
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Northern Ireland.

2. First, the Regulations implement Directive [2008/68/EC](#) of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (O.J. No. L260, 30.9.2008, p.13). This Directive applies to Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2009), the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current edition; 2009) and the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (“ADN”) (Current edition: 2009). These Regulations only apply the provisions of ADN in respect of safety adviser qualifications.

3. Secondly, the Regulations implement Council Directive [1999/36/EC](#) of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive [2002/50/EC](#) of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28).

4. Thirdly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27th November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O.J. No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

5. The implementation of 1999/36/EC, 89/618/Euratom and 96/29/Euratom replaces the implementation of the same Directives (or parts of Directives) made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2006 (“the 2006 Regulations”) ([S.R. 2006 No. 173](#)).

6. Part 1 of the Regulations contains introductory provisions. Regulations 2 and 3 contain interpretation provisions. Regulation 4 sets out the manner in which the Regulations apply.

7. Part 2 of the Regulations provides for prohibitions and requirements to apply in relation to the carriage of dangerous goods. Regulation 5 prohibits carriage other than in accordance with ADR and RID. Regulation 6 imposes, by reference to Schedule 1, different placarding requirements to those in ADR and RID in respect of national carriage by certain vehicles. Regulation 7 deems a requirement relating to access to goods to be a requirement of ADR and RID for the purposes of regulation 5.

8. Part 3 of the Regulations provides for exemptions from Part 2. Regulation 8 allows the Health and Safety Executive for Northern Ireland to exempt carriage where such an exemption is permitted as a derogation or a transitional provision under the Dangerous Goods Directive or where the exemption provides for carriage consistent with a derogation or transitional provision. Regulation 9 provides that, in certain circumstances, the Health and Safety Executive for Northern Ireland and the Department of the Environment for Northern Ireland may issue authorisations permitting

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carriage which would otherwise contravene Part 2 of the Regulations. Other regulations provide for exemptions relating to reference temperatures and standards (regulation 10), old pressure receptacles (regulation 11), enclosed areas (regulation 12), carriage other than by vehicles (regulation 13), instruments of war and nuclear material (regulation 14).

9. Part 4 of the Regulations applies the provisions of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market (regulations 15 and 16), reassessing the conformity of existing transportable pressure equipment (regulation 17), inspections (regulation 18) and the restriction on the use of misleading markings (regulation 19).

10. Part 5 of the Regulations (regulation 20), by the introduction of Schedule 2, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

11. Part 6 of the Regulations sets out provisions and obligations in relation to competent authority functions. Regulation 21 determines who the competent authority in Northern Ireland is. Regulation 22 provides that the competent authority in Northern Ireland is to perform the functions of a competent authority set out in ADR, RID and ADN (as applied by the Regulations). Regulation 23 provides that fees may be charged in connection with the performance of competent authority functions arising under regulation 22. Regulation 24 provides for a competent authority function in respect of reference temperatures and standards. Regulation 25 allows for the appointment of people to approve equipment used in connection with the carriage of dangerous goods. Regulation 26 deems certain functions done under the 2006 Regulations to be done under these Regulations.

12. Part 7 of the Regulations contains miscellaneous provisions concerning the keeping and provision of information (regulation 27), and enforcement (regulation 28). Regulation 29 provides for a defence in specific circumstances in the case of contravention of the Regulations, and amendments and revocations are set out in regulations 30 and 31.

13. ADR and ADN (both the agreements and the Annexes) may be downloaded without charge from the relevant parts of the United Nations Economic Commission for Europe website which is:

for ADR: http://www.unece.org/trans/danger/publi/adr/adr_e.html

for ADN: <http://www.unece.org/trans/danger/adn-agree.html>

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

<http://www.otif.org/>

Print copies of the 2009 editions of ADR, RID (including the text of the Annex to Appendix C) and ADN are available for purchase, including from the Stationery Office:

<http://www.tsoshop.co.uk/bookstore.asp>

The European Directives referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

A document issued by the Health and Safety Executive for Northern Ireland pursuant to regulation 8(3) of these Regulations will be available to be downloaded from the Health and Safety Executive for Northern Ireland website which is:

<http://www.hseni.gov.uk/>

14. In Great Britain the corresponding Regulations are the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (S.I. 2009/1348). The Department for Transport has prepared a regulatory impact assessment in respect of those Regulations and a copy

of that assessment, together with a Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland, is held at the office of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained. A copy of the transposition note in relation to the implementation of the Directives set out in paragraphs 2 to 4 is also available at that office.

15. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.