
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 173

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006

PART I

INTRODUCTORY PROVISIONS

Exemptions

7.—(1) Notwithstanding regulation 23(5) and section 7.5.2 of ADR and provided that all reasonably practicable measures have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods, the following dangerous goods may be carried by road together—

- (a) signals (UN 0191 and UN 0197), fireworks (UN 0336), aerial flares (UN 0403), pyrotechnic articles (UN 0431) or line-throwing rockets (UN 0453) with dangerous goods in transport category 2 (except for flammable gases, class 6.1 or 6.2 goods) or 3, provided that the maximum total quantity of the goods in transport category 2 does not exceed 500 kilograms or litres or a combined total of 500 kilograms and litres and the maximum total quantity of the class 1 goods shall not exceed 500 kilograms;
- (b) class 1 goods in compatibility group G and division 1.4 with—
 - (i) class 3 goods and flammable gases in transport category 2;
 - (ii) non-flammable, non-toxic gases that are—
 - (aa) of group A or O as referred to in sub-section 2.2.2.1.3 of ADR; and
 - (bb) in transport category 3; or
 - (iii) any combination of goods falling within heads (i) and (ii),

provided that the maximum total quantity of dangerous goods per transport unit shall not exceed 200 kilograms or litres or a combined total of 200 kilograms and litres of which the class 1 goods shall not exceed 20 kilograms.

- (2) Notwithstanding regulations 20(1) and 21(1), where—
 - (a) goods are packaged in limited quantities in accordance with chapter 3.4 of ADR for carriage by road; and
 - (b) are then removed from their outer packaging for the final stages of the carriage operation from a—
 - (i) distribution centre to a retailer or end-user; or
 - (ii) retailer to an end-user,

the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport unit does not exceed more than 30 kilograms or litres per substance or article and not more than 333 kilograms or litres per transport unit.

(3) Notwithstanding regulation—

- (a) 24(3) and section 8.3.3 of ADR, the driver and any other member of the vehicle crew may open a package containing dangerous goods provided that the carrier has authorised him to do so; and
- (b) 24(1)(b) and 24(3), the requirements in special provisions S1:(4)(d) and (5)(a) of chapter 8.5 of ADR shall only apply where it is practicable for the carrier or the vehicle crew to comply with them.

(4) Notwithstanding regulation 25—

- (a) FL, OX and AT vehicles which—
 - (i) are used or intended to be used to carry only old tanks; and
 - (ii) do not meet all of the requirements in sections 9.7.2 and 9.7.3 of ADR applicable to old tanks and fastenings attaching old tanks to vehicles, shall be deemed to meet those requirements provided that they comply with the requirements in Schedule 1 and need not be subject to an annual technical inspection in accordance with sub-section 9.1.2.1.1 of ADR; and
- (b) Part 9 of ADR need not apply to vehicles constructed before 1st November 1997 provided that the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.

(5) Notwithstanding regulation 23(1)(b), wagons constructed before 1st November 1997 need not be fitted with regulation sheet steel spark-guards in accordance with special provisions W2 and W8 of chapter 7.2 of RID.

(6) Notwithstanding regulations 18(b) and 19 and Part IV and subject to paragraph (7), a person complying with regulations 18(b) and 19 in relation to the filling of pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks intended for the carriage by road or by rail of liquefied gas wholly within Northern Ireland may comply, as relevant, with—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or
- (b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail as if the reference temperature set out in the paragraph in question was as provided by the Northern Ireland competent authority pursuant to regulation 31(3) where such provision has been made in relation to the paragraph or sub-section and the tank or pressure receptacle in question.

(7) Where a pressure receptacle, battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank conforms to the standard in paragraph (6) it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Northern Ireland only; or
- (b) not carry a conformity marking made in accordance with regulation 45.

(8) Notwithstanding regulation 22 and Part IV and subject to paragraph (9), a person complying with regulation 22 in relation to the construction of tanks intended to be used for the carriage by road or rail of liquefied gas, wholly within Northern Ireland, may comply with the relevant—

- (a) section 6.7.3.1;
- (b) sub-section 4.3.3.2.2; or
- (c) sub-section 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, as if they required the construction of the shell of the tank to be in accordance with a standard recognised by the Northern Ireland competent authority pursuant to regulation 30(2) where such a standard has been recognised in relation to the tank in question.

- (9) Where a tank conforms to the standard in paragraph (8) it shall—
- (a) be clearly marked or labelled to show that it is suitable for carriage within Northern Ireland only; or
 - (b) not carry a conformity marking made in accordance with regulation 45.

(10) Notwithstanding regulation 23(9), a carrier carrying dangerous goods by rail in piggyback transport need not comply with the provisions referred to in that regulation where the road vehicle which is being carried on the wagon displays—

- (a) the placards, marks, labels, plate markings and HIN required pursuant to regulation 20(3) and chapter 5.3 of ADR; or
- (b) the hazard warning panels referred to in paragraph 6 of Schedule 9 pursuant to regulation 49(1)(b),

provided that those placards or hazard warning panels are clearly visible.

(11) Subject to the requirements of paragraph (12), regulations—

- (a) 10 to the extent that it relates to—
 - (i) the use of approved wooden casks bearing the marks prescribed by ADR as required by sub-section 1.4.2.1.1(c) of ADR; and
 - (ii) compliance with packaging conditions as required by sub-section 1.4.3.2(a) of ADR;
- (b) 18 to the extent that it relates to the design type and testing of wooden casks as required by sub-sections 4.1.1.3 and 4.1.1.9 of ADR;
- (c) 20(1) to the extent that it relates to the requirements of sections 5.2.1 and 5.2.2 of ADR; and
- (d) 20(3) to the extent that it relates to the requirements of sections 5.3.1 and 5.3.2 of ADR,

shall not apply to the carriage by road of wooden casks containing UN 3065 of Packing Group III.

(12) The requirements of paragraph (11) are that—

- (a) the wooden casks have a capacity of not more than 1000 litres;
- (b) the packages are carried in a closed vehicle;
- (c) no other goods are carried on the transport unit; and
- (d) the transport unit complies with the requirements of regulation 49(1)(a) and Part I of Schedule 9, except for paragraph 2(b),

and for the purposes of this regulation, the goods shall be deemed to be carried in tanks.

(13) Notwithstanding regulation 20(3), the requirements of section 5.3.4 of RID shall not apply to the carriage of goods by rail.

(14) Notwithstanding the requirements of regulation 10(1)(b), where—

- (a) a consignor is carrying dangerous goods on his own behalf; and
- (b) the load does not exceed the quantities specified in sub-section 1.1.3.6 of ADR as modified by regulation 3(7),

he need not comply with the requirements of sub-section 1.4.2.1.1(b) of ADR.

(15) In paragraph—

- (a) (1) “maximum total quantity” shall be construed in accordance with sub-section 1.1.3.6.3 of ADR; and
- (b) (4) “FL, OX and AT vehicles” shall be construed in accordance with sub-section 9.1.1.2 of ADR.