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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 474**

**The Carriage of Explosives by Road  
Regulations (Northern Ireland) 1997**

**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 to take, to ensure that nothing in the manner in which explosives are loaded, or stowed on, 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 (1), the operator, driver and any attendant shall comply with the requirements of Schedule 7.

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

- (a) being used for the carriage of explosives which require labelling in accordance with regulation 6(5) of the 1991 Regulations; or
- (b) empty and 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) A driver or member of the crew of a vehicle, which is being used for the carriage of explosives shall not 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 to take to ensure that, when—

- (a) subject to paragraphs (2) and (3) 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 paragraphs (3) and (4) 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 to—

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

- (b) 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) 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 within—
- (a) 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 (Northern Ireland) 1983(2); or
  - (b) premises under the control of the Ministry of Defence.
- (6) The driver or attendant of a vehicle which is being used for the carriage of explosives shall not cause or permit any person, other than a member of the vehicle crew, to be carried.

### **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 Constable.

(2) Where any vehicle, which is being used for the carriage of explosives, is part of a convoy of such vehicles, the driver of the vehicle, where practicable, 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 when the only explosives being carried are those specified in Parts 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.

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(1) 1875 c. 17  
 (2) S.R. 1983 No. 326

### **Duty to ensure safe and secure carriage**

**22.**—(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 to take to prevent—

- (a) accidents and minimise the harmful effects of any accident which may occur; and
- (b) unauthorised access to or removal of all or part of the load.

### **Smoking and open flames**

**23.**—(1) A person shall not 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) A person shall not bring on to a vehicle, which is being used for the carriage of explosives, any portable lighting apparatus, which comprises a flame or has any metal surface that is 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 the trailer is detached from the motor vehicle.

### **Precautions against fire or explosion**

**25.**—(1) A person shall not 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 when explosives are being carried in any vehicle or container.

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

- (a) the operator of a vehicle is being used for the carriage of explosives shall comply with the requirements specified in Schedule 8 except paragraph 7;
- (b) the driver of such a vehicle shall comply with paragraphs 3 and 7 of Schedule 8;
- (c) any attendant of such a vehicle shall comply with paragraph 3 of Schedule 8.

(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 a vehicle, which is being used for the carriage of explosives, being involved in an emergency which cannot be brought under immediate control—

- (a) the driver or 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; and
- (b) the driver or any attendant shall ensure that the operator of that vehicle is notified by the quickest practical means.

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

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

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(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 comply with any instructions contained in the emergency information which relates to the explosives.