

SCHEDULE 1

Regulation 2

**Special Requirements in Relation to the Tanks of Tank Containers  
and Tank Wagons Constructed before 1st January 1999**

**Testing, examination and maintenance of tank containers and tank wagons**

1.—(1) A train operator or operator of any tank container or tank wagon shall not cause or permit to be carried therein any dangerous goods unless—

(a) for the purpose of ensuring that it is properly maintained, there has been prepared and there is carried into effect (in each case by or on behalf of the operator of the tank container or tank wagon concerned) a suitable written scheme for—

(i) the initial and periodic examination, and

(ii) the initial and, where appropriate, periodic testing,

of the tank of the tank container or tank wagon concerned by a competent person;

(b) prior to being used for the first time for the carriage of dangerous goods, a competent person acting on behalf of the operator of the tank container or tank wagon concerned has issued a certificate stating that the tank of the tank container or tank wagon concerned is suitable for the purposes specified therein;

(c) there is in the possession of the operator of the tank container or tank wagon concerned a current report signed by the competent person who carried out the most recent examination and test in accordance with the scheme required by head (a), stating—

(i) the date or dates on which the said examination and test were carried out and the results thereof;

(ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in head (a) or such longer interval as the competent person may specify; and

(iii) that the tank of the tank container or tank wagon concerned remains suitable for the purposes specified in the certificate for that tank referred to in head (b) or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable.

(2) Subject to sub-paragraph (3), a train operator or an operator of any tank container or tank wagon shall not cause or permit to be carried therein any dangerous goods if the tank of the tank container or tank wagon concerned or any fittings attached to that tank have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, where the tank is as specified in sub-paragraph (7), the tank and its fittings were last re-examined under—

(a) ADR;

(b) RID; or

(c) the IMDG Code.

(3) A train operator may carry dangerous goods in a tank container or tank wagon where the tank of the tank container or tank wagon concerned is in a state of disrepair, for the sole purpose of transporting such tank to a place for repair, provided it is safe to do so.

(4) It shall be sufficient compliance with sub-paragraph (1)(c) if—

(a) the competent person referred to in that sub-paragraph first enters his report in a computer under the control of the operator of the tank container or tank wagon concerned and then duly authenticates it; or

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(b) in the case where the competent person does not enter his report in a computer under the control of the operator of the tank container or tank wagon concerned, the report is transferred to such a computer by or on the instructions of the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.

- (5) The relevant procedure referred to in sub-paragraph (4) may only be used if the report—
- (a) is capable of being reproduced in written form;
  - (b) is secure from unauthorised interference; and
  - (c) can be authenticated only by the competent person.

(6) Where, since the report referred to in sub-paragraph (1)(c) was issued, the tank of a tank container or tank wagon or any fittings attached to the tank concerned have fallen into a state of disrepair, or have been modified or repaired in such a way as might affect the safety of the said tank, the provisions of sub-paragraph (1) shall apply in respect of any such tank or tank wagon as if it had not previously been used for the carriage of dangerous goods.

(7) Sub-paragraph (1) shall not apply to the tank of a tank container or tank wagon used for the carriage of any dangerous goods where such a tank and its fittings have been examined and tested in accordance with the requirements of—

- (a) ADR;
- (b) RID; or
- (c) the IMDG Code.

(8) In this paragraph “competent person” means a competent individual person, other than an employee, or a competent body of persons corporate or unincorporate, and accordingly any reference in the provisions referred to in this paragraph to a competent person performing a function includes a reference to his performing it through his employees.

### **Certification of testing, examination and maintenance of tank containers and tank wagons**

2. An operator of any tank container or tank wagon shall not cause or permit to be carried therein any dangerous goods unless he certifies to the operator of the train on which that tank container is to be carried or of which that tank wagon is to form part that he has complied with paragraph 1 in respect of the tank of the tank container or tank wagon concerned.

### **Keeping of documents**

3.—(1) The operator of any tank container or tank wagon shall ensure that all the documents referred to in paragraph 1 are kept throughout the period that they remain valid at the address within Northern Ireland from which the deployment of the tank container or tank wagon concerned is controlled.

(2) It shall be sufficient compliance with sub-paragraph (1) in circumstances where (by virtue of the fact that the owner does not have a place of business in Northern Ireland) the operator of the tank container or tank wagon is not its owner, if—

- (a) photocopies of the documents concerned are kept at the operator’s place of business; or
- (b) the documents concerned are readily available from the owner of the tank container or tank wagon.