1993 No. 315

HEALTH AND SAFETY

The Road Traffic (Training of Drivers of Vehicles Carrying Explosives) Regulations (Northern Ireland) 1993

Made . . . . . *13th July 1993*

Coming into operation . . *1st October 1993*

To be laid before Parliament

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Interpretation.
3. Application.
4. Meaning of operator.
5. Instruction and training for drivers.
6. Vocational training certificates.
7. Provisional vocational training certificates.
8. Existing training certificates.
9. Fees for issue of certificates.
10. Certificates to be available during carriage.
11. Certificates to be produced to police constables etc.
12. Exemption certificates.
13. Defence.

Schedule 1 — Cases where the carriage of explosives is not carriage to which these regulations apply by virtue of regulation 3.

Schedule 2 — Minimum training requirements for issue of vocational training certificates.

Schedule 3 — Fees for approvals.

The Secretary of State, in pursuance of Articles 17(1), (2), (3), (4), 5(*b*) and 6(*b*), 40(2), (3) and (4), 54(5) and 55(2) of, and paragraphs 2, 3, 5, 6, 13 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**a**), as applied and modified by Article 53 of that Order and after consulting, in accordance with Article 46 of that Order as so applied and

(**a**) S.I. 1978/1039 (N.I. 9)

modified, the Health and Safety Agency for Northern Ireland and such other bodies as appear to him to be appropriate, hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Road Traffic (Training of Drivers of Vehicles Carrying Explosives) Regulations (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**a**), as revised or re-issued from time to time;

"another member state" means a member state other than the United Kingdom;

"approved" means approved in writing for the purposes of these Regulations;

"attendant" means a person who accompanies the driver of a vehicle carrying explosives to help ensure their safety and security;

"break-down vehicle" has the same meaning as in regulation 2(1) of the Goods Vehicle (Certification) Regulations (Northern Ireland) 1990(**b**);

"carriage" and related words shall be construed in accordance with paragraph (5) and regulation 3;

"Compatibility Group" and "Compatibility Group letter" have the same meanings as in regulation 2 of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(**c**);

"Contracting Party" means a country which is a signatory to ADR;

"the Council Directive" means Council Directive 89/684/EEC on vocational training for certain drivers carrying dangerous goods by road(**d**), as revised from time to time;

"Division" and "Division number" have the same meanings as in regulation 2 of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991;

"explosives", "explosive article" and "explosive substance" have the same meanings as in regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993(**e**);

"military explosive" has the same meaning as in regulation 2 of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991;

(a) ISBN 0 11 551114 8; for the edition current when these regulations were made
(b) S.R. 1990 No. 224
(c) S.R. 1991 No. 516
(d) O.J. No. L398, 30.12.89, p. 33
(e) S.R. 1993 No. 83

"motor vehicle" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993;

"operator" shall be construed in accordance with regulation 4;

"road" means a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**a**);

"semi-trailer" has the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**b**);

"trailer" has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993.

(2) Where a vehicle, which is engaged in any carriage of explosives, is—

(*a*) being driven by a person undergoing training under the supervision of an instructor; or

(*b*) being towed or otherwise moved by a break-down or recovery vehicle and the driver of the break-down or recovery vehicle is accompanied by the driver of the vehicle which is being towed or otherwise moved,

the instructor or (as the case may be) the driver of the vehicle which is being towed or otherwise moved shall be regarded as the driver of the vehicle concerned for the purposes of these regulations.

(3) Any requirement imposed on or in respect of the driver of a vehicle by regulations 5 to 10 shall be taken to include a like requirement imposed on or, as the case may be, in respect of an attendant.

(4) A combination of a motor vehicle and one or more trailers or semi-trailers shall be deemed for the purposes of these regulations to be a single vehicle for as long as the constituent parts of such a combination remain attached, and explosives contained in different parts of such a vehicle shall accordingly be considered to be contained in the same vehicle.

(5) Without prejudice to the generality of regulation 3, a trailer or semi-trailer containing explosives shall not be considered to be engaged in carriage for the purposes of these regulations unless it forms part of a combination deemed to be a single vehicle in accordance with paragraph (4).

(6) For the purposes of these regulations, a vehicle shall be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971(**c**) or any enactment repealed thereby.

(7) Any reference in these regulations to a driver of a vehicle, does not include a reference to a person whose work does not involve his driving the vehicle concerned on a road.

Application

3.—(1) These regulations shall apply to the carriage of any explosives in or on a vehicle not also being used to carry passengers for hire or reward,

(**a**) S.I. 1981/154 (N.I. 1), to which there are amendments not relevant to these regulations
(**b**) S.R. 1989 No. 299
(**c**) 1971 c. 10

except where specified in Schedule 1; and, unless the context otherwise requires, any reference in these regulations to the carriage of explosives shall be construed as a reference to any carriage to which these regulations apply by virtue of this paragraph.

(2) A vehicle shall be deemed to be engaged in such carriage to which these regulations apply by virtue of paragraph (1), from the commencement of loading the vehicle with the explosives concerned for the purpose of carrying them on a road until all the explosives have been unloaded from the vehicle, regardless of whether or not the vehicle concerned is on a road at the material time.

Meaning of operator

4.—(1) The operator of any vehicle which is engaged in the carriage of explosives shall be—

(*a*) any person who holds a road freight vehicle licence under section 17 of the Transport Act (Northern Ireland) 1967(**a**) for the use of that vehicle on a road to carry goods for reward other than a person described in sub-section (1)(*b*) or (*c*) of that section; or

(*b*) where no such licence is held—

(i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle; or

(ii) (in the case of any other vehicle but subject to paragraph (2)) the keeper of the vehicle; and for this purpose, where the vehicle is on hire or lease to any person, that other person shall be treated as its keeper.

(2) Where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (*b*)(ii) of paragraph (1) uses that vehicle for the carriage of explosives on behalf of his employer, that employer shall, notwithstanding that sub-paragraph, be regarded as the operator of the vehicle for the purposes of these regulations.

Instruction and training for drivers

5.—(1) The operator of any vehicle registered in the United Kingdom which is engaged in the carriage of explosives shall ensure that the driver of the vehicle has received adequate instruction and training to enable him to understand—

(*a*) the nature of the dangers to which the particular explosives being carried may give rise and the action to be taken in an emergency concerning them and;

(*b*) his duties under the Health and Safety at Work (Northern Ireland) Order 1978; and

(*c*) his duties under the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993.

(2) Each operator shall keep a record of any training provided by him in accordance with paragraph (1) to the driver of a vehicle who is his employee and shall make available a copy of that record to the driver concerned.

(**a**) 1967 c. 37 (N.I.)

Vocational training certificates

6.—(1) Subject to regulations 7 and 8, the operator of any vehicle which is engaged in the carriage of explosives shall ensure that the driver of that vehicle holds a valid certificate applicable to that carriage (to be known as a ''vocational training certificate'') issued by the Secretary of State.

(2) A driver may only be issued with a vocational training certificate in accordance with paragraph (1) where—

(*a*) he has successfully completed such training in the carriage of the explosives concerned as the Secretary of State has from time to time approved;

(*b*) he has passed an examination (the syllabus of which shall cover the training referred to in sub-paragraph (*a*)) which has been approved by the Secretary of State; and

(*c*) a fee of £2·50 has been paid to the Secretary of State.

(3) Each vocational training certificate issued in accordance with paragraph (1) shall be in a form approved by the Secretary of State.

(4) The training referred to in paragraph (2)(*a*) shall be in the form of a theoretical course accompanied by practical exercises, and shall cover at least the subjects specified in Schedule 2.

(5) Each vocational training certificate issued in accordance with paragraph (1) shall be valid for 5 years from the date of issue, but its validity may be extended for periods of up to 5 years by the Secretary of State where, within the period of 12 months which precede the expiry of the original certificate or any extension of it granted in accordance with this paragraph—

(*a*) the holder can show to the satisfaction of the Secretary of State that he has—

(i) successfully completed a refresher course in the carriage of explosives which has been approved by the Secretary of State, and

(ii) passed the examination referred to in paragraph (2)(*b*); and

(*b*) a fee of £2·50 has been paid to the Secretary of State.

(6) Schedule 3 shall have effect with respect to fees for applications for such approvals under this regulation as are specified in paragraph 1 of that Schedule.

(7) Any current certificate in the form set out in Appendix B.6 to ADR and valid for Class 1 (regardless of whether or not that certificate has been extended in the manner described by Article 5.2 of the Council Directive) which is held by a driver and which was issued to him under the national provisions giving effect to Article 1 of that Directive in another member state or in Great Britain shall be deemed to be a vocational training certificate issued in conformity with the foregoing provisions of this regulation valid for the carriage of explosives.

(8) In this regulation, ''carriage'' means carriage arising out of or in connection with work and shall be construed in accordance with regulation 2(5) and regulation 3; and related words shall be construed accordingly.

Provisional vocational training certificates

7.—(1) It shall be sufficient compliance with regulation 6(1) insofar as a vehicle is engaged in the carriage of explosives where the driver of the relevant vehicle holds a certificate (to be known as a ''provisional vocational training certificate'')—

(*a*) applicable to the carriage concerned;

(*b*) issued by the Secretary of State;

(*c*) in a form approved by the Secretary of State; and

(*d*) stating its expiry date.

(2) The Secretary of State may not issue a provisional vocational training certificate in accordance with paragraph (1) unless he—

(*a*) is satisfied that the driver concerned has, without having completed the training or passed the examination referred to in regulation 6(2), been working as a driver of vehicles carrying explosives for the 5 years preceding 1st October 1993; and

(*b*) has received a fee of £5·00.

(3) In ascertaining whether or not a driver has been working for the length of time specified in paragraph (2)(*a*), no account shall be taken of any seasonal lay offs or holidays, or breaks between employment of up to 6 months in any 12 month period or totalling up to 18 months, during that time.

(4) Each provisional vocational training certificate issued in accordance with paragraph (1) shall expire on 1st January 1995.

(5) Any current certificate which is held by a driver and which was issued to him under national provisions giving effect to Article 4.2 of the Council Directive with respect to carriage of explosives in Great Britain shall be deemed to be a provisional vocational training certificate issued in conformity with the foregoing provisions of this regulation valid for the carriage of explosives.

(6) In this regulation, ''carriage'' means carriage arising out of or in connection with work and shall be construed in accordance with regulation 2(5) and regulation 3; and related words shall be construed accordingly.

Existing training certificates

8. It shall be sufficient compliance with regulation 6(1) where the driver of the relevant vehicle holds a training certificate applicable to the explosives being carried which was issued to him by the appropriate national authority before the coming into operation of that provision as respects the carriage concerned on the basis of existing national provisions which the Commission of the European Communities has confirmed satisfy the corresponding requirements of the Council Directive; provided that such compliance shall cease on 1st July 1997 insofar as the certificate concerned relates to the carriage of explosives.

Fees for issue of certificates

9. Nothing in regulation 6(2)(*c*) or (5)(*b*) or 7(2)(*b*) shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978.

Certificates to be available during carriage

10. The driver of any vehicle which is engaged in the carriage of explosives shall ensure that the relevant certificate he holds in accordance with regulation 6, 7 or 8 is so kept by him that it is immediately available during the whole of the carriage.

Certificates to be produced to police constables, etc

11.—(1) The driver of any vehicle which is engaged in the carriage of explosives shall on request produce to a police constable or an inspector of vehicles the relevant certificate he holds in accordance with regulation 6, 7 or 8.

(2) In this regulation, ''inspector of vehicles'' has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1981.

Exemption certificates

12.—(1) The Secretary of State may, by a certificate in writing, exempt the operator of any vehicle from any requirement imposed by regulation 5 and any such exemption may be granted subject to conditions and to a limit of time and may in any event be revoked at any time by the Secretary of State by a further certificate in writing.

(2) The Secretary of State shall not grant any exemption in accordance with paragraph (1) unless, having regard to the circumstances of the case, and in particular to—

(*a*) the conditions, if any, which he proposes to attach to the exemption; and

(*b*) any other requirements imposed by or under any enactments which apply to the case,

he is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(3) The Secretary of State may by a certificate in writing, issue exemptions from regulation 6(1) in accordance with the criteria laid down by Article 3 of the Council Directive.

(4) The Secretary of State may, in the interests of national security, by a certificate in writing exempt the operator of—

(*a*) any home forces' vehicle; or

(*b*) any vehicle in the service of a visiting force or a headquarters,

from,

(i) the requirements in paragraphs (*a*) and (*b*) respectively of regulation 5(1) insofar as they apply to the carriage of any military explosive, or

(ii) the requirement of regulation 6(1),

and any such exemption may be granted subject to conditions and to a limit of time and may in any event be revoked at any time by the Secretary of State by a further certificate in writing.

(5) In this regulation—

(*a*) ''headquarters'' has the same meaning as in Article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**a**);

(*b*) ''home forces vehicle'' has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(**b**); and

(*c*) ''visiting force'' has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952(**c**).

Defence

13. In any proceedings for an offence under regulation 5 or (where the driver of the vehicle is specified in paragraph 1(*b*) or (*c*) of Schedule 1 but the carriage of the explosives is not thereby excluded from the application of these regulations) regulation 6(1), it shall be a defence for the operator to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
13th July 1993

(**a**) S.I. 1965/1536
(**b**) S.I. 1989/1976
(**c**) 1952 c. 67

Cases where the Carriage of Explosives is not Carriage to which these Regulations apply by virtue of Regulation 3

1. These regulations shall not apply to any such carriage as is specified in regulation 3 where—

(*a*) the vehicle concerned is being towed or otherwise moved by a break-down or recovery vehicle, and—

(i) both vehicles are being escorted by a vehicle used for police or fire brigade purposes, and

(ii) the vehicle being towed or otherwise moved as aforesaid is being driven to the nearest suitable safe place or depot with a view to it being repaired;

(*b*) the vehicle concerned is being driven for the purpose of testing the vehicle by a fitter, vehicle tester or any other similar person, and that person has received adequate instruction to enable him to understand the nature of the dangers to which the explosives being carried may give rise and the action to be taken in an emergency concerning them;

(*c*) the vehicle concerned is being driven by a police constable in an emergency and that constable has received adequate instruction to enable him to understand the nature of the dangers to which the explosives being carried may give rise and the action which it is appropriate to take to reduce the risks arising out of the emergency; or

(*d*) the vehicle concerned is delivering explosives—

(i) between private premises and another vehicle situated in the immediate vicinity of those premises, or

(ii) between one part of private premises and another part of those premises situated in the immediate vicinity of that first part.

2. It shall not be carriage of explosives to which these regulations apply by virtue of regulation 3 where the carriage is—

(*a*) of any explosives specified in Part I of Schedule 1 of the Road Traffic (Carriage of Explosives) Regulations (Northern Ireland) 1993 (''the 1993 Regulations'');

(*b*) of gunpowder or smokeless powder (or a mixture of them), where the total quantity of such explosives does not exceed 5 kilograms;

(*c*) of any explosives specified in Part II of Schedule 1 to the 1993 Regulations, where the total quantity of such explosives does not exceed 50 kilograms (except that where explosives carried in accordance with this sub-paragraph are being carried in conjunction with explosives carried in accordance with sub-paragraph (*b*) of this paragraph the total quantity of explosives so carried shall not exceed 50 kilograms); or

(*d*) (for the purposes of regulation 6(1) only)—

(i) of any explosives within a Division whose Division number is 1.4 and a Compatibility Group whose Compatibility Group letter is S,

(ii) of any explosives within a Division whose Division number is 1.4 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F or G where the total quantity of such explosives does not exceed 500 kilograms,

(iii) of any explosives (consisting of explosive articles only) within—

(*aa*) a Division whose Division number is 1.1 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F, G or J,

(*bb*) a Division whose Division number is 1.2 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F, G, H or J, or

(*cc*) a Division whose Division number is 1.3 and a Compatibility Group whose Compatibility Group letter is C, G, H or J,

where the total quantity of such articles does not exceed 50 kilograms,

(iv) of any explosives (consisting of explosive substances only) within a Division whose Division number is 1.3 and a Compatibility Group whose Compatibility Group letter is C or G, where the total quantity of such substances does not exceed 20 kilograms,

(v) of any explosives (consisting of explosive substances only) within a Division whose Division number is 1.1 and a Compatibility Group whose Compatibility Group letter is C, D or G, where the total quantity of such substances does not exceed 5 kilograms, or

(vi) of any explosives within a Division whose Division number is 1.5 and a Compatibility Group whose Compatibility Group letter is D, where the total quantity of such substances does not exceed 5 kilograms.

SCHEDULE 2 Regulation 6(2)

Minimum Training Requirements for Issue of Vocational Training Certificates

Any training approved by the Secretary of State in accordance with regulation 6(2)(*a*) must cover at least the following subjects:

(*a*) general requirements concerning the carriage of explosives;

(*b*) main types of hazard;

(*c*) preventative and safety measures appropriate to the various types of hazard;

(*d*) what to do after an accident (first aid, road safety, basic knowledge about the use of protective equipment, etc.);

(*e*) labelling and marking to indicate danger;

(*f*) what a vehicle driver should and should not do during the carriage of explosives;

(*g*) the purpose and method of operation of technical equipment on vehicles used for the carriage of explosives;

(*h*) prohibitions on mixed loading in the same vehicle or container;

(*i*) precautions to be taken during loading and unloading of explosives;

(*j*) general information concerning civil liability;

(*k*) the handling and storage of explosives in packages; and

(*l*) information on multi-modal transport operations.

SCHEDULE 3 Regulation 6(6)

Fees on Application for Approvals

1. On the making of an application to the Secretary of State—

(*a*) for the approval of training under regulation 6(2)(*a*); or

(*b*) for the approval of a refresher course under regulation 6(5)(*a*),

there shall be payable by the applicant to the Secretary of State in connection with the determination by him of that application a fee or fees to be determined in accordance with the following paragraphs.

2. On receipt of the application, the Secretary of State shall prepare and send to the applicant an estimate of the cost of the work necessary for the determination of the application; and the amount so estimated shall, subject to paragraph 4, be the amount of the initial fee payable and shall be paid forthwith.

3. On determination of the application, the Secretary of State shall prepare a detailed statement of the work carried out in relation to the determination of the application and of the cost reasonably incurred by him or any person acting on his behalf in carrying out that work.

4. If the cost so stated differs from the amount estimated in accordance with paragraph 2—

(*a*) if it is greater, the amount of the difference shall be notified by the Secretary of State to the applicant, shall be the amount of the final fee payable and shall be paid forthwith; and

(*b*) if it is less, the initial fee shall be redetermined accordingly and the amount of the difference shall be paid forthwith to the applicant by the Secretary of State.

5. In estimating or stating the cost of carrying out any work the Secretary of State may take into account the cost to him or any person acting on his behalf of employing an officer for any period to perform the work concerned and shall determine the cost by reference to the average cost of employing an officer of the relevant grade for that period.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations (except to the extent specified below) give effect in Northern Ireland to the provisions of Council Directive 89/684/EEC (''the Directive'') on vocational training for certain drivers of vehicles carrying dangerous goods by road (O.J. No. L398, 30.12.89, p. 33) in as far as it relates to explosives.

Regulation 3 and Schedule 1 determine the scope of the regulations and, in so doing, reflect Article 1 of the Directive, except that, unlike the Directive, the regulations apply to vehicles carrying explosives and belonging to or coming under the responsibility of the armed forces of the Crown.

Regulation 3 (together with regulation 2(5)) also specifies when a vehicle is considered to be engaged in the carriage of explosives for the purposes of the regulations.

It should also be noted when comparing the regulations with the Directive that—

(*a*) Article 1 of the Directive refers only to the drivers of vehicles properly so-called, whereas regulation 2(3) provides that certain other persons are to be regarded as the drivers of vehicles in their stead; and

(*b*) the Directive refers to the 1988 edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road; the regulations refer to the current version thereof.

The principal requirements imposed by the regulations are expressed in terms of the operators of vehicles. Regulation 4 defines what is meant by such persons.

Regulation 5 imposes duties on the operator of a vehicle carrying explosives with respect to the provision of instruction and training to the driver of the vehicle concerned.

Regulation 6 both imposes a duty on the operator of a vehicle carrying explosives concerning the possession of the driver of that vehicle of a training certificate (known as a "vocational training certificate'') issued pursuant to paragraph (1) thereof and applicable to the carriage concerned and (together with Schedules 2 and 3) imposes ancillary requirements with regard to the issue, renewal and validity of any such certificate. Regulation 6 also provides that vocational training certificates issued in Great Britain or in other member states of the European Economic Communities under national provisions giving effect to the Directive are to be regarded as vocational training certificates issued pursuant to that regulation valid for the carriage of explosives.

Regulation 7 provides that in certain circumstances a training certificate issued pursuant to paragraph (1) thereof (known as a ''provisional vocational

training certificate'') will be regarded as a vocational training certificate issued pursuant to regulation 6(1). Regulation 7 also provides that provisional vocational training certificates issued in Great Britain are to be regarded as provisional vocational training certificates for the purposes of that regulation valid for the carriage of those dangerous goods to which they are applicable. Provisional vocational training certificates will (by virtue of regulation 7(4)) all expire on 1st January 1995; this is 2 years earlier than the corresponding date specified in the Directive.

Regulation 8 provides that in certain circumstances a training certificate issued under existing national legislation will be regarded as a vocational training certificate issued pursuant to regulation 6(1).

Regulation 9 provides that no person in any of the capacities referred to in Article 40(4) of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) shall be compelled to pay the relevant fee fixed by the regulations for the issue of a certificate to him under regulation 6(1) or 7(1) or the renewal (under regulation 6(5)) of a certificate already held by him.

Regulation 10 imposes a duty on the driver of a vehicle carrying explosives with respect to the keeping of any certificate he holds in pursuance of the regulations.

Regulation 11 imposes a duty on the driver of a vehicle carrying explosives with respect to the production, to the officials named in that provision, of any certificate he holds in pursuance of the regulations.

Regulation 12 enables the Secretary of State to grant exemptions from these regulations.

Regulation 13 provides a defence in proceedings for an offence under regulation 5 or (in certain cases) under regulation 6(1) where the defendant can prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Regulations 5, 9, 10, 11, 12(4) and (5) and 13 do not give effect to any substantive provision of the Directive.

A person who contravenes the regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding £2,000, or on conviction on indictment, to a fine.

The current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ISBN 0 11 551114 8) may be obtained from Her Majesty's Stationery Office.