
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 340

The Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Amendments to Part 3 (Exemptions)

5. After regulation 12 insert—

“Exceptions

12A.—(1) The Department of Justice may issue an exception from the requirements and prohibitions arising under Part 2 of these Regulations when satisfied that safety would not be compromised and either—

- (a) the carriage is of small quantities of dangerous goods and the substances have neither a medium nor high level of radioactivity;
- (b) the carriage is national carriage over short distances; or
- (c) the carriage is national carriage by rail on routes designated by the Department of Justice as—
 - (i) forming part of a defined industrial process; and
 - (ii) being closely controlled under clearly specified conditions.

(2) An exception issued under paragraph (1) must not be for a period exceeding six years from the date of issue.

(3) Prior to issuing an exception, the Department of Justice—

- (a) must consult the Northern Ireland competent authority; and
- (b) may consult—
 - (i) the authorities identified in regulation 22 as being enforcing authorities for the carriage concerned, where that authority is not consulted pursuant to sub-paragraph (a); and
 - (ii) such other bodies as appear to the Department of Justice to be appropriate.

(4) The Department of Justice may renew, and in doing so may amend, an exception issued under paragraph (1) for a further period not exceeding six years from the date of renewal.

(5) The Department of Justice shall not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.

(6) This regulation does not limit the power to issue an authorisation under regulation 13(1).

Documentation of exemptions and exceptions

12B.—(1) Where any—

- (a) exemption is granted pursuant to regulation 12(1); or

(b) exemption is issued pursuant to regulation 12A(1), that exemption or exception is to be set out in a document called “Carriage of Dangerous Goods: Approved Derogations, Transitional Provisions and Exceptions” (in this regulation referred to as “the document”).

(2) The document may be revised in whole or in part from time to time.

(3) In the document the Department of Justice must set out—

- (a) the types of carriage to which the exemption or exception applies;
- (b) the circumstances in which the exemption or exception applies;
- (c) the requirements and prohibitions that do not apply pursuant to regulations 12(1) or 12A;
- (d) any requirements and prohibitions that apply instead; and
- (e) in the case of an exception, the date upon which it was first issued, the dates of any renewals under regulation 12A(4) and the date the exception is due to expire.”.