



**NOTE FOR NORTHERN IRELAND READERS**

**GREAT BRITAIN DEPARTMENT FOR TRANSPORT  
CONSULTATIVE DOCUMENT:**

**Proposals for the Carriage of Dangerous Goods  
and Use of Transportable Pressure Equipment Regulations  
2007 (CDG 2007)**

**November 2006**



## **NOTE FOR NORTHERN IRELAND READERS**

### **Great Britain Consultative Document**

#### **Proposals for the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (CDG 2007)**

##### **Introduction**

1. This note is intended to be read with the Great Britain Department for Transport consultative document [\*The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 \(CDG 2007\)\*](#).<sup>1</sup>

2. The purpose of this note is to announce parallel proposals for Northern Ireland and to enable Northern Ireland readers to set the Great Britain proposals in the Northern Ireland context.

##### **Proposals in consultative document**

3. This consultative document contains proposals by the Great Britain Department for Transport for new Great Britain health and safety Regulations. Those proposals are currently out to consultation with comments from Great Britain consultees sought by 30th November 2006. The proposed Great Britain Regulations will be entitled “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007” (CDG 2007) (“the Great Britain Regulations”).

##### **Northern Ireland proposals**

4. The proposed Northern Ireland Regulations will closely mirror the relevant provisions of the Great Britain Regulations and cover carriage of dangerous goods, explosives and radioactive material. Therefore two sets of Regulations are proposed because of Northern Ireland’s constitutional arrangements. Consequently, provisions relating to the carriage of explosives will be submitted to the Secretary of State and the provisions relating to the carriage of radioactive material by road and the remaining provisions for dangerous goods will be provided for in Regulations to be made jointly by the Department of Enterprise, Trade and Investment and the Department of the Environment. The proposed Regulations will be entitled:

- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2007 (“the CDG Regulations (NI)”)

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<sup>1</sup> The Great Britain Department for Transport Consultation Document can be viewed at [http://www.dft.gov.uk/stellent/groups/dft\\_freight/documents/divisionhomepage/612300.hcsp](http://www.dft.gov.uk/stellent/groups/dft_freight/documents/divisionhomepage/612300.hcsp)

2007”) (to be submitted to the Department of Enterprise, Trade and Investment and the Department of the Environment); and

- the Carriage of Explosives Regulations (Northern Ireland) 2007 (to be submitted to the Secretary of State for Northern Ireland).

5. The main aims of the proposals are—

(a) to introduce provisions necessary to satisfy the European Commission that the following have been implemented—

- [Commission Directive 2006/89/EC](#)<sup>2</sup> adapting for the sixth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;
- [Commission Directive 2006/90/EC](#)<sup>3</sup> adapting for the seventh time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of goods by rail;

(b) to consolidate five sets of Regulations, namely:-

- the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173);
- the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006 No. XXX) (to be made late 2006 or early 2007);
- the Carriage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006 No. 182);
- the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006 No. XXX) (to be made late 2006 or early 2007);
- the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344); and

(c) to merge the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 with the radiological emergency provisions for rail carriage from the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001

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<sup>2</sup> [Commission Directive 2006/89/EC](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_305/l_30520061104en00040005.pdf) can be viewed at [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_305/l\\_30520061104en00040005.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_305/l_30520061104en00040005.pdf)

<sup>3</sup> [Commission Directive 2006/90/EC](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_305/l_30520061104en00060007.pdf) can be viewed at [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_305/l\\_30520061104en00060007.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_305/l_30520061104en00060007.pdf)

(S.R. 2001 No. 436) (“REPPIR”), and making them under the Health and Safety at Work (Northern Ireland) Order 1978 alone.

The Commission Directives referred to above are the latest in a succession of legal instruments amending the ADR and RID Framework Directives—adapting the Directives to take account of technical progress and ensuring the continued safe and secure transport of dangerous goods.

### **Reading the CD**

6. The comments and arguments in the consultative document can be applied directly to Northern Ireland. Where a legislative provision, document or institution does not apply, or have relevance, throughout the United Kingdom, there are corresponding Northern Ireland provisions, documents or institutions.

### **Equality impact assessment**

7. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. Appendix 1 contains the screening document.

### **Regulatory impact assessment**

8. The Great Britain Regulatory Impact Assessment (“RIA”) relating to the proposed Regulations is at Section 2 of the consultative document. This concludes that industry will need to become familiar with the requirements of CDG 2007, however, familiarisation costs are likely to be low as CDG 2007 would bring together many existing requirements into a single set of Regulations governing the carriage of dangerous goods by road and rail – requirements which at present are spread over a number of statutory instruments. Balanced against these minimal familiarisation costs are several changes to the regime which should simplify and rationalise administrative requirements and lead to cost savings. Total costs to industry are estimated to be as follows:

**Year 1: £190,000 (one-off) (£4,750 for Northern Ireland)**

**Year 2: £651,000 to £992,500 (£16,275 to £24,812 for Northern Ireland)**

**Year 3: £651,000 to £992,500 (£16,275 to £24,812 for Northern Ireland)**

### **Invitation to comment**

9. Comments are invited on all aspects of the proposals. Comments on the conclusions of the equality impact assessment and regulatory impact assessment would be particularly welcome. However, consultees should note that, because the Regulations are to implement European Directives, the scope for change is extremely limited. Comments from Northern Ireland consultees should be forwarded in the first instance to:

Miss Hilary Maguire  
Health and Safety Executive for Northern Ireland

83 Ladas Drive  
Belfast  
BT6 9FR  
(Tel: 028 9054 6817; Fax: 028 9054 5383; Textphone: 028 9054 6896;  
E-mail: [hilary.maguire@detini.gov.uk](mailto:hilary.maguire@detini.gov.uk))

so as to arrive not later than noon on 9 February 2007.

10. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the offices of HSENI at the above address after the close of this consultation period, where they may be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of information given by you in response to this consultation.

11. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, in this case, HSENI. This right of access to information includes information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

12. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

November 2006

Health and Safety Executive  
for Northern Ireland

## **EQUALITY IMPACT SCREENING DOCUMENT**

### **PROPOSALS FOR THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS (NORTHERN IRELAND) 2007 AND THE CARRIAGE OF EXPLOSIVES REGULATIONS (NORTHERN IRELAND) 2007**

#### **Summary**

The Health and Safety Executive for Northern Ireland (HSENI) has screened the above proposals for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998. No adverse or differential aspects were identified and HSENI concludes that a full Equality Impact Assessment is not necessary in this case. However, HSENI will, if necessary, review the position in the light of any comments received as a result of consultation (see paragraph 3.3 below).

The following sections set out HSENI's screening process.

#### **Section 1 – The Legal Background**

Under section 75 of the Northern Ireland Act 1998, HSENI is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, HSENI is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

#### **Section 2 – Proposals to be Screened**

##### **2.1 Title of proposals**

This screening concerns proposals for the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2007 and the Carriage of Explosives Regulations (Northern Ireland) 2007 (“the proposals”).

##### **2.2 Brief description of proposals**

The proposals are to be submitted jointly to the Department of Enterprise, Trade and Investment (DETI) and the Department of the Environment (DOE), and, to the Secretary of State (SOS) respectively for the making of health and

safety Regulations under the Health and Safety at Work (Northern Ireland) Order 1978.

### **2.3 Aims/objectives of proposals**

The main aims and objectives of the proposals are:

(a) to introduce provisions necessary to satisfy the European Commission that the following have been implemented—

- Commission Directive 2006/89/EC adapting for the sixth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;
- Commission Directive 2006/90/EC adapting for the seventh time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of goods by rail;

(b) to consolidate five sets of Regulations, namely:-

- the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006 No. 173);
- the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006 No. XXX) (to be made late 2006 or early 2007);
- the Carriage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006 No. 182);
- the Carriage of Explosives (Amendment) Regulations (Northern Ireland) 2006 (S.R. 2006 No. XXX) (to be made late 2006 or early 2007);
- the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 344); and

(c) to merge the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 with the radiological emergency provisions for rail carriage from the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 436) (“REPPIR”), and making them under the Health and Safety at Work (Northern Ireland) Order 1978 alone.

### **2.4. Persons affected by the proposals**

The proposals will concern mainly persons employed in the transport industry who are involved in the transport of dangerous goods by road and rail. They will potentially affect all enterprises involved in the movement of dangerous

goods. This includes: suppliers, carriers (largely haulage firms), and users/receivers (consignees). The principal suppliers affected will be manufacturers of high consequence dangerous goods including radioactive material.

### **2.5 Responsibility for devising and delivering the proposals**

HSENI is responsible for devising and delivering the proposals to DETI, DOE and the SOS. If DETI, DOE and the SOS accept the proposals, they are responsible for making the legislation.

### **2.6 Available data**

Data on how the proposals would effect the groups listed in paragraph 2 above is not available.

## **Section 3 – Screening Analysis**

### **3.1 Participation or uptake**

The Regulations would apply universally and are unlikely to have any unequal bearing on any of the groups identified by any of the characteristics listed below:

Religious belief	Sexual orientation
Political opinion	Sex
Racial group	Disability
Age	Dependency
Marital status	

### **3.2 Needs, experiences, issues and priorities**

As the proposals are required to maintain standards of safety concerning the carriage of dangerous goods by road and rail they therefore address a common need to all of the following groups:

Religious belief	Sexual orientation
Political opinion	Sex
Racial group	Disability
Age	Dependency
Marital status	

### **3.3 Consultation with relevant groups**

This screening document forms part of HSENI's *Note for Northern Ireland Readers* to be read with the full Great Britain Consultative Document and the views of all groups listed in paragraphs 3.1 and 3.2 will be actively sought. The conclusions and the screening process will be reviewed in the light of comments made or information received.

### **3.4 Promotion of equality of opportunity or community relations**

The proposals will not directly promote equality of opportunity. However, it will ensure that Northern Ireland is in the same position as Great Britain and other

Member States of the European Union regarding the carriage of dangerous goods by road and rail.

### **3.5 Obligation to have due regard to the need to promote equality of opportunity**

For the reasons cited in paragraph 3.4, it is not considered that these proposals present any significant risk to HSENI's obligation to have due regard to the need to promote equality of opportunity.

### **3.6 Differential impact**

The proposals have been developed to provide protection to all workers involved in the carriage of dangerous goods by road and rail. There should be no differential impact on any group.

## **Section 4 – EQIA Recommendation**

### **4.1 Estimated impact**

The proposals will impact on everyone who is engaged in the carriage of dangerous goods – suppliers, carriers (largely haulage firms) and users/receivers (consignees). The principal suppliers affected will be manufacturers of high consequence dangerous goods including radioactive material.

### **4.2 Scale of expenditure**

Based on the Great Britain regulatory impact assessment the indications are that the cost to a typical business in Northern Ireland would be £4,750 for Year 1, between £16,275 to £24,812 for Year 2, and between £16,275 to £24,812 for Year 3. Balanced against minimal familiarisation costs are several changes to the regime which should simplify and rationalise administrative requirements and lead to cost savings.

### **4.3 Need for full Equality Impact Assessment (EQIA)**

Subject to the outcome of consultation with relevant groups it is considered that these proposals should not be subject to a full EQIA.

### **4.4 Future monitoring**

The requirements of the Regulations will be monitored by HSENI through the normal compliance procedures.

November 2006

Health and Safety Executive  
for Northern Ireland