
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements and prohibitions in relation to the carriage by road or by rail of dangerous goods which are controlled by the Explosives Acts (Northern Ireland) 1875-1970 or by the Explosives (Northern Ireland) Order 1972 and any regulations, orders or instruments of a legislative character made or having effect under those provisions.

2. These Regulations implement two Directives and also make other provision. They implement firstly Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of the member States with regard to the transport of dangerous goods by road (as amended by Directive [2000/61/EC](#) of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p. 40) and Commission Directive [2003/28/EC](#) (O.J. No. L90, 8.4.2003, p. 45)). This Directive applies the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (2003 Edition).

3. Secondly these Regulations implement Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of member States with regard to the transport of dangerous goods by rail (as amended by Directive [2000/62/EC](#) of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p. 44) and Commission Directive [2003/29/EC](#) (O.J. No. L90, 8.4.2003, p. 47)). This Directive applies the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail (“COTIF”) (2003 Edition).

4. These Regulations revoke—

- (a) The Packaging of Explosives for Carriage Regulations (Northern Ireland) 1993 ([S.R. 1993 No. 268](#));
- (b) The Carriage of Explosives by Road Regulations (Northern Ireland) 1997 ([S.R. 1997 No. 474](#));
- (c) The Carriage of Explosives by Road (Driver Training) Regulations (Northern Ireland) 1997 ([S.R. 1997 No. 475](#));
- (d) The Transport of Explosives (Safety Advisers) Regulations (Northern Ireland) 2000 ([S.R. 2000 No. 171](#));
- (e) The Carriage of Explosives by Rail Regulations (Northern Ireland) 2001 ([S.R. 2001 No. 387](#));
- (f) The Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2001 ([S.R. 2001 No. 390](#)),

and other provisions.

5. Part I contains the introductory provisions. Regulation 2 defines terms used in the Regulations. Regulations 3 to 7 define the scope of the Regulations. Regulation 8 defines competent authority functions.

6. Part II imposes the requirements contained within ADR and within RID concerning general requirements (regulations 9 to 13), the classification of dangerous goods, prohibition from carriage and special packing provisions (regulations 14 to 16), packaging of dangerous goods (regulations 17 and 18), consignment procedures (regulation 19), requirements for the construction and testing

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of packagings and packages (regulation 20), the carriage and handling of dangerous goods (regulation 21 and 22) and the construction and approval of vehicles (regulation 23).

7. Part III sets out the competent authority functions within ADR and within RID.

8. Part IV imposes requirements which are additional to or alternatives to the requirements of ADR and of RID. These concern requirements for the carriage of explosives by road and by rail (regulations 34 to 40), the marshalling and formation of trains (regulation 41), the keeping of documentation (regulation 42) and placarding requirements for carriage within Northern Ireland (regulation 43).

9. Part V contains miscellaneous provisions concerning transitional defence (regulation 44), defence and enforcement (regulation 45), savings, revocations and consequential amendments (regulations 46 to 48).

10. A person who contravenes the Regulations or any requirement or prohibition under them is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978.

11. Copies of the following documents may be obtained from the Stationery Office Bookshops, the Stationery Office's Accredited Agents and all good booksellers:

- (a) the European Agreement concerning the International Carriage of Dangerous Goods by Road ("ADR") (2003 Edition) (ISBN 92-1-139078-8) and corrigenda 1 (February 2003) and 2 (June 2003)
- (b) the Regulations concerning the International Carriage of Dangerous Goods by Rail ("RID") (2003 Edition) (ISBN 0-11-552553-X)
- (c) the International Maritime Dangerous Goods Code ("IMDG Code") (2004 Edition) (ISBN 92-801-4184-8)
- (d) the Dangerous Goods Emergency Action Code List 2004 (ISBN 0-11-341275-4)
- (e) the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation (2003-2004 Edition) (ISBN 92-9194-010-0 and ISSN 1726-6181).

12. The Convention concerning International Carriage by Rail ("COTIF") can be downloaded free of charge from the OTIF website www.otif.org or purchased from: Intergovernmental Organisation for International Carriage by Rail (OTIF), Gryphenhübeliweg 30, CH — 3006 Berne.

13. In Great Britain, the corresponding Regulations are the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in relation to those Regulations. Copies of that assessment together with a Northern Ireland Supplement prepared by the Secretary of State are held at Firearms and Explosives Branch, Room 4.16, Block B, Castle Buildings, Stormont Estate, Belfast, BT4 3SG, from where copies may be obtained on request.