the trailer or semi-trailer is attached to the motor vehicle for the purpose of carrying the explosives on a road and ends when it is detached from the vehicle, or when all the explosives have been unloaded, if earlier.

### **Application**

**3.—**(1) These Regulations shall apply to or in relation to the carriage of explosives by road.

(2) Regulations 6 to 15 shall not apply to the carriage of explosives in a vehicle being used to carry passengers for hire or reward.

(3) Regulations 4(1), 6 to 10 and 11(2) to 15 shall not apply to carriage by members, acting in the course of their duties, of—

- (a) Her Majesty's forces;
- (b) visiting forces within the meaning of any of the provisions of Part 1 of the Visiting Forces Act 1952<sup>(10)</sup>;
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(11)</sup>;

(4) Regulations 4, 6 to 10 and 11(2) to 15 shall not apply to carriage for the purposes of explosive ordnance disposal (other than in connection with dumping at sea) under the direction of a member of Her Majesty's forces, a police officer, or a person authorised by the Secretary of State for Defence.

(5) Regulations 8, 9 and 10 shall not apply where—

- (a) the vehicle carrying the explosives has been exempted from excise duty by the Secretary of State under section 7(1) of the Vehicles (Excise) Act 1971<sup>(12)</sup>; or
- (b) the vehicle carrying the explosives is one which is only used on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises or in passing from one part of such premises to another in the immediate vicinity.

(6) Except for regulations 11 and 13, these Regulations shall not apply where—

- (a) the vehicle carrying the explosives is engaged in an international transport operation within the meaning of the Convention concerning International Carriage by Rail (COTIF)<sup>(13)</sup> as revised or re-issued from time to time; and
- (b) such carriage conforms in every respect to the provisions of the Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM) which forms Appendix B to that Convention and to the regulations (RID) made thereunder.

(7) These Regulations shall not apply to any explosive nuclear device or any component thereof.

---

<sup>(10)</sup> 1952 c. 67.

<sup>(11)</sup> 1964 c. 5.

<sup>(12)</sup> 1971 c. 10.

<sup>(13)</sup> Cmnd 8535.

### **Prohibition on the carriage of certain explosives**

- 4.—(1) No person shall carry explosives in Compatibility Group K in a vehicle.
- (2) No person shall carry unclassified explosives in a vehicle except—
- (a) solely in connection with an application for their classification; and
  - (b) in accordance with such conditions as are approved in writing for the time being by the Health and Safety Executive or in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation.

### **Carriage of explosives in vehicles used to carry passengers for hire or reward**

5.—(1) No person shall carry explosives in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

- (2) The said conditions are:—
- (a) the only explosives carried by that person are any of the explosives specified in Parts I or II of Schedule 1, gunpowder or smokeless powder, or any mixture of them;
  - (b) the maximum total quantity of explosives carried by that person does not exceed 2 kilograms;
  - (c) the explosives are kept with that person and are kept properly packed;
  - (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the explosives.

(3) For the purposes of this regulation, where explosives are being carried by a passenger the driver and operator of the vehicle shall not be treated as carrying them as well.

### **Suitability of vehicles and freight containers and limits on quantities**

6.—(1) The operator of a vehicle used for the carriage of explosives shall ensure that the vehicle and any freight container so used are suitable for the safety and security of the explosives having regard to the type and quantity of explosives being carried.

(2) The operator of a vehicle shall ensure that there is not carried in that vehicle at any one time explosives of the type specified in column 1 of Schedule 2 in excess of the quantity specified for that type of explosive in the corresponding entry in column 2 thereof.

(3) In a case where explosives in different Compatibility Groups or Divisions are being carried together, Schedule 2 shall be applied in accordance with the provisions of paragraphs 1, 2(a) and 3 of Schedule 3.

(4) Nothing in paragraph (2) shall be construed as allowing a greater quantity of explosives to be carried than that for which the vehicle and freight container are suitable as described in paragraph (1).

### **Mixed loads**

- 7.—(1) The operator of a vehicle used for the carriage of explosives shall ensure that—
- (a) explosives in different Compatibility Groups are not carried together unless—
    - (i) such carriage is permitted by paragraph 4 of Schedule 3; or
    - (ii) subject to paragraph (2), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in any one of the Compatibility Groups carried;
  - (b) explosive substances and explosive articles in the same Compatibility Group are not carried together unless—

- (i) such carriage is permitted by paragraph 4 of Schedule 3; or
  - (ii) subject to paragraph (2), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in the form of explosive substances or explosive articles alone;
  - (c) unclassified explosives are not carried with classified explosives except those in Compatibility Group S.
- (2) Notwithstanding paragraph (1)(a)(ii) and (b)(ii) the operator of a vehicle used for the carriage of explosives shall ensure that—
- (a) explosives in Compatibility Groups A, H or L are not carried together or with explosives in any other Compatibility Group;
  - (b) explosives in Compatibility Group L are not carried with a different type of explosive in the same Compatibility Group.
- (3) The operator of a vehicle used for the carriage of explosives shall ensure that the explosives are not carried with any other substance which is dangerous for conveyance (within the meaning of the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984<sup>(14)</sup>), unless all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such substance.

### **Marking of vehicles**

**8.—**(1) The operator and the driver of a vehicle used for the carriage of explosives shall, subject to the exceptions specified in Part II of Schedule 4, ensure that the requirements specified in Part I of that Schedule are complied with.

(2) In a case where explosives in different Divisions are being carried together, Schedule 4 shall be applied in accordance with the provisions of paragraphs 2(b) and 3 of Schedule 3.

### **Consignment**

**9.—**(1) The operator of a vehicle used for the carriage of explosives shall ensure that he has obtained from the consignor of the explosives or some other person acting on his behalf such information as will enable the operator to comply with his duties under these Regulations.

(2) It shall be the duty of the consignor to ensure that the information referred to in paragraph (1)—

- (a) is provided to the operator in writing; and
- (b) is accurate and sufficient for the purposes of that paragraph.

(3) The operator of a vehicle used for the carriage of explosives shall not remove any explosives from the consignor's premises unless he is ready immediately to despatch them to the consignee or other person referred to in regulation 13(1)(c).

### **Information in writing to be available during carriage**

**10.—**(1) The operator of a vehicle used for the carriage of explosives shall ensure that the driver or any attendant thereof has in his possession the following information in writing at the start of the journey:—

- (a) in the case of classified explosives, the Division and Compatibility Group of each type of explosive carried;

---

<sup>(14)</sup> S.I. 1984/1244, amended by S.I. 1986/1922 and 1988/766.

- (b) the net mass (in tonnes or kilograms) of each type of explosive carried, except that the gross mass (in tonnes or kilograms) may be stated instead if the operator does not know and could not reasonably ascertain what the net mass is;
  - (c) whether, in the case of explosives in Compatibility Group C, D or G, the explosives carried are explosive substances or explosive articles;
  - (d) the name and address of the consignor, the operator of the vehicle and the consignee;
  - (e) such other information as will enable the driver and any attendant to know the nature of the dangers to which the explosives carried may give rise and the action to be taken in an emergency.
- (2) The driver and attendant shall not carry explosives in the vehicle unless—
- (a) the said information in writing referred to in paragraph (1) is kept on the vehicle from the start of the journey and is thereafter readily available at all times while the explosives are being carried; and
  - (b) the information in writing relating to any explosives which are not being carried at that time is deleted, destroyed, removed from the vehicle, or placed in a securely closed container clearly marked to show that the information does not relate to explosives then being carried.
- (3) The driver or attendant shall on request show to any police officer or traffic examiner the information in writing referred to in paragraph (1).
- (4) Nothing in paragraph (2)(a) shall prevent the removal from the vehicle of the information in writing for the purposes of showing it, or otherwise communicating the information, to the police, fire brigade, a traffic examiner, or an inspector.
- (5) In this regulation “traffic examiner” means a goods vehicle examiner within the meaning of section 68(2) of the Road Traffic Act 1988.
- (6) This regulation shall not apply to the carriage of—
- (a) any explosives specified in Part I of Schedule 1;
  - (b) gunpowder or smokeless powder, or a mixture of them, if the total quantity of such explosives does not exceed 5 kilograms;
  - (c) any explosives specified in Parts II or III of Schedule 1 if—
    - (i) throughout the carriage the explosives are accompanied by a person who has knowledge of the matters specified in paragraph (1); and
    - (ii) the quantity of such explosives does not exceed 50 kilograms, except that if other explosives are being carried pursuant to sub-paragraph (b) above in the same vehicle, the total quantity of explosives carried pursuant to that sub-paragraph and this sub-paragraph shall not exceed 50 kilograms.

#### **Duty to ensure safe and secure carriage**

**11.**—(1) The operator of a vehicle used for the carriage of explosives and any person engaged in the carriage, or having custody or control of the explosives during the carriage, shall take such steps as it is reasonable for persons in their positions to take to—

- (a) prevent accidents and minimise the harmful effects of any accident which may occur; and
- (b) prevent unauthorised access to, or removal of, all or part of the load.

(2) The operator and driver of a vehicle used for the carriage of explosives shall, subject to paragraph (4), ensure that a competent person is constantly in attendance with the vehicle whenever the driver is not present except—

- (a) during stops in a safe and secure place (within the meaning of paragraph (3)); or

- (b) where the vehicle is on a site where some or all of the explosives are to be used that day and—
  - (i) the only explosives in the vehicle are blasting explosives not exceeding 50 kilograms in quantity, detonating cord not exceeding 10 kilograms in quantity, detonators not exceeding 100 grams in quantity or 100 in number, or a mixture of them; and
  - (ii) adequate security precautions are taken.
- (3) In paragraph (2)(a) “a safe and secure place” means a safe and secure place—
  - (a) within a factory or magazine licensed under the Explosives Act 1875<sup>(15)</sup> or lawfully existing under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations 1979<sup>(16)</sup>; or
  - (b) within premises under the control of the Ministry of Defence.
- (4) Paragraph (2) shall not apply to the carriage of any explosives specified in Parts I to III of Schedule 1.
- (5) The operator and driver of a vehicle used for the carriage of more than 5 tonnes of explosives in Division 1.1 shall ensure that the route followed is the route, or one of the routes, agreed with the chief officers of police of the relevant police districts.

#### **Procedure in the event of accident**

**12.**—(1) The driver of a vehicle used for the carriage of explosives, or if he is not present, the person in attendance having custody or control of the explosives, shall in the event of—

- (a) spillage of the explosives such as to constitute a risk to safety;
- (b) damage to the explosives or their packaging such as to constitute a risk to safety;
- (c) the vehicle overturning; or
- (d) a fire or explosion on the vehicle,

ensure that the police, fire brigade and operator of the vehicle are informed by the quickest practicable means.

(2) On being informed of the occurrence of any event referred to in sub-paragraphs (a) to (d) of paragraph (1), the operator of the vehicle shall inform the Health and Safety Executive by the quickest practicable means of the occurrence of that event.

(3) On the occurrence of any event referred to in sub-paragraphs (a) to (d) of paragraph (1), the operator and the driver (or if the driver is not present the person in attendance having custody or control of the explosives) shall ensure that all proper precautions are taken for the security of the explosives and the safety of persons likely to be affected by ignition or initiation of the explosives.

#### **Duration of carriage and delivery**

**13.**—(1) The operator and the driver of a vehicle used for the carriage of explosives shall ensure—

- (a) that the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) that any explosives 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;
- (c) that the explosives are delivered to—
  - (i) the consignee or his agent, or

---

<sup>(15)</sup> 1875 c. 17; the relevant amending instrument is S.I. 1974/1885.

<sup>(16)</sup> S.I. 1979/1378.



- (ii) any other person who accepts custody of the explosives for onward despatch, provided that they are delivered to either a safe and secure place (within the meaning of regulation 11(3)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour, or a harbour area;
- and, that if they cannot be so delivered, they are returned to the consignor or his agent; and
- (d) that any trailer, semi-trailer or freight container containing explosives is not detached from the vehicle except—
    - (i) in either a safe and secure place (within the meaning of regulation 11(3)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour, or a harbour area; or
    - (ii) in an emergency.
- (2) In this regulation—
- (a) “harbour” and “harbour area” have the meanings assigned to them by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(17);
  - (b) “designated parking area” means—
    - (i) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying explosives;
    - (ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 32 of the Dangerous Substances in Harbour Areas Regulations 1987.

### **Training and instruction of drivers and attendants**

- 14.**—(1) The operator of a vehicle used for the carriage of explosives shall ensure that the driver and any attendant have received adequate training and instruction to enable them to understand—
- (a) the nature of the dangers to which the explosives carried may give rise and the action to be taken in an emergency;
  - (b) their duties under these Regulations and under the Health and Safety at Work etc. Act 1974.
- (2) The operator shall keep a record of such training and instruction received—
- (a) by himself, if he is a driver or attendant; and
  - (b) by drivers and attendants in his employment, to whom a copy shall be made available.
- (3) This regulation shall not apply to the carriage of—
- (a) any explosives specified in Part I of Schedule 1;
  - (b) gunpowder or smokeless powder, or a mixture of them, if the total quantity of such explosives does not exceed 5 kilograms; or
  - (c) any explosives specified in Part II of Schedule 1, if the quantity of such explosives does not exceed 50 kilograms, except that if other explosives are being carried pursuant to sub-paragraph (b) above in the same vehicle, the total quantity of explosives carried pursuant to that sub-paragraph and this sub-paragraph shall not exceed 50 kilograms.

### **Minimum age limits for persons engaged in the carriage of explosives**

- 15.**—(1) Subject to paragraph (2) no person under the age of 18 years shall—
- (a) use any vehicle for the carriage of explosives;
  - (b) be employed as the driver or attendant of such a vehicle;

- (c) be made responsible for the security of the explosives;
  - (d) be allowed to go on or in such a vehicle except in the presence and under the supervision of a competent person who is at least 18 years of age.
- (2) Paragraph (1) shall not apply to the carriage of—
- (a) any explosives specified in Part I of Schedule 1; or
  - (b) any explosives specified in Part II of Schedule 1, if the total quantity of such explosives does not exceed 50 kilograms.

### **Enforcement**

**16.** Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1977<sup>(18)</sup>, the enforcing authority for these Regulations shall be the Health and Safety Executive.

### **Certificates of exemption**

**17.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt from all or any requirements or prohibitions imposed by these Regulations any particular, or class of, explosive, person or vehicle and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive 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 it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that neither the health and safety of persons who are likely to be affected by the exemption nor the security of the explosives will be prejudiced.

(3) The Secretary of State for Defence may in the interests of national security exempt by a certificate in writing from all or any requirements or prohibitions imposed by these Regulations any particular, or class of—

- (a) military explosive;
- (b) person engaged in the carriage of military explosive;
- (c) vehicle used for the carriage of military explosive,

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

### **Amendment of the Explosives Act 1875**

**18.** In proviso (2) to section 5 of the Explosives Act 1875, except in so far as it applies to Northern Ireland, for the words “with respect to the conveyance of gunpowder” there shall be substituted “and of any health and safety regulations (within the meaning of Part I of the Health and Safety at Work etc. Act 1974) which apply to that conveyance.”

### **Repeals and revocations**

**19.**—(1) Section 97(5) of the Explosives Act 1875 and paragraph 4 of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947 are hereby repealed.

---

<sup>(18)</sup> S.I. 1977/746, to which there are amendments not relevant to these Regulations.

(2) The Order of the Secretary of State No 11 dated 20th September 1924<sup>(19)</sup> (except byelaw 3) is hereby revoked to the extent it relates to conveyance by road.

(3) The Conveyance by Road of Military Explosives Regulations 1977<sup>(20)</sup> are hereby revoked.

(4) The Acts, Order and Regulations specified in this regulation are not repealed or revoked in relation to their application in Northern Ireland.

Signed by authority of the Secretary of State

5th April 1989

*Peter Bottomley*  
Parliamentary Under Secretary of State,  
Department of Transport

---

<sup>(19)</sup> S.R. and O. 1924/1129, amended by S.R. and O. 1939/1787, 1943/1252, 1944/139; S.I. 1951/869, 1958/230, 1984/510.

<sup>(20)</sup> S.I. 1977/888.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Regulations 2(3), 5(2)(a), 10(6), 11(4),  
14(3), and 15(2)

## EXCEPTIONS

## PART I

1 Explosives	2 UN Number
ARTICLES, PYROTECHNIC for technical purposes	0432
CARTRIDGES, POWER DEVICE	0323
CARTRIDGES, SIGNAL	0405
CARTRIDGES, SMALL ARMS	0012
CARTRIDGES, SMALL ARMS, BLANK	0014
CASES CARTRIDGE, EMPTY, WITH PRIMER	0055
CUTTERS, CABLE, EXPLOSIVE	0070
FIREWORKS	0337
FLARES, AERIAL	0404
FUSE, SAFETY	0105
IGNITERS	0454
LIGHTERS, FUSE	0131
PRIMERS, CAP TYPE	0044
SIGNAL DEVICES, HAND	0373
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0193

## PART II

1 Explosives	2 UN Number
CARTRIDGES, SMALL ARMS*	0328
CARTRIDGES, SMALL ARMS	0339
CARTRIDGES, SMALL ARMS, BLANK*	0327
CARTRIDGES, SMALL ARMS, BLANK	0338
CASES, CARTRIDGE, EMPTY WITH PRIMER	0379

\* These explosives are referred to in paragraph 9(c)(i) of Part II of Schedule 4.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1 Explosives	2 UN Number
FIREWORKS*	0333
FIREWORKS*	0334
FIREWORKS*	0335
FIREWORKS	0336
SIGNAL DEVICES, HAND	0191
SIGNALS, DISTRESS, SHIP*	0195

\* These explosives are referred to in paragraph 9(c)(i) of Part II of Schedule 4.

### PART III

1 Explosives	2 UN Number
ARTICLES, PYROTECHNIC for technical purposes	0428
ARTICLES, PYROTECHNIC for technical purposes	0429
ARTICLES, PYROTECHNIC for technical purposes	0430
ARTICLES, PYROTECHNIC for technical purposes	0431
CARTRIDGES, OIL WELL	0277
CARTRIDGES, OIL WELL	0278
CARTRIDGES, POWER DEVICE	0275
CARTRIDGES, POWER DEVICE	0276
CARTRIDGES, POWER DEVICE	0381
CARTRIDGES, SIGNAL	0054
CARTRIDGES, SIGNAL	0312
CASES, COMBUSTIBLE EMPTY, WITHOUT PRIMER	0446
CASES, COMBUSTIBLE EMPTY, WITHOUT PRIMER	0447
CORD, IGNITER	0066
DINITROSOBENZENE	0406
FLARES, AERIAL	0093
FLARES AERIAL	0403
FLARES, SURFACE	0092

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1 Explosives	2 UN Number
FLASH POWDER	0094
FLASH POWDER	0305
FUSE, INSTANTANEOUS NON- DETONATING; (QUICKMATCH)	0101
IGNITERS	0121
IGNITERS	0314
IGNITERS	0315
IGNITERS	0325
5-MERCAPTO-TETRAZOLE-1-ACETIC ACID	0448
POTASSIUM SALTS OF AROMATIC NITRO-DERIVATIVES, explosive	0158
PRIMERS, CAP TYPE	0377
PRIMERS, CAP TYPE	0378
ROCKETS, LINE THROWING	0238
ROCKETS, LINE THROWING	0240
ROCKETS, LINE THROWING	0453
SIGNALS, DISTRESS, ship	0194
SIGNALS, RAILWAY TRACK, EXPLOSIVE	0192
SIGNALS, SMOKE with explosive sound unit	0196
SIGNALS, SMOKE without explosive sound unit	0197
SODIUM DINITRO-o-CRESOLATE, dry or wetted with less than 15% water by mass	0234
SODIUM PICRAMATE, dry or wetted with less than 20% water by mass	0235
TETRAZOLE-1-ACETIC ACID	0407
ZIRCONIUM PICRAMATE dry or wetted with less than 20% water by mass	0236

## SCHEDULE 2

Regulation 6

## LIMITS ON QUANTITIES OF EXPLOSIVES PERMITTED TO BE CARRIED

1 Type of explosives	2 Maximum Quantity
Division	Compatibility Group

1 Type of explosives	2 Maximum Quantity
1.1 A	500 kilograms
1.1 B, F, G, or L	5 tonnes
1.1 C, D, E or J	16 tonnes
1.2 Any	16 tonnes
1.3 Any	16 tonnes
Unclassified explosives carried solely in connection with an application for their classification	500 kilograms

### SCHEDULE 3

Regulations 6(3), 7(1)(a)(i), (b)(i), and 8(2)

### MIXED LOADS

#### Compatibility Groups

1. Where explosives in different Compatibility Groups are carried together, they shall, for the purpose of applying Schedule 2, all be deemed to be in the Group amongst them which comes highest in the following list, that is, Group B (highest), F, G, C, D, E and J (lowest).

#### Divisions

2. Where explosives in different Divisions are carried together then, subject to paragraph 3–
  - (a) for the purpose of applying Schedule 2, all the explosives (with the exception of those in Division 1.4) shall be deemed to be in the Division amongst them which comes highest in the following list, that is Division 1.1 (highest), 1.2, 1.3, and 1.5 (lowest);
  - (b) for the purpose of applying Schedule 4, all the explosives shall be deemed to be in the Division amongst them which comes highest in the following list, that is Division 1.1 (highest), 1.2, 1.3, 1.5 and 1.4 (lowest).
3. Where explosives in Division 1.5 are carried with explosives in Division 1.2 then, for the purpose of applying Schedules 2 and 4, they shall all be deemed to be in Division 1.1.

#### Permitted mixed loads

4. The following mixed loads are permitted to be carried for the purposes of regulation 7(1)(a)(i) and (b)(i)–
  - (a) detonating fuzes in Compatibility Group B may be carried with explosive articles in Compatibility Group D, E or F of which the fuzes are components;
  - (b) explosive substances in Compatibility Group C or D may be carried–
    - (i) together,
    - (ii) with explosive articles in Compatibility Group C, D or E, or
    - (iii) with explosive articles in Division 1.4 in Compatibility Group G,
 or any combination of them may be carried;
  - (c) explosive articles in Compatibility Group C, D or E may be carried–

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) together,
  - (ii) with explosive articles in Compatibility Group F, or
  - (iii) with explosive articles in Compatibility Group G,
- or any combination of them may be carried except a combination of the explosives mentioned in paragraphs (ii) and (iii) of this sub-paragraph;
- (d) explosive substances or explosive articles in Compatibility Group S may be carried together or with explosive substances or explosive articles in Compatibility Group B, C, D, E, F, G or J, or with a mixture of explosive substances or explosive articles in those Compatibility Groups if such a mixture is permitted to be carried by virtue of sub-paragraphs (a) to (c) above.

#### SCHEDULE 4

Regulation 8

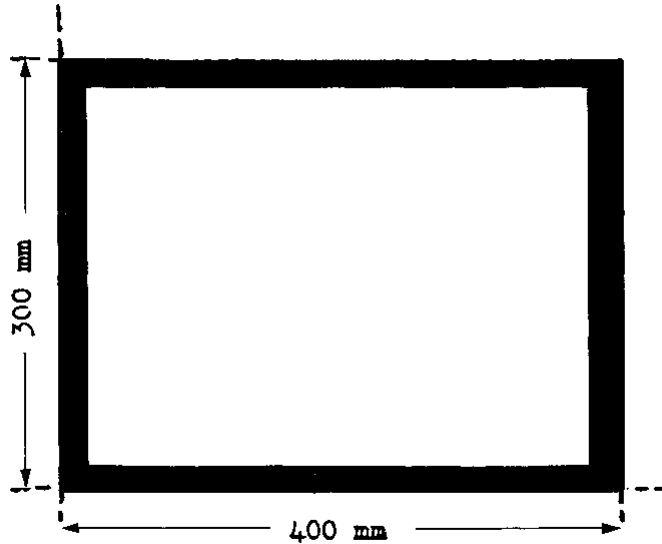
#### MARKING OF VEHICLES

#### PART I

#### requirements

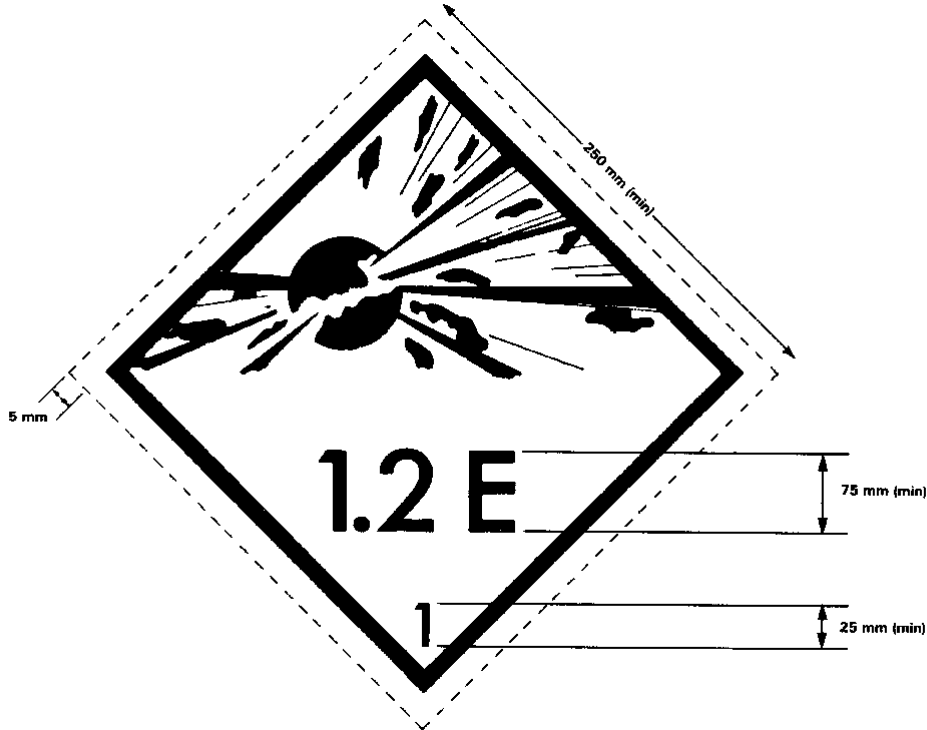
1. At all times when explosives are carried—
  - (a) two blank rectangular reflectorised orange-coloured plates conforming to the requirements of paragraphs 2 and 4 shall be affixed, one at the front and the other at the rear of the vehicle,
  - (b) two placards conforming to the requirements of paragraphs 3 to 8 shall be affixed, one to each side of the vehicle, trailer, semi-trailer or freight container in which the explosives are actually carried.
2. Each plate referred to in paragraph 1(a) shall—
  - (a) be in the form of the following diagram and comply with the measurements in the diagram, and





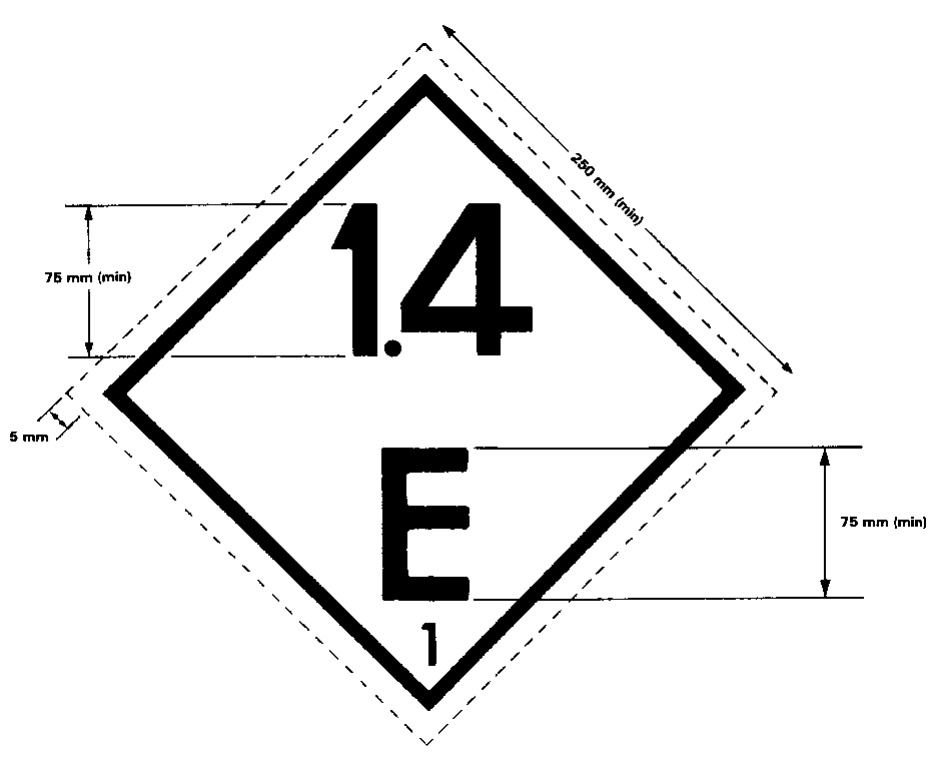
- (b) have a black border not more than 15 millimetres wide.
3. Each placard referred to in paragraph 1(b) shall—
  - (a) be in the form of a square set with its side at an angle of  $45^\circ$  to the vertical, and
  - (b) have an orange-coloured background with a black border; and any figure, letter or pictograph required by the following provisions of this Schedule shall be in black.
4. Each plate and placard referred to in paragraph 1 shall—
  - (a) be clearly visible,
  - (b) so far as is reasonably practicable, be kept clean and free from obstruction at all times when explosives are being carried, and
  - (c) be completely covered or completely removed when all explosives have been removed from the vehicle, trailer, semi-trailer or freight container on which it was displayed.
5. In the case of explosives in Division 1.1, 1.2 or 1.3 each placard referred to in paragraph 1(b) shall—
  - (a) be in the form of the following diagram (the Division number “1.2” and the Compatibility Group letter “E” are only examples);

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*



- (b) comply with the measurements in the diagram except that larger measurements may be used in which case the measurements shall be increased proportionally;
  - (c) have a pictograph of a bomb blast filling most of its upper half;
  - (d) have the Division number and Compatibility Group letter appropriate to the explosives being carried written in its lower half; and
  - (e) have the class number “1” written in its bottom corner below the Division number and Compatibility Group letter.
6. In the case of explosives in Division 1.4 or 1.5 each placard referred to in paragraph 1(b) shall—
- (a) be in the form of the following diagram (the Division number “1.4” and the Compatibility Group letter “E” are only examples);

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.



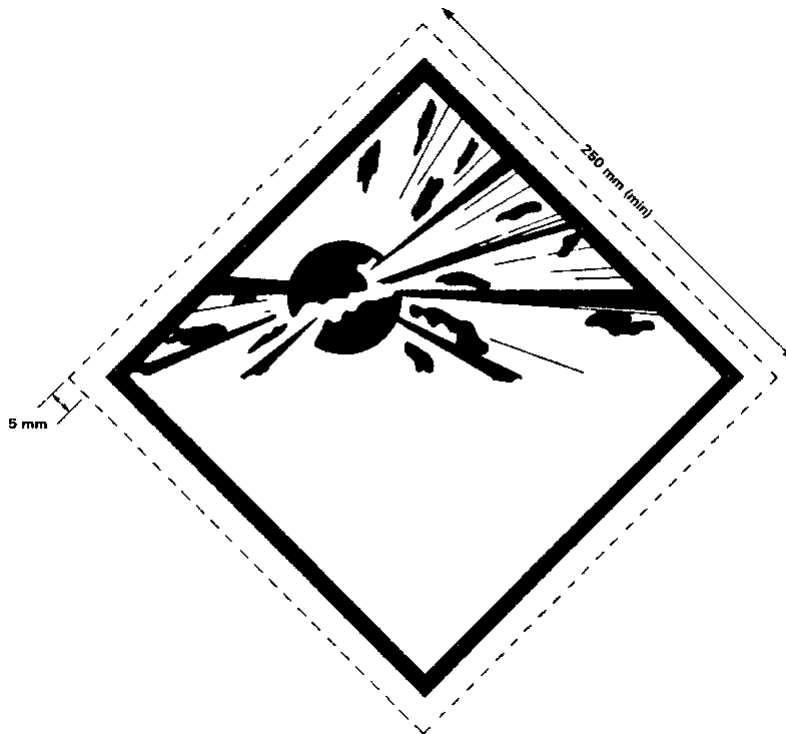
- (b) comply with the measurements in the diagram except that larger measurements may be used in which case the measurements shall be increased proportionally;
- (c) have the Division number appropriate to the explosives being carried written on its upper half;
- (d) have the Compatibility Group letter appropriate to the explosives being carried written on its lower half; and
- (e) have the class number “1” written in its bottom corner below the Compatibility Group letter.

7. In the case of a vehicle carrying explosives of different Compatibility Groups, no Compatibility Group letter shall be written on the placards.

8. In the case of explosives which are carried solely in connection with an application for their classification, each placard referred to in paragraph 1(b) shall—

- (a) be in the form of the following diagram; and

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*



- (b) comply with the measurements in the diagram, except that larger measurements may be used in which case the measurements shall be increased proportionally.

## PART II exceptions

- 9. Part I of this Schedule shall not apply where—
  - (a) the explosives carried are substances in Compatibility Group G not exceeding 1 kilogram in quantity;
  - (b) the explosives carried are in Compatibility Group B or are unclassified explosives not exceeding (in either case) 10 kilograms in quantity;
  - (c) the explosives carried are—
    - (i) explosives of a type marked with an asterisk in Part II of Schedule 1; or
    - (ii) smokeless powder in Division 1.3 (being the explosive substance allocated on classification the UN Number 0161),and the total quantity of all explosives carried in the vehicle does not exceed 100 kilograms;
  - (d) the explosives carried are in Division 1.4 and (except in the case of explosives in Compatibility Group S) do not exceed 500 kilograms in quantity;
  - (e) the explosives carried are other than those specified in the preceding provisions of this paragraph and do not exceed a total quantity of 50 kilograms;
  - (f) the explosives are being carried for or in connection with the carriage of those explosives by sea, if the vehicle or any freight container on the vehicle is placarded in accordance with

- the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organisation, as revised or re-issued from time to time; or
- (g) the explosives are being carried for or in connection with the carriage of those explosives by air if the explosives are packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation.
- 10.** While the vehicle is being loaded or unloaded—
- (a) paragraph 1(b) of this Schedule shall not apply,
- (b) sub-paragraphs (a) and (b) of paragraph 4 of this Schedule shall not apply to the orange-coloured plate at the rear of the vehicle.

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements with respect to the safety and security of explosives carried by road.

The Regulations:—

- (a) prohibit the carriage of explosives in Compatibility Group K, and also prohibit the carriage of explosives which have not been classified under the Classification and Labelling of Explosives Regulations 1983 unless they are carried in connection with an application for classification and in accordance with conditions approved by the Health and Safety Executive or (in the case of military explosives) by the Secretary of State for Defence (regulation 4);
- (b) prohibit the carriage of explosives in a vehicle used to carry passengers for hire or reward except in accordance with specified conditions including conditions as to the type and quantity of explosives carried (regulation 5);
- (c) require vehicles and freight containers to be suitable having regard to the type and quantity of explosives carried, and impose quantity limits for various types of explosives (regulation 6 and Schedule 2);
- (d) prohibit the carriage of mixed loads of explosives except in specified circumstances, and require measures to be taken to prevent explosives being brought into contact with dangerous substances or endangering or being endangered by such substances (regulation 7 and Schedule 3);
- (e) impose requirements with respect to the marking of vehicles, subject to specified exceptions (regulation 8 and Schedule 4);
- (f) prohibit the removal of explosives from the consignor's premises unless the operator is ready immediately to despatch them (regulation 9);
- (g) require the consignor to give the operator of the vehicle written information about the load; and require specified information to be kept on the vehicle throughout the journey and shown on request to any police officer or traffic examiner, subject to exceptions for specified types and quantities of explosives (regulations 9 and 10);

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (h) require the operator of the vehicle and any person engaged in the carriage or having custody or control of the explosives during the carriage to take such steps as it is reasonable for persons in their positions to take to ensure a safe and secure carriage (regulation 11(1));
- (i) require a competent person to be in attendance with the vehicle whenever the driver is not present except in specified circumstances or in respect of certain types of explosives (regulation 11(2) to (4) and Schedule 1);
- (j) require the operator and driver to follow a route agreed with the police if more than 5 tonnes of explosives in Division 1.1 are being carried (regulation 11(5));
- (k) require the police, fire brigade, operator of the vehicle and Health and Safety Executive to be informed in the event of an accident, and require proper precautions to be taken in such an event (regulation 12);
- (l) require the carriage to be completed within a reasonable length of time and require the explosives to be unloaded from the vehicle as soon as is reasonably practicable after it arrives at its destination (regulation 13);
- (m) require the explosives to be delivered only to the consignee or his agent, or to a place specified in the Regulations where a person accepts custody of them for onward despatch (regulation 13);
- (n) require that a trailer, semi-trailer or freight container containing explosives is not detached from the vehicle except in places specified in the Regulations or in an emergency (regulation 13);
- (o) impose requirements with respect to the training of the driver and any attendant of the vehicle, subject to exceptions for specified types and quantities of explosives (regulation 14);
- (p) impose a minimum age limit of 18 for persons engaged in the carriage of explosives subject to exceptions for specified types and quantities of explosives (regulation 15).

The requirements mentioned in sub-paragraphs (c) to (p) above do not apply to the carriage of explosives in vehicles used to carry passengers for hire or reward.

Certain requirements of the Regulations do not apply to carriage for the purposes of ordnance disposal, vehicles exempted from excise duty, vehicles only used on roads when passing between private premises in the immediate vicinity, vehicles engaged in specified international journeys, and carriage by HM Forces and visiting forces. The Regulations do not apply to any explosive nuclear device or any component thereof (regulation 3).

The Regulations provide for their enforcement by the Health and Safety Executive (regulation 16) and enable the Executive and (in the case of military explosives) the Secretary of State for Defence to grant certificates of exemption (regulation 17).

The Regulations repeal Section 97(5) of the Explosives Act 1875, repeal paragraph 4 of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947, revoke Order of the Secretary of State No. 11 (except byelaw 3) to the extent it relates to conveyance by road, and revoke the Conveyance by Road of Military Explosives Regulations 1977. The Regulations also make a consequential amendment to Section 5 of the 1875 Act (regulations 18 and 19).

Copies of relevant documents may be obtained as follows:–

- (a) Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) [ISBN 0 11 550814 7], from Her Majesty's Stationery Office;
- (b) the International Maritime Dangerous Goods Code [Volumes I to IV ISBN 92 801 1055 1, Volume V ISBN 92 801 1125 6], from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air (1989–90 English language edition), from either Freight Merchandising Services, c/o Vidap Freight Services Ltd., Green Lane, Hounslow, Middlesex TW4 6DD or IAL – International Aeradio Plc, Aeradio House, Hayes Road, Southall, Middlesex UB2 5NJ.