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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 247**

**Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997**

**Part I**

**Introduction**

**Interpretation**

**2.—(1) In these Regulations—**

“the 1993 Regulations” means the Chemicals (Hazard Information and Packaging) Regulations (Northern Ireland) 1993(1), as if the amendments made by paragraphs 2 to 28 and 30 to 32 of Schedule 9 to the 1995 Regulations had not been made;

“the 1995 Regulations” means the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995(2);

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(3), as revised or re-issued from time to time;

“ADR mark” means a mark allocated by the competent authority for that mark, being a mark specified in ADR to indicate that the packagings which bear it—

(a) correspond with a design type which has been tested successfully in accordance with ADR; and

(b) comply with the provisions relating to their manufacture which are required by ADR;

“aerosol” means a non-refillable receptacle made of metal, glass or plastics and containing a gas which is compressed, liquefied or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state or a gaseous state;

“agricultural or forestry tractor” has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(4);

“approved” means approved for the time being in writing;

“Approved Carriage List” means the list described in regulation 4(1)(a) as revised in accordance with regulation 4(2);

“approved documents” means the documents approved by the Department in accordance with regulation 4(1) as revised in accordance with regulation 4(2);

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(1) S.R. 1993 No. 412 as amended by S.R. 1994 No. 6, regulation 25(2) and S.R. 1995 No. 47, regulation 17(11) and Schedule 9

(2) S.R. 1995 No. 47

(3) Current edition (1995): ISBN 0 11 5512659 (UK); ISBN 92 1 139043 5 (UN version)

(4) S.R. 1997 No. 248

“approved method” shall be construed in accordance with regulation 4(1)(b);

“approved person” has the meaning assigned to it in regulation 15(1);

“Approved Requirements” means the document “Approved Requirements for Transportable Pressure Receptacles” described in regulation 4(1)(c) as revised in accordance with regulation 4(2);

“approved test” means a test approved for the purposes of regulation 6(1)(e)(i) by a competent authority;

“approved testing laboratory” means a laboratory approved for the purposes of regulation 6(1)(e)(i) by a competent authority;

“carriage” means carriage by road or on a railway (in each case on a vehicle) and shall be construed in accordance with regulation 3(2), and related words shall be construed accordingly;

“certificate holder” means the person whose name is included in or is identifiable from the ADR mark, the RID mark, the UN mark, or as the case may be, the joint ADR and RID mark;

“classification” in relation to dangerous goods shall be construed as a reference to the classification of those goods ascertained in accordance with regulation 5;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of—

- (a) the testing and certification of packagings;
- (b) the approval of tests and laboratories;
- (c) the certification of the completion of approved tests;
- (d) the allocation of ADR marks, RID marks, UN marks and joint ADR and RID marks; and
- (e) the approval of persons to examine, test and certify transportable pressure receptacles, and for Northern Ireland the competent authority as regards transportable pressure receptacles means the Department and in all other cases means the Secretary of State;

“competent person” has the meaning assigned to it by paragraph 6 of Schedule 8;

“consignor” shall be regarded as—

- (a) the person who, having a place of business in Northern Ireland, consigns (whether as principal or agent for another) dangerous goods for carriage; or
- (b) if no person satisfies the requirements of sub-paragraph (a), the consignee of dangerous goods insofar as that person has control over the carriage of those goods in Northern Ireland;

“container” means an article of carriage equipment with an internal volume of not less than 1 cubic metre which is—

- (a) of a permanent character and strong enough for repeated use;
- (b) designed to facilitate the carriage of goods, by one or more modes of carriage, without intermediate reloading;
- (c) designed to be readily handled; and
- (d) designed to be easy to fill and empty,

but does not include an intermediate bulk container, any packagings, a tank, a transportable pressure receptacle or a vehicle;

“COTIF” means the Convention concerning the International Carriage by Rail(5) as revised or re-issued from time to time;

“danger sign” means the sign for dangerous goods shown in column 6 of Part I of Schedule 1 (which sign is further specified in Part II of that Schedule) and ascertained in accordance with regulation 5;

“dangerous goods” means any—

- (a) explosives;
- (b) radioactive material;
- (c) goods named individually in the Approved Carriage List (other than when so diluted or treated that they no longer have the hazardous properties of those goods); or
- (d) any other goods which have one or more of the hazardous properties, and for the purposes of this definition “goods” means articles or substances;

“demountable tank” means a tank—

- (a) other than a tank which is—
  - (i) attached to the frame of the vehicle (whether structurally or otherwise) and, except when empty, is not intended to be removed from the vehicle; or
  - (ii) an integral part of the vehicle;
- (b) which—
  - (i) has a capacity greater than 450 litres;
  - (ii) is not designed for the carriage of goods without breakage of load; and
  - (iii) can normally only be handled when empty;

“the Department” means the Department of Economic Development;

“design specification” means a specification for the design of one type of transportable pressure receptacle;

“design standard” means a standard for the design of more than one type of transportable pressure receptacle;

“EEC-type cylinder” has the meaning assigned to it by regulation 13(b);

“examination” means, in respect of a transportable pressure receptacle, a careful and critical scrutiny of that receptacle in or out of service, as appropriate, using suitable techniques, including testing where appropriate, to assess—

- (a) its actual condition; and
- (b) whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance is carried out, and for this purpose “normal maintenance” means such maintenance as is reasonable to expect the owner of a transportable pressure receptacle to ensure is carried out independently of any advice from the approved or competent person making the examination;

“explosives” means explosive articles or explosive substances which—

- (a) have been assigned on classification in accordance with the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(6) 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;

“factory” has the meaning assigned to it by section 175 of the Factories Act (Northern Ireland) 1965(7);

“Fire Authority” means the Fire Authority for Northern Ireland established under Article 3 of the Fire Services (Northern Ireland) Order 1984(8);

“flash point” means the flash point of dangerous goods determined in accordance with the appropriate approved method;

“gas” means a gas classified as a flammable gas, a toxic gas or a non-flammable, non-toxic gas in accordance with Schedule 1;

“genetically modified micro-organisms and organisms” means micro-organisms and organisms in which genetic material has been altered through genetic modification in a way that does not occur naturally;

“genetic modification” means the alteration of genetic material otherwise than by mating or natural recombination or both;

“goods named individually” means, in relation to the Approved Carriage List, those goods whose proper shipping names do not include either an asterisk or the letters “N.O.S.”;

“harbour area” has the meaning assigned to it by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(9);

“hazardous properties” means any of the properties of dangerous goods shown in column 2 of Part I of Schedule 1 and determined in accordance with the appropriate approved method;

“the Health and Safety Commission” means the Health and Safety Commission established under section 10 of the Health and Safety at Work etc. Act 1974(10);

“intermediate bulk container” means a rigid, semi-rigid or flexible portable packaging which has a capacity of 3 cubic metres or less, which is designed for mechanical handling and which satisfies the requirements of regulation 6(1)(e);

“joint ADR and RID mark” means a mark allocated by the competent authority for that mark, being a mark specified in ADR and RID to indicate that the packagings which bear it—

- (a) correspond with a design type which has been tested successfully in accordance with ADR and RID; and
- (b) comply with the provisions relating to their manufacture which are required by ADR and RID;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the department of the Secretary of State for Defence;

“mine” has the meaning assigned to it by section 156(1) of the Mines Act (Northern Ireland) 1969(11);

“motor vehicle” has the same meaning as in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(12);

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(7) 1965 c. 20 (N.I.)

(8) S.I. 1984/1821 (N.I. 11)

(9) S.R. 1991 No. 509, as amended by S.R. 1995 No. 47, regulation 17(3) and Schedule 4

(10) 1974 c. 37

(11) 1969 c. 6 (N.I.)

(12) S.I. 1995/2994 (N.I. 18)

“nominal capacity” means, in relation to the carriage of dangerous goods in a receptacle, the nominal volume of those goods, measured in litres, and, in any case, not less than 80% of the internal volume of the receptacle;

“N.O.S.” means not otherwise specified;

“overpack” means the unit formed when one or more packages are assembled on or in a device, including ropes or straps, which enables them to be handled as one unit, but does not include a container;

“owner” means, in relation to a transportable pressure receptacle, the employer or the self-employed person who owns it (other than a person who buys it solely to use the gas therein before selling it back to the supplier) or, in the case of a lease, the lessee or, if he does not have a place of business in Northern Ireland, his agent in Northern Ireland or, if there is no such agent, the user;

“package” means the package in which dangerous goods are carried and which is liable to be individually handled during the course of the carriage, and includes—

- (a) the dangerous goods being carried; and
- (b) any packagings (other than a tank or an overpack) associated with the dangerous goods;

“packagings” means the receptacle (whether or not a transportable pressure receptacle) and any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function but does not include a container, a skip, a pallet, a vehicle or other article of carriage equipment;

“packing group” means the group to which dangerous goods with relevant properties are allocated in accordance with regulation 5;

“petroleum-spirit” has the meaning assigned to it by section 23 of the Petroleum (Consolidation) Act (Northern Ireland), 1929(13);

“Pressure Vessels Framework Directive” means Council Directive 76/767/EEC(14), concerning the approximation of laws of the Member States relating to common provision for pressure vessels and methods for inspecting them;

“quarry” has the same meaning as in Article 2(2) of the Quarries (Northern Ireland) Order 1983(15);

“radioactive material” has the meaning assigned to it by Article 2(1) of the Radioactive Material (Road Transport) (Northern Ireland) Order 1992(16);

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which—

- (a) is a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails and which are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment); or
- (b) is operated wholly within a harbour area, factory, military establishment, mine or quarry;

“receptacle” means a vessel or the innermost layer of packagings which is in contact with any dangerous goods therein and includes any closure or fastener;

“relevant properties” means the properties of dangerous goods which determine the packing group for those goods;

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(13) 1929 c. 13 (N.I.); section 23(1) was amended by S.R. 1992 No. 413, regulation 3 and Schedule 2 and S.R. 1995 No. 60, regulation 18(9) and Schedule 8

(14) O.J. No. L262, 27.7.1976, p. 153

(15) S.I. 1983/150 (N.I. 4)

(16) S.I. 1992/234 (N.I. 2)

“RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to COTIF(17);

“RID mark” means a mark allocated by the competent authority for that mark, being a mark specified in RID to indicate that the packagings which bear it—

- (a) correspond with a design type which has been tested successfully in accordance with RID; and
- (b) comply with the provisions relating to their manufacture required by RID;

“road” means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1995;

“road tanker” means a motor vehicle or trailer constructed or adapted for the carriage of goods which has a tank (in these Regulations referred to as a “carrying tank”) which is—

- (a) attached to the frame of the vehicle (whether structurally or otherwise) and (except when empty) is not intended to be removed from the vehicle;
- (b) an integral part of the vehicle; or
- (c) a demountable tank,

and any reference in these Regulations to the carrying tank of a road tanker shall be construed as a reference to each carrying tank attached to it or being an integral part of it as aforesaid or, as the case may be, a demountable tank;

“safe operating limits” means the operating limits (incorporating a suitable margin of safety) beyond which system failure is liable to occur;

“separate Directives” means Council Directives [84/525/EEC\(18\)](#), [84/526/EEC\(19\)](#) and [84/527/EEC\(20\)](#) concerning the approximation of laws of the Member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

“street” means the whole or any part of any of the following, irrespective of whether it is a thoroughfare—

- (a) any road, highway, lane, footway, alley or passage;
- (b) any square or court; and
- (c) any land laid out as a way whether it is for the time being formed as a way or not,

and where a street passes over a bridge or through a tunnel, references in these Regulations to the street shall include that bridge or tunnel;

“subsidiary hazard” means any hazard created by the hazardous properties of dangerous goods other than the most hazardous property;

“subsidiary hazard sign” means the sign for the subsidiary hazard of dangerous goods shown in column 2 of Part I of Schedule 2 (which sign is further specified in Part II of that Schedule) and ascertained in accordance with regulation 5;

“the supply Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995(21);

“system failure” means the unintentional release of stored energy (other than from a pressure relief system) from a transportable pressure receptacle;

“tank” means a tank which is—

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(17) Current edition: ISBN 0 11 551266 7

(18) O.J. No. L300, 19.11.1984, p. 1

(19) O.J. No. L300, 19.11.1984, p. 20

(20) O.J. No. L300, 19.11.1984, p. 48

(21) [S.R. 1995 No. 60](#) as amended by [S.R. 1996 No. 376](#)

- (a) used for the carriage of a liquid, gaseous, powdery or granular material or a sludge; and
- (b) so constructed that it can be securely closed (except for the purpose of relieving excess pressure) during the course of carriage;

and includes an assembly of transportable pressure receptacles interconnected by a manifold and mounted on a frame where—

- (c) the frame is permanently fixed to a vehicle; or
- (d) the receptacles have a total volume of 1000 litres or more,

but does not include—

- (e) an intermediate bulk container;
- (f) a hopper with a loose-fitting lid;
- (g) a transportable pressure receptacle;
- (h) an aerosol; or
- (i) packagings which satisfy the requirements of regulation 6(1)(e) or are excluded from the need to satisfy those requirements by virtue of regulation 6(3)(c) to (f);

“tank container” means a tank (other than the carrying tank of a road tanker or tank wagon), whether or not divided into separate compartments, having a total capacity of more than 450 litres (or 1000 litres in the case of tanks used for the carriage of a gas);

“tank wagon” comprises a superstructure, consisting of one or more tanks (including their openings and closures), their items of equipment, and an underframe fitted with its own items of equipment (including running gear, suspension, buffing, traction, braking gear and inscriptions);

“trailer” has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989<sup>(22)</sup>;

“transportable pressure receptacle” means any receptacle, other than an aerosol, and including any permanent fitting of such a receptacle, which is used or intended to be used for the carriage of gas and which—

- (a) has a volume not exceeding 1000 litres; or
- (b) if seamless, has a volume not exceeding 5000 litres,

and includes a transportable assembly of such receptacles, in which each has a volume not exceeding 150 litres, held firmly together and interconnected by a manifold;

“UN mark” means a mark allocated by the competent authority for that mark, being a mark specified in the United Nations Recommendations to indicate that the packagings which bear it—

- (a) correspond with a design type which has been tested successfully in accordance with; and
- (b) comply with the provisions relating to their manufacture required by the United Nations Recommendations;

“UN number” means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and specified in the Approved Carriage List as a means of identification for dangerous goods;

“the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and

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(22) S.R. 1989 No. 299 to which there are amendments not relevant to these Regulations

Social Council at its twenty-third session (Resolution 645 G (XXIII) of 26th April 1957))(23), as revised or re-issued from time to time and any reference in these Regulations to the United Nations Recommendations shall, for a period of 6 months after any revision or re-issue, be a reference to either the document as it was immediately before that revision or re-issue took effect or the document as revised or re-issued;

“vehicle” means any conveyance which is used for carrying goods by road or by rail.

(2) In these Regulations—

- (a) any reference to a vehicle under the control of the armed forces is a reference to—
- (i) a vehicle on board which there is, as a member of its crew, a member of the armed forces acting in the course of his duties; or
  - (ii) a vehicle in a convoy escorted by a vehicle of the type referred to in head (i), where “member of the armed forces” means—
  - (iii) a member of Her Majesty’s Forces;
  - (iv) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(24); or
  - (v) a civilian who is an employee of Her Majesty’s Forces; and
- (b) any reference to a vehicle owned by the armed forces is a reference to a vehicle owned by—
- (i) Her Majesty’s Forces;
  - (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952; or
  - (iii) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(25)

and includes a vehicle which has been provided to the armed forces under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

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(23) Current edition (1995): ISBN 92 1 139048 X

(24) 1952 c. 67

(25) 1964 c. 5