



Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions

Issued by the Health and Safety Executive for Northern Ireland under regulation 8(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 and the Department of Justice under regulation 12(3) of the Carriage of Explosives Regulations (Northern Ireland) 2010



Northern Ireland

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Introduction

This document is that specified in regulation 8(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 (CDG 2010) and regulation 12(3) of the *Carriage of Explosives Regulations (Northern Ireland) 2010 (CE 2010)*. It sets out the circumstances under which particular types of carriage or carriage in particular circumstances are exempt from requirements and prohibitions arising under CDG 2010 and *CE 2010*. It also provides for alternative requirements and prohibitions to apply.

This document should be read in conjunction with CDG 2010 and *CE 2010*. It is legally binding and enforceable in the same way as if its provisions were included in the text of CDG 2010 and *CE 2010*. Where a reference is made in this document to a provision of RID or ADR it is to that provision as applied by CDG 2010 and *CE 2010*.

1. Derogations for transport by road

The following derogations are those derogations referred to in regulation 8(2) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment 2010 (CDG 2010) *and regulation 12(2) of the Carriage of Explosives Regulations (Northern Ireland) 2010 (CE 2010)* relevant to carriage by road. Consequently, carriage to which the derogations apply is exempt from part 2 of CDG 2010 and *CE 2010* to the extent that these derogations conflict with the requirements and prohibitions arising under those parts. Carriage is only exempt, however, if any requirements and prohibitions provided for in the derogations are complied with.

The derogations only apply in relation to carriage by road wholly within Northern Ireland

The reference relating to the specific derogation contained in the Dangerous Goods Directive 2008/86/EC is shown in brackets.

Road Derogation 1

Certain commercial products containing radioactive material

(RO-a-UK-1)

The requirements and prohibitions of part 2 of CDG 2010 do not need to be complied with if no more than:

- 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
- five gaseous tritium light devices with an individual activity not exceeding 10GBq,

are carried in a vehicle.

Road Derogation 2

Exemptions from the need to carry transport documents

(RO-a-UK-2)

For goods of Classes 2 to 6, 8 and 9: the documents required to be carried on the transport unit by ADR 8.1.2.1 (a) need not be carried where the quantity of dangerous goods being carried on that transport unit does not exceed the maximum total quantity for those goods calculated in accordance with ADR 1.1.3.6.

For Class 1 goods the documents need not be carried if the goods being carried are listed in the following table. However this only applies to:

- goods specified in Table 2 or 3 , if the net mass of explosive material is not more than 50 kilograms; or
- goods specified in Table 4, if the net mass of explosive material is not more than 5 kilograms.

Table 1

Goods	UN number
Cable cutters	0070
Cap primers	0044
Cartridge cases	0055
Cartridges	0012, 0014, 0323, 0405
Fireworks	0337
Flares	0404
Fuse	0105
Fuse lighters	0131
Igniters	0454
Pyrotechnic articles	0432
Signals	0193, 0373

Table 2

Goods	UN number
Cartridge cases	0379
Cartridges	0327, 0328, 0338, 0339
Fireworks	0333, 0334, 0335, 0336
Signals	0191, 0195

Table 3

Goods	UN number
Cartridge cases	0446, 0447
Cartridges	0054, 0275, 0276, 0277, 0278, 0312, 0381
Flares	0092, 0093, 0403
Flash powder	0094, 0305
Fuse	0101
Igniter cord and igniters	0066, 0121, 0314, 0315, 0325
Primers	0377, 0378
Pyrotechnic articles	0428, 0429, 0430, 0431
Rockets	0238, 0240, 0453
Signals	0192, 0194, 0196, 0197
5-mercaptotetrazole-1-acetic acid	0448
Dinitrosobenzene	0406
Sodium dinitro-o-cresolate	0234
Sodium picramate	0235
Tetrazol-1-acetic acid	0407
Zirconium picramate	0236

Table 4

Goods	UN number
Black powder	0027, 0028
Smokeless powder	0160, 0161

Road Derogation 3

Exemption from the requirements relating to fire-fighting equipment for the carriage of certain class 7 goods by road

(RO-a-UK-3)

The requirements of ADR 8.1.4 do not need to be complied with if-

- the dangerous goods being carried are UN 2908,2909,2910 or 2911 or any combination of these goods;
- the number of packages being carried in the transport unit does not exceed 10;
- the sum of the transport indexes of the packages does not exceed 3; and
- no other dangerous goods are being carried on the transport unit.

Road Derogation 4

Retail distribution by road

(RO-a-UK-4)

This derogation does not apply to the carriage of Class 1,4.2,6.2 or 7 goods.

If the goods for carriage by road are packed in –

- limited quantities in accordance with ADR 3.4; or
- combination packagings in accordance with ADR 4.1.

and the quantity carried on the transport unit does not exceed:

- 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article and a total of 333 kilograms or litres per transport unit

and the goods have been removed from their outer packaging for the final stages of the carriage operation between:

- a distribution centre and a retailer or end-user; or
- a retailer and end user,

then ADR 5.2 and 6.1.3 in relation to the requirement for markings to be affixed for the final stages of the carriage operation do not need to be complied with.

Road Derogation 5

Load thresholds for class 1 goods

(RO-a-UK-5)

ADR 1.1.3 may be applied with the following modifications to the table in 1.1.3.6.3:

- in the second row omit the entry for Class 1;
- after the second row insert a new row –

"1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50"
-----	---	-----

- in the third row omit the entry for Class 1;
- after the third row insert a new row :

"2A	Class 1: 1.4B to 1.4G and 1.6N	500"
-----	--------------------------------	------

- and at the end, in the note omit "0081,0082,0084,0241,0331,0332,0482".

In 1.1.3.6.4 –

- after the table in 1.1.3.6 multiplied by "20"; insert the following item -

“- the quantity of substances and articles of transport category 1A multiplied by “20””; and

- after “multiplied by “3”, omit “and” and insert the following item –

“- the quantity of substances and articles of transport category 2A multiplied by “2”, and “.

Road Derogation 6

Quantities of class 1 explosive articles

(RO-a-UK-6)

The table in ADR 7.5.5.2.1 may be treated as being amended so that the total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 carried on one EX/II vehicle shall not exceed 5,000 kilograms.

Road Derogation 7

Supervision requirements for vehicles carrying class 1 goods

(RO-a-UK-7)

In relation to the carriage of Class 1 goods, ADR 8.4 and special provision S1: (6) of ADR 8.5 need not be complied with if the requirements set out in this derogation are met.

Requirements

1. The vehicle is at a stop within -
 - a safe and secure place; or
 - premises which are under the control of the Secretary of State for Defence.
2. The Class 1 goods being carried are listed in table 1, 2 or 3 of Road Derogation 2.
3. The load consists of:
 - demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;
 - detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms, or
 - detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number,
 - or any combination of the goods mentioned above provided that the weight or quantity specified is not exceeded.
4. The dangerous goods or any of them are to be used on the day of carriage.

5. Adequate measures for the security of the goods in relation to the vehicle have been taken.
6. The vehicle is parked on site.

Road Derogation 8

Mixing rules for vehicles carrying class 1 goods

(RO-a-UK-8)

ADR 7.5.2 may be applied as follows provided all measures that are reasonably practicable have been taken to prevent the Class 1 goods being brought into contact with, otherwise endangering or being endangered by other dangerous goods.

First

Explosives allocated on classification to -

- UN 0065, 0104, 0289 and 0290 (detonating cord);
- UN 0042 and 0283 (boosters);
- UN 0029, 0030, 0255, 0267, 0360 and 0361 (detonators and detonator assemblies); and
- UN 0081, 0082, 0241, 0331 and 0332 (blasting explosives of type A,B and E)

may be carried in the same vehicle with UN 1942 (AMMONIUM NITRATE). The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D. Note d to the table in ADR 7.5.2.1 applies.

Second

Explosives allocated on classification to -

- UN 0191 and 0197 (signals);
- UN 0312;
- UN 0336 (fireworks);
- UN 0403 (aerial flares);
- UN 0431 (pyrotechnic articles); and
- UN 0453 (line-throwing rockets)

may be carried in the same vehicle with dangerous goods in transport category 2 (except flammable gases, Class 6.1 or 6.2 goods) and transport category 3, provided the maximum total quantity of goods in transport category 2 does not exceed -

- 500 kilograms or litres; or
- a combined total of 500 kilograms and litres; and
- the maximum total quantity of Class 1 goods does not exceed 500 kilograms.

Third

Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2; and non-flammable, non-toxic gases that are of group A or O (as per ADR 2.2.2.1.3) and in transport category 3, provided the maximum total quantity of dangerous goods per transport unit does not exceed -

- 200 kilograms or litres; or
- a combined total of 200 kilograms and litres,

of which the Class 1 goods do not exceed 20 kilograms.

Fourth

Explosive articles allocated on classification to UN 0106, 0107, 0257 and 0367 (detonating fuses) in compatibility group B may be carried with explosive articles in compatibility groups D, E or F for which they are component parts.

Class 1 goods in compatibility group F may be carried with explosive articles in compatibility groups C, D or E.

Road Derogation 9

Alternative to the requirement to comply with ADR 5.3.2. relating to orange - coloured plates etc when carrying class 7 goods by road

(RO-a-UK-9)

In relation to the carriage of Class 7 goods, if:

- the transport unit used for carrying the goods has a maximum permissible mass which does not exceed 3.5 tonnes;
 - the packages being carried contain only Class 7 goods that are fissile - excepted, not fissile or a combination of these two;
 - the number of packages does not exceed 10; and
 - the sum of the transport indexes of the packages does not exceed 3,
- a notice complying with the conditions set out below may be displayed instead of complying with the requirements of ADR 5.3.2.

The conditions are –

- the notice shall include the words (using capital letters as indicated) “This vehicle is carrying RADIOACTIVE MATERIAL” and “In case of accident get in touch at once with THE POLICE”;
- the capital letters in the word “RADIOACTIVE” shall be a minimum of 12mm high and all other capital letters in the notice shall be a minimum of 5mm high;
- the notice shall state the name, address and telephone number of a person capable of providing advice that would be of assistance in an emergency;
- all lettering on the notice shall be embossed or stamped as well as being black, bold and legible; and

- the notice shall be not less than 12cm square, fireproof to the extent that the words on the notice shall remain legible after exposure to a fire involving the vehicle, securely posted in the vehicle in a position where it is plainly visible to the driver but does not obscure his view of the road and displayed only when the vehicle is carrying radioactive material.

The term “fissile excepted” shall be construed in accordance with ADR 6.4.11.2.

Road Derogation 10

Exemption from certain requirements for certain metal drums and metal IBCs

Metal drums and metal IBCs that exceed 50 litres in capacity and were manufactured less than 15 years before consignment and before 1st July 1995 do not need to be approved for carriage nor bear the markings required by ADR 6.1.3 or 6.5.2.

Road Derogation 11

The Crossing of public roads

(RO-bi-UK-1)

The requirements and prohibitions arising under parts 3, 5 and 6 of CDG 2010 and parts 3 and 4 of CE 2010 do not need to be complied with in relation to the carriage of Class 2 to 6, 8 or 9 goods in a vehicle which is used for:

- delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- passing between one part of private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person even if the parts are separated by a road.

If Class 1 or 7 goods are being carried in a vehicle used for the same purposes as above then the following ADR provisions do not need to be complied with:

- ADR 1.8.3.1 and 1.8.3.3 to 1.8.3.9 relating to the appointment and duties of safety advisers;
- ADR 4.1.1 to 4.1.8 and 4.1.10 relating to the use of packaging and packages;
- ADR 5.3 relating to the requirement to display a hazard identification number;
- ADR 5.4 relating to the requirement for the consignment to be accompanied by documentation ;
- ADR 8.1.2 and 8.1.3 in relation to the requirements relating to documents to be carried and placarding and marking; and
- ADR 8.2.1 in relation to training.

Road Derogation 12

Exemption from the prohibition on opening packages

(RO-bi-UK-2)

In relation to goods other than Class 7 goods, ADR 8.3.3 does not need to be complied with if the carrier has authorised the driver or the driver's assistant to open a package.

Road Derogation 13

The carriage of alcohol in wooden casks

(RO-bi-UK-3)

This derogation applies to the carriage of wooden casks containing UN 3065 of packing group III.

If:

- the wooden casks have a capacity of not more than 1,000 litres;
- the packages are carried in a closed vehicle;
- no other goods are carried on the transport unit; and
- the transport unit complies with the requirements of this document in relation to the EAC,

then the following ADR provisions do not need to be complied with:

- ADR 1.4.2.1.1 (c) in relation to approved wooden casks bearing the prescribed ADR marks and compliance with packaging conditions required by 1.4.3.2 (a);
- ADR 4.1.1.3 and 4.1.1.9 in relation to requirements of design type and testing of wooden casks;
- ADR 5.2.1 and 5.2.2 in relation to the requirements for marking and labelling of packages; and
- ADR 5.3.1 and 5.3.2 in relation to the requirements for displaying placards, marks, labels and hazard identification numbers as per columns 5 and 20 of Table A in Chapter 3.2.

Road Derogation 14

The carriage of UN 0335 Fireworks by road

(RO-bi-UK-4)

Table A of ADR 3.2 may be applied as if column (6) of the row relating to UN 0335 includes the entry "651".

Road Derogation 15

The collection of used batteries for disposal or recycling

(RO-bi-UK-5)

Used lithium cells and batteries (UN 3090 and UN 3091) collected and presented for carriage for disposal between the consumer collecting point and the intermediate processing facility, together with other non-lithium cells or batteries (UN 2800 and UN3028), are not subject to the prohibitions and requirements of ADR provided they meet the following conditions:

- they shall be packed in IH2 drums or 4H2 boxes conforming to the packing group II performance level for solids;
- not more than 5% of each package shall be lithium and lithium ion batteries;
- the maximum gross mass of each package shall not exceed 25kg;
- the total quantity of packages per transport unit shall not exceed 333kg; and
- no other dangerous goods are carried. (amended by Authorisation 214/2010)

Road Derogation 16

Application of ADR PART 9 to vehicles constructed before 1997 and FL,OX and AT vehicles

If a vehicle was constructed before 1st January 1997, compliance with Part 9 of ADR is not required. However the carrier must ensure that the vehicle is suitable for the safe carriage of the dangerous goods carried.

If an FL,OX or AT vehicle –

- is used or intended to be used to carry only tanks constructed before 10 May 2004 that were not constructed to the requirements of ADR but which comply with the requirements in this document; and
- does not meet all of the requirements in ADR 9.7.2 and 9.7.3 applicable to such tanks and fastenings attaching them to vehicles,

the requirement for that vehicle to be subject to an annual technical inspection in accordance with ADR 9.1.2.3 does not apply.

2. Derogations for transport by rail

The following derogations are the derogations referred to in regulation 8(2) of CDG 2010 and 12(2) of CE 2010 relevant to carriage by rail. Consequently, carriage to which the derogations apply is exempt from Part 2 of CDG 2010 and CE 2010 to the extent that the derogations conflict with the requirements and prohibitions arising under those Parts. Carriage is only exempt, however, if any requirements and prohibitions provided for in the derogations are complied with.

The derogations only apply in relation to carriage by rail wholly within Northern Ireland.

The reference relating to the specific derogation contained in the Directive is shown in brackets.

Rail Derogation 1

Certain commercial products containing radioactive material

(RA-a-UK-1)

The requirements and prohibitions of part 2 of CDG 2010 and CE 2010 need not be complied with if no more than:

- 500 smoke detectors for domestic use with an individual activity not exceeding 40kBq; or
- five gaseous tritium light devices with an individual activity not exceeding 10GBq,

are carried in a vehicle.

Rail Derogation 2

Mixing rules for wagons carrying class1 goods

(RA-a-UK-2)

RID 7.5.2 may be applied as follows provided all measures that are reasonably practicable have been taken to prevent the Class 1 goods being brought into contact with, otherwise endangering or being endangered by other dangerous goods.

Explosive articles allocated on classification to UN 0106, 0107, 0257 and 0367 (detonating fuses) in compatibility group B may be carried with explosive articles in compatibility group D, E or F for which they are component parts.

Class 1 goods in compatibility group F may be carried with explosive articles in compatibility group C, D or E.

Rail Derogation 3

Load threshold for class 1 goods

(RA-a-UK-3)

RID 1.1.3 may be applied with the following modifications to the table in 1.1.3.6.3:

- in the second row omit the entry for Class 1;
- after the second row insert a new row –

"1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50"
-----	---	-----

- in the third row omit the entry for Class 1;
- after the third row insert a new row :

"2A	Class 1: 1.4B to 1.4G and 1.6N	500"
-----	--------------------------------	------

- and at the end, in the note omit "0081,0082,0084,0241,0331,0332,0482".

In 1.1.3.4.6 –

- after the table in 1.1.3.6 multiplied by "20"; insert the following item -

"- the quantity of substances and articles of transport category 1A multiplied by "20"; and

- after "multiplied by "3", omit "and" and insert the following item –

"- the quantity of substances and articles of transport category 2A multiplied by "2", and "

Rail Derogation 4

Display of information during piggyback carriage

(RA –a-UK-4)

If a vehicle being carried on a wagon by means of piggyback transport displays in a clearly visible manner -

- the placards, marks, labels, plate markings and hazard identification numbers required to be displayed by ADR 5.3; or
- the hazard warning panels required to be displayed by the EAC,

the requirements set out in RID 1.1.4.4 in relation to placarding and marking need not be complied with.

Rail Derogation 5

Retail distribution by rail

(RA-a-UK-5)

This derogation does not apply to the carriage of Class 1, 4.2, 6.2 or 7 goods.

If the goods for carriage by rail are packed in –

- limited quantities in accordance with RID 3.4; or
- combination packagings in accordance with RID 4.1;

and the quantity carried on the transport unit does not exceed:

- 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article and a total of 333 kilograms or litres per transport unit

and the goods have been removed from their outer packaging for the final stages of the carriage operation between -

- a distribution centre and a retailer or end-user; or
- a retailer and end user,

then RID 5.2 and 6.1.3 in relation to the requirement for markings to be affixed for the final stages of the carriage operation need not be complied with.

Rail Derogation 6

Exemption from certain requirements for certain metal drums and metal IBCs

Metal drums and metal IBCs that exceed 50 litres in capacity and were manufactured less than 15 years before consignment and before 1st July 1995 do not need to be approved for carriage nor bear the markings required by RID 6.1.3 or 6.5.2.

3. Requirements for old tanks used or intended to be used for the carriage of dangerous goods in Northern Ireland

Definition

An old tank is:-

1. a tank, including pressure receptacles forming the elements of a battery-vehicle or battery-wagon constructed and used, or intended to be used, for the carriage of dangerous goods which are liquid, gaseous, powdery or granular material and constructed before 9th May 2004, which:
2. was constructed to the requirements of Northern Ireland legislation in operation at the time of construction; and
3. was not constructed to provisions of RID, ADR or Transportable Pressure Equipment Directive (TPED); or
4. subsequently reassessed and certified to RID, ADR or TPED.

Any tank constructed and certified to the requirements of RID or ADR that has been tested and inspected in accordance with a written scheme of examination in accordance with schedule 1 of CDG 2006 and not in accordance with provisions of RID or ADR is not an old tank under CDG 2010 and this document except that it may be treated as an old tank until the day of the next inspection at the intervals specified in RID or ADR for that type of tank or, if the inspection specified in the written scheme of examination is before 1 July 2010, until the first inspection occurring on or after 1 July 2010 in accordance with the intervals specified in RID or ADR.

An old tank may be carried on national carriage in Northern Ireland provided that it remains safe and suitable for purpose and the following requirements have been complied with.

However the requirements do not need to be complied with in respect of an old tank that:

- is being used for the carriage of gas oil, diesel or heating oil with a flash point of more than 60 degrees C and not more than 100 degrees C (UN 1202), and remains safe and suitable for that purpose; or
- is not being used at work.

Requirement 1

Any old tank which has not been used for the carriage of dangerous goods before 19 May 2010 shall, if used or intended to be used for the carriage of dangerous goods, be constructed and certified in accordance with the requirements of RID, ADR or TPED, as appropriate, in force at the time construction of the tank was completed.

Requirement 2

There is a written scheme setting out the requirements for ensuring the tank remains safe for the purpose of carrying the dangerous goods for which it is used. The scheme must make provision for the examination, testing and approval of the tank for continued use by a person appointed by the Northern Ireland competent authority under regulation 26(2) of CDG 2010.

Requirement 3

The written scheme has been complied with.

Requirement 4

The operator of the tank has in their possession and available to them the report of the most recent examination and test held in accordance with the written scheme which states:

- the date and the result of the examination and test;
- the date before which any further examination and test, shall be carried out, the interval to which shall be as specified in the written scheme or such other period as the person carrying out the approval may specify;
- that the tank remains suitable for the purposes set out in the certificate issued before it was used for the first time or if it is no longer suitable for any of these purposes, then stating the purposes for which it is suitable; and
- in the case of a pressure vessel for carriage by road, the maximum working pressure to which the vessel may be safely subjected.

Requirement 5

The tank has not been damaged, modified or repaired in such a way as might affect its safety since the most recent report referred to at requirement 4 was issued and, in the case of a pressure vessel for carriage by road, the pressure in the vessel does not exceed the maximum safe working pressure specified in the report.

4. Exemption from the requirement to fit sheet steel spark guards

Special provisions W2 and W8 of RID 7.2 regarding the fitment of regulation sheet spark guards need not be complied with in respect of wagons constructed before 1st January 1997.