

SCHEDULE 13

Regulation 55

CONSEQUENTIAL AMENDMENTS

Amendments to the Petroleum (Consolidation) Act (Northern Ireland) 1929

1.—(1) Section 18(4) (warrants to search for and seize petroleum-spirit) of the Petroleum (Consolidation) Act (Northern Ireland) 1929(1) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (a), for “2002” there shall be substituted “2003”.

(3) For paragraph (b) there shall be substituted the following paragraph—

“(b) carriage by road to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(2) apply.”.

Amendments to the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991

2.—(1) The Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991(3) shall be amended in accordance with sub-paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “approved list” there shall be inserted the following definition—

““ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(4)

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

““approved list” means the list of goods in Table A of Chapter 3.2 of ADR;”;

(c) after the definition of “berth” there shall be inserted the following definition—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(5);”;

(d) in the definition of “classification” for “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “the Carriage Regulations”;

(e) for the definition of “Compatibility Group” and “Compatibility Group Number” there shall be substituted the following definitions—

““Compatibility Group” and “Compatibility Group Number” have the same meaning as in the IMDG Code;”;

(f) for the definition of “Division” and “Division Number” there shall be substituted the following definitions—

““Division” and “Division Number” have the same meaning as in the IMDG Code;”;
and

(1) 1929 c. 13 (N.I.); section 18 was amended by S.R. 1988 No. 415, S.R. 1992 No. 260 and S.R. 2003 No. 152; section 18 was repealed in relation to the carriage of petroleum mixtures and liquid methane in a road tanker or tank-container by S.R. 1992 No. 260; there are other amendments to the Act not relevant to these Regulations

(2) S.R. 2006 No. 173

(3) S.R. 1991 No. 509 as amended by S.R. 1997 No. 247, S.R. 1997 No. 248, and S.R. 2003 No. 386 and to which there are other amendments not relevant to these Regulations

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(5) S.R. 2006 No. 173

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(g) in the definition of “portable tank”, for paragraph (b) there shall be substituted the following paragraph—

“(b) a tank as defined in the Carriage Regulations;”.

(3) In regulation 3(2)(b) (meaning of “dangerous substance”) for “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “the Carriage Regulations”.

(4) For regulation 24 there shall be substituted the following regulation—

“Tanks and receptacles

24. Where a dangerous substance is brought into a harbour or a harbour area from inland in—

- (a) a tank, the operator of the tank shall ensure that it is correctly filled and complies with the requirements of the Carriage Regulations; or
- (b) a receptacle, the consignor of that substance shall ensure that—
 - (i) the receptacle is designed, constructed, maintained and closed so as to prevent any of the contents escaping when subjected to the stresses and strains of normal handling or transport except that this shall not prevent the fitting of a suitable safety device;
 - (ii) the receptacle and any fastenings are, in so far as they are likely to come into contact with the substance, made of materials which are neither liable to be adversely affected by the substance nor liable in conjunction with the substance to form any other substance which is itself a risk to health or safety;
 - (iii) the receptacle is correctly filled; and
 - (iv) in the case of a receptacle containing a compressed gas, the receptacle has been appropriately tested.”.

(5) In regulation 25 (labelling)—

- (a) in paragraph 1(b)(ii) for “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “the Carriage Regulations”; and
- (b) in paragraph (2), for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraph—
 - “(a) the Carriage Regulations;”,and sub-paragraphs (c) to (h) shall be re-numbered (b) to (g) respectively.

(6) In Part I of Schedule 1—

- (a) in Note 2 for “conditions in Part III of Schedule 1 to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles (Northern Ireland) 1997” there shall be substituted “classification criteria in sub-section 2.2.3.1.5 of ADR”; and
- (b) in Note 3 for “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” there shall be substituted “test specified in section 2.3.3 of ADR”.

(7) In sub-paragraph (c) of Schedule 3 for “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” there shall be substituted “test specified in section 2.3.3 of ADR”.

Amendment to the Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992

3.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992(6) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “the 1997 Regulations” there shall be substituted the following definition—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(7);”;

(ii) in the definition of “classification”, for “regulation 5 of the 1997 Regulations” there shall be substituted “regulation 15 of the Carriage Regulations”; and

(iii) in the definition of “dangerous substance” for “the 1997 Regulations” there shall be substituted “the Carriage Regulations”; and

(b) after paragraph (1) there shall be added the following paragraph—

“(1A) In the definitions of “classification” and “dangerous substance” the references to the Carriage Regulations shall apply as if the substances in question were being carried by road.”.

(3) In Schedule 1 (exceptions)—

(a) for paragraph 1(c) substitute—

“(c) substances which on classification as defined in regulation 2(1) of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(8) are classified as class 1 goods within the meaning of—

(i) the Carriage Regulations;

(ii) the International Maritime Dangerous Goods Code as revised or reissued from time to time(9); or

(iii) the Technical Instructions for the Safe Transport of Dangerous Goods by Air as revised or reissued from time to time(10);”;

(b) in paragraph 1(d) for “the 1997 Regulations” substitute “the Carriage Regulations”.

Amendment to the Notification of New Substances Regulations (Northern Ireland) 1994

4. In paragraph 7.3(g) of Part A of Schedule 2 (information required in the technical dossiers) to the Notification of New Substances Regulations (Northern Ireland) 1994(11) for “Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997” there shall be substituted “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(12) to the extent that it relates to carriage by road”.

(6) S.R. 1992 No. 71 as amended by S.R. 1993 No. 412, S.R. 1995 No. 47 and S.R. 1997 No. 247 and to which there are other amendments not relevant to these Regulations

(7) S.R. 2006 No. 173

(8) S.R. 1991 No. 516

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(11) S.R. 1994 No. 6 as amended by S.R. 2003 No. 36 and to which there are other amendments not relevant to these Regulations

(12) S.R. 2006 No. 173

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Amendment to the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996

5. In regulation 2(1) (interpretation) of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996(13) for the definition of “dangerous goods” there shall be substituted the following definition—

““dangerous goods” has the meaning in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(14) which shall apply as if those goods were being carried by road;”.

Amendments to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

6.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(15) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)—

- (a) the definition of “the 1997 Regulations” shall be omitted;
- (b) in the definition of “ADR”, for “the 1997 Regulations” there shall be substituted “the Carriage Regulations”;
- (c) in the definition of “carriage”, for “the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997” there shall be substituted “the Carriage Regulations”;
- (d) after the definition of “carriage” there shall be inserted the following definition—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(16);”;
- (e) in the definition of “dangerous goods”, for “the 1997 Regulations” there shall be substituted “the Carriage Regulations”; and
- (f) the definitions of “road tanker” and “tank container” shall be omitted.

(3) In Schedule 2 (dangerous occurrences)—

- (a) in paragraph 6(2) of Part I (general), for “being transported, be assigned to Class 1 within the meaning of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991” there shall be substituted “being carried by road or rail, be classified as Class 1 goods within the meaning of the Carriage Regulations”; and
- (b) in paragraph 48K(2) of Part IV (dangerous occurrences which are reportable in relation to railways), for “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “the Carriage Regulations”.

Amendments to the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001

7.—(1) The Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001(17) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) for the definition of “the 2003 Regulations” there shall be substituted the following definition—

(13) S.R. 1996 No. 119 as amended by S.R. 1997 No. 247 and to which there are other amendments not relevant to these Regulations

(14) S.R. 2006 No. 173

(15) S.R. 1997 No. 455 as amended by S.R. 2004 No. 196 and to which there are other amendments not relevant to these Regulations

(16) S.R. 2006 No. 173

(17) S.R. 2001 No. 436 as amended by S.R. 2003 No. 533 and to which there are other amendments not relevant to these Regulations

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(18);”.

(3) In regulation 3 (application)—

(a) for sub-paragraph (c) of paragraph (4) there shall be substituted the following sub-paragraph—

“(c) any radioactive substance conforming to the specifications for special form radioactive material set out in regulation 2(1) of the Carriage Regulations—

(i) which is certified pursuant to regulations 20(2), 21(4)(a) and 28(1) of the Carriage Regulations as complying with them; or

(ii) where the transport in question forms part of an international transport operation as is referred to in regulation 4(1) of the Carriage Regulations;”;

(b) for sub-paragraph (d) of paragraph (4) there shall be substituted the following sub-paragraph—

“(d) any radioactive substance contained in a package which complies in every respect as to its design with the requirements for—

(i) a Type B(U) package, a Type B(M) package or a Type C package as set out in paragraphs 6.4.8, 6.4.9 or 6.4.10 of RID respectively; or

(ii) a consignment carried under special arrangement within the meaning of the Carriage Regulations which provides an equivalent level of safety as a Type B(U) package, Type B(M) package or a Type C package complying with the requirements referred to in sub-paragraph (i),

and which, in each case, has been approved pursuant to regulations 20(2), 21(4) (a) and 28 of the Carriage Regulations as complying with such requirements or where the transport in question forms part of an international transport operation as referred to in regulation 4(1) of the Carriage Regulations;”;

(c) for sub-paragraph (e) of paragraph (4) there shall be substituted the following sub-paragraph—

“(e) the transport of any radioactive substance in the form of a low specific activity material conforming to the specifications for LSA-I, LSA-II or LSA-III set out in sub-section 2.2.7.3 of RID including cases where the transport forms part of an international transport operation as is referred to in regulation 4(1) of the Carriage Regulations;”;

(d) for sub-paragraph (f) of paragraph (4) there shall be substituted the following sub-paragraph—

“(f) the transport of any radioactive substance in the form of a surface contaminated object conforming to the specifications for SCO-I or SCO-II set out in sub-section 2.2.7.5 of RID including cases where the transport forms part of an international transport operation as is referred to in regulation 4(1) of the Carriage Regulations; and”; and

(e) after paragraph (4) there shall be added the following paragraph—

“(5) In paragraph (4)(d) to (f) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail as revised or reissued from time to time.”.

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Amendments to the Control of Asbestos at Work Regulations (Northern Ireland) 2003

8.—(1) The Control of Asbestos at Work Regulations (Northern Ireland) 2003⁽¹⁹⁾ shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 23(3) (storage, distribution and labelling of raw asbestos and asbestos waste)—

(a) in sub-paragraph (a) for “Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006⁽²⁰⁾”;

(b) sub-paragraph (b) shall be omitted; and

(c) sub-paragraph (c) shall be renumbered (b).

(3) In paragraph 1(1)(a) of Schedule 2 (the labelling of raw asbestos, asbestos waste and products containing asbestos) for “Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997” there shall be substituted “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006”.

Amendment to the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003

9. For the list in Schedule 7 (legislation concerned with the labelling of containers and pipes) to the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003⁽²¹⁾ there shall be substituted—

“Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);

Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119);

The Good Laboratory Practice Regulations 1999 (S.I. 1999/3106);

Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301); and

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173).”.

Amendment to the Control of Lead at Work Regulations (Northern Ireland) 2003

10. For the list in Schedule 2 (legislation concerned with the labelling of containers and pipes) to the Control of Lead at Work Regulations (Northern Ireland) 2003⁽²²⁾ there shall be substituted—

“Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);

Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119);

The Good Laboratory Practice Regulations 1999 (S.I. 1999/3106);

⁽¹⁹⁾ S.R. 2003 No. 33

⁽²⁰⁾ S.R. 2006 No. 173

⁽²¹⁾ S.R. 2003 No. 34 to which there are amendments not relevant to these Regulations

⁽²²⁾ S.R. 2003 No. 35

Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301); and

Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173).”.

Amendment to the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003

11.—(1) For the list in Schedule 5 (legislation concerned with the marking of containers and pipes) to the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003(23) there shall be substituted—

“Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344);

The Classification and Labelling of Explosives Regulations (Northern Ireland) 1991 (S.R. 1991 No. 516);

Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119);

The Good Laboratory Practice Regulations 1999 (S.I. 1999/3106);

Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301); and

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173).”.

(2) In Schedule 7, paragraphs 2(4), 2(6), 3(4), 5(2) and 7, for “2002” there shall be substituted “2003”.

(3) In Schedule 8—

(i) in column 1—

(aa) for “Petroleum (Compressed Gases) Order (Northern Ireland) 1936 (S.R. & O. (N.I.) 1936 No. 789)” there shall be substituted “Petroleum (Compressed Gases) Order (Northern Ireland) 1936”; and

(bb) for “Petroleum (Carbide of Calcium) Order (Northern Ireland) 1949 (S.R. & O. (N.I.) 1949 No. 79)” there shall be substituted “Petroleum (Carbide of Calcium) Order (Northern Ireland) 1949”; and

(ii) in column 2, for “S.R. & O. (N.I.) 1936 No. 789” there shall be substituted “S.R. & O. (N.I.) 1936 No. 78”.

Amendments to the Pressure Systems Safety Regulations (Northern Ireland) 2004

12.—(1) The Pressure Systems Safety Regulations (Northern Ireland) 2004(24) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “the CDGCPL(NI) Regulations” there shall be substituted the following definition—

(23) S.R. 2003 No. 152

(24) S.R. 2004 No. 222

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- “the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006(25);”;
- (b) after the definition of “mobile system” there shall be inserted the following definition—
- “old pressure receptacle” has the meaning in regulation 2(1) of the Carriage Regulations which shall apply as if the receptacle were being carried by road;”;
- (c) after the definition of “pipework” there shall be inserted the following definition—
- “pressure receptacle” has the meaning in regulation 2(1) of the Carriage Regulations, except that it includes any permanent fitting to a pressure receptacle, and regulation 2(1) shall apply as if the receptacle were being carried by road;”;
- (d) in the definition of “pressure system”—
- (i) in sub-paragraph (b) for “transportable pressure receptacle” there shall be substituted “pressure receptacle, an old pressure receptacle or transportable pressure equipment”; and
- (ii) for “transportable pressure receptacle or a transportable pressure vessel” there shall be substituted “pressure receptacle, an old pressure receptacle or transportable pressure equipment”;
- (e) the definition of “transportable pressure receptacle” shall be omitted; and
- (f) for the definition of “transportable pressure vessel” there shall be substituted the following definition—
- “transportable pressure equipment” has the same meaning as in regulation 2(1) of the Carriage Regulations except that it shall exclude a tank within the meaning of those Regulations;”.
- (3) In Part I of Schedule 1 (pressure systems excepted from all regulations)—
- (a) for paragraph 9 there shall be substituted the following paragraph—
- “9. A tank or an old tank within the meaning of the Carriage Regulations.”; and
- (b) for paragraph 13 there shall be substituted the following paragraph—
- “13. Any pressure system being carried in a vehicle if the vehicle is—
- (a) engaged in an international transport operation within the meaning of Article 1(c) of ADR; and
- (b) under the control of or owned by the armed forces within the meaning of the Carriage Regulations where the armed forces are those of a country which is a contracting party to ADR.”.
- (4) In paragraph 3(a) of Part II of Schedule 1 (pressure systems excepted from certain regulations)
- (a) after “dangerous goods” there shall be inserted “by road”;
- (b) for “Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997” there shall be substituted “Carriage Regulations”; and
- (c) for “paragraph 1 of Schedule 2” there shall be substituted “regulation 4(1) of the Carriage Regulations”.