

SCHEDULE 2

Regulation 3

AMENDMENTS TO THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS (NORTHERN IRELAND) 2006

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

(a) for the definition of “ADR” there shall be substituted—

““ADR” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the provisions which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by road which—

(a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)(1); and

(b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21st November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(2),

and “ADR Directive” means the Directive referred to in sub-paragraph (b);”;

(b) after the definition of “battery-wagon” there shall be inserted—

““bulk container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;”;

(c) in the definition of “emergency action code” for the word “2004” there shall be substituted “2005”(3);

(d) in the definition of “old tank” for the words “UN-certified MEGC” there shall be substituted “UN MEGC”;

(e) in the definition of “operator” for the words “UN-certified MEGC or tank” there shall be substituted “UN MEGC, tank or bulk container”;

(f) for the definition of “RID” there shall be substituted—

““RID” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the Regulations which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by rail which—

(a) form Annex 1 to Appendix B to COTIF and

(b) are contained in the Annex to Council Directive 96/49/EC of 23rd July 1996, as amended, on the approximation of the laws of member States with regard to the transport of dangerous goods by rail(4),

and the “RID Directive” means the Directive referred to in sub-paragraph (b);”;

(g) in the definition of “transportable pressure equipment” for the words “UN-certified MEGC” there shall be substituted “UN MEGC”; and

(h) for the definition of “UN-certified multiple-element gas container” there shall be substituted—

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(2) O.J. No. L319, 12.12.94. p. 7: relevant amending Directives are Directives 2000/61/EC of the European Parliament and the Council of 10th October 2000 (O.J. L279, 1.11.2000, p. 40), Commission Directives 2003/28/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 45) and 2004/111/EC (O.J. No. L365, 10.12.2004, p. 25)

(3) ISBN 0-11-341304-1

(4) O.J. No. L235, 17.9.1996, p. 25; relevant amending Directives are Directive 2000/62/EC of the European Parliament and the Council of 10th October 2000 (O.J. No. L270, 1.11.2000, p. 44), Commission Directives 2003/26/EC of 7th April 2003 (O.J. No. L90, 8.4.2003, p. 47), 2004/89/EC (O.J. No. L293, 16.09.2004 p. 14) and 2004/110/EC (O.J. No. L365, 10.12.2004 p. 24)

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““UN multiple element gas container” (“UN MEGC”) has the meaning in subsection 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”.

2. In regulation 3 (application) for paragraph (4) there shall be substituted—
 - “(4) These Regulations shall not apply to or in relation to the carriage of class 7 goods by road except for—
 - (a) Part I and regulations 11(2A), 12, 32, 36, 50, 50A and 52;
 - (b) regulation 10A insofar as it relates to a person who is not subject to the requirements of the Nuclear Industries Security Regulations 2003(5); and
 - (c) regulations 24 and 33 insofar as they relate to—
 - (i) compliance with, and the issuing of certificates in accordance with, chapter 8.2 of ADR; and
 - (ii) compliance with special provisions S:11 and S:12 of chapter 8.5 of ADR.”.
3. In regulation 5 (application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment)—
 - (a) for the heading there shall be substituted—

“Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN MEGCs and transportable pressure equipment”;
 - (b) in paragraph (2) for the words “UN-certified MEGCs” there shall be substituted “UN MEGCs”;
 - (c) for paragraph (9) there shall be substituted—

“(9) Subject to the following paragraphs, Part IV shall apply to any equipment used at work and manufactured—

 - (a) on or after 1st October 2003 in the case of transportable pressure equipment which is a cylinder, tube or cryogenic receptacle and is not an old pressure receptacle to which Schedule 2 applies;
 - (b) on or after 1st August 2006 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank;
 - (c) on or before 30th September 2005 in the case of equipment which is—
 - (i) a cylinder, tube or cryogenic receptacle which is subject to a reassessment of conformity; or
 - (ii) an EEC-type cylinder; and
 - (d) on or before 30th June 2007 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank which is subject to a reassessment of conformity.”;
 - (d) in paragraph (10) for the words “UN-certified MEGCs” there shall be substituted “UN MEGCs”; and
 - (e) paragraph (15) shall be omitted.
4. In regulation 7 (exemptions)—
 - (a) for paragraph (2) there shall be substituted—

- “(2) Notwithstanding regulations 20(1) and 21(1), where—
- (a) goods are packaged in—
 - (i) limited quantities in accordance with chapter 3.4 of ADR for carriage by road; or
 - (ii) combination packagings in accordance with chapter 4.1 of ADR, and are not class 4.2, 6.2 and 7 goods; and
 - (b) are then removed from their outer packaging for the final stages of the carriage operation between a—
 - (i) distribution centre and a retailer or end-user; or
 - (ii) retailer and 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 type, colour, strength or inner package size of a substance or an article and not more than 333 kilograms or litres per transport unit.”;

- (b) in paragraph (4) for sub-paragraph (a) there shall be substituted—
- “(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 9.1.2.3 of ADR; and”;
 - (c) in paragraph (6) for the words “UN-certified MEGCs” there shall be substituted “UN MEGCs”; and
 - (d) in paragraph (7) for the words “UN-certified MEGC” there shall be substituted “UN MEGC”.

5. After regulation 10 (safety obligations) there shall be inserted—

“Security provisions

10A.—(1) Any person involved in the carriage of dangerous goods by road shall comply with—

- (a) insofar as they relate to matters within his control, the general security measures; and
- (b) any particular security obligations applying to him,

in chapter 1.10 of ADR.

(2) Any person involved in the carriage of dangerous goods by rail shall comply with—

- (a) insofar as they relate to matters within his control, the general security measures; and
- (b) any particular security obligations applying to him,

in chapter 1.10 of RID.”.

6. In regulation 11 (class 7 goods for carriage by rail) after paragraph (2) there shall be inserted—

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“(2A) Where any limit in ADR in relation to carriage by road or in RID in relation to carriage by rail which is applicable to radiation levels or contamination is not complied with—

- (a) the consignor shall be informed by—
 - (i) the carrier, where the failure to comply is identified during carriage; or
 - (ii) the consignee where the failure to comply is identified at receipt; and
- (b) the carrier, consignor or consignee, as appropriate, shall—
 - (i) take immediate steps to mitigate the consequences of the failure to comply;
 - (ii) investigate the failure to comply and its causes, circumstances and consequences;
 - (iii) take appropriate action to remedy the causes and circumstances that lead to the failure to comply and to prevent a recurrence of similar circumstances;
 - (iv) communicate to the competent authority the causes of the non-compliance and the corrective or preventative actions taken or to be taken; and
- (c) the communication of the failure to comply to the consignor and competent authority shall be made as soon as practicable and shall be immediate whenever emergency exposure has developed, is developing or is likely to develop.”.

7. In regulation 14 (emergency plans for marshalling yards) for the words “1.10” there shall be substituted “1.11”.

8. In regulation 19 (use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs)—

- (a) for the heading there shall be substituted—

“Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN MEGCs ”; and

- (b) for paragraph (2) there shall be substituted—

“(2) Any consignor consigning dangerous goods and any filler filling a UN MEGC for carriage by road or by rail shall ensure—

- (a) that the goods are not consigned and the UN MEGC is not filled unless the letter M is indicated in column (10) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) the UN MEGC is used in accordance with section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”.

9. In regulation 20 (consignment)—

- (a) in paragraph (3) for the words “UN-certified MEGC” there shall be substituted “UN MEGC”; and
- (b) paragraph (5) shall be omitted.

10. In regulation 21 (construction and testing of packagings and packages)—

- (a) in paragraph (2)(b) for the words “6.1.5.9.1” there shall be substituted “6.1.5.8.1”; and
- (b) for paragraphs (7) to (9) there shall be substituted—

“(7) Any person manufacturing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment are—

- (a) designed, calculated, manufactured and equipped in accordance with—

- (i) the requirements of sections 6.2.2, 6.2.3 or 6.2.5; and
- (ii) the relevant provisions of 6.2.1;
- (b) approved, inspected and tested and any records are kept in accordance with sub-sections—
 - (i) 6.2.1.4 and 6.2.1.5; or
 - (ii) 6.2.5.2 to 6.2.5.4 and 6.2.5.6; and
- (c) marked in accordance with sub-sections—
 - (i) 6.2.1.7;
 - (ii) 6.2.1.8;
 - (iii) 6.2.5.8; or
 - (iv) 6.2.5.9,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment in question.

(8) Any consignor consigning or packer packing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment—

- (a) meet the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail referred to in paragraph (7);
- (b) have been inspected and tested in accordance with the requirements of sub-sections—
 - (i) 6.2.2 or 6.2.5.5 and 6.2.3;
 - (ii) 6.2.1.4 and 6.2.1.6; or
 - (iii) 6.2.5.2 to 6.2.5.6; and
- (c) have been marked in accordance with sub-sections—
 - (i) 6.2.1.7;
 - (ii) 6.2.1.8;
 - (iii) 6.2.5.8; or
 - (iv) 6.2.5.9,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the pressure receptacle in question.

(9) Any body testing a UN pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the periodic inspection complies with the requirements of sub-section 6.2.5.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(10) Any person manufacturing an aerosol dispenser or gas cartridge intended to be used for the carriage of dangerous goods by road or by rail, consignor consigning or packer packing such a receptacle for the carriage of dangerous goods by road or by rail shall ensure that the gas cartridge or aerosol dispenser is manufactured, tested and marked in accordance with section 6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”

11. For regulation 22 (construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs) there shall be substituted—

“Construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs, UN MEGCs and bulk containers

22. Any person manufacturing or any operator of a tank, battery-vehicle, battery-wagon, MEGC, UN MEGC or bulk container which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is manufactured, approved, inspected, tested and marked in accordance with the requirements of chapters 6.7 to 6.11 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the tank, battery-vehicle, battery-wagon, MEGC, UN MEGC or bulk container in question.”

12. In regulation 23 (carriage, loading, unloading and handling) for paragraph (2) there shall be substituted—

“(2) Any carrier carrying dangerous goods or any filler filling a vehicle, wagon or container with dangerous goods for carriage by road or by rail, shall ensure that those dangerous goods are not carried in bulk in vehicles, wagons or containers unless—

- (a) such carriage is authorised by section 7.3.1 or columns (10) or (17) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) any requirement specified in those columns and in chapter 7.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods, vehicle, wagon or container in question are met.”.

13. In regulation 26 (interpretation of Part III and Schedule 3) after paragraph (3) there shall be added—

“(4) The Northern Ireland competent authority may delegate any function to another body and that body shall carry out that function in accordance with any requirements of that provision of ADR or of RID which are applicable to the function in question.”

14. In regulation 29 (appointment of persons by the Northern Ireland competent authority)—

(a) in paragraph (2)—

(i) for sub-paragraph (a) there shall be substituted—

“(a) sub-sections 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.4.5, 6.2.1.6.1, 6.2.5.6.2.4 and 6.2.5.7.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of pressure receptacles;”;

(ii) in sub-paragraph (c) for the words “UN-certified MEGCs” there shall be substituted “UN MEGCs”; and

(iii) in sub-paragraph (d) after the words “6.8.2.4.5” there shall be inserted “6.8.2.4.6”;

(b) for paragraph (6) there shall substituted—

“(6) A person appointed by reference to sub-section 6.2.5.7.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall—

(a) comply with the requirements of sub-sections 6.2.5.7.2.4 and 6.2.5.7.3 to 6.2.5.7.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) keep the documentation referred to in sub-section 6.2.5.7.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that sub-section.

(7) A person appointed under this regulation by reference to sub-section 6.8.2.4.6 of RID shall comply with the requirements of sub-section 8.2.5.6 of RID.

(8) A person appointed to issue an approval by reference to sub-section 6.9.4.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall ensure

that the approval complies with sub-sections 6.9.4.4.2 to 6.9.4.4.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”

15. In regulation 30 (recognition of approvals, tests, methods, standards and procedures etc. by the Northern Ireland competent authority) in paragraph (3)(b) for the words “UN-certified MEGCs” there shall be substituted “UN MEGCs”.

16. In regulation 32(6) (issuing of safety advisor vocational training certificates by the Northern Ireland competent authority) after the words “(2)(b)” add “in accordance with sub-section 1.8.3.14 of ADR in relation to carriage by road or of RID in relation to carriage by rail”.

17. In regulation 33 (issuing of driver training certificates by the Northern Ireland competent authority) after paragraph (5) there shall be inserted—

“(5A) The Northern Ireland competent authority shall maintain a register of all valid driver training certificates in accordance with sub-section 1.10.1.6 of ADR.”.

18. In regulation 35 (miscellaneous functions of the Northern Ireland competent authority)—

(a) for paragraph (3) there shall be substituted—

“(3) The Northern Ireland competent authority shall assign a packing group for dangerous goods where required in accordance with special provision 278 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;

(b) for paragraph (5) there shall be substituted—

“(5) The references referred to in paragraph (4) are sub-sections 6.2.5.6.2.1, 6.2.5.6.4.5, 6.2.5.6.4.9, 6.2.5.6.4.11, 6.2.5.7.2.1 and 6.2.5.7.4.5 to 6.2.5.7.4.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;

(c) in paragraph (6) for the words “sub-section 6.2.5.6.2.3” there shall be substituted “sub-sections 6.2.5.6.2.3 and 6.2.5.7.2.3”; and

(d) for paragraphs 9 to 14 there shall be substituted—

“(9) The Northern Ireland competent authority may issue certificates of approval where sub-section 9.1.3.1 of ADR requires such certificates to be issued by the competent authority in Northern Ireland.

(10) A certificate issued by the Northern Ireland competent authority by reference to sub-section 9.1.3.1 of ADR shall—

(a) comply with that paragraph and sub-section 9.1.3.3 of ADR;

(b) where applicable to the vehicle in question, comply with sub-section 1.6.5.3 of ADR; and

(c) be valid for the period calculated in accordance with sub-section 9.1.3.4 of ADR.

(11) Any current certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and

(b) is in the form required by paragraph (10),

shall be deemed to be a certificate issued by the Northern Ireland competent authority under this regulation.

(12) Where a certificate referred to in paragraph (10)(a) is required pursuant to regulation 25 and Part 9 of ADR in relation to the vehicle, the Northern Ireland competent authority may instead issue a type approval for such a vehicle in the circumstances set out in and in accordance with sub-section 9.1.2.2 of ADR.

(13) Any type approval held by a person which—

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- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and
- (b) complies with sub-section 9.1.2.2 of ADR,

shall be deemed to be a type approval issued by the Northern Ireland competent authority under this regulation provided that no modification has been made to the vehicle since the type approval was issued.

(14) In this regulation “vehicle” has the meaning in sub-section 9.1.1.2 of ADR.”.

19. For regulation 36 (exemption certificates, temporary and ad hoc exemptions) there shall be substituted—

“Exemption certificates, temporary and ad hoc exemptions

36.—(1) Subject to paragraph (2), the Executive, by a certificate in writing, may exempt any—

- (a) person or class of persons;
- (b) dangerous goods or class of dangerous goods;
- (c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulation 48 and Schedules 1 and 2 and any exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Executive by a further certificate in writing.

(2) The Executive 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 it proposes to attach to the exemption; and
- (b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the environment, the security of goods and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it and that the exemption will be compatible with the requirements of the Directives.

(3) For the purposes of paragraph (2), “the Directives” means—

- (a) Council Directive [94/55/EC](#)(**6**) on the approximation of the laws of 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(**7**) and Commission Directive [2003/28/EC](#)(**8**)); and
- (b) Council Directive [96/49/EC](#)(**9**) 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(**10**) and Commission Directive [2003/29/EC](#)(**11**)).

(4) Subject to paragraph (5), the Executive may authorise a person or class of persons in writing, in relation to any carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts II and III where such authorisation operates only to extend derogations allowed by a multilateral agreement which is in force at the time the authorisation is made and which has

(6) O.J. No. L319, 12.12.94,p. 7
(7) O.J. No. L279, 1.11.2000,p. 40
(8) O.J. No. L90, 8.4.2003, p. 45
(9) O.J. No. L235, 17.9.96, p. 25
(10) O.J. No. L279, 1.11.2000, p. 44
(11) O.J. No. L90, 8.4.2003, p. 47

been entered into by the United Kingdom under chapter 1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail or under any provision of ADR or of RID which the said chapter 1.5 re-enacted or replaced.

- (5) An authorisation issued under paragraph (4) shall be—
- (a) subject to the same conditions as the multilateral agreement in question; and
 - (b) withdrawn by the Executive by a further communication in writing to the person authorised with effect from the same date as the multilateral agreement in question is terminated and may be so withdrawn by the Executive at any time before that.

(6) The Executive may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Northern Ireland, to carry dangerous goods contrary to the prohibitions or requirements which apply pursuant to Parts II and III or regulation 49 provided that such an authorisation—

- (a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;
- (b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Executive by a further communication in writing to the person authorised.

(7) The Executive 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 it proposes to attach to the exemption; and
- (b) any requirements imposed by or under any statutory provisions which apply to the case,

it is satisfied that the environment, the security of goods and the health and safety of persons who are likely to be affected by the exemptions will not be prejudiced in consequence of it.

(8) The Secretary of State for Defence may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions imposed by these Regulations, insofar as they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces, and any such exemption may be granted subject to the 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.

- (9) In this regulation—
- (a) in paragraphs (1) and (7) “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train; and
 - (b) in paragraph (4)—
 - (i) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods signed at Geneva on 30th September 1957, as revised or re-issued from time to time⁽¹²⁾; and
 - (ii) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF¹².

20. For regulation 37 (interpretation of Part IV) there shall be substituted—

“37. In this Part—

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“CE marking” means the marking referred to in regulation 16 of the Pressure Equipment Regulations 1999⁽¹³⁾;

“conformity assessment procedures” means the procedures set out in Part I of Annex IV to the Transportable Pressure Equipment Directive, except that references to “national authorities” shall be read as if they were references to “competent authority”, and “conformity assessment” shall be construed accordingly;

“conformity marking” means the marking referred to in regulation 45 as set out in Annex VII to the Transportable Pressure Equipment Directive;

“conformity reassessment procedures” means the procedures set out in Part II of Annex IV to the Transportable Pressure Equipment Directive except that references to—

(a) “Directive 94/55/EC and 96/49/EC” and “Article 3 of this Directive” shall be read as if they were references to “Part IV of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006”; and

(b) “user” shall be read as if they were references to “owner”,

and “conformity reassessment” shall be construed accordingly.

“periodic inspection procedures” means the procedures set out in Part III of Annex IV to the Transportable Pressure Equipment Directive except that references to—

(a) “holder” shall be omitted;

(b) “this Directive” and “the Annexes to Directives 94/55/EC and 96/49/EC” shall be read as if they were references to “Part IV of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006”; and

(c) “inspection body” shall be read as if they were references to “notified or approved bodies”,

and “periodic inspection” shall be construed accordingly; and

“the Transportable Pressure Equipment Directive” means Council Directive 1999/36/EC of 29th April 1999⁽¹⁴⁾, as amended, concerning the approximation of the laws of member States relating to common provision for transportable pressure equipment and methods for inspection.”.

21. In regulation 38 (placing on the market and use at work of transportable pressure equipment)

(a) in paragraphs (2)(b) and (5)(a) for the words “Schedule 5” there shall be substituted “Annex V of the Transportable Pressure Equipment Directive”; and

(b) after paragraph (6) there shall be added—

“(7) In Annex V of the Transportable Pressure Equipment Directive, “notified body” shall be defined in accordance with regulation 42 of these Regulations.”.

22. In regulation 39 (transportable pressure equipment placed on the market and used at work exclusively in Northern Ireland)—

(a) in paragraph (2)—

⁽¹³⁾ S.I. 1999/2001, to which there are amendments not relevant to these Regulations

⁽¹⁴⁾ O.J. No. L138, 1.6.1999, p. 20, amended by Commission Directive 2002/50/EC of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28)

- (i) in sub-paragraph (c) for the word “approved” there shall be substituted “inspection”; and
 - (ii) in sub-paragraph (d) the words “or the identification number of any notified body” shall be omitted; and
 - (b) in paragraph (5)—
 - (i) in sub-paragraph (b) for the word “approved” there shall be substituted “inspection”; and
 - (ii) in sub-paragraph (c) the words “or the identification number of any notified body” shall be omitted.
23. In regulation 40 (reassessment of conformity) for paragraph (7) there shall be substituted—
“(7) For the purposes of paragraph (6) the references in Part II of Annex IV of the Transportable Pressure Equipment Directive to “notified body” shall be read as if they were references to “approved body” and “approved body” shall be defined in accordance with regulation 43.”.
24. In regulation 41 (periodic inspection and repeated use)—
 - (a) in paragraphs (1)(a), (2)(a) and (2)(b)(ii) for the words “Schedule 7” there shall be substituted “Part III of Annex IV to the Transportable Pressure Equipment Directive”; and
 - (b) after paragraph (3) there shall be added—
“(4) In Part III of Annex IV of the Transportable Pressure Equipment Directive references to “inspection body” shall be read as if they were references to “approved or notified bodies”.”.
25. In regulation 43 (approved bodies) in paragraph (2) the words “and in Schedules 4 to 8” shall be omitted.
26. In regulation 44(7)(b) (appointment of notified bodies and approved bodies by the Northern Ireland competent authority) for the words “50(5)” there shall be substituted “50(4)”.
27. In regulation 50 (fees) for paragraphs (1) to (7) there shall be substituted—
“50.—(1) On the making of an application to the Northern Ireland competent authority to carry out its functions under Part III and Schedule 3, a fee shall be payable by the applicant in connection with the performance by or on behalf of the Northern Ireland competent authority.
(2) Where the Northern Ireland competent authority has delegated its functions to another body it may charge a fee for—
 - (a) determining the suitability of a body to carry out competent authority functions; and
 - (b) the monitoring of such a body.
(3) A fee which shall be reasonable in light of the actual work performed shall be payable by the relevant notified body, approved body or appointed person in respect of any inspection undertaken by or on behalf of the Executive in accordance with regulation 44(5).
(4) Subject to paragraph (5), where an application has been made to—
 - (a) a notified body, an approved body, an inspection body or an approved person in accordance with these Regulations; or
 - (b) an appointed person in compliance with the provisions of ADR or of RID referred to in regulations 21 and 22,

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the notified body, the approved body, the inspection body, the approved person or the appointed person may charge such fees in connection with, or incidental to, carrying out its duties in relation to the procedures and tasks referred to in regulation 44(3)(c), paragraph 8(3)(c) of Schedule 1 or paragraph 9(3)(c) of Schedule 2 as it may determine.

- (5) The fees referred to in paragraph (4) shall not exceed—
 - (a) the costs incurred or to be incurred by the notified body, approved body, inspection body, approved person or appointed person in performing the relevant function; and
 - (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by that body or person on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(6) The power in paragraph (3) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.”

28. After regulation 50 (fees) there shall be inserted—

“Fees for certificates and applications for the issuing of driver training certificates and safety adviser vocational training certificates

50A.—(1) A driver may only be issued with a driver training certificate in accordance with regulation 33 where such fee as is reasonable in light of the actual work performed has been paid to the Executive.

(2) The validity of a driver training certificate may only be extended in accordance with regulation 33(6)(c) where, within the period of twelve months which precede the expiry of the original certificate or of an extension of it granted in accordance with that regulation, such fee as is reasonable in light of the actual work performed has been paid to the Executive.

(3) Such fee as is reasonable in light of the actual work performed shall be payable by the applicant to the Executive on each application for an original approval or a renewal of any approval of initial or refresher training in accordance with sub-section 8.2.2.6 of ADR pursuant to regulation 33(3).

(4) An individual may only be issued with a safety adviser vocational training certificate in accordance with regulation 32 where such fee as is reasonable in light of the actual work performed has been paid to the Executive or the person designated by it for the purpose of issuing safety adviser vocational training certificates.

(5) The validity of a safety adviser vocational training certificate may only be extended in accordance with regulation 32(5)(c) where, within the period of twelve months which precede the expiry of the original certificate or an extension of it granted in accordance with that paragraph, such fee as is reasonable in light of the actual work performed has been paid to the Executive or the person designated by it for the purpose of issuing safety adviser vocational training certificates.

(6) Nothing in paragraphs (1), (2), (4) and (5) shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.”.

29. In regulation 52 (defence and enforcement) after paragraph (4) there shall be added—

- “(5) The enforcing authority for regulation 10A shall be the Executive.”.

30. In Schedule 1 (old tanks) in paragraph 8(7)(b) for the words “50(5)” there shall be substituted “50(4)”.

31. In Schedule 2 (old pressure receptacles)—

- (a) in paragraph 8 (additional requirements for old pressure receptacles containing certain dangerous goods not classified as class 2) in sub-paragraph (2) for the words “9(k)” there shall be substituted “10(k)”; and
- (b) in paragraph 9(3) for the word “regulation” there shall be substituted “paragraph”.

32. In Schedule 3 (competent authority functions)—

(a) for paragraph 1 there shall be substituted—

“1. The references referred to in regulation 27(b) are—

- (a) the definition of “repaired IBCs” in section 1.2.1, sub-sections 2.2.1.1.3, 2.2.7.7.2.2 and 3.1.2.6(b), special provisions 181, 237, 239, 250, 272, 278, 288, and 311 of chapter 3.3, sub-sections 4.1.1.15, 4.1.2.2(b), 4.1.3.8.1, 4.1.6.2 and 4.1.7.2.2, packing instructions P099 and P101 of section 4.1.4, paragraphs (10)v(a) and (10)ac of packing instruction P200 and paragraph (1) of packing instruction P201 of section 4.1.4, packing instructions IBC99, LP99 and PR6 and paragraph (3)(g) of packing instruction P601 of section 4.1.4, sub-sections 4.2.1.9.4.1, 4.2.1.15.2 and 4.2.3.6.4, portable tank special provisions TP9, TP10, TP16 and TP24 of sub-section 4.2.5.3, special provision TU39 of section 4.3.5, sub-sections 4.3.3.2.5, 6.1.5.1.5, 6.1.5.1.10, 6.2.1.4.1, 6.2.1.4.2, 6.2.1.4.3, 6.2.1.4.5, 6.2.1.5.3, 6.2.1.6.1, 6.2.3.2.2, the note to the first paragraph of section 6.2.5, sub-sections 6.2.5.2.1, 6.2.5.6.2.1, 6.2.5.6.2.2, 6.2.5.7.2.1, 6.2.5.6.2.4, 6.2.5.6.4.9, 6.2.5.7.2.2, 6.2.5.7.2.4, 6.2.5.7.4, 6.3.2.7, 6.4.21.1, 6.4.21.3, 6.5.1.1.2, 6.5.1.1.3, 6.5.1.6.4, 6.5.4.2.3, 6.6.1.3, 6.6.5.1.5, 6.6.5.1.8, 6.7.1.2, 6.7.1.3, 6.7.2.1, 6.7.2.2.1, 6.7.2.2.10, 6.7.2.2.14, 6.7.2.3.1, 6.7.2.3.3.1, 6.7.2.4.3, 6.7.2.8.3, 6.7.2.19.6(b), 6.7.3.2.11, 6.7.3.7.3, 6.7.3.15.6(b), 6.7.4.2.14, 6.7.4.14.6(b), 6.7.2.6.2, 6.7.2.6.3, 6.7.2.6.4, 6.7.2.7.1, 6.7.2.10.1, 6.7.2.12.2.4, 6.7.2.18.1, 6.7.2.19.5, 6.7.2.19.9, 6.7.2.19.10, 6.7.3.3.3.1, 6.7.3.8.1.2, 6.7.3.14.1, 6.7.3.15.3, 6.7.3.15.5, 6.7.3.15.9, 6.7.3.15.10, 6.7.4.3.3.1, 6.7.4.5.10, 6.7.4.6.4, 6.7.4.13.1, 6.7.4.14.3, 6.7.4.14.10, 6.7.4.14.11, 6.7.5.11.1, 6.7.5.12.3, 6.7.5.12.7, 6.8.2.1.16, 6.8.2.1.19, 6.8.2.2.2, 6.8.2.2.10, 6.8.2.3.1, 6.8.2.4.2, 6.8.2.4.5, 6.8.3.2.16, 6.8.3.2.26, 6.8.3.4.4, 6.8.3.4.6(b), 6.8.3.4.8, 6.8.3.4.12, 6.8.3.4.16, special provisions TT2 and TT7 of section 6.8.4(d), sub-sections 6.9.2.5, 6.9.2.13, 6.9.4.2.4, 6.9.4.4.1, 6.9.5.3 and 6.11.4 and note a to sub-section 7.5.2.2, of ADR in relation to carriage by rail or of RID in relation to carriage by rail;
- (b) paragraph (10)ta(a) of packing instruction P200 of section 4.1.4, note c to portable tank instruction T23 of sub-section 4.2.5.2.6, sub-section 6.8.2.1.20(a), additional provision CV1(1) of section 7.5.11 and sub-sections 8.2.1.2, 8.2.2.6.1, 8.2.2.6.5 and 8.2.2.6.7 and additional requirements S:8 and S:9 of chapter 8.5 of ADR in relation to carriage by road; and
- (c) section 1.7.3, sub-sections 1.7.4.1, 6.4.6.4, 6.4.9.1 and 6.8.2.4.6 of RID in relation to carriage by rail.”;

(b) for paragraph 6 there shall be substituted—

“6. The references referred to in regulation 29(1)(b) are sub-sections 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.4.5 6.2.1.6.1, 6.2.5.6.2.2, 6.2.5.6.2.4, 6.2.5.6.4.9, 6.2.5.7.2.2, 6.2.5.7.2.4, 6.2.5.7.4, 6.7.2.3.3.1, 6.7.2.6.2, 6.7.2.6.3, 6.7.2.6.4, 6.7.2.7.1, 6.7.2.10.1, 6.7.2.12.2.4, 6.7.2.18.1, 6.7.2.19.5, 6.7.2.19.9, 6.7.2.19.10, 6.7.3.3.3.1, 6.7.3.8.1.2, 6.7.3.14.1,

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6.7.3.15.3, 6.7.3.15.5, 6.7.3.15.9, 6.7.3.15.10, 6.7.4.3.3.1, 6.7.4.5.10, 6.7.4.6.4, 6.7.4.13.1, 6.7.4.14.3, 6.7.4.14.10, 6.7.4.14.11, 6.7.5.11.1, 6.7.5.12.3, 6.7.5.12.7, 6.8.2.1.16, 6.8.2.2.2, 6.8.2.3.1, 6.8.2.4.2, 6.8.2.4.5, 6.8.3.4.4, 6.8.3.4.6(b), 6.8.3.4.8, 6.8.3.4.12, 6.8.3.4.16, special provision TT2 of section 6.8.4(d), sub-sections 6.9.4.4.1 and 6.9.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;

(c) for paragraph 7 there shall be substituted—

“7. The references referred to in regulation 30(1)(b) are—

- (a) section 1.7.3, sub-section 2.2.2.1.5, special provision 239 and sub-paragraph (d) of special provision 283 of chapter 3.3, sub-sections 4.2.3.7.1, 6.1.1.2, 6.1.1.4, 6.1.4.8.8, 6.1.4.13.7 and 6.1.5.2.5, section 6.2.3, sub-sections 6.2.1.3.3.5.4, 6.2.1.5.1(g) 6.2.5.6.3.2, 6.2.5.7.3.2, 6.4.9.2, 6.5.1.6.1, 6.5.4.3.4, 6.6.1.2, 6.6.1.3, 6.7.2.2.1, 6.7.3.2.1, 6.7.4.2.1, 6.7.4.2.8.1, 6.7.4.2.8.2, 6.7.4.7.4, 6.7.5.2.9, 6.8.2.1.4, 6.8.2.1.23, 6.8.2.7, 6.8.3.7 and special provision TA2 of sub-section (c) of section 6.8.4, sub-sections 6.9.1.1, 6.9.2.14.4, 6.9.2.14.5 and 6.11.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) paragraph (10)ta(b) and (10)v(b) of packing instruction P200 of section 4.1.4, special provisions VV12 and VV13 of section 7.3.3 and sub-section 8.1.4.4 of ADR in relation to carriage by road; and
- (c) sub-sections 2.2.7.4.2(c) and 2.2.7.4.8(b), paragraph (10)v(b) of packing instruction P200 of section 4.1.4, sub-sections 6.4.7.6 and special provisions VW12 and VW13 of section 7.3.3 of RID in relation to carriage by rail.”; and

(d) for paragraph 9 there shall be substituted—

“9. The references referred to in regulation 31(1)(b) are—

- (a) special provisions 237, 239 and 311 of chapter 3.3, sub-sections 2.2.62.1.9, 2.2.62.1.8 and 2.2.9.1.12, paragraph (2)(b) of packing instruction P405, paragraphs 3(d) and (9) of packing instruction P200, paragraph (9) of packing instruction P203, packing instructions P902 and LP902, paragraph 1(b) of packing instruction P905 of section 4.1.4, sub-sections 4.1.7.2.2 and 4.2.1.13.3, mixed packaging provision MP21 of sub-section 4.1.10.4, special provision TP23 of sub-section 4.2.5.3, sub-sections 5.2.1.7.4(c), 5.2.1.7.5(a), 5.5.1.3, 6.1.3.8(i), 6.1.3.1(g), 6.1.5.1.1, 6.1.5.1.3, 6.1.5.1.8, 6.2.5.1.2, 6.3.1.1(f), 6.5.1.6.7, 6.5.2.1.1(f), 6.5.4.1.1, 6.5.4.2.1, 6.5.4.14.1, 6.6.3.1(f), 6.6.5.1.1, 6.6.5.1.3, 6.6.5.1.7, 6.7.5.4.1 and 6.7.5.4.3, special provision TA2 of paragraph (c) of section 6.8.4 and sub-sections 6.8.5.2.2 and 6.9.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) sub-section 7.5.1.4 of ADR in relation to carriage by road; and
- (c) paragraphs (3)(3.2), (5)(5.1) and (6) of additional provision CW33 of section 7.5.11 and sub-sections 6.4.11.6 and 6.8.2.1.2 of RID in relation to carriage by rail.”; and

(e) for paragraph 10(1) there shall be substituted—

“10.—(1) Where the Northern Ireland competent authority imposes requirements by reference to—

- (a) sub-section 6.1.3.1(g) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.1.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (b) sub-section 6.1.3.8(i) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.1.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
 - (c) sub-section 6.5.2.1.1(f) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.5.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”.
- 33. Schedules 4 to 8 shall be omitted.
- 34. In Schedule 9 (placards, marks and plate markings for carriage within Northern Ireland)—
 - (a) for paragraphs 2 and 3 there shall be substituted—
 - “2. Subject to paragraphs 3 and 6, where a battery-vehicle, tank-vehicle or transport unit is carrying one dangerous good in a battery-vehicle, tank or transport unit or in a container in bulk—
 - (a) the orange-coloured plates referred to in paragraph 1 shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
 - (b) an identical orange-coloured plate shall be affixed to the rear of the transport unit in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to sub-section 5.3.2.1.1 of ADR.
 - 3. Subject to paragraphs 4 and 6, where more than one dangerous good is being carried in a tank or in bulk in a transport unit or a battery-vehicle or tank-vehicle with more than one tank, element or container—
 - (a) the orange-coloured plates referred to in paragraph 1 shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question, except that—
 - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, shall bear the EAC; and
 - (ii) the remaining plates shall bear only the UN number and shall be 150mm in height; and
 - (b) an orange-coloured plate shall be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which shall be identical to the plates referred to in paragraph (a), except that it shall display the EAC only in the top half of the plate.”; and
 - (b) in paragraph 6—
 - (i) in sub-paragraph (2)(c) the words “the part incorporating” shall be omitted; and
 - (ii) after sub-paragraph (2) there shall be added—
 - “(3) Where dangerous goods are carried in a tank which was constructed before 1st January 2005, the orange-coloured plate need not be indelible and legible after 15 minutes engulfment in fire.”.