
EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations impose requirements and prohibitions in relation to the classification, packaging and labelling of dangerous goods for carriage by road or on a railway. The Regulations revoke and replace with amendments the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995 (“the 1995 Regulations”). The Regulations come into operation on 1st July 1997 except for regulations 22(1) and 23(3) and Schedule 7 which come into operation on 1st January 1999.

2. These Regulations implement as respects Northern Ireland—

- (a) Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road insofar as the Directive concerns classification, packaging and labelling of dangerous goods other than explosives and radioactive material. This Directive seeks to apply the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current edition (1995): ISBN 0 11 5512659 (UK); 92 1 139043 5 (UN Version)); and
- (b) Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail insofar as the Directive concerns classification, packaging and labelling of dangerous goods other than explosives and radioactive material. This Directive seeks to apply the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail (“COTIF”).

3. Regulation 3 brings within the scope of the Regulations the carriage of certain environmentally hazardous substances to which the 1995 Regulations did not apply.

4. Regulation 4 provides for the approval by the Department of Economic Development (“the Department”) of documents published by the Health and Safety Commission containing requirements relating to the design, construction, modification, repair, testing, examination, filling and marking of transportable pressure receptacles (“the Approved Requirements”).

5. In relation to transportable pressure receptacles which are manufactured after 1st January 1999 and are covered by the Approved Requirements—

- (a) regulation 12 imposes duties with regard to their safety and suitability, their modification and repair and, in particular, their compliance with the Approved Requirements;
- (b) regulation 13 makes provision with regard to their approval and certification;
- (c) regulation 14 provides that owners of such receptacles are to ensure that they are marked in accordance with that regulation and that a periodic examination as required under the Approved Requirements is not overdue;
- (d) regulation 15 and Schedule 4 make provision with regard to approved persons, fees and any approval given by such a person;
- (e) regulation 16 imposes duties upon the employer of persons who fill such receptacles with regard to their marking, safety checks and compliance with the Approved Requirements;
- (f) regulation 17 makes provision with regard to the keeping of specified documents.

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

6. Regulation 19 relates to enforcement.
7. Regulations 20 and 21 provide for defences in specified circumstances.
8. Regulation 22 and Schedule 6 amend the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991 (“the 1991 Regulations”) so as to remove from their scope transportable pressure receptacles. Regulation 22 also makes consequential amendments.
9. Regulation 23 contains revocations and Schedule 7 revokes specified instruments from 1st January 1999.
10. Regulation 3 and Schedule 8 introduce provision equivalent to that which applied under the 1991 Regulations with regard to the design, construction, repair, examination and testing of transportable pressure receptacles which are manufactured before 1st January 1999 and at the time of their manufacture are not covered by the Approved Requirements and Schedule 9 sets out exceptions to the requirements of Schedule 8.
11. The current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”), the Convention concerning International Carriage by Rail (“COTIF”) (Cmnd. 5897) and the current edition of the United Nations Recommendations on the Transport of Dangerous Goods (Ninth revised edition) ISBN 9 21 139048 X may be obtained from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD; the current edition of the International Maritime Dangerous Goods Code (Vols. I to IV) ISBN 92 801 1314 3, (Supplement) ISBN 92 801 1316 X may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR; the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air and Supplement 1995-1996 Doc. 9284-AN/905 may be obtained from the Civil Aviation Authority, Printing and Publishing Services, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire, GL50 2BN.
12. The documents referred to in regulation 4 have been approved by the Department and may be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS; Dillons and other booksellers.
13. In Great Britain the corresponding Regulations are the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 (S.I. 1996/2092). The Department of Transport has prepared a compliance cost assessment in relation to those Regulations and other related Regulations. A copy of that assessment together with the Northern Ireland supplement prepared by the Department is held at the Health and Safety Division, 83 Ladas Drive, Belfast BT6 9FJ from where a copy may be obtained.
14. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment to a fine.