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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 V**

**MISCELLANEOUS AND GENERAL**

**Duration of carriage and delivery**

**27.—(1)** The operator and the driver of a vehicle, which is being used for the carriage of explosives, shall ensure that—

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the explosives are delivered to—
  - (i) the consignee or his agent, or
  - (ii) any other person who is authorised by the consignee to accept custody of the explosives for onward despatch, provided that they are delivered to either a safe and secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, and that, if they cannot be so delivered, they are returned to the consignor or his agent; and
- (c) any trailer, semi-trailer or container containing explosives is not detached from the vehicle except—
  - (i) in either a safe and secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, or
  - (ii) in an emergency.

(2) The operator, driver and any attendant of a vehicle, which is being used for the carriage of explosives, shall ensure that any explosives intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) In this regulation—

- (a) “harbour” and “harbour area” have the meanings assigned to them in regulation 2(1) of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995(1);
- (b) “designated parking area” means in relation to—
  - (i) an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying explosives,

(ii) a harbour or harbour area, a parking area designated for the purposes of regulation 33 of the Explosives in Harbour Areas Regulations (Northern Ireland) 1995.

(4) The operator of a vehicle used for the carriage of explosives shall not remove any explosives from the consignor's premises unless he is ready to despatch them immediately to the consignee or other person described in sub-paragraph (1)(b)(ii).

#### **Minimum age limits for persons engaged in the carriage of explosives**

- 28.**—(1) Subject to paragraph (2) a person under the age of 18 years shall not—
- (a) use any vehicle for the carriage of explosives;
  - (b) be employed as the driver or attendant of such a vehicle;
  - (c) be made responsible for the security of explosives;
  - (d) be allowed to go on or in such a vehicle except in the presence and under the supervision of a competent person who is at least 18 years of age.
- (2) Paragraph (1) shall not apply to the carriage of any explosives specified in—
- (a) Part I of Schedule 1; or
  - (b) Part II of Schedule 1, if the total quantity of such explosives does not exceed 50 kilograms.

#### **Exemption certificates**

**29.**—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the carriage of explosives by road, the Secretary of State may, by a certificate in writing, exempt any—

- (a) person or class of person;
- (b) explosive or class of explosive;
- (c) vehicle or container or class of vehicle or container,

from all or any requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Secretary of State by a further certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which he proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

she is satisfied that neither the health and safety of persons who are likely to be affected by the exemption nor the security of the explosives will be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, exempt by a certificate in writing from all or any requirements or prohibitions imposed by these Regulations any particular class of—

- (a) military explosive;
- (b) person engaged in the carriage of military explosive;
- (c) vehicle used for the carriage of military explosive,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

## **Defence**

**30.**—(1) In any proceedings for an offence for contravention of any of the provisions of these Regulations, it shall, subject to paragraphs (2) and (3) be a defence for the person charged to prove that—

- (a) the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence referred to in paragraph (1) unless, within a period ending seven clear days before the hearing to determine the mode of trial, he has served on the prosecutor a notice in writing giving any information identifying or assisting in the identification of the other person, which he had.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, that other person shall be guilty of the offence which would, but for any defence under these Regulations available to the first mentioned person, be constituted by the act or default.

## **Transitional provision**

**31.** Until 1st April 1998 it shall be sufficient compliance with the requirements of these Regulations if the requirements in the Carriage Regulations are complied with as if they had been in force.

## **Amendment of the 1991 Regulations**

**32.** The 1991 Regulations shall be amended in accordance with Schedule 9.

## **Revocation**

**33.** The Carriage Regulations are hereby revoked.