
STATUTORY INSTRUMENTS

1996 No. 2093

The Carriage of Explosives by Road Regulations 1996

PART IV

SAFETY AND SECURITY DURING CARRIAGE

Loading, stowage, unloading and cleaning of vehicles and containers

19.—(1) The operator and any other person engaged in the carriage of explosives shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which explosives are loaded, stowed or unloaded from a vehicle or container is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person, arising out of the presence of those explosives.

(2) Without prejudice to the generality of paragraph (1), the operator, driver and any attendant shall ensure that the requirements of Schedule 7 are complied with.

(3) The driver and the operator of a vehicle which—

(a) is being used for the carriage of explosives which require labelling in accordance with regulation 6(5) of the 1983 Regulations; or

(b) is empty, uncleaned having been used for the carriage of such explosives,

shall ensure that no food is carried in that vehicle unless it is effectively separated from any such explosives or is otherwise adequately protected from the risk of contamination by those explosives.

(4) No driver or member of the crew of a vehicle which is being used for the carriage of explosives shall open a package containing any explosives unless authorised to do so by the operator of that vehicle.

Attendance

20.—(1) The operator of a vehicle which is being 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 them respectively to take to ensure that—

(a) subject to paragraph (2) and (3), when the vehicle is not parked, a person who has been nominated by the operator to act as an attendant (in these Regulations known as the “attendant”) accompanies the driver of the vehicle; and

(b) subject to paragraph (3) and (4), when the vehicle is parked and the driver is not present, a person who is competent to ensure the security of the explosives is constantly with the vehicle.

(2) Paragraph (1)(a) shall not apply—

(a) to the carriage of explosives to which the exemptions under paragraph 15 of Schedule 5 apply;

(b) to the carriage of explosives where the only explosives being carried are those allocated on classification the UN Number 0336 and in a quantity at or below 5,000 kilograms;

- (c) to any vehicle in a convoy of more than two vehicles other than the first and last such vehicle.
- (3) Paragraph (1)(a) and (b) shall not apply where—
- (a) adequate measures for the security of the explosives, in relation to the vehicle have been taken;
- (b) (i) the vehicle is parked on a site, or
(ii) the vehicle is only being 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 notwithstanding that those parts may be separated by a road,
and some or all of the explosives are to be used that day; and
- (c) the only explosives in the vehicle consist of one or more of the following—
- (i) blasting explosives not exceeding 50 kilograms in quantity,
(ii) detonating cord not exceeding 10 kilograms in quantity,
(iii) detonators not exceeding 100 grams in quantity or 100 in number.
- (4) Paragraph (1)(b) shall not apply—
- (a) to the carriage of any explosives specified in Part I, II or III of Schedule 1;
(b) during stops in a safe and secure place.
- (5) In paragraph (4)(b) “a safe and secure place” means a safe and secure place—
- (a) within a factory or magazine licensed under the Explosives Act 1875(1) or lawfully existing under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations 1979(2); or
(b) within premises under the control of the Ministry of Defence.
- (6) No driver or attendant of a vehicle which is being used for the carriage of explosives shall cause or permit to be carried therein any person, other than a member of the vehicle crew, for the sole purpose of transporting that person.

Route of carriage and parking

21.—(1) 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 officer of police of the relevant police area.

(2) Where any vehicle which is being used for the carriage of explosives is part of a convoy of such vehicles, where practicable, the driver of the vehicle shall ensure that there is a distance of more than 50 metres between that vehicle and any other vehicle in the convoy.

(3) When a driver parks a vehicle which is being used for the carriage of explosives he shall apply the parking brake.

(4) Other than where the only explosives being carried are those specified in Part I and II of Schedule 1, where any vehicle which is being used for the carriage of explosives has stopped for the purpose of loading or unloading the explosives in a public place, the driver of the vehicle shall ensure, where practicable, that there is a distance of not less than 50 metres between the vehicle and any other stationary vehicle, whether or not that vehicle is being used for the carriage of explosives.

(1) Current edition and supplement (1995—1996) Doc 9284-AN/905.

(2) 1875 c. 17; the relevant amending instrument is S.I.1974/1885.

Duty to ensure safe and secure carriage

22. The operator of a vehicle which is being 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 them respectively 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.

Smoking and open flames

23.—(1) No person shall smoke or produce an open flame—

- (a) on a vehicle which is being used for the carriage of explosives;
- (b) in the vicinity of such a vehicle during the loading and unloading of the explosives.

(2) No person shall bring portable lighting apparatus onto a vehicle if such apparatus comprises a flame or has any metal surface liable to produce sparks.

Equipment

24.—(1) The operator of a vehicle which is being used for the carriage of explosives shall ensure that it is equipped so that the driver can take the measures detailed in the emergency information.

(2) Paragraph (1) shall not apply in relation to any trailer which is being used for the carriage of explosives where that trailer is detached from the motor vehicle.

Precautions against fire or explosion

25.—(1) No person shall cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst explosives are being carried in any vehicle or container.

(2) Without prejudice to the generality of paragraph (1)—

- (a) the operator of a vehicle which is being used for the carriage of explosives shall ensure that Schedule 8, except paragraph 7, is complied with;
- (b) the driver of such a vehicle shall ensure that paragraphs 3 and 7 of that Schedule are complied with;
- (c) any attendant of such a vehicle shall ensure that paragraph 3 of that Schedule is complied with.

(3) Paragraphs 1(b), 2 and 3 of Schedule 8 shall not apply where the only explosives being carried are in Division 1.4 and Compatibility Group S.

Accidents and emergencies

26.—(1) In the event of an emergency involving a vehicle which is being used for the carriage of explosives which cannot be brought under immediate control—

- (a) the driver and any attendant, or where neither is present, any person attending the vehicle in accordance with regulation 20(1)(b), shall ensure that the appropriate emergency services are notified by the quickest practical means;
- (b) the driver and any attendant shall ensure that the operator of that vehicle is notified by the quickest practical means.

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(2) On being informed of the occurrence of any emergency under paragraph (1), the operator of the vehicle shall inform the Health and Safety Executive by the quickest practical means of the occurrence of that emergency.

(3) In the event of any accident or emergency the operator, driver and any attendant shall ensure that all proper precautions are taken for—

- (a) the safety of persons likely to be affected by ignition or initiation of the explosives; and
- (b) the security of the explosives.

(4) Without prejudice to the generality of paragraph (3), in the event of any accident or emergency, the driver of the vehicle shall take all reasonable steps to ensure that any instructions contained within the emergency information relating to those explosives concerning the measures to be taken by him are complied with.