

SCHEDULE 5

Regulation 22(3)

AMENDMENTS TO THE DANGEROUS SUBSTANCES IN
HARBOUR AREAS REGULATIONS (NORTHERN IRELAND) 1991

1. The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(1) shall be amended in accordance with paragraphs 2 to 7.

2. In regulation 2(1) (Interpretation)—

(a) for the definition of “approved list” there shall be substituted—

““approved list” means the “Approved Carriage List” described in regulation 4(1) (a) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997 (S.R. 1997 No. 247);”;

(b) in the definition of “classification” for sub-paragraph (a)(ii) there shall be substituted—

“(ii) the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997 in relation to substances which fall within the definition of “dangerous goods” in regulation 2(1) of those Regulations; or”;

(c) in the definition of “portable tank” for the words “Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992” there shall be substituted the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997”.

3. In regulation 3 (Meaning of dangerous substance) for paragraph (2)(b) there shall be substituted—

“(b) it falls within the definition of “dangerous goods” in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997.”.

4. In regulation 24 (Portable tanks and receptacles) for paragraph (a) there shall be substituted—

“(a) a portable tank, the operator of the tank shall ensure that it is correctly filled and either—

(i) in the case of a portable tank to which the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 (S.R. 1997 No. 248) applies, and

(aa) the tank was constructed before 1st January 1999, complies with the requirements of paragraph 1 of Schedule 3 to those Regulations; or

(bb) the tank was constructed after 31st December 1998, complies with the Approved Tank Requirements, as defined in regulation 2(1) of those Regulations, insofar as they relate to the carriage of dangerous goods in portable tanks, is suitable to be used for the carriage of dangerous goods and has been adequately maintained; or

(ii) in any other case, the portable tank is suitable for the purpose and complies with the requirements of regulation 6 of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997.”.

5. In regulation 25 (Labelling)—

(1) S.R. 1991 No. 509; the relevant amending Regulations are S.R. 1995 No. 47, regulation 17(3) and Schedule 4 and S.R. 1995 No. 60, regulation 18(3)

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- (a) in paragraph (1)(b)(ii) for the words “or (where they fall within the definition of dangerous goods in regulation 2(1) of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995) those Regulations” there shall be substituted the words “or (where they fall within the definition of dangerous goods in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997) those Regulations”;
 - (b) for paragraph (2)(a) there shall be substituted—
 - “(a) the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997;” and
 - (c) for paragraph (2)(b) there shall be substituted—
 - “(b) the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997;”.
6. In Schedule 1 (the Classification of and Hazard Warning Signs for Dangerous Substances)—
- (a) in Note 2, for the words “Part III of Schedule 1 to the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995” there shall be substituted the words “Part III of Schedule 1 to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997”; and
 - (b) for Note 3 there shall be substituted—
 - “The flash point shall be determined in accordance with the appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997.”.
7. In Schedule 3 (List of specified dangerous substances) in sub-paragraph (c) for the words “in accordance with the appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations (Northern Ireland) 1995” there shall be substituted the words “in accordance with the appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997”.