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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 182**

**The Carriage of Explosives Regulations (Northern Ireland) 2006**

**PART I**

**INTRODUCTORY PROVISIONS**

**Application**

**3. –**

(1) These Regulations shall apply to explosives and other dangerous goods within the meaning of the Explosives Acts (Northern Ireland) 1875 to 1970<sup>(1)</sup> or the Explosives (Northern Ireland) Order 1972<sup>(2)</sup> and to any regulations, orders or other instruments of a legislative character made or having effect under those provisions.

(2) Part IV (Transportable Pressure Equipment) of the Carriage of Dangerous Goods Regulations shall apply to the carriage of those class 2 goods that fall within the meaning of paragraph (1).

(3) Subject to paragraphs (4) to (18) and to regulations 4 to 6, Parts II to IV of these Regulations, and Schedule 1 to the Carriage of Dangerous Goods Regulations, these Regulations shall apply to and in relation to the carriage of dangerous goods by road and by rail.

(4) Regulation 11(2) shall apply to and in relation to the transport of dangerous goods by inland waterway.

(5) Regulation 11(3) shall apply to and in relation to the carriage of dangerous goods by road and by rail and the transport of dangerous goods by inland waterway.

(6) These Regulations shall not apply to the carriage by road of dangerous goods in a vehicle intended for use on the road which—

- (a) has fewer than 4 wheels and has a maximum design speed of 25 kilometres per hour or less;
- (b) runs on rails;
- (c) is mobile machinery; or
- (d) is an agricultural or forestry tractor,

or any trailer being towed by such a vehicle.

(7) Subject to paragraphs (8) and (9), these Regulations shall not apply to or in relation to the carriage of dangerous goods—

- (a) by road or transport of dangerous goods by inland waterway in the circumstances and to the extent that section 1.1.3 of ADR provides that the provisions of ADR shall not apply to any such carriage; and
- (b) by rail in the circumstances and to the extent that section 1.1.3 of RID provides that the provisions of RID shall not apply in relation to such carriage.

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(1) 1970 c. 10 (N.I.), as amended by S.R. 1996 No. 1920 (N.I. 17)

(2) 1972 No. 730 (N.I. 3)

- (8) For the purposes of paragraph (7)–
- (a) the fifth indent of sub-section 1.1.3.6.2 of ADR in relation to carriage by road shall apply as if “8.1.2.1(a) and (c)” were omitted for the carriage of–
- (i) class 2, 5 and 6 goods; and
- (ii) class 1 goods where the goods being carried are–
- (aa) cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055), cartridges (UN 0012, 0014, 0323 and 0405), fireworks (UN 0337), flares (UN 0404), fuse (UN 0105), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), and signals (UN 0193 and 0373); or
- (bb) cartridge cases (UN 0379, 0446 and 0447), cartridges (UN 0054, 0275, 0276, 0277, 0278, 0312, 0327, 0328, 0338, 0339 and 0381), fireworks (UN 0333, 0334, 0335 and 0336), flares (UN 0092, 0093 and 0403), flash powder (UN 0094 and 0305), fuse (UN 0101), igniter cord and igniters (UN 0066, 0121, 0314, 0315 and 0325), primers (UN 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430 and 0431), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0194, 0195, 0196 and 0197), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236) of a net mass of explosive substance of not more than 50 kilograms; or
- (cc) black powder (UN 0027 and 0028) and smokeless powder (UN 0160 and 0161) of a net mass of explosive substance of not more than 5 kilograms; and
- (b) section 1.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply with the following modifications–
- (i) in the table in sub-section 1.1.3.6.3 of ADR and of RID–
- (aa) in the second row omit the entry for class 1;
- (bb) after the second row insert a new row–
- |     |                                                                   |     |
|-----|-------------------------------------------------------------------|-----|
| “1A | Class 1: 1.1B<br>to 1.1J/1.2B to<br>1.2J/1.3C/1.3G/1.3H/1.3J/1.5D | 50” |
|-----|-------------------------------------------------------------------|-----|
- (cc) in the third row omit the entry for class 1;
- (dd) after the third row insert a new row–
- |     |                                   |      |
|-----|-----------------------------------|------|
| “2A | Class 1: 1.4B to 1.4G and<br>1.6N | 500” |
|-----|-----------------------------------|------|
- (ee) at the end, in the note omit the words “0081, 0082, 0084, 0241, 0331, 0332, 0482,”; and
- (ii) in sub-section 1.1.3.6.4 of ADR and of RID–
- (aa) after the second indent insert–
- “the quantity of substances and articles of transport category 1A multiplied by “20”,”;
- (bb) at the end of the third indent delete “and”;
- (cc) after the third indent insert–

“the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

(9) Notwithstanding paragraph (7), regulations—

- (a) 21(5)(a), in so far as it relates to the requirements in section 7.5.2 of ADR in relation to carriage by road;
- (b) 22(3), in so far as it relates to the requirements in section 8.3.5 of ADR in relation to carriage by road;
- (c) 22(4), in so far as it relates to the requirements in special provisions S1:(3) and S1:(6) of chapter 8.5 of ADR in relation to carriage by road; and
- (d) 36 and 38 to 40,

shall apply to the carriage of class 1 goods in the circumstances set out in sub-section 1.1.3.1(c) of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(10) These Regulations shall not apply to or in relation to the carriage of dangerous goods by road by private individuals in the circumstances set out in sub-section 1.1.3.1(a) of ADR where—

- (a) the net mass of explosive substance in a transport unit does not exceed in the case of—
  - (i) fireworks, 50 kilograms; and
  - (ii) other explosives or a combination of fireworks and other explosives, 30 kilograms; and
- (b) the individual has taken all reasonable steps to ensure that—
  - (i) the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health and safety of any person; and
  - (ii) there is no unauthorised access to the explosives; and
- (c) where the goods are being carried in a vehicle used to carry passengers for hire or reward, the conditions and limits of regulation 39 apply.

(11) Packages, containers, portable tanks and tank-containers which do not meet the—

- (a) requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply pursuant to Part II; or
- (b) modified placarding, marking and plate marking requirements of regulation 43,

shall be accepted for carriage provided that they comply with the conditions set out in sub-section 1.1.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(12) These Regulations shall not apply to the extent and in the circumstances that sub-section 1.1.4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(13) Parts II and III shall not apply to the extent, in the circumstances and subject to the conditions that chapter 1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or of RID respectively shall not apply.

(14) These Regulations shall not apply where—

- (a) a special provision or special requirement is indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the goods in question; and
- (b) that special provision is for an exemption from the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail—

- (i) to the extent;
- (ii) in the circumstances; and
- (iii) subject to any conditions,

set out in that special provision or special requirement of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(15) These Regulations shall not apply to dangerous goods packed in limited quantities as indicated in column (7) of Table A of chapter 3.2 and the table in section 3.4.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail—

- (a) to the extent;
- (b) in the circumstances; and
- (c) subject to the conditions,

set out in chapter 3.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(16) These Regulations shall not apply to or in relation to the carriage of class 2, 5 and 6 goods by road in a vehicle which is used for—

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person including where those parts are separated by a road.

(17) Regulations—

- (a) 11;
- (b) 17;
- (c) 19(2), to the extent that it relates to the requirements in chapter 5.3 of ADR;
- (d) 19(3), to the extent that it relates to the requirements in chapter 5.4 of ADR;
- (e) 22(1)(a), to the extent that it relates to the requirements in section 8.2.1 of ADR;
- (f) 22(1)(b) and 22(3), to the extent that they relate to the requirements in sections 8.1.2 and 8.1.3 of ADR; and
- (g) 22(5),

shall not apply to the carriage of class 1 goods by road in a vehicle which is used for the purposes described in paragraph (16).

(18) Parts II to IV of these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where the dangerous goods in question are moved only within an establishment in compliance with such regulations relating to safety as apply to that establishment and where such movement is not on a road or on a railway.