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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 173**

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006**

**PART III**

**COMPETENT AUTHORITY FUNCTIONS**

**Interpretation of Part III and Schedule 3**

**26.**—(1) In this Part and in Schedule 3, where a function set out in a provision of ADR in relation to carriage by road or of RID in relation to carriage by rail is conferred on the Northern Ireland competent authority by reference to that provision of ADR or of RID then the Northern Ireland competent authority 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.

(2) Regulations 27(a), 29(1)(a), 30(1)(a), and 31(1)(a) shall be construed as if they included references to related expressions to those contained in the regulation in question.

(3) Any—

- (a) approval granted, multilateral approval or unilateral approval granted or validated;
- (b) appointment made;
- (c) matter recognised;
- (d) requirement imposed;
- (e) notification made;
- (f) packing group assigned; or
- (g) information provided,

pursuant to this Part, shall be done in writing.

**Grant of approvals by the Northern Ireland competent authority**

**27.** The Northern Ireland competent authority may grant approvals in respect of those matters—

- (a) which are referred to in ADR in relation to carriage by road or in RID in relation to carriage by rail, as—
  - (i) requiring the approval, permission, authorisation or agreement of the competent authority;
  - (ii) a matter which may be allowed by or shall be satisfactory or acceptable to the competent authority; or
  - (iii) being subject to a certificate of approval issued by a competent authority; and
- (b) the references to which are set out in paragraph 1 of Part I of Schedule 3, and

subject to any conditions set out in paragraph 2 of Part I of Schedule 3.

### **Grant of unilateral and multilateral approvals by the Northern Ireland competent authority in relation to class 7 goods for carriage by rail**

**28.**—(1) The Northern Ireland competent authority may—

(a) grant unilateral approvals in respect of designs—

(i) of packages; or

(ii) special form radioactive material,

that originate in Northern Ireland; and

(b) validate unilateral approvals of such designs made by competent authorities in countries which are not a party to COTIF,

in respect of those matters where RID provides for such approval or validation and the references to which are set out in paragraph 3 of Part II of Schedule 3 and subject to the conditions set out in paragraph 5 of Part II of Schedule 3.

(2) An approval shall be validated in accordance with paragraph (1) if the conditions in sub-section 6.4.22.6 of RID have been met.

(3) The Northern Ireland competent authority may grant approvals, as part of a multilateral approval, in respect of—

(a) designs of packages or low dispersible radioactive material or shipments originating in Northern Ireland; or

(b) shipments which are to be carried by rail in Northern Ireland,

in respect of those matters where RID makes provision for such approvals and the references to which are set out in paragraph 4 of Part II of Schedule 3 subject to the conditions set out in paragraph 5 of Part II of Schedule 3.

### **Appointment of persons by the Northern Ireland competent authority**

**29.**—(1) Subject to paragraph (4), the Northern Ireland competent authority may appoint persons to carry out those functions—

(a) which ADR in relation to carriage by road or RID in relation to carriage by rail provide may be carried out by a body or expert designated, approved or authorised by the competent authority;

(b) the references to which are set out in paragraph 6 of Part III of Schedule 3.

(2) Any person may submit an application in writing to the Northern Ireland competent authority for appointment under this regulation by reference to—

(a) sub-section 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.6.1 and 6.2.5.6.2.4 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;

(b) sub-section 6.7.2.19.9, 6.7.3.15.9 or 6.7.4.14.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of portable tanks;

(c) sub-section 6.7.5.12.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of UN-certified MEGCs;

(d) sub-section 6.8.2.4.5, 6.8.3.4.4 and 6.8.3.4.6(b) to 6.8.3.4.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of—

(i) fixed tanks, tank wagons, demountable tanks and tank-containers; and

(ii) MEGCs, battery-vehicles and battery-wagons;

- (e) sub-section 6.8.3.4.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of MEGCs, battery-vehicles and battery-wagons;
- (f) special provision TT2 of section 6.8.4(d) of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of shells; or
- (g) sub-section 6.9.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of FRP tanks,

or for the amendment of such an existing appointment.

(3) A person appointed by reference to the provisions referred to in paragraph (2) shall be known as an “appointed person”.

(4) Regulation 44(3) to (8) shall apply to an appointed person as it applies to a notified body or an approved body except that where it applies to an appointed person—

- (a) any references to the competent authority shall be read as references to the Northern Ireland competent authority;
- (b) regulation 44(3)(a) shall apply as if it provided for the Northern Ireland competent authority to make an appointment in respect of all the equipment referred to in paragraph (2) for which it is the Northern Ireland competent authority or such descriptions of that equipment as the Northern Ireland competent authority may determine;
- (c) regulation 44(3)(c) shall apply as if all the words after “it has been appointed” were omitted; and
- (d) regulation 44(7) shall apply as if it referred to an application under Part II or III.

(5) A person appointed under this regulation by reference to sub-section 6.2.5.6.2.4 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 6.2.5.6.2.4 and 6.2.5.6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) keep the documentation referred to in sub-section 6.2.5.6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that paragraph.

(6) 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.

### **Recognition of approvals, tests, methods, standards and procedures etc. by the Northern Ireland competent authority**

**30.**—(1) The Northern Ireland competent authority may recognise approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications, or other requirements in respect of those matters—

- (a) where ADR in relation to carriage by road or RID in relation to carriage by rail provide—
  - (i) for recognition or acceptance by a competent authority of; or
  - (ii) that the competent authority is satisfied with,approvals, conditions, tests, methods, standards, specifications, procedures, qualifications, quality assurance programmes or other requirements;
- (b) the references to which are set out in paragraph 7 of Part IV of Schedule 3, and

subject to the conditions set out in paragraph 8 of Part IV of Schedule 3.

(2) The Northern Ireland competent authority may recognise standards for the construction of tanks intended to be used for the carriage by road or by rail, wholly within Northern Ireland, of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in sub-section 6.7.3.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (b) specify a different test pressure for the shell of the tank from that set out in sub-sections 4.3.3.2.2 and 4.3.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

which are applicable to the shell of the tank in question provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

(3) Any person may submit an application in writing to the Northern Ireland competent authority for the approval of any standard in relation to—

- (a) pressure receptacles pursuant to regulation 21(7) and section 6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) portable tanks or UN-certified MEGCs pursuant to regulation 22 and sub-section 6.7.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (c) tanks, MEGCs, battery-vehicles or battery-wagons pursuant to regulation 22 and sub-section 6.8.2.7 and 6.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (d) tanks, pursuant to paragraph (2).

### **Imposing of requirements by the Northern Ireland competent authority**

**31.—**(1) The Northern Ireland competent authority may impose requirements which apply to, or in relation to, the carriage of dangerous goods by road or rail in respect of those matters where—

- (a) ADR in relation to carriage by road or RID in relation to carriage by rail provide for—
  - (i) provisions, conditions, standards, restrictions or other requirements to be specified, imposed, assigned, allocated, determined, established, requested or required by the competent authority;
  - (ii) a matter to be carried out as required by the competent authority; or
  - (iii) for a request to be made to the competent authority for further instructions;
- (b) the references to which are set out in paragraph 9 of Part V of Schedule 3, and

subject to the conditions set out in paragraph 10 of Part V of Schedule 3.

(2) The Northern Ireland competent authority may require a consignment of goods to be accompanied by persons specified by it in the circumstances where special provision W2 of section 7.2.4 of RID provides for consignments to be accompanied by order of the competent military authority.

(3) The Northern Ireland competent authority may provide for different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or
- (b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, in relation to the filling of pressure receptacles and tanks intended for the carriage by road or by rail of liquefied gas wholly within Northern Ireland.

### **Issuing of safety adviser vocational training certificates by the Northern Ireland competent authority**

**32.**—(1) The Northern Ireland competent authority or a person appointed by it may issue a certificate as provided for in sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) The Northern Ireland competent authority or a person appointed by it may only issue a certificate to a person by reference to sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail (“safety adviser vocational training certificate”) where that person has—

- (a) completed training which complies with sub-section 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) passed an examination, which has been approved by the Northern Ireland competent authority.

(3) The examination referred to in paragraph (2)(b) shall—

- (a) be organised by the Northern Ireland competent authority or by a person appointed by it in accordance with sub-section 1.8.3.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) comply with sub-sections 1.8.3.11 and 1.8.3.12 of ADR in relation to carriage by road or RID in relation to carriage by rail.

(4) The training and examination may be limited to one or more—

- (a) modes of transport;
- (b) of those dangerous goods listed in sub-section 1.8.3.13 of ADR in relation to carriage by road or of RID in relation to carriage by rail and if this is the case the safety adviser vocational training certificate shall clearly indicate that it is only valid for that mode or for the goods in question.

(5) The safety adviser vocational training certificate referred to in paragraph (2)—

- (a) shall be in the form set out in sub-section 1.8.3.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) shall be valid for five years from the date of issue; and
- (c) may be extended as set out in sub-section 1.8.3.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The Northern Ireland competent authority, or a person appointed by it under paragraph (3) (a), shall keep a list of the questions that have been included in the examination referred to in paragraph (2)(b).

(7) Any current safety adviser vocational training certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive, the RID Directive or to Council Directive [96/35/EC](#) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterways<sup>(1)</sup>; and
- (b) is in the form required by paragraph (5),

shall be deemed to be a safety adviser vocational training certificate issued by the Northern Ireland competent authority under this regulation and where it indicates that it applies to only one or more of the dangerous goods referred to in paragraph (4)(b) shall be deemed to be limited to those goods.

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(1) O.J. No. L145, 19.6.1996, p. 10

(8) Any vocational training certificate issued in accordance with regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000<sup>(2)</sup> shall be deemed to be a safety adviser vocational training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 7(5) of the said 2000 Regulations or paragraph (5)(c).

(9) The Northern Ireland competent authority may issue a safety adviser vocational training certificate under this regulation in relation to transport of dangerous goods by inland waterway and in so doing shall comply with this regulation and the provisions of ADR to which it refers as if they referred to the transport of dangerous goods by inland waterway.

### **Issuing of driver training certificates by the Northern Ireland competent authority**

**33.**—(1) The Northern Ireland competent authority or a person appointed by it may issue a driver training certificate to a driver of a vehicle to the effect set out in sub-section 8.2.1.1 of ADR.

(2) The Northern Ireland competent authority or a person appointed by it may only issue a driver training certificate to a driver where the driver has—

- (a) completed a basic training course as set out in paragraph 8.2.1.2 of ADR and passed an examination in accordance with sub-section 8.2.2.7.1 of ADR; and
- (b) if applicable—
  - (i) completed a specialisation course for the vehicle and goods in question where required by section 8.2.1 of ADR; or
  - (ii) acquired the knowledge referred to in sub-section 8.2.2.8.1(b) of ADR, and in either case has passed an examination in accordance with sub-section 8.2.2.7.2 of ADR.

(3) The person carrying out the training shall ensure that those courses shall comply with sub-sections 8.2.2.1 to 8.2.2.6 of ADR.

(4) The examination referred to in paragraph (2) shall—

- (a) be organised by the Northern Ireland competent authority or by a person appointed by it for that purpose; and
- (b) comply with the requirements for the examination in question in sub-section 8.2.2.7 of ADR.

(5) The Northern Ireland competent authority or the person appointed by it to organise the examinations shall keep a catalogue of examination questions in accordance with sub-section 8.2.2.7.1.3 of ADR.

(6) The driver training certificate—

- (a) shall be in the form required in sub-section 8.2.2.8.3;
- (b) shall be valid for five years from the date of issue; and
- (c) may be extended as set out in and subject to the requirements in sub-sections 8.2.1.5 and 8.2.2.8.2 of ADR.

(7) Any current driver training certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive or to article 1 of Council Directive [89/684/EEC](#) on vocational training for certain drivers carrying dangerous goods by road<sup>(3)</sup>; and
- (b) is in the form required by paragraph (6),

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(2) [S.R. 2000 No. 119](#), to which there are amendments not relevant to these Regulations

(3) [O.J. No. L398, 30.12.1989, p. 33](#)

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

(8) Any driver training certificate issued in accordance with regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997<sup>(4)</sup> shall be deemed to be a driver training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 4(6) of the said 1997 Regulations or paragraph (6)(c).

#### **Notification under sub-section 1.8.2.2 of ADR or of RID**

**34.**—(1) The Northern Ireland competent authority shall notify the relevant competent authority in another member State in the circumstances set out in sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) If the Northern Ireland competent authority receives a notification from another member State pursuant to sub-section 1.8.2.2 of ADR in relation to carriage by road or RID in relation to carriage by rail then it shall comply with the requirements of sub-section 1.8.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

#### **Miscellaneous functions of the Northern Ireland competent authority**

**35.**—(1) The Northern Ireland competent authority may approve the classification of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail require classification and assignment to a collective entry to be made by the competent authority in Northern Ireland.

(2) The Northern Ireland competent authority may recognise the classification and conditions of carriage of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide for classification and conditions of carriage of such goods to be recognised by the competent authority in Northern Ireland.

(3) The Northern Ireland competent authority shall assign a packing group for dangerous goods where required in accordance with—

- (a) special provision 278 of chapter 3.3 of ADR in relation to carriage by road; or
- (b) special requirement 278 of chapter 3.3 of RID in relation to carriage by rail.

(4) The Northern Ireland competent authority shall provide information or documents to a person in the circumstances where—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail,

provide for such information or documents to be sent to that person by the competent authority in Northern Ireland and the references to which are set out in paragraph (5).

(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 and 6.2.5.6.4.11 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The Northern Ireland competent authority shall maintain a list in accordance with sub-section 6.2.5.6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(7) The Northern Ireland competent authority may issue approval certificates in accordance with sub-section 6.2.5.6.4.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(8) The Northern Ireland competent authority shall maintain the registers required by sub-section 6.4.23.15 of RID.

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(4) [S.R. 1997 No. 249](#) as amended by [S.R. 2002 No. 34](#)

(9) The Northern Ireland competent authority may issue certificates of approval where sub-section 9.1.2.1.2 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 9.1.2.1.2 of ADR shall—

- (a) comply with that paragraph and sub-section 9.1.2.1.5 of ADR;
- (b) comply with sub-section—
  - (i) 1.6.5.2; or
  - (ii) 1.6.5.3,
 of ADR where applicable to the vehicle in question; and
- (c) be valid for the period calculated in accordance with sub-section 9.1.2.1.4 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 base vehicle of a new motor vehicle or its trailer, 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 9.1.2.2.1 of ADR.

(13) Any type approval 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) complies with sub-section 9.1.2.2.1 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 base vehicle since the type approval was issued.

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

### **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 regulations 46 to 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 statutory provisions which apply to the case,



it is satisfied that the environment and the health and safety of persons who are likely to be affected by the exemptions 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](#)(5) 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(6) and Commission Directive [2003/28/EC](#)(7)); and
- (b) Council Directive [96/49/EC](#)(8) 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(9) and Commission Directive [2003/29/EC](#)(10)).

(4) The Secretary of State for Defence may, in the interests of national security, 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 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.

(5) Subject to paragraph (6), 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 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.

(6) An authorisation issued under paragraph (5) 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.

(7) In paragraph—

- (a) (1)(c), “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train;
- (b) (4)—
  - (i) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(11); and
  - (ii) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF.

(8) 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 prohibitions or requirements which apply pursuant to Parts II and III or regulation 49 provided that an authorisation—

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(5) O.J. No. L319, 12.12.94, p. 7

(6) O.J. No. L279, 1.11.2000, p. 40

(7) O.J. No. L90, 8.4.2003, p. 45

(8) O.J. No. L235, 17.9.96, p. 25

(9) O.J. No. L279, 1.11.2000, p. 44

(10) O.J. No. L90, 8.4.2003, p. 47

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- (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.