

## 1990 No. 32

## HEALTH AND SAFETY

**Road Traffic (Carriage of Dangerous Substances in  
Packages etc.) (Amendment) Regulations  
(Northern Ireland) 1990**

*Made* . . . . . 30th January 1990

*Coming into operation* . . . . . 12th March 1990

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned<sup>(a)</sup>, in exercise of the powers conferred by Articles 17(1) and (2) and 55(2) of, and paragraphs 2, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(b)</sup> and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Packages etc.) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 12th March 1990.

*Interpretation*

2. In these Regulations, “the principal Regulations” means the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1988<sup>(c)</sup>.

*Amendments to the principal Regulations*

3. The principal Regulations shall be amended as provided in regulations 4 to 9.

4. In regulation 2(1) in the definition of “packing group”, for sub-paragraph (b), there shall be substituted—

“(b) in the case of a dangerous substance not so listed—

---

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

(c) S.R. 1988 No. 415

- (i) if not a toxic substance, the packing group specified for that substance in Column 2 of Part I of Schedule 1, or
- (ii) if a toxic substance, packing group I or II allocated in accordance with the criteria set out in Part II of Schedule 1;”.

5. In regulation 3 in paragraph (1), after “substance” where it first appears, there shall be inserted “regulation 13A shall apply in relation to the carriage of any quantity of any dangerous substance such as is specified therein”.

6. In regulation 6—

- (a) in paragraph (2)(b) at the beginning, there shall be inserted “subject to paragraph (3)”;
- (b) after paragraph (2) there shall be inserted—

“(3) Nothing in paragraph (2)(b) shall require the destruction, removal or placing in a securely closed container of information in writing relating to any dangerous substance which is not being carried where that information in writing relates also to a dangerous substance which is being carried, and the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical.”.

7. In regulation 11—

- (a) in paragraph (1)(c) after the word “visible” there shall be inserted “except that the rear plate need not be visible where the vehicle is being loaded or unloaded”;
- (b) in paragraph (2) for sub-paragraph (b) there shall be substituted—  
“(b) when displayed, kept clean and (other than where it need not be clearly visible in the circumstances set out in paragraph 1(c)) free from obstruction; and”.

8. After regulation 13 there shall be inserted—

*“Restrictions on the carriage of certain dangerous substances in the same vehicle as food*

**13A.**—(1) The operator and driver shall ensure that no dangerous substance—

- (a) listed in Part IA2 of the approved list, which is specified to be in packing group I or II in Column 7 of that Part and which also has the properties of any substance specified in Schedule 1 in the entry for “Toxic Substance”; or
- (b) which, although not listed in Part IA2 of the approved list, has, when classified, the above properties,

is carried in any vehicle in which food is being carried, unless the food is carried in a part of the vehicle effectively separated from that containing the substance, or is otherwise adequately protected from the risk of contamination.

(2) In this regulation, "food" means food within the meaning of Article 2(2) of the Food (Northern Ireland) Order 1989(a)."

9. Column 1 of Part I of Schedule 1, paragraph 3 of Part II of Schedule 1, Column 1 of Schedule 2, Schedule 3 and the headings to Parts I and II of Schedule 1 shall be amended in accordance with the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture on 30th January 1990.

(L.S.)

*I. C. Henderson*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 30th January 1990.

(L.S.)

*R. J. Minnis*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 30th January 1990.

(L.S.)

*Trevor Pearson*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 30th January 1990.

(L.S.)

*J. Scott*

Assistant Secretary

**Road Traffic (Carriage of Dangerous Substances in Packages etc.)  
Regulations (Northern Ireland) 1988**

AMENDMENTS TO HEADINGS TO PARTS I AND II OF SCHEDULE 1; TO COLUMN 1 OF PART I AND PARAGRAPH 3 OF PART II OF SCHEDULE 1; TO COLUMN 1 OF SCHEDULE 2; AND TO SCHEDULE 3.

<i>Schedule</i>	<i>Amendments</i>
1. The heading to Part I of Schedule 1.	Insert "PACKING" between "AND" and "GROUPS".
2. Column 1 of Part I of Schedule 1.	<p>(a) In the specification headed "Flammable Liquid", substitute "not greater" for "less" and "55°C" for "21°C"; insert "not greater than" before "35°C" where it first occurs and "and a flash point of less than 21°C" after "35°C" where it last occurs; and delete "and below".</p> <p>(b) In the specification headed "Flammable Solid", delete "flammable" in line 4, and, in sub-paragraph (b), insert "is a self-reactive solid or" before "can".</p> <p>(c) In the specification headed "Substance which in contact with water emits flammable gas", in sub-paragraph (a), substitute "spontaneously" for "in the presence of water or moisture", and "such that the rate of evolution of flammable gas is equal to or greater than 10 litres per kilogram of substance over any period of one minute; or" for "and has a minimum rate of gas evolution over any one minute of 500 millilitres per gram; or"; and, in sub-paragraph (b), delete "gas", and substitute "of flammable gas is equal to or greater than 20 litres per kilogram of substance per hour" for "over any one day is equal to or greater than 500 millilitres per gram".</p> <p>(d) In the specification headed "Oxidizing Substance", substitute "a degree equal to or greater than" for "a greater degree than"; and, in sub-paragraphs (a) and (b) respectively, substitute "potassium</p>

Schedule	Amendments
	<p>bromate" for "sodium chlorate", and "potassium perchlorate" for "sodium nitrate".</p> <p>(e) In the specification headed "Toxic Substance", substitute "packing group I or II" for "group I or group II".</p>
3. The heading to Part II of Schedule 1.	Insert "PACKING" between "INTO" and "GROUPS".
4. Paragraph 3 of Part II of Schedule 1.	<p>(a) In line 1, insert "packing" between "into" and "groups".</p> <p>(b) In the table insert "Packing" before "Group" in the heading of Column 2 and "packing" before "group" in the last line of Column 6.</p>
5. Column 1 of Schedule 2.	<p>(a) In the entry for "tert-Amyl peroxyneodecanoate", substitute "77% in solution" for "75% with phlegmatiser".</p> <p>(b) In the second entry for "tert-Butyl peroxy-2-ethylhexanoate", substitute "52% in solution" for "50% with phlegmatiser".</p> <p>(c) In the third entry for "tert-Butyl peroxy-2-ethylhexanoate", substitute "31%" for "30%", "36%" for "35%" where it first occurs and "33%" for "35%" where it last occurs.</p> <p>(d) In each of the entries for "tert-Butyl peroxy-pivalate", substitute "67%" for "72%".</p> <p>(e) In the entry for "Diacetyl peroxide", delete "(dimethyl-phthalate or other approved phlegmatiser)".</p> <p>(f) In the entry for "Di-(2-methylbenzoyl) peroxide", substitute "87%" for "85%".</p> <p>(g) In the entry for "Dipropionyl peroxide", substitute "27%" for "28%".</p> <p>(h) In the entry for "Di-(3,5,5-trimethyl-1,2-dioxolanyl-3) peroxide", substitute "52%" for</p>

<i>Schedule</i>	<i>Amendments</i>
6. Schedule 3.	<p>“50%”, and delete “with phlegmatiser”.</p> <p>(i) In the entry for “Di-(3,5,5-trimethylhexanoyl) peroxide”, delete “or Di-(3,5,5-trimethylhexanoyl) peroxide in solution”.</p> <p>In Column 1, insert “2,5-Diethoxy-4-morpholinobenzenediazonium zinc chloride” after the entry for “4-Benzyl (methyl)amino-3-ethoxybenzenediazonium zinc chloride”; and, in Column 2, insert “+35°C” opposite the entry inserted by this paragraph.</p>

## EXPLANATORY NOTE

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

These Regulations amend the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations (Northern Ireland) 1988 (“the principal Regulations”). The principal Regulations impose requirements in relation to the carriage of dangerous substances by road in packages.

These Regulations amend the principal Regulations by—

- (a) modifying the definition of “packing group” which is set out in regulation 2(1) thereof (regulation 4);
- (b) inserting an additional regulation (regulation 13A) which imposes restrictions with regard to the carriage of certain dangerous substances in the same vehicle as food (regulations 5 and 8);
- (c) excluding from the requirement contained in regulation 6(2)(b) that a driver must destroy, remove or place in a securely closed container information in writing relating to a dangerous substance which is not being carried, any information which relates also to any dangerous substance which is being carried where the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical (regulation 6);
- (d) excluding from the obligations imposed by regulations 11(1)(c) and 11(2)(b) concerning the visibility and freedom from obstruction of orange coloured plates, vehicles which are being loaded or unloaded (regulation 7);
- (e) modifying Schedules 1, 2 and 3 (which reflect the classification of dangerous substances in the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods) to take account of changes made to those Recommendations (regulation 9 and the Schedule).

Copies of the approved list (2nd Edition) [ISBN 0 11 883901 2] and Revision No. 1 to the approved list [ISBN 0 11 885504 2] and the Recommendations on the Transport of Dangerous Goods — Fifth Edition — United Nations — New York 1988 [ISBN 92 1 139023 0] can be obtained from Her Majesty’s Stationery Office, 80 Chichester Street, Belfast BT1 4JY.