



STATUTORY INSTRUMENTS.

S.I. No. 288 of 2007

CARRIAGE OF DANGEROUS GOODS BY ROAD REGULATIONS 2007

(Prn. A7/1118)

CARRIAGE OF DANGEROUS GOODS BY ROAD REGULATIONS 2007

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CARRIAGE OF DANGEROUS GOODS BY ROAD REGULATIONS 2007

I, MICHEÁL MARTIN, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by sections 17 and 18 of the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998) and for the purposes of giving effect to the provisions of the 2007 European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) applicable as from 1 January 2007 after consultation with the Minister for Justice, Equality and Law Reform, the Minister for Transport, and the Minister for the Environment, Heritage and Local Government, hereby make the following regulations—

Part 1

PRELIMINARY

Citation

1. These Regulations may be cited as the Carriage of Dangerous Goods by Road Regulations 2007.

Interpretation

2. (1) In these Regulations—

“Act” means the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998);

“approved” means approved for the time being, as the case may be, by the Minister or a competent authority;

“approved training course” means a training course to which Regulation 46(1) refers;

“Authority” means the Health and Safety Authority;

“driver training certificate” means a certificate (as set out in the form contained in Schedule 1)—

- (a) issued, amended or extended under Part 5,
- (b) issued, prior to the making of these Regulations, or extended under the Regulations of 2004 or 2006, or
- (c) issued or extended by the relevant competent authority of another contracting party to the ADR in accordance with the requirements for the special training of drivers in Chapter 8.2.2;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th June, 2007.

“MEGC” means a Multiple-element gas container;

“national transport only” means the carriage of dangerous goods only in the State;

“participant” has the meaning given to it by Regulation 13;

“Regulations of 2004” means the Carriage of Dangerous Goods by Road Regulations 2004 (S.I. No. 29 of 2004);

“Regulations of 2006” means the Carriage of Dangerous Goods by Road Regulations 2006 (S.I. No. 405 of 2006);

“training body” shall be construed in accordance with Regulation 46(3);

“transport” means any road transport operation performed by a vehicle wholly or partly on a public road, including the loading and unloading of dangerous goods;

“vehicle certificate of approval” means the certificate of approval, in the format set out in Chapter 9.1.3.5, issued for a vehicle in accordance with Part 6;

“vehicle certificate of approval (national transport only)” means the certificate of approval, in the format set out in Part 1 or Part 2 of Schedule 3 of the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007, issued for a vehicle (for the carriage of the dangerous goods by road only in the State) in accordance with Part 6 and shall be construed in accordance with Regulation 59(2).

(2) Without prejudice to the generality of paragraph (5) and subject to paragraphs (3) and (4) the definitions in Chapter 1.2.1 have the same meaning in these Regulations as they have in the Annexes.

(3) (a) Notwithstanding paragraph (2) and subject to subparagraph (b), in these Regulations “carrier” means the person who carries out the transport operation with or without a transport contract and shall be construed as—

(i) in the case of carriage in a container or vehicle—

(I) the person who, having a place of business in the State, has the management of the container or the vehicle for the time being, or

(II) if no person satisfies the requirements of subclause (I), the driver of the vehicle or of the vehicle in which the container is carried, as the case may be, and

(ii) in the case of carriage in a tank—

- (I) the person (other than a tank-container or portable tank operator) who, having a place of business in the State, owns the tank,
 - (II) if no person satisfies the requirements of subclause (I), the person (other than a tank-container or portable tank operator) who, having a place of business in the State, acts as agent for the owner of that tank,
 - (III) if no person satisfies the requirements of either subclause (I) or (II), the person (other than a tank-container or portable tank operator) who, having a place of business in the State, has the management of that tank for the time being, or
 - (IV) if no person satisfies the requirements of any of subclauses (I), (II) or (III), the driver of the vehicle on which the tank is carried.
- (b) A person shall not be regarded as the carrier solely because—
- (i) he or she has the management of a tank-container or vehicle during loading or unloading, or
 - (ii) the tank, container or vehicle is on a premises which is under his or her control and
- a person to whom a tank, container or vehicle is leased or hired shall be taken to be the owner of that tank, vehicle or container unless the lessor or, as the case may be, the hirer has made an agreement in writing, with the person to whom he or she has leased or hired the tank, container or vehicle, to the effect that the lessor or hirer, as the case may be, shall assume responsibilities as the owner imposed by or under these Regulations.
- (4) (a) Notwithstanding paragraph (2) and subject to subparagraph (b), in these Regulations “consignor” means the person who consigns dangerous goods either on that person’s own behalf or for a third party and shall be construed as—
- (i) any person who having a place of business in the State supplies, whether as a principal or agent for another, dangerous goods for carriage by road, or
 - (ii) if no person satisfies the requirements of clause (i), the consignee of those goods in so far as that person has control over the carriage of those dangerous goods in the State.
- (b) If the transport operation is carried out under a contract for carriage, “consignor” means the consignor according to the contract for carriage.

(5) A word or expression that is used in these Regulations and that is also used in the Annexes has, unless the contrary intention appears, the same meaning in these Regulations as in the Annexes.

(6) In these Regulations—

- (a) a reference to Annex A or Annex B means a reference to Annex A or Annex B of the Annexes applicable as from 1 January 2007,
- (b) a reference to a Part of the ADR means a reference to that Part of Annex A or Annex B, applicable as from 1 January 2007 and
- (c) a reference to a Chapter means a reference to a Chapter of Annex A or Annex B, applicable as from 1 January 2007,

and a reference to Annexes shall be construed accordingly.

Accreditation of experts for inspections, tests and checks

3. (1) For the purposes of these Regulations, the type approval and conformity assessment of receptacles, tanks and tank-containers, the design type testing and approval of packaging and the design type testing of intermediate bulk containers required to be carried out according to the relevant provisions of Part 6 of the ADR shall, when carried out in the State, be performed by the competent authority.

(2) For the purposes of these Regulations, the inspections, tests and checks, required to be performed or witnessed by an expert approved by the competent authority or its authorised body according to the relevant provisions of Chapters 6.7, 6.8, 6.9 and 6.10, shall when carried out in the State be performed or witnessed by an inspection body which shall be appointed for that purpose by the competent authority to do so and which shall be accredited—

- (a) to carry out the inspections, checks and tests in accordance with ISO/IEC/17020 entitled ‘General criteria for the operation of various types of bodies performing inspection’ and published by the International Organisation for Standards (ISO), or
- (b) by an accreditation body recognised by the European Co-operation for Accreditation (EA), to carry out the inspections and tests in accordance with ISO/IEC/17020 entitled ‘General criteria for the operation of various types of bodies performing inspection’.

Application

4. (1) Subject to Part 10, these Regulations apply to the carriage of dangerous goods by road, whether on international carriage or national transport only, in or on a vehicle.

(2) For the purposes of these Regulations, a transport unit is taken to be engaged in the carriage of dangerous goods by road throughout the period—

- (a) in the case of a vehicle or fixed tank, other than those used for the carriage of radioactive material of ADR Class 7, from the commencement of loading or filling it with the dangerous goods concerned for the purpose of the carriage of those goods by road until the said vehicle or tank has been unloaded and, in the case of a fixed tank, cleaned and purged, or subjected to other action, to nullify the hazard, if necessary;
- (b) in the case of a container or tank-container, other than those used for the carriage of radioactive material of ADR Class 7, where—
 - (i) it has been loaded or filled with the dangerous goods before being placed on the vehicle which is to be used for its carriage, from the time when it is placed on the vehicle for the purpose of its carriage by road until the time when it has been removed from the vehicle, or
 - (ii) it has been placed on the vehicle which is to be used for its carriage before the commencement of loading or filling, from the commencement of loading or filling of the said item with dangerous goods for the purpose of carriage by road until the time when either it is removed from the relevant vehicle or it has been unloaded, cleaned and purged, or subjected to other action, to nullify the hazard, if necessary;
- (c) in the case of a demountable tank, other than one used for the carriage of radioactive material of ADR Class 7, from the commencement of filling of the demountable tank with dangerous goods for the purpose of carriage by road until it has been unloaded and where necessary cleaned and purged, or subjected to other action, to nullify the hazard, if necessary; and
- (d) in the case of radioactive material of ADR Class 7, for all operations and conditions associated with and involved in the carriage of radioactive material by road, including—
 - (i) design, fabrication and maintenance of packaging,
 - (ii) preparation, consigning, handling, carriage, storage in transit and receipt at the final destination of packages,
 - (iii) normal and accident conditions of carriage by road encountered in carriage and storage during transit, and
 - (iv) carriage by road which is incidental to the use of the radioactive material.

Revocations and savings

5. Save where otherwise provided for under these Regulations, the Carriage of Dangerous Goods by Road Regulations 2006 (S.I. No. 405 of 2006) are revoked.

Part 2

COMPLIANCE WITH THE ADR

Classification and general compliance

Classification

6. (1) Dangerous goods shall be classified in accordance with the Annexes.
- (2) Without prejudice to paragraph (1)—
- (a) dangerous goods, that are listed in Table A of Chapter 3.2.1 shall be classified according to that Table, and
 - (b) dangerous goods that are not listed in Table A of Chapter 3.2.1 shall be classified according to Part 2 of the ADR.

General compliance

7. (1) Subject to Part 10, dangerous goods shall not be supplied for carriage by road and shall not be carried by road unless their carriage is permitted by the ADR and accords with the Annexes.
- (2) Dangerous goods, that are not to be accepted for carriage in accordance with the relevant provisions of Chapter 2.2, shall not be supplied for carriage by road and shall not be carried by road.

Compliance with other requirements

Containment of dangerous goods, other than Class 7 and UN numbers 2814 and 2900

8. Without prejudice to Regulation 7 and subject to Part 10, dangerous goods except those of ADR Class 7 and those of ADR Class 6.2, assigned the UN numbers 2814 and 2900, shall not be supplied for carriage by road and shall not be carried by road—
- (a) in packages (including Intermediate Bulk Containers (IBCs) and large packagings)—
 - (i) except in compliance with Chapter 4.1 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3;
 - (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3;
 - (iii) unless the packagings (as the case may be) comply with Chapter 6.1;
 - (iv) unless (as the case may be) the pressure receptacles, aerosol dispensers or small receptacles containing gas (gas cartridges), comply with Chapter 6.2;
 - (v) unless the IBCs (as the case may be) comply with Chapter 6.5; and

- (vi) unless the large packagings (as the case may be) comply with Chapter 6.6;
- (b) in portable tanks or UN certified MEGCs unless—
 - (i) it is permitted by and complies with Chapters 4.2 and 7.4 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3; and
 - (ii) the portable tanks or UN certified MEGCs comply with Chapter 6.7;
- (c) in fixed tanks (tank-vehicles), demountable tanks, tank-containers or swap bodies with shells made of metallic materials or battery-vehicles or MEGCs (not being UN certified MEGCs referred to in paragraph (b) above) unless—
 - (i) it is permitted by and complies with Chapters 4.3 and 7.4 and the relevant provisions of Part 3 of the ADR; and
 - (ii) fixed tanks (tank-vehicles), demountable tanks, tank-containers or tank swap bodies with shells made of metallic materials or battery-vehicles or MEGCs comply with Chapter 6.8;
- (d) in fibre-reinforced plastic (FRP) fixed tanks (tank-vehicles), demountable tanks, tank-containers or tank swap bodies unless—
 - (i) it is permitted by and complies with Chapter 4.4 and the relevant provisions of Part 3 of the ADR; and
 - (ii) the fibre-reinforced plastic (FRP) fixed tanks (tank-vehicles), demountable tanks, tank-containers or tank swap bodies comply with Chapter 6.9;
- (e) in vacuum-operated waste tanks unless—
 - (i) it is permitted by and complies with Chapter 4.5 and the relevant provisions of Part 3 of the ADR; and
 - (ii) the tanks comply with Chapter 6.10;and
- (f) in bulk unless—
 - (i) it is permitted by and complies with Chapter 7.3 and the relevant provisions of Part 3 of the ADR; and
 - (ii) the bulk containers (as the case may be) comply with Chapter 6.11.

Containment and special provisions of dangerous goods of Class 6.2 Infectious Substances, assigned UN numbers 2814 and 2900

9. Without prejudice to Regulation 7 and subject to Part 10, dangerous goods of ADR Class 6.2, assigned the UN numbers 2814 and 2900, shall not be supplied for carriage by road and shall not be carried by road—

- (a) in packages—
 - (i) except in compliance with Chapter 4.1 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3;
 - (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3; and
 - (iii) unless the packagings (as the case may be) comply with Chapter 6.3;
- (b) in bulk containers unless—
 - (i) it is permitted by and complies with Chapter 7.3 and the relevant provisions of Part 3; and
 - (ii) the bulk containers comply with Chapter 6.11;

and
- (c) unless, if applicable, according to the special provisions of Chapter 5.5.

Containment and other provisions (except classification) of Radioactive Materials of Class 7

10. Without prejudice to Regulation 7 and subject to Part 10, dangerous goods of ADR Class 7 shall not be supplied for carriage by road and shall not be carried by road—

- (a) in packages—
 - (i) except in compliance with Chapters 2.2.7 and 4.1.9 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3;
 - (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3; and
 - (iii) unless the packagings comply with Chapter 6.4;
- (b) in portable tanks or UN certified MEGCs unless—
 - (i) it is permitted by and complies with Chapters 4.2 and 7.4 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3; and
 - (ii) the portable tanks or UN certified MEGCs comply with Chapter 6.7;

- (c) in fixed tanks (tank-vehicles), demountable tanks, tank-containers or swap bodies with shells made of metallic materials or battery-vehicles or MEGCs (not being UN certified MEGCs referred to in paragraph (b)) unless—
 - (i) it is permitted by and complies with Chapters 4.3 and 7.4 and the relevant provisions of Part 3 of the ADR; and
 - (ii) fixed tanks (tank-vehicles), demountable tanks, tank-containers or tank swap bodies with shells made of metallic materials or battery-vehicles or MEGCs comply with Chapter 6.8;
- (d) except in compliance with the general requirements of Chapter 1.7; and
- (e) except in compliance with the relevant general consignment provisions of Chapter 5.1, in particular Chapter 5.1.5.

Other requirements for all dangerous goods

11. Without prejudice to Regulation 7 and subject to Part 10, dangerous goods shall not be supplied for carriage by road and shall not be carried by road—

- (a) except in compliance with Chapter 1.3 regarding training;
- (b) except in compliance with Chapter 1.8 regarding checks and other measures to ensure compliance with the Annexes;
- (c) except in compliance with, if applicable, Chapter 1.9 regarding transport restrictions by a competent authority;
- (d) except in compliance with, if applicable, Chapter 1.10 regarding security requirements;
- (e) except in compliance with the relevant provisions of Parts 3 and 5 of the ADR regarding the consignment procedures;
- (f) except in compliance with the relevant provisions of Chapters 3.2 and 3.3 (if applicable) and Part 7 of the ADR regarding the conditions of carriage, loading, unloading and handling of the dangerous goods;
- (g) except in compliance with the relevant provisions of Chapters 3.2 and 3.3 (if applicable) and Part 8 of the ADR on the requirements for vehicle crews, equipment, operation and documentation; and
- (h) except in compliance, when applicable, with the relevant provisions of Chapters 3.2 and 3.3 (if applicable) and Part 9 of the ADR.

Offences and penalties (Part 2)

12. A person who contravenes Regulation 7, 8, 9, 10 or 11 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Part 3

DUTIES OF PARTICIPANTS

Meaning of participant

13. In this Part, “participant” means any person or enterprise involved in the carriage of dangerous goods by road and associated loading, unloading, packing and filling and includes consignor, carrier, consignee, loader, packer, filler, and tank-container or portable tank operator.

Exemptions

14. The provisions of this Part are subject to Part 10.

General duties of participants and offences

15. (1) A participant shall ensure that a person employed by him or her whose duties concern the carriage of dangerous goods, has received the training referred to in Chapter 1.3.

(2) A participant shall keep records of such training in compliance with Chapter 1.3.3.

(3) A participant shall take appropriate measures to avoid damage or injury in compliance with Chapter 1.4.1.1.

(4) A participant shall notify emergency services of an immediate risk to public safety in compliance with Chapter 1.4.1.2.

(5) A participant who contravenes paragraph (1), (2) or (4) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Transfer of obligations to another participant

16. (1) Subject to Chapter 1.4.1.3, the competent authority may, by certificate, transfer some or all of the obligations imposed by this Part on a specified participant, to another participant.

(2) The competent authority may attach such conditions as it considers necessary (including any restrictions on the time during which the certificate is valid) to the certificate issued under paragraph (1).

(3) The competent authority may revoke a certificate issued by it under paragraph (1) at any time.

DUTIES OF CONSIGNOR

Duties of consignor

17. (1) A consignor shall not consign dangerous goods for carriage by road unless they are consigned in a manner that complies with the ADR.

(2) Without prejudice to paragraph (1) and the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in accordance with Chapter 1.4.2.1,

a consignor shall not consign dangerous goods by road unless there has been compliance with the following—

- (a) that the dangerous goods are—
 - (i) listed in Table A of Chapter 3.2.1, or
 - (ii) where the dangerous goods are not so listed, that they are classified in compliance with the relevant provisions of Part 2 of the ADR,
and authorised for carriage in accordance with the Annexes,
- (b) that the consignor has given the carrier any necessary information and data in particular—
 - (i) (I) the transport document, required pursuant to Chapter 8.1.2.1(a), which complies with Chapters 3.2 and 5.4.1, and
(II) notwithstanding subclause (I), when dangerous goods are to be delivered to multiple consignees who cannot be identified at the start of the carriage the words “Delivery Sale” may be given, instead of the name and address of the consignees, in the transport document referred to in that subclause,
 - (ii) a container packing certificate that complies with Chapters 5.4.2 and 8.1.2.1(a), when required by those provisions,
 - (iii) the instructions in writing, required pursuant to Chapter 8.1.2.1(b), which comply with Chapter 5.4.3, and
 - (iv) when appropriate, pursuant to Chapter 8.1.2.2(c), a copy of the competent authority approval, in compliance with Chapters 5.4.1.2.1 (c) or (d) or 5.4.1.2.3.3,
- (c) that the dangerous goods have been supplied for carriage by road—
 - (i) in packagings that—
 - (I) are permitted by and accord with Chapter 4.1 and the relevant provisions of Part 3 of the ADR, and
 - (II) comply with and bear markings pursuant to Chapters 6.1 to 6.6, as the case may be,
 - (ii) in—
 - (I) portable tanks or UN certified MEGCs that—
 - (A) are permitted by and comply with Chapter 4.2 and the relevant provisions of Part 3 of the ADR, and

- (B) comply with and bear markings pursuant to Chapter 6.7
- or
- (II) in fixed tanks, demountable tanks, tank-containers, battery-vehicles or MEGCs that—
 - (A) are permitted by and accord with Chapter 4.3 and the relevant provisions of Part 3 of the ADR, and
 - (B) comply with and bear markings in accordance with Chapters 6.8 to 6.10, as the case may be,
- (iii) in bulk containers or vehicles that—
 - (I) are permitted by and comply with Chapter 7.3 and the relevant provisions of Part 3 of the ADR, and
 - (II) in the case of bulk containers, comply with and bear markings pursuant to Chapter 6.11,
- (d) that he or she has complied with the requirements—
 - (i) on the means of dispatch, including ensuring that—
 - (I) when required in compliance with Part 9 of the ADR, a vehicle certificate of approval or a vehicle certificate of approval (national transport only) is provided and carried on the vehicle pursuant to Chapter 8.1.2.2(a), and
 - (II) the driver of the vehicle has a valid driver training certificate in compliance with the relevant provisions of Chapter 8.2,
 - and
 - (ii) on any forwarding restrictions,
 - and
- (e) that any—
 - (i) empty uncleaned tank that is consigned for carriage by road is marked, labelled, closed and presents the same degree of leak-proofness as if it was full, and
 - (ii) uncleaned vehicle and uncleaned small or large container is marked and labelled as if it was full.

Use of other participants

18. (1) Subject to paragraph (2), if a consignor uses the services of other participants he or she shall take appropriate measures to ensure compliance

with Chapter 1.4.2.1.2 and in particular the duties of the consignor under Regulation 17.

(2) Notwithstanding paragraph (1), a consignor may rely on the information and data referred to in subparagraphs (a), (b), (c) and (e) of Regulation 17(2) that is made available to him or her by other participants.

Duties of third party

19. (1) Whenever a consignor acts on behalf of a third party, that third party shall in compliance with Chapter 1.4.2.1.3—

- (a) inform the consignor in writing that dangerous goods are being consigned for carriage by road, and
- (b) make available to the consignor all the information and documents necessary for the consignor to perform his or her duties.

(2) A third party who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Offences and penalties (consignors)

20. (1) A consignor of dangerous goods by road who contravenes Regulation 17 or 18 is guilty of an offence.

(2) Without prejudice to paragraph (1) a consignor who—

(a) consigns dangerous goods for carriage by road—

(i) where they are not—

- (I) listed in Table A of Chapter 3.2.1 and authorised for carriage as required by Regulation 17(2)(a)(i),
- (II) where not so listed, they are not classified in compliance with the relevant provisions of Part 2 of the ADR as required by Regulation 17(2)(a)(ii),

(ii) who does not give the carrier any of the following information, namely:

- (I) the transport document as required by Regulation 17(2)(b)(i),
- (II) the container packing certificate as required by Regulation 17(2)(b)(ii),
- (III) the instructions in writing as required by Regulation 17(2)(b)(iii),
- (IV) as appropriate, a copy of the competent authority approval as required pursuant to Regulation 17(2)(b)(iv),

(iii) in packagings other than packagings that—

- (I) are permitted as required by Regulation 17(2)(c)(i)(I),
- (II) comply with and bear markings as required by Regulation 17(2)(c)(i)(II),
- (iv) other than in portable tanks or UN certified MEGCs that—
 - (I) are permitted as required by Regulation 17(2)(c)(ii)(I)(A),
 - (II) comply with and bear markings as required by Regulation 17(2)(c)(ii)(I)(B),
- (v) other than in fixed tanks, demountable tanks, tank-containers, battery-vehicles or MEGCs that—
 - (I) are permitted as required by Regulation 17(2)(c)(ii)(II)(A),
 - (II) comply with and bear markings as required by Regulation 17(2)(c)(ii)(II)(B),
- (vi) other than bulk containers or vehicles that—
 - (I) are permitted as required by Regulation 17(2)(c)(iii)(I),
 - (II) in the case of bulk containers, comply with and bear markings as required by Regulation 17(2)(c)(iii)(II),
- (vii) where he or she has not complied with the following:
 - (I) on means of dispatch including—
 - (A) providing a vehicle certificate of approval as required by Regulation 17(2)(d)(i)(I),
 - (B) ensuring that the driver has a valid driver training certificate as required by Regulation 17(2)(d)(i)(II),
 - (II) on any forwarding instructions as required by Regulation 17(2)(d)(ii),
- (b) consigns an empty unclean tank otherwise than in compliance with Regulation 17(2)(e)(i), or
- (c) consigns an uncleaned vehicle or an uncleaned small or large container otherwise than in compliance with Regulation 17(2)(e)(ii),

he or she is guilty of an offence.

(3) A consignor who uses the services of other participants otherwise than in compliance with Regulation 18(1) is guilty of an offence.

(4) A consignor who is guilty of an offence under—

(a) paragraph (1),

(b) paragraph (2) as follows:

(i) subclause (I) or (II) of clause (i) of subparagraph (a),

(ii) subclause (I), (II), (III) or (IV) of clause (ii) of subparagraph (a),

(iii) subclause (I) or (II) of clause (iii) of subparagraph (a),

(iv) subclause (I) or (II) of clause (iv) of subparagraph (a),

(v) subclause (I) or (II) of clause (v) of subparagraph (a),

(vi) subclause (I) or (II) of clause (vi) of subparagraph (a),

(vii) subclause (I)(A) or (I)(B) of clause (vii) of subparagraph (a),

(viii) subclause (II) of clause (vii) of subparagraph (a),

(ix) subparagraph (b), or

(x) subparagraph (c), or

(c) paragraph (3),

is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF CARRIER

Duties of carrier

21. (1) Without prejudice to the generality of Regulation 15(3), a carrier shall not undertake the carriage of dangerous goods by road unless, having regard to Chapter 1.4.1 and pursuant to Chapter 1.4.2.2, the carrier complies with the requirements of Schedule 2.

(2) Without prejudice to the generality of paragraph (1), a carrier shall not carry dangerous goods by road—

(a) without having—

(i) the transport document, or

(ii) the instructions in writing,

as required by subparagraph (a) or (c) respectively, of paragraph 2 of Schedule 2,

(b) without having the vehicle certificate of approval as required by subparagraph (a) or (b), as applicable, of paragraph 3 of Schedule 2,

- (c) where the driver has not been trained or issued with a valid driver training certificate as required by subparagraph (a) of paragraph 4 of Schedule 2,
- (d) where the driver training certificate is not valid for the goods or, if appropriate, for carriage in tanks as required by subparagraph (b) of paragraph 4 of Schedule 2,
- (e) where, in circumstances other than those referred to in paragraph (d), the driver and any other members are not trained as required pursuant to subparagraph (b) of paragraph 5 of Schedule 2,
- (f) where the transport unit concerned is—
 - (i) without a portable fire extinguisher as required by subparagraph (1) of paragraph 7 of Schedule 2,
 - (ii) without a portable fire extinguisher carrying a seal or other indication that it has not been used as required by subparagraph (3)(a) of paragraph 7 of Schedule 2,
 - (iii) without a portable fire extinguisher carrying an inscription bearing the date of the next recurrent inspection or the maximum permissible period of use as required by subparagraph (3)(c) of paragraph 7 of Schedule 2, or
 - (iv) without a portable fire extinguisher that is easily accessible to the vehicle crew as required by subparagraph (3)(e) of paragraph 7 of Schedule 2,
- (g) where the transport unit concerned is not equipped with—
 - (i) a suitable chock as required by subparagraph (a) of paragraph 8 of Schedule 2,
 - (ii) two self-standing warning signs, such as reflective cones or triangles or flashing amber lights (independent from the electrical equipment of the vehicle) as required by subparagraph (b) of paragraph 8 of Schedule 2,
 - (iii) a suitable warning vest for each crew member as required by subparagraph (c) of paragraph 8 of Schedule 2,
 - (iv) a pocket lamp for each crew member as required by subparagraph (d) of paragraph 8 of Schedule 2,
 - (v) suitable respirators where appropriate, as required by subparagraph (e) of paragraph 8 of Schedule 2,
- (h) where the tank used was not subjected to the periodic inspections, intermediate periodic inspections or, as the case may be, periodic

inspections and leakproofness tests as required by paragraph 10 of Schedule 2,

(i) where any of the following—

(i) ADR placards,

(ii) ADR orange-coloured plates,

were not affixed to the vehicle as required by paragraph 12 of Schedule 2,

or

(j) where equipment prescribed in the written instructions given as required by subparagraph (c) of paragraph 2 of Schedule 2 are not on board the vehicle as required by paragraph 13 of Schedule 2.

Use of other participants

22. In complying with paragraphs 1, 2, 11 and 12 of Schedule 2 a carrier may rely on information and data made available to him or her by other participants.

Observation of infringement

23. In any case where a carrier observes a contravention of Regulation 17, he or she shall not carry the consignment until the matter has been rectified in accordance with Chapter 1.4.2.2.3.

Occurrence of infringement

24. Where an infringement according to Chapter 1.4.2.2.4 is observed by, or brought to the attention of, the carrier during the carriage of the dangerous goods, the carrier shall comply with that Chapter.

Offences and penalties (carriers)

25. (1) A carrier of dangerous goods by road who contravenes Regulation 21(1) is guilty of an offence.

(2) Without prejudice to the generality of paragraph (1), a carrier of dangerous goods by road who contravenes one or more than one of subparagraphs (a) to (j) of paragraph (2) of Regulation 21, and—

(a) in the case of subparagraph (a) of that paragraph, contravenes one or more than one of clauses (i) or (ii),

(b) in the case of subparagraph (f) of that paragraph, contravenes one or more than one of clauses (i) to (iv),

(c) in the case of subparagraph (g) of that paragraph, contravenes one or more than one of clauses (i) to (v), or

(d) in the case of subparagraph (i) of that paragraph, contravenes one or more than one of clause (i) or (ii),

is guilty of an offence.

(3) A carrier of dangerous goods by road who contravenes Regulation 23 or 24 is guilty of an offence.

(4) A carrier of dangerous goods by road who is guilty of an offence under paragraphs (1), (2) or (3) is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF CONSIGNEE

Duties of consignee

26. Without prejudice to the generality of Regulation 15(3)—

(a) a consignee shall—

- (i) not defer acceptance of dangerous goods unless he or she has compelling reasons for so doing, and
- (ii) after unloading the dangerous goods, verify that the requirements of these Regulations and the Annexes concerning him or her have been complied with,

in accordance with Chapter 1.4.2.3.1.

(b) Having regard to Chapter 1.4.1 and in compliance with subparagraphs (a) and (b) of Chapter 1.4.2.3.1, a consignee shall—

- (i) when so prescribed in the Annexes, clean and decontaminate the vehicles and containers used to deliver the dangerous goods, in compliance with those Annexes, and
- (ii) remove any placards and marks, that had been required by Chapter 5.3, from containers before consigning them for carriage when the containers are—

(I) completely unloaded of dangerous goods, and

(II) if so required under paragraph (a), cleaned and decontaminated.

Occurrence of infringements

27. Where a consignee observes an infringement of Regulation 26 or the Annexes in relation to a container, he or she shall not return the container to the carrier until the infringement has been remedied in compliance with Chapter 1.4.2.3.3.

Use of other participants

28. Whenever a consignee uses the services of another participant, and is notified or becomes aware that the other participant is not complying with his or her obligations under these Regulations, the consignee shall, pursuant to Chapter 1.4.2.3.2, put the other participant on notice and request that he or she

complies with these Regulations and the ADR and, in particular, his or her duties under Regulations 26 and 27.

Offences and penalties (consignees)

29. A consignee of dangerous goods by road who contravenes paragraph (a)(i), (a)(ii), (b)(i) or (b)(ii) of Regulation 26, Regulation 27 or 28 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF LOADER

Duties of loader

30. Without prejudice to the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in compliance with Chapter 1.4.3.1, a loader—

- (a) shall not hand over dangerous goods to the carrier that are listed in Chapter 2.2 among the substances that are not to be accepted for carriage unless the dangerous goods are authorised for carriage by road in compliance with the Annexes;
- (b) shall not hand over dangerous goods to the carrier in packages or empty uncleaned packages if—
 - (i) the packagings are damaged or not leakproof, or
 - (ii) there are leakages or the possibility of leakages, until the damage is repaired;
- (c) shall—
 - (i) when loading dangerous goods into a vehicle or a large or small container, comply with any special loading and handling requirements in Chapter 7.5.11,
 - (ii) where the dangerous goods are loaded into a container, placard and mark the container in compliance with Chapter 5.3, and
 - (iii) comply with the requirements in Chapter 7.5.7.1 and 7.5.7.2 concerning handling and stowage of dangerous goods, and
- (d) shall not load packages of dangerous goods into a vehicle or container—
 - (i) with packages of other dangerous goods unless such mixed loading is permitted by Chapter 7.5.2, or
 - (ii) with foodstuffs, other articles of consumption or animal feeds except in compliance with Chapter 7.5.4.

Use of information and data from other participants

31. In complying with paragraphs (a), (c) and (d) of Regulation 30, a loader may rely on information and data made available to him or her by other participants.

Offences and penalties (loaders)

32. A loader of dangerous goods for carriage by road who contravenes—

- (a) paragraph (a),
- (b) subparagraph (i) or (ii) of paragraph (b),
- (c) subparagraph (i), (ii) or (iii) of paragraph (c),
- (d) paragraph (d), or
- (e) subparagraph (i) or (ii) of paragraph (d),

of Regulation 30 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF PACKER

Duties of packer

33. Without prejudice to the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in compliance with Chapter 1.4.3.2, a packer shall not—

- (a) put dangerous goods that are listed in the relevant provisions of Chapter 2.2 among the substances that are not to be accepted for carriage into packages for carriage by road,
- (b) put dangerous goods into packages for carriage by road unless the dangerous goods are authorised for carriage by road pursuant to the Annexes, or
- (c) put dangerous goods for carriage by road into packagings unless—
 - (i) the packaging used—
 - (I) is permitted under the relevant provisions of Chapters 3.2 and 4.1,
 - (II) conforms to the design type required under the relevant provisions of Chapters 3.2 and 4.1,
 - (ii) the following are correctly marked or labelled or correctly marked and labelled, as the case may be, as required by the relevant provisions of Chapters 5.1 and 5.2, namely—
 - (I) overpacks, or
 - (II) packages,

or

- (iii) the packagings bear the UN code marking as appropriate, pursuant to Chapters 6.1, 6.2, 6.3, 6.4, 6.5 or 6.6.

Offences and penalties (packers)

34. A packer of dangerous goods for carriage by road who contravenes—

- (a) paragraph (a),
- (b) paragraph (b),
- (c) one or more than one of clause (I) or (II) of subparagraph (i) of paragraph (c),
- (d) one or more than one of clause (I) or (II) of subparagraph (ii) of paragraph (c), or
- (e) subparagraph (iii) of paragraph (c),

of Regulation 33 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF FILLER

Duties of filler

35. Without prejudice to the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in compliance with Chapter 1.4.3.3, a filler—

- (a) shall not fill a tank with dangerous goods for carriage by road unless he or she has, prior to filling the tank, ascertained that the tank and its equipment are technically in a satisfactory condition;
- (b) shall not fill a tank-vehicle, battery-vehicle, demountable tank, portable tank, tank-container or MEGC with dangerous goods for carriage by road until he or she has ascertained that the date of the next test has not expired as specified according to the relevant provisions in Chapters 6.7, 6.8, 6.9 or 6.10, as appropriate;
- (c) shall not fill a tank with dangerous goods for carriage by road unless the dangerous goods are permitted to be carried in the tank in compliance with, as appropriate—
 - (i) Chapter 4.2 and the relevant provisions of Chapter 3.2, in the case of portable tanks and UN certified MEGCs, or
 - (ii) Chapter 4.3 and the relevant provisions of Chapter 3.2 in the case of fixed tanks, demountable tanks, tank-containers, battery-vehicles or MEGCs;
- (d) shall not fill a tank with dangerous goods for carriage by road except, as appropriate, in compliance with Chapters 4.2.1.6 or 4.3.2.3.6 in

relation to the carriage of certain dangerous goods in adjoining compartments of the tank;

- (e) shall not fill a tank with dangerous goods for carriage by road except, as appropriate, in compliance with Chapters 4.2, 4.3, 4.4 or 4.5 concerning the degree of filling of the tank;
- (f) shall, having filled the tank, check the leakproofness of the closing devices in compliance with the relevant provisions of Chapters 4.2, 4.3 or 4.4, as appropriate;
- (g) in the case of liquids with a flash-point of 60°C or below, flammable gases or UN number 1361 packing group II, shall ensure that a good electrical connection from the chassis of the vehicle, the portable tank or the tank-container to earth is established before the tanks are filled and, in addition, the rate of filling is limited in compliance with Chapter 7.5.10;
- (h) shall, having filled the tank, ensure that no dangerous residue of the filling substance adheres to the outside of the tank in compliance with the relevant provisions of Chapters 4.2, 4.3, 4.4 or 4.5, as appropriate;
- (i) in preparing the dangerous goods for carriage, shall ensure, as appropriate, that the—
 - (i) tank,
 - (ii) vehicle, or
 - (iii) large and small container for carriage in bulk,
 is placarded and marked pursuant to Chapter 5.3; and
- (j) shall, when filling vehicles or containers with dangerous goods in bulk, ensure compliance with the relevant provisions of Chapter 7.3.

Offences and penalties (fillers)

36. A filler of dangerous goods for carriage by road who contravenes one or more than one of paragraphs (a) to (j) of Regulation 35, and in the case of—

- (a) paragraph (c) of that Regulation, contravenes one or more than one of subparagraph (i) or (ii) of that paragraph, or
- (b) paragraph (i) of that Regulation, contravenes one or more than one of subparagraph (i), (ii) or (iii) of that paragraph,

is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

DUTIES OF TANK-CONTAINER OPERATOR AND PORTABLE TANK OPERATOR

Duties of tank-container operator

37. Without prejudice to the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in compliance with Chapter 1.4.3.4, a tank-container operator shall not supply a tank-container for the carriage of dangerous goods by road, unless it—

- (a) has been constructed, provided with equipment, tested and marked in compliance with the special provisions, when required under Column (13) of Table A of Chapter 3.2, in compliance with Chapter 6.8 and the relevant provisions of Part 3 of the ADR, and
- (b) is properly maintained so as to ensure compliance with paragraph (a) until the time of its next inspection and an exceptional check has been carried out on the tank-container in any case where Chapter 6.8.2.4.4 applies and pursuant to its provisions.

Duties of portable tank operator

38. Without prejudice to the generality of Regulation 15(3), having regard to Chapter 1.4.1 and in compliance with Chapter 1.4.3.4, a portable tank operator shall not supply a portable tank for the carriage of dangerous goods by road, unless it—

- (a) has been constructed, provided with equipment, tested and marked in compliance with the special provisions, when required under Column (11) of Table A of Chapter 3.2, in compliance with Chapter 6.7 and the relevant provisions of Part 3 of the ADR,
- (b) is properly maintained so as to ensure compliance with paragraph (a) until the time of its next inspection, and
- (c) has had an exceptional check carried out on it in any case where Chapters 6.7.2.19.2 and 6.7.2.19.7, Chapters 6.7.3.15.2 and 6.7.3.15.7, Chapters 6.7.4.14.2 and 6.7.4.14.7 apply, and in compliance with those provisions.

Offences and penalties (tank operators)

39. (1) A tank-container operator who contravenes Regulation 37 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(2) A portable tank operator who contravenes Regulation 38 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Part 4

DUTIES OF VEHICLE CREW

Provisions in addition to Part 3

40. The provisions in this Part are in addition to and are not in substitution for those in Part 3, pursuant to Chapters 1.4.1 and 1.4.3 and are subject to Part 10.

Duties of driver

41. (1) A driver of a vehicle, used or to be used for the carriage of dangerous goods by road, shall not drive the vehicle, unless—

- (a) he or she is the holder of a valid driver training certificate for the time being in force, which he or she has with him or her at all times while driving the vehicle;
 - (b) in respect of the dangerous goods being carried in the vehicle—
 - (i) he or she has received, understands and is capable of carrying out the instructions in writing required by Chapter 8.1.2.1(b) and in compliance with Chapter 5.4.3,
 - (ii) the instructions in writing that are required by clause (i), are kept readily identifiable in the driver's cab, and
 - (iii) instructions in writing which are not applicable to the dangerous goods in the vehicle, are kept separate from the documents that are applicable to the dangerous goods so as to prevent confusion in compliance with Chapters 5.4.3.5 and 8.1.2.4;
 - (c) the dangerous goods are stowed and secured in the vehicle or container in compliance with Chapters 7.5.7.1 and 7.5.7.2;
 - (d) placards, not relating to the dangerous goods being carried or residues thereof, are removed or covered in compliance with Chapter 5.3.1.1.5; and
 - (e) orange-coloured plates, not relating to the dangerous goods being carried or residues thereof, are removed or covered in compliance with Chapter 5.3.2.1.8.
- (2) For the purposes of paragraph (1), a valid driver training certificate is—
- (a) a driver training certificate issued to the person in compliance with Part 5, and
 - (b) in force under Regulation 52(2) in respect of the classes of the ADR to which it applies.

Further duties of driver

42. The driver of a vehicle referred to in paragraph (1) of Regulation 41 shall—

- (a) ensure, before commencing or recommencing a journey in respect of the carriage of dangerous goods, that any label, mark, sign, placard, orange-coloured plate or warning notice required to be displayed on the vehicle in compliance with the ADR is kept clean;
- (b) (i) retain in the cab of the vehicle all the documents, required by Chapter 8.1.2 and given to him or her by the consignor or carrier (as the case may be), for all of the time that the dangerous goods to which the documents relate, are being carried in the vehicle, and
(ii) when so requested by an inspector or member of the Garda Síochána, make available to the inspector or member of the Garda Síochána, any documentation he or she has in his or her possession that is required to be carried in the vehicle in compliance with Chapter 8.1.2;
- (c) exercise reasonable care to ensure that none of the dangerous goods shall, while in the course of carriage, be lost or escape or be unlawfully removed from the vehicle or from any package;
- (d) ensure that—
 - (i) all outlet valves, manlids and dip tube openings on tanks and tank-containers are securely closed except when required for the purpose of loading and unloading operations, as appropriate, and
 - (ii) where the driver is filling a tank with a liquid with a flash-point of 60°C or below, a flammable gas or UN number 1361 packing group II, a good electrical connection from the chassis of the vehicle, the portable tank or the tank-container to earth is established before the tank is filled or emptied and, in addition, the rate of filling is limited, in compliance with Chapter 7.5.10;
- (e) in compliance with Chapter 8.3—
 - (i) not carry any passengers in the vehicle, other than a member of the vehicle's crew,
 - (ii) ensure that the engine is shut off during loading and unloading operations, except when needed to drive the pumps or other appliances for loading or unloading the vehicle, and
 - (iii) ensure that the parking brakes are applied whenever a transport unit carrying dangerous goods is parked;

- (f) comply with the vehicle supervision requirements of Chapter 8.4 in the case of the carriage of relevant quantities of dangerous goods to which the special operation provisions S1 or S14 to S21 under Column (19) of Table A of Chapter 3.2 apply, pursuant to Chapters 8.4 and 8.5 and the relevant provisions of Part 3 of the ADR;
- (g) if he or she discovers or has reason to believe that while in the course of carriage some of the dangerous goods have been lost or escaped or have been unlawfully removed from the vehicle or from any package, or that a package on the vehicle is open or otherwise damaged or that the vehicle or its load is in danger of damage or destruction, notify the carrier or cause the carrier to be notified of his or her discovery as soon as is reasonably practicable, and
- (h) obey any instruction given to him or her by the carrier or consignor for the purpose of complying with these Regulations.

Duties of vehicle crew (including the driver)

43. Each member of the crew, including the driver, of a vehicle used for the carriage of dangerous goods by road shall—

- (a) have in compliance with Chapter 1.10.1.4 a means of identification, which includes his or her photograph, at all times during the carriage of dangerous goods;
- (b) not, in compliance with Chapters 7.5.7.5 and 8.3.3 open any package containing dangerous goods in the course of carriage by road;
- (c) not, in compliance with Chapter 8.3—
 - (i) enter the vehicle carrying a lighting apparatus, comprising a flame, use a lighting apparatus which exhibits any metal surface liable to produce sparks, or
 - (ii) smoke during handling operations in the vicinity of the vehicle or inside the vehicle;
- (d) in the event of an accident—
 - (i) notify without undue delay the Garda Síochána, the fire brigade and any other authorities that may be specified in the instructions in writing, provided in compliance with Regulation 41(1)(b), if personal injury or damage to property has occurred or if there is imminent danger to life or property, and
 - (ii) follow the instructions in writing, provided in compliance with Regulation 41(1)(b).

Offences and penalties (drivers and vehicle crew)

44. (1) A driver of a vehicle, used for the carriage of dangerous goods by road, who contravenes—

- (a) one or more than one of subparagraphs (a) to (e) of paragraph (1) of Regulation 41 and in the case of subparagraph (b) of that paragraph, contravenes one or more than one of the clauses (i), (ii) or (iii),
- (b) one or more than one of paragraphs (a) to (h) of Regulation 42 and, in the case of—
 - (i) paragraph (b) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii),
 - (ii) paragraph (d) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii), or
 - (iii) paragraph (e) of that Regulation, contravenes one or more than one of subparagraphs (i), (ii) or (iii),

or,

- (c) one or more than one of paragraphs (a) to (d) of Regulation 43 and in the case of—
 - (i) paragraph (c) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii), or
 - (ii) paragraph (d) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii),

is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(2) A member of the crew of a vehicle, used for the carriage of dangerous goods by road, who contravenes one or more than one of paragraphs (a) to (d) of Regulation 43 and in the case of—

- (a) paragraph (c) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii), or
- (b) paragraph (d) of that Regulation, contravenes one or more than one of subparagraphs (i) or (ii),

is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Part 5

DRIVER TRAINING CERTIFICATE COURSES

General

Competent authority

45. A competent authority appointed for the purposes of this Part may appoint in writing a body to perform some or all of its functions under this Part, which appointment may be revoked by the competent authority at any time.

Approval and monitoring of driver training courses

Approval and monitoring of driver training courses

46. (1) An applicant may apply to a competent authority for approval to run a training course for the purpose of training drivers of vehicles to carry dangerous goods by road.

(2) Applications for approval of a training course under paragraph (1) shall—

- (a) be made in writing by the applicant to the relevant competent authority,
- (b) be accompanied by a fee prescribed for that purpose under section 5 of the Act,
- (c) include the documents, which are required to be submitted by and in accordance with Chapter 8.2.2.6, and any other information requested in writing by the relevant competent authority, and
- (d) comply with the procedure laid down by the relevant competent authority.

(3) Where a competent authority is satisfied that a course is satisfactory for the purpose of training drivers of vehicles used for the carriage of dangerous goods by road subject to and in compliance with this Part and Chapter 8.2, it may grant, or grant subject to conditions, approval for the course (“approved training course”) to the applicant (“training body”).

(4) (a) An approved training course shall be valid for the period of 12 months from the date of grant of the approval.

(b) The period of validity of an approved training course may be extended by the relevant competent authority on an annual basis on application in writing to that competent authority, accompanied by a fee prescribed for that purpose under section 5 of the Act where—

- (i) the application for the extension of the period of validity of the approved training course is made not later than two months prior to the expiry of that approved training course,

- (ii) the competent authority is satisfied that the approved training course has been correctly conducted, and
- (iii) the application is accompanied by the details of any proposed changes to the approved training course and any other information requested in writing by the relevant competent authority.

(5) A training body shall not make any alterations to a training course which is an approved training course, and in particular shall not make any changes concerning the training programme which is the subject of the approved training course, unless written permission to do so has been given by the relevant competent authority.

(6) A training body shall comply with any conditions imposed by a competent authority in respect of an approved training course.

(7) An approved training course granted under Regulation 46 of the Regulations of 2006, which is in force immediately before the making of these Regulations continues in force after such making, as if granted under this Regulation, until the expiry date stated in the grant of approval of the course.

Authorised officer for Part 5

47. (1) The competent authority may request that an inspector perform his or her functions under section 6 of the Act for the purpose of ascertaining that the Regulations contained in this Part are being complied with.

(2) Without prejudice to the generality of paragraph (1), an inspector shall, if so requested—

- (a) ascertain whether the premises and its equipment is suitable for the carrying out of the training of drivers,
- (b) ascertain whether the training is being carried out in a fit and proper manner having regard to the approved training course granted,
- (c) inspect any records or documentation kept by a training body in relation to the training of drivers and the approved training course granted,

and report his or her findings to the competent authority.

(3) Where the competent authority is satisfied, having considered the report of the inspector, that—

- (a) there has been a failure to comply with a condition of an approval for a training course,
- (b) alterations to an approved training course have been made, in particular to the training programme, without the consent of the competent authority, or

(c) training has not been conducted to its satisfaction,

it may revoke or suspend the approved training course granted to the training body.

DUTIES OF TRAINING BODIES

Requirement for approved training course

48. (1) A person or body shall not provide a training course for drivers of vehicles that will carry dangerous goods by road unless that person or body is a training body and the training course is an approved training course.

(2) A training body shall not provide an approved training course for drivers of vehicles for the purposes of Chapter 8.2, unless it is providing the course in compliance with the approval granted and any conditions attaching to the approval.

Adequate instruction and keeping of records

49. (1) For each approved training course provided a training body shall take adequate measures, as required by and in accordance with Chapter 8.2.2—

(a) to impart the necessary knowledge and skills, both theoretically and by practical exercises, to enable the drivers to fulfil their duties under these Regulations, and

(b) to ensure that—

(i) the course training instructors have a good knowledge of, and take into consideration, recent developments in relevant legislation and the ADR and training requirements relating to the carriage of dangerous goods,

(ii) the training is practice-related,

(iii) the training programme conforms with the approval granted, on the subjects set out in Chapters 8.2.2.3.2 to 8.2.2.3.5, and

(iv) the initial training and refresher training includes practical exercises and complies with Chapter 8.2.2.2.

(2) For each approved training course provided, a training body shall keep a record for at least 6 years in respect of—

(a) each person trained, of his or her name and address and the dates, times and venues of the course attended, and

(b) the dates, times and venue and the names and addresses of the instructors who taught the course.

(3) If satisfied that a person has satisfied subparagraphs (a) and (b), a training body of an approved training course shall issue a signed written declaration to the relevant competent authority in accordance with the procedures laid down

by that relevant competent authority, that the person named in the declaration has—

- (a) attended the relevant approved training course, and
- (b) in relation to the practical exercises covering emergency first-aid, fire-fighting and emergency action, has demonstrated, on assessment by the training body, the ability to meet the standards set out in the approved training course.

Offences and penalties (training courses)

50. (1) A person or body who contravenes paragraph (1) of Regulation 48 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(2) A training body which contravenes paragraph (2) of Regulation 48 or Regulation 49 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Examinations and granting and issue of driver training certificates

Examinations

51. (1) A person shall not be eligible to sit an examination pursuant to Chapter 8.2.2.7 unless—

- (a) he or she has submitted an application, together with the fee prescribed for that purpose under section 5 of the Act, to the relevant competent authority in accordance with the procedure laid down by that competent authority, and
 - (b) he or she has completed the appropriate approved training course and the training body has submitted the declaration, required under Regulation 49(3).
- (2) (a) A competent authority shall organise, supervise and correct examinations pursuant to paragraph (1).
- (b) The examinations shall comply with—
- (i) Chapter 8.2.2.7, and
 - (ii) conditions, if any, laid down by the relevant competent authority.

(3) A person may sit both the basic examination and a specialisation examination on the same day.

Driver training certificates

52. (1) Subject to paragraph (3), the Authority may grant a certificate (“driver training certificate”), in the form that complies with Chapter 8.2.2.8.3, which is set out in Schedule 1, to a person, where the person—

- (a) is eligible to have taken the examination or examinations in compliance with Regulation 51(1),
- (b) has passed the examination or examinations referred to in Regulation 51(2), and
- (c) has submitted the fee prescribed for that purpose under section 5 of the Act.

(2) A driver training certificate shall remain in force for a period of 5 years from the date of its issue as follows:

- (a) in respect of the classes of the ADR where it is required that an approved basic training course is attended and an examination in respect of the course is passed, when such course has been attended and such examination has been passed,
- (b) where, as respects ADR Class 1 or Class 7, and in addition to the requirements specified at paragraph (a), it is required that an appropriate approved specialisation training course is attended and an examination in respect of the course is passed, when such course has been attended and such examination has been passed, and
- (c) where, in respect of tanks, and in addition to the requirements specified in paragraphs (a) and (b) as appropriate, it is required that an approved tank specialisation training course is attended and an examination in respect of the course is passed, when such course has been attended and such examination has been passed.

(3) Notwithstanding paragraphs (1) and (2) and Regulation 51(3), a driver training certificate shall not be granted to a person in respect of the classes of the ADR where it is required that an approved basic training course is attended and that an examination in respect of the course is passed, unless the person has passed the examination.

(4) When the examinations associated with both the approved basic training course and any of the specialisation training courses are taken on the same day and paragraph (3) applies, if the results of the examinations associated with the approved specialisation training courses are void, such examinations, if required by the person, must be taken again, subject to the procedures laid down by the relevant competent authority.

Extension to further classes and specialisation

53. (1) The Authority may amend a valid driver training certificate, by means of an endorsement on the existing valid driver training certificate or by the issue of a new driver training certificate (whichever is more appropriate for the Authority), to extend its validity to include further ADR Classes or tanks, or both, where the person holding the driver training certificate—

- (a) is eligible to have taken the examination or examinations in compliance with Regulation 51(1),

- (b) has passed the examination or examinations referred to in Regulation 51(2), and
- (c) has submitted the fee prescribed for that purpose under section 5 of the Act.

(2) An amended driver training certificate shall have the same expiry date as the driver training certificate that has been amended under this Regulation.

Extension of validity of driver training certificate

54. (1) Subject to paragraph (3), the Authority may extend the period of validity of a valid driver training certificate for a further 5 years, by an endorsement on the existing driver training certificate or by the issue of a new driver training certificate (whichever is the more appropriate for the Authority), where the person holding the driver training certificate was within the period of 12 months preceding the expiry date of the validity of his or her existing driver training certificate—

- (a) eligible to undertake the relevant examination or examinations in accordance with Regulation 51(1),
- (b) has passed the relevant examination or examinations referred to in Regulation 51(2), and
- (c) has submitted the fee prescribed for that purpose under section 5 of the Act.

(2) A driver training certificate that is extended in accordance with paragraph (1) shall remain in force—

- (a) for a further period of 5 years from the date of expiry of the validity of the existing certificate;
- (b) in respect of the same classes of the ADR to which the existing certificate refers; and
- (c) subject to the conditions contained in the existing certificate.

(3) Notwithstanding paragraphs (1) and (2) and Regulation 51(3), the extension of the period of validity of a valid driver training certificate shall not be granted to a person pursuant to paragraph (1), in respect of the classes of the ADR where it is required that a basic training course is attended and that an examination in respect of the course is passed, unless the person has passed the examination.

(4) When the examinations associated with both the approved basic training course and any of the specialisation training courses are taken on the same day and paragraph (3) applies, if the results of the examinations associated with the approved specialisation training courses are void, such examinations, if required by the person, must be taken again, subject to the procedures laid down by the relevant competent authority.

Driver training certificates under Regulations of 2004 and 2006

55. (1) A driver training certificate duly granted under the Regulations of 2004 which is in force immediately before the making of these Regulations continues in force after such making, as if granted under Regulation 52, until the expiry date stated in the certificate.

(2) A driver training certificate duly granted under the Regulations of 2006 which is in force immediately before the making of these Regulations continues in force after such making, as if granted under Regulation 52, until the expiry date stated in the certificate.

Replacement of certificates

56. (1) In the event of the original certificate being lost or destroyed, the competent authority may issue a replacement driver training certificate to a person holding a driver training certificate for the time being in force, on receipt of a written application by that person accompanied by the fee prescribed for that purpose under section 5 of the Act.

(2) (a) A person holding a driver training certificate for the time being in force shall notify the competent authority in writing, including production of suitable evidence, any change in his or her name or address, as soon as possible, but in any event not later than two months from the date of the change.

(b) In the case of a change of name or address, the competent authority may, on application from the person accompanied by the original driver training certificate and the fee prescribed for that purpose under section 5 of the Act, issue a replacement driver training certificate reflecting the change or changes.

(3) (a) A replacement driver training certificate issued under paragraph (1) or 2(b) shall have the same expiry date as the original certificate and if the original driver training certificate is found it shall be returned to the competent authority by the holder of the replacement certificate, without refund of the fee.

(b) The validity of the original driver training certificate is cancelled upon issue of a replacement driver training certificate.

Granting or issuing of driver training certificates

57. Where the competent authority approves of a body under Regulation 45 to perform its functions relating to the issue of driver training certificates as referred to in this Part, such approval—

(a) shall be in a form and manner at the discretion of the competent authority,

(b) may be limited to a period of time at the discretion of the competent authority, and

- (c) may be terminated if the competent authority has cause to believe that the approved body has not performed the functions assigned to it in a satisfactory manner.

Offences and penalties (change of name or address)

58. A person who fails to comply with subparagraph (a) of Regulation 56(2) is guilty of an offence and is liable on summary conviction to a fine not exceeding €600.

Part 6

VEHICLE TESTING INSPECTIONS

Interpretation (Part 6)

59. (1) In this Part—

“appointed day” means, as the context may require, the day appointed for the carrying out of—

- (a) an examination of a vehicle, or
- (b) a retest of a vehicle;

“appropriate certificate” means, in relation to a particular vehicle carrying dangerous goods at a particular time, a vehicle certificate of approval or a vehicle certificate of approval (national transport only) which—

- (a) was issued in the state in which the vehicle is registered, and
- (b) certifies that the vehicle may be used to carry such dangerous goods as it is carrying at the particular time;

“authorised examiner” means a person appointed by the competent authority under Regulation 60;

“authorised tester” means a person appointed by the competent authority under Regulation 60;

“current appropriate certificate” means an appropriate certificate which gives a date of expiry which is not earlier than a date on which a particular vehicle is being used to carry dangerous goods;

“first registration” means the first registration of a vehicle by the entry of its particulars—

- (a) in the State, in the register of vehicles established under section 131 of the Finance Act 1992 (No. 9 of 1992),
- (b) in a state outside of the State, in a register established under a law that corresponds or substantially corresponds to the provisions of section 131 of the Finance Act 1992 (No. 9 of 1992);

“owner of a vehicle” means the person by whom a vehicle is kept and, in relation to a vehicle which is the subject of a hire purchase or leasing agreement, means the person in possession of the vehicle under such agreement;

“register of trained personnel” means the register established under Regulation 61;

“trained personnel” means persons named in the register of trained personnel;

“retest” means a subsequent examination carried out on a vehicle under this Part, following the refusal of a vehicle certificate of approval in respect of that vehicle, where the retest is carried out on a day which is not more than 14 days after the day on which the vehicle certificate of approval was refused;

“Vehicle Testing Regulations of 2004” means the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004).

(2) In the case of a vehicle to which any of the derogations provided for in Regulation 13 of the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 applies, a reference to a vehicle certificate of approval in this Part shall be read as a reference to a vehicle certificate of approval (national transport only).

Appointment of authorised examiner and authorised testers

60. (1) (a) The competent authority may appoint an examiner (“authorised examiner”) as respects the vehicles to which these Regulations apply who has, or has access to, trained personnel.

(b) An appointment under subparagraph (a) may be suspended or revoked by the competent authority and, where an appointment is so revoked, another appointment under subparagraph (a) may be made by the competent authority.

(2) (a) The competent authority may appoint a person (or persons) who is an authorised tester within the meaning of Regulation 2 of the Vehicle Testing Regulations of 2004 to be a tester (“authorised tester”) for the purpose of carrying out examinations under Regulation 62(5).

(b) An appointment under subparagraph (a) may be suspended or revoked by the competent authority.

(3) A person appointed under Regulation 60 of the Regulations of 2006 and holding that appointment immediately before the making of these Regulations continues after such making as if appointed under these Regulations.

Register of trained personnel

61. (1) (a) The competent authority shall establish a register of persons (“register of trained personnel”) who have undergone approved courses of training for the purposes of determining that a vehicle complies with the requirements of Part 9 of the ADR.

- (b) An approved course of training referred to in subparagraph (a) is one given, supervised or approved by an officer of the competent authority appointed by that competent authority for such purposes.
- (2) (a) The competent authority may remove the name of a person from the register referred to in paragraph (1)(a) following failure by the person to—
 - (i) attend a course of periodic training,
 - (ii) satisfactorily complete a course of periodic training, or
 - (iii) carry out examinations of vehicles in a fit and proper manner.
- (b) An appointment made under paragraph (1)(b) may be suspended or revoked by the competent authority.
- (3) The names entered on the register of trained personnel established under Regulation 61 of the Regulations of 2006 and which have not been removed from that register shall be taken to have been entered on the register to which paragraph (1)(a) refers.

Vehicle certificate of approval

- 62. (1) (a) This Part applies to a vehicle to which these Regulations and Part 9 of the ADR apply and which is used for the purposes of the carriage by road in or on the vehicle of any of the dangerous goods to which these Regulations apply.
- (b) The owner of a vehicle referred to at subparagraph (a) shall apply to an authorised examiner for a vehicle certificate of approval in respect of it.
- (2) The application shall be made on a form specified by the competent authority.
- (3) The application shall be accompanied by a fee prescribed for that purpose under section 5 of the Act.
- (4) The application shall be accompanied by such documentation as may be specified by the competent authority.
- (5) (a) Where an application is received, the prescribed fee has been paid and all documentation required under paragraph (4) is in order, the authorised examiner shall have carried out an examination of the vehicle to test for compliance with such requirements concerning the construction and approval of vehicles as are required to be tested under Part 9 of the ADR in respect of the classes of dangerous goods to which the application relates.
- (b) The examination referred to in subparagraph (a) shall be carried out—

- (i) subject to Regulation 13 of the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 if the vehicle is to be used for the carriage of dangerous goods in national transport only, and
 - (ii) with regard to any recommendation issued by the competent authority under Regulation 65.
 - (c) In carrying out a retest of a vehicle, only those items which gave rise to the refusal of a vehicle certificate of approval are to be examined.
- (6) An examination of a vehicle under paragraph (5) shall be carried out by an authorised tester.
- (7) (a) Where, following an examination under paragraph (5), an authorised tester is satisfied that the vehicle complies with the requirements referred to in subparagraph (a) of that paragraph, he or she shall—
- (i) issue on behalf of the competent authority a vehicle certificate of approval to the owner of the vehicle in respect of that vehicle, and
 - (ii) give to the authorised examiner a copy of the certificate issued under clause (i).
- (b) Where, following an examination under paragraph (5) the authorised tester is not satisfied that the vehicle complies with the requirements referred to in subparagraph (a) of that paragraph, he or she shall give to the owner of the vehicle a report in respect of that vehicle of the examination in a form approved by the competent authority.
- (c) A certificate of approval issued under subparagraph (a)(i) or a report issued under subparagraph (b) is not valid unless it is signed by the trained person who carried out the examination.
- (8) The examination of a vehicle referred to in paragraph (5) shall be carried out by a person whose name is entered on the register of trained personnel referred to in Regulation 61.
- (9) (a) The latest date for carrying out an examination of a vehicle under paragraph (5) is 60 days from the date of the issue of documentation relating to the vehicle for the said examination by the authorised examiner to the authorised tester.
- (b) Where an examination of a vehicle under paragraph (5) is not carried out by the latest date referred to in subparagraph (a), the authorised tester shall return the documentation (including the vehicle certificate of approval) to the authorised examiner not later than 7 days following that latest date.
- (10) Subject to paragraph (11), an examination of a vehicle or a retest of a vehicle under paragraph (5) shall not be carried out unless the owner of the

vehicle produces to the authorised tester on the appointed day in respect of the vehicle—

- (a) a pass statement given by an authorised tester under Regulation 14 of the Vehicle Testing Regulations of 2004 or a certificate of roadworthiness issued under Regulation 15 of the Vehicle Testing Regulations of 2004 in respect of which the roadworthiness test was conducted not more than 40 days prior to the appointed day,
- (b) a declaration in the form approved by the competent authority that the vehicle is safe for examination and, in the case of a tank-vehicle, that the tank has been purged or that it has been rendered safe, and
- (c) any other documentation as may be specified by the competent authority.

(11) The requirements of paragraph (10)(a) shall not apply where the period between the date of first registration of the vehicle and the appointed day is less than one year.

(12) An authorised tester may refuse to accept a vehicle for examination if in his or her opinion—

- (a) any part thereof or any of its equipment is in such a dirty or dangerous condition as to make it difficult to carry out the examination,
- (b) a load on the vehicle is not adequately secured, or
- (c) it would be otherwise dangerous to carry out an examination.

(13) Where an examination of a vehicle under paragraph (5) is not carried out—

- (a) by the latest date referred to in paragraph (9)(a),
- (b) because of reason of failure to comply with a requirement under paragraph (10), or
- (c) because of a refusal to accept a vehicle under paragraph (12),

the authorised examiner shall return 40 per cent of the fee referred to in paragraph (3) to the applicant.

Validity of vehicle certificate of approval

63. (1) A vehicle certificate of approval, issued under subparagraph (a) of Regulation 62(7), after the completion of an examination by an authorised tester, is valid—

- (a) subject to subparagraphs (b) and (c), for the period of one year from the date of issue,

- (b) subject to subparagraph (c), in the case of a vehicle with a current vehicle certificate of approval which expires less than 30 days following the date of completion of an examination under Regulation 62(5), for a period of one year from the expiry date of the current vehicle certificate of approval, or
- (c) in the case where, under these Regulations, the tank of a tank-vehicle is required to undergo a periodic inspection, a thorough examination, an intermediate periodic inspection or a leakproofness test in less than one year from the date of completion of the examination under Regulation 62(5), for the period from the date of its issue to the date of expiry of the periodic tank test certificate or tank leakproofness certificate whichever is the earlier.

(2) Where a certificate for a periodic inspection, thorough examination, intermediate examination or leakproofness test, as the case may be, carried out after the issue of the vehicle certificate of approval as determined in accordance with paragraph 1(c) is given to an authorised examiner in respect of a tank-vehicle, the authorised examiner may, on payment of the fee prescribed for that purpose under section 5 of the Act, extend the validity of the vehicle certificate of approval for a period ending one year from the date of completion of the examination of the vehicle under Regulation 62(5).

Replacement of vehicle certificate of approval

64. (1) Where an authorised examiner is satisfied that a vehicle certificate of approval which had issued on behalf of the competent authority has been lost, destroyed or mutilated he or she may, on payment of the fee prescribed for that purpose under section 5 of the Act, issue a replacement certificate which shall be clearly marked “REPLACEMENT”.

(2) Where an authorised examiner is satisfied that the figures or other particulars on a vehicle certificate of approval that was issued under subparagraph (a) of Regulation 62(7) have become illegible, or the colour of the certificate has been altered without any act or neglect on the part of the holder of the certificate, he or she may issue, free of charge, a replacement certificate which shall be clearly marked “REPLACEMENT”.

Competent authority recommendations

65. The competent authority may, from time to time, issue recommendations to an authorised examiner and authorised testers—

- (a) as to the manner in which examinations shall be carried out in relation to all or any of the items for inspection listed in Part 9 of the ADR, and
- (b) as to the premises, equipment and trained personnel required by them in order to carry out their functions.

Keeping of records

66. (1) An authorised examiner and an authorised tester shall keep such records and documentation and supply such information as the Minister or the competent authority may from time to time require.

(2) All such records and documentation shall be the property of the Minister or the competent authority, as appropriate, who, as the case may be, may obtain from an authorised examiner or an authorised tester any such record or documentation which the Minister or the competent authority considers appropriate.

Cancellation of vehicle certificate of approval

67. (1) The competent authority may make a direction cancelling a vehicle certificate of approval if he or she has reasonable grounds for believing that the certificate was improperly or invalidly given.

(2) Where the competent authority makes a direction under paragraph (1), an inspector shall demand that the vehicle certificate of approval is returned to the competent authority by the owner of the vehicle to which the certificate relates or the holder of the certificate.

(3) Where a demand is made under paragraph (2) and a person to whom the demand is made refuses or fails to give up the vehicle certificate of approval, that person is guilty of an offence and is liable on summary conviction to a fine not exceeding €600.

(4) Where a vehicle certificate of approval has been cancelled and returned to the Minister, the competent authority or to an inspector under this Regulation—

(a) the person returning it may make an application to the authorised examiner to be reimbursed monies paid by that person to the authorised examiner in respect of the fee to which Regulation 62(3) refers, and

(b) the authorised examiner shall reimburse the monies where he or she is satisfied that the fee was paid by the person making the application.

(5) Where the competent authority cancels a vehicle certificate of approval, he or she shall immediately inform the authorised tester who issued the vehicle certificate of approval, the authorised examiner and the Minister of the serial number of the vehicle certificate of approval and the reason for the cancellation.

Inspectors for Part 6

68. (1) The Minister may request that an inspector performs his or her functions under section 6 of the Act for the purpose of determining that the Regulations under this Part are being complied with.

(2) Without prejudice to the generality of paragraph (1) an inspector shall, if so requested—

- (a) ascertain whether examinations and procedures, including administrative procedures, relating to any of their functions under these Regulations are being carried out in a fit and proper manner having regard in respect of examinations to any recommendations issued by the competent authority under Regulation 65(a),
- (b) ascertain whether premises used by an authorised examiner or premises and equipment used by authorised testers are suitable for carrying out their functions as required by this Part having regard to any recommendations issued by the competent authority under Regulation 65,
- (c) inspect any records or documentation which an authorised examiner or an authorised tester is required to keep under this Part,
- (d) inspect any records or documentation kept by an authorised examiner or an authorised tester in relation to their functions under this Part,
- (e) inspect a vehicle to which these Regulations apply,
- (f) retrieve a vehicle certificate of approval cancelled under Regulation 67, and
- (g) where requested make a report of his or her activities to the competent authority.

Prohibition against using a vehicle without vehicle certificate of approval

69. (1) A person shall not use a vehicle to which these Regulations and Chapter 9.1 apply for the carriage of dangerous goods by road unless an appropriate vehicle certificate of approval is in force in respect of the vehicle.

(2) Where a person contravenes paragraph (1), the person and, if that person is not the owner of the vehicle, the owner of the vehicle, is each guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(3) In any proceedings for an offence under this Regulation, it is a defence for the defendant where he or she is the owner of the vehicle to prove that at the time of the offence, the use of the vehicle was not authorised by him or her.

Requirement for certificate of roadworthiness

70. (1) Subject to paragraph (2), a vehicle certificate of approval is not valid for a vehicle unless there is in force in respect of the vehicle a current certificate of roadworthiness issued under Regulation 15 of the Vehicle Testing Regulations of 2004.

(2) Paragraph (1) does not apply in respect of the validity of a vehicle certificate of approval until the date of the first anniversary of the first registration of the vehicle to which the vehicle certificate refers.

Part 7

ROAD CHECKS

Requirement for road checks

71. The competent authority shall—

- (a) fulfil the spot checks requirements in relation to vehicles or enterprises, referred to in Chapter 1.8.1,
- (b) use a checklist in relation to spot checks referred to in subparagraph (a), and
- (c) give a copy of the checklist referred to in subparagraph (b), or a certificate showing the result of the spot checks to the driver or to the designated person at an enterprise, as appropriate.

Powers of inspectors carrying out road checks

72. (1) It is the duty of a carrier, owner, driver or person in charge of a vehicle for the purposes of an inspector forming an opinion as to whether or not these Regulations apply to that vehicle, to facilitate an inspection and examination of that vehicle or any part thereof as is reasonably necessary. For the purpose of carrying out the inspection or examination, an inspector may do all such things and make all such requirements in relation to the vehicle as are reasonably necessary.

(2) For the purpose of paragraph (1) and without prejudice to the powers of inspectors, the carrier, owner, driver or person in charge of the vehicle, if required by the inspector, shall carry out or cause to be carried out such tests on or to the vehicle as the inspector considers reasonable.

(3) Where an inspector, consequent upon having inspected or examined a vehicle in accordance with this Regulation, has reasonable grounds for believing that there is a defect affecting it which is such that when in use for the carriage of dangerous goods by road it will be, or is likely to be, a danger to the public he or she shall so notify the carrier, owner, driver or person in charge of the vehicle and it shall be the duty of a carrier, owner, driver or person in charge of the vehicle, if instructed by the inspector—

- (a) not to drive the vehicle on a public road until the defect has been remedied, and
- (b) at their own expense to submit it for further inspection and examination at a specified place and date.

(4) A person who refuses to permit an inspection, examination or test of a vehicle or any part thereof under this Part, or to comply with any requisition or instruction in accordance with paragraphs (1) to (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Part 8

SECURITY PROVISIONS

General provisions applicable to the carriage of all dangerous goods

73. Subject to Part 10—

- (a) a person engaged in the carriage of dangerous goods shall comply with the relevant provisions of Chapter 1.10.1;
- (b) dangerous goods shall not be supplied for carriage by road and shall not be carried by road unless the training given to all persons engaged in the carriage of dangerous goods by road (including the driver and other members of the crew of the vehicle carrying the dangerous goods by road) is in compliance with Chapters 1.3 and 1.10.2;
- (c) without prejudice to Part 10, the provisions of paragraph (a) and Chapter 8.1.2.1(d) do not apply when the dangerous goods are carried in tanks or in bulk in a transport unit in quantities that do not exceed those referred to in Chapter 1.1.3.6.3.

Further provision for high consequence dangerous goods

74. (1) (a) Subject to subparagraph (b) or (c) and subject to Part 10 and to paragraph (2) a participant shall comply with Chapters 1.10.3.2 and 1.10.3.3 when he or she is engaged in the carriage of high consequence dangerous goods, as defined in Chapter 1.10.3.1, and in quantities exceeding those specified in the Table in Chapter 1.10.5;

(b) without prejudice to the generality of paragraph (a), a participant shall not engage in the carriage of high consequence dangerous goods unless a security plan as required by Chapters 1.10.3.2 is available and the provisions of 1.10.3.3 are in place; and

(c) without prejudice to the generality of paragraph (a), a participant shall not engage in the carriage of high consequence dangerous goods unless the security plan and devices, equipment and arrangements in place comply with the requirements of Chapters 1.10.3.2 and 1.10.3.3.

(2) Without prejudice to Part 10, the provisions of paragraph (1) and Chapter 8.1.2.1(d) do not apply when the high consequence dangerous goods are carried in tanks or in bulk in a transport unit in quantities that do not exceed those referred to in Chapter 1.1.3.6.3.

(3) For the purposes of this Regulation “high consequence dangerous goods” shall be construed in accordance with Chapter 1.10.3.1.

Offences and penalties

75. (1) A person who contravenes paragraph (a) or (b) of Regulation 73 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(2) A participant who contravenes subparagraph (a), (b) or (c) of paragraph (1) of Regulation 74 is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

Part 9

SAFETY ADVISERS AND SERIOUS ACCIDENT / INCIDENT REPORTS

Safety advisers

Interpretation (Part 9)

76. For the purposes of this Part—

“appointed safety adviser” means a safety adviser who is appointed under Regulation 77;

“safety adviser” means a person who holds a vocational training certificate that is valid according to Regulation 82(2);

“valid vocational training certificate” means a vocational training certificate that is valid according to Regulation 82(2) for the class, or classes of dangerous goods of the ADR as the case may be, involved in the activities of the undertaking;

“vocational training certificate” means a vocational training certificate issued under Regulation 83 regarding the carriage of dangerous goods by road.

Obligation to appoint safety advisers

77. (1) Subject to Part 10 and to Regulation 78, an undertaking the activities of which include the carriage, or the related packing, loading, filling or unloading, of dangerous goods by road, shall appoint one or more safety advisers for the carriage of dangerous goods, who shall, in compliance with Chapter 1.8.3.1, be responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

(2) The undertaking shall not appoint, or continue the appointment of, a safety adviser required by paragraph (1) unless the safety adviser holds a valid vocational training certificate.

Exemptions

78. Without prejudice to Part 10, the obligation to appoint a safety adviser does not apply to an undertaking—

- (a) the activities of which concern quantities in each transport unit smaller than those referred to in Chapters 1.1.3.6 or 3.4;
- (b) the activities of which concern quantities in each transport unit subject to exemption under Chapters 2.2.62.1.5, 2.2.7.1.2 or 3.3; or
- (c) the main or secondary activities of which are not the carriage or the related loading or unloading of dangerous goods but which occasionally engage within the State in the carriage or the related loading or

unloading of dangerous goods which pose little danger to persons or property or risk of pollution.

Appointment of safety adviser

79. (1) The safety adviser may be any of the persons referred to in Chapter 1.8.3.4, provided that that person—

- (a) is a safety adviser with a valid vocational training certificate, and
- (b) is capable of performing the duties of an appointed safety adviser in accordance with that Chapter.

(2) When requested, and in compliance with Chapter 1.8.3.5, an undertaking shall inform the competent authority of the identity of its appointed safety adviser.

Main tasks and functions of the safety adviser

80. (1) The appointed safety adviser shall perform the functions referred to in Chapter 1.8.3.3.

(2) Without prejudice to paragraph (1)—

- (a) the appointed safety adviser shall prepare the annual report required by Chapter 1.8.3.3 as soon as may be, but not later than 3 months after the end of each year;
- (b) the undertaking shall retain the annual report, referred to in subparagraph (a), for at least 5 years after it has been prepared and shall, when requested, make it available to the competent authority.

Accident reports

81. (1) The appointed safety adviser shall, whenever an accident occurs to which Chapter 1.8.3.6 refers, prepare an accident report and furnish a copy of it to the undertaking in compliance with that Chapter.

(2) An accident report prepared under paragraph (1) shall be retained by the undertaking for which it was prepared for a period of at least 5 years and such report shall be made available by the undertaking to an inspector at his or her request or to the competent authority concerned at its request.

Requirement to hold valid vocational training certificate

82. (1) A person shall not be, or shall not act as, a safety adviser or shall not offer himself or herself for appointment as an appointed safety adviser unless he or she holds a vocational training certificate that is valid according to paragraph (2).

(2) A vocational training certificate is valid when—

- (a) (i) it has been issued under Regulation 83(1), or

- (ii) it has been issued by another State that is a Contracting Party to the ADR according to Regulation 83(4),
- (b) the date of expiry of the vocational training certificate has not passed, and
- (c) it is valid for—
 - (i) all classes of ADR, or
 - (ii) the type or types, as the case may be, of class or classes of the ADR as specified in Chapter 1.8.3.13.

Issue of vocational training certificate

83. (1) In accordance with the relevant provisions of Chapters 1.8.3.7 and 1.8.3.8 and upon application to it, the competent authority shall issue a vocational training certificate to a person, who has—

- (a) undergone suitable and appropriate training regarding the carriage of dangerous goods by road, and
- (b) passed the examination approved by the competent authority as referred to in Regulation 84(2).

(2) The vocational training certificate, issued under paragraph (1), is valid for a period of 5 years from the date of issue.

(3) A vocational training certificate issued under paragraph (1) or extended or renewed under this paragraph shall be extended, or renewed (at the discretion of the competent authority), for a further 5 years from the expiry of his or her current vocational training certificate where the safety adviser has, within the 12 months prior to the expiry of his or her current vocational training certificate, passed the examination approved by the competent authority and referred to in Regulation 84(2).

(4) A vocational training certificate, issued by a competent authority in another State that is a Contracting Party to the ADR shall be taken to be a vocational training certificate for the purposes of this Part.

Examination for vocational training certificate

84. (1) (a) For the purposes of Regulations 82 and 83, the competent authority may appoint in writing a body to perform its functions on the organisation of the examinations in accordance with paragraph (2).
- (b) Where applicable, any reference to the competent authority in paragraph (2) shall mean a reference to the appointed body referred to in subparagraph (a).

- (c) Where the competent authority appoints a body in accordance with subparagraph (a), it shall be done in compliance with criteria specified in Chapter 1.8.3.10.
- (d) Any appointment carried out according to this Regulation—
 - (i) shall be in a form and manner at the discretion of the competent authority,
 - (ii) may be limited to a period of time at the discretion of the competent authority, and
 - (iii) may be terminated if the competent authority has cause to believe that the appointed body has not performed the functions assigned to it in a satisfactory manner according to Chapters 1.8.3.10, 1.8.3.11, 1.8.3.12, 1.8.3.13 and 1.8.3.14.
- (e) A body appointed in accordance with subparagraph (a) shall provide all questions used or to be used in the examinations to the competent authority.

(2) Examinations carried out by the competent authority shall be done in compliance with Chapters 1.8.3.11, 1.8.3.12 and 1.8.3.13.

(3) The vocational training certificate shall be issued in the form prescribed in Chapter 1.8.3.18 pursuant to Chapter 1.8.3.15.

Offences and penalties (safety advisers)

85. (1) An undertaking that contravenes Regulation 77(1), 77(2), 79(2), 80(2)(b) or 81(2) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(2) A person who contravenes Regulation 82(1) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

(3) An appointed safety adviser who contravenes Regulations 80(1), 80(2)(a) or 81(1) is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,900.

REPORTING A SERIOUS ACCIDENT OR INCIDENT

Requirement to report a serious accident or incident

86. (1) Without prejudice to Regulation 81, in the case of a serious accident or incident during loading, filling, carriage or unloading referred to in Chapter 1.8.5.1 and defined in Chapter 1.8.5.3, a loader, filler, carrier or consignee, respectively, shall prepare, or cause to be prepared, a report of the accident in the form prescribed in Chapter 1.8.5.4 and submit it to the competent authority.

(2) The competent authority, on receipt of the report required under paragraph (1), may make a report according to Chapter 1.8.5.2 if it is of the opinion that it is necessary.

Offences and penalties (serious accident or incident)

87. A loader, filler, carrier or consignee who contravenes Regulation 86(1) is guilty of an offence and liable on summary conviction to a fine not exceeding €1,900.

Part 10

EXEMPTIONS CONTAINED IN THE ADR

Total exemption

88. These Regulations do not apply in any case where—

- (a) exemptions, relating to the nature of the transport operation set out in Chapter 1.1.3.1, apply,
- (b) exemptions, relating to the carriage of gases set out in Chapter 1.1.3.2, apply,
- (c) exemptions, relating to the carriage of liquid fuels set out in Chapter 1.1.3.3, apply,
- (d) certain dangerous goods packed in limited quantities meet the conditions contained in Chapter 3.4, in compliance with Chapter 1.1.3.4.2,
- (e) exemptions, relating to empty uncleaned packagings set out in Chapter 1.1.3.5, apply,
- (f) certain dangerous goods of class 6.2 meet the conditions contained in Chapter 2.2.62.1.5 in compliance with that Chapter, or
- (g) certain radioactive materials meet the conditions contained in Chapter 2.2.7.1.2 in compliance with that Chapter.

Special provisions

89. Provided that the conditions set out in Chapter 1.1.3.4.1 (which provides for the exemptions relating to certain special provisions) are complied with, these Regulations do not apply, or, as the case may be, apply only to the extent provided for in that Chapter.

Load limits

90. Provided that the conditions set out in Chapter 1.1.3.6 (which provides for exemptions related to quantities carried per transport unit) are complied with, these Regulations apply only to the extent provided for in that Chapter.

Applicability of other Regulations

91. Provided that the conditions set out in Chapter 1.1.4 (which provides for the applicability of other regulations referred to in that Chapter) are complied with, these Regulations apply only to the extent provided for in that Chapter.

Temporary derogations

92. (1) Subject to paragraph (2), if a competent authority is of the opinion that it is appropriate to do so for the purposes referred to in Chapter 1.5.1, it may, by a notice published in *Iris Oifigiúil*, grant a temporary derogation from the requirements of the ADR and, where relevant, these Regulations shall not be applied in order to give effect to the temporary derogation.

(2) The conditions referred to in Chapter 1.5.1 shall apply to any temporary derogation referred to in paragraph (1).

Transitional measures

93. (1) Subject to paragraph (2), these Regulations shall not be applied where appropriate, in order to give effect to the transitional measures referred to in Chapter 1.6.

(2) The non-application of any of these Regulations shall comply with any conditions contained in Chapter 1.6.

Part 11

APPLICATION OF SECTION 18 OF THE ACT

Application of section 18 of the Act

94. Each offence which is, for ease of reference, mentioned in column 2 of the Table to Schedule 3 opposite the Regulation mentioned in column 3 of that Table as being the Regulation that creates that offence is, for the purposes of section 18 of the Act, prescribed as an offence to which section 18 applies.

Section 18 — prescribed form


95. The form contained in Schedule 4, or a form substantially to the like effect, is prescribed as the form for the purpose of section 18(2) of the Act.

SCHEDULE 1

FORM OF DRIVER TRAINING CERTIFICATE

Extended to Class(es) in tanks	
2	
3	
4.1, 4.2, 4.3	
5.1, 5.2	
6.1, 6.2	
7	
8	Date
.....	
9	
Signature	
.....	
<hr/>	
other than in tanks	
1	
2	
3	
4.1, 4.2, 4.3	
5.1, 5.2	
6.1, 6.2	
7	
8	Date
.....	
9	
Signature	
.....	

IRELAND



**ADR
TRAINING CERTIFICATE
FOR DRIVERS OF
VEHICLES CARRYING
DANGEROUS GOODS**

Pursuant to
Directive 94/55/EC

**Health and Safety Authority,
Metropolitan Building, James
Joyce Street, Dublin 1**

[Tel. (01)-614 7000]

Certificate cover

TRAINING CERTIFICATE FOR
DRIVERS OF VEHICLES
CARRYING DANGEROUS
GOODS

Certificate number:

Distinguishing sign of issuing State:

IRL

Valid for Class(es)	
in tanks	other than in tanks
	1
2	2
3	3
4.1, 4.2, 4.3	4.1, 4.2, 4.3
5.1, 5.2	5.1, 5.2
6.1, 6.2	6.1, 6.2
7	7
8	8
9	9

Valid until :

Surname

First Name(s)

Date of birth

Nationality

Signature
of holder
.....

Issued by **Health and Safety
Authority**

Date

Signature

Renewed
until

By
.....

Date

[Note:- A certificate may or may not include the holder's photograph]

Certificate centre

SCHEDULE 2

DUTIES OF CARRIER UNDER REGULATION 21

Authorisation for carriage according to ADR

1. The carrier shall ascertain that the dangerous goods have been authorised for carriage in accordance with the Annexes.

Transport document, information and data and instructions in writing

2. The carrier shall ensure that he or she has been given—

- (a) the necessary information and data for the dangerous goods to be carried and, in particular the transport document, required pursuant to Chapter 8.1.2.1(a), which comply with Chapters 3.2.1 and 5.4.1,
- (b) a container packing certificate in compliance with Chapters 5.4.2 and 8.1.2.1(a), when required by those provisions,
- (c) the instructions in writing, required in compliance with Chapter 8.1.2.1(b), which comply with Chapter 5.4.3, and
- (d) when appropriate and as required by Chapter 8.1.2.2(c), a copy of the competent authority approval, in compliance with Chapters 5.4.1.2.1 (c) or (d) or 5.4.1.2.3.3.

Annual technical inspection

3. The carrier shall ensure, when required pursuant to Chapter 9.1.2.1, that—

- (a) subject to subparagraph (b), the vehicle used for the carriage of the dangerous goods has been subjected to an annual technical inspection and been issued with a vehicle certificate of approval, which is valid for the dangerous goods to be carried, in accordance with Part 9 of the ADR and Part 6, and
- (b) in the case of national transport only within the State, subparagraph (a) is taken to be complied with when the vehicle has been subjected to an annual technical inspection, in accordance with subparagraph (a) but subject to the relevant provisions of Regulation 13 of the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007, and issued with a vehicle certificate of approval (national transport only) which is valid for the dangerous goods to be carried.

Driver training and driver training certificate

4. The carrier shall ensure that, in compliance with Chapter 8.2.1—

- (a) the driver of the vehicle used for the carriage of the dangerous goods has been trained and has been issued with a valid driver training certificate in accordance with Chapter 8.2.1 and Part 5, and
- (b) the driver training certificate required by subparagraph (a) is valid for the dangerous goods and if appropriate for carriage in tanks, to be carried on the vehicle.

Documents, certificates, approvals and training

5. The carrier shall ensure that—

- (a) the documents, certificates and approvals, required by paragraphs 2, 3 and 4 are carried in the vehicle during the carriage of the dangerous goods,
- (b) the driver, when paragraph 4 does not apply, and any other crew member of the vehicle used for the carriage of the dangerous goods, is trained in accordance with Chapters 1.3 and 8.2.3.

Visual checks

6. The carrier shall ascertain visually that the vehicle, used for the carriage of dangerous goods and its load have no obvious defects, leakages or cracks and is suitable for the carriage of the dangerous goods.

Portable fire extinguishers

7. (1) The carrier, in compliance with Chapter 8.1.4, but subject to the transitional measures in Chapter 1.6.5.6, subparagraph (e) and paragraph 2(b), shall ensure that each transport unit is equipped with portable fire extinguishers—

- (a) in the case of a transport unit with a maximum permissible mass of not more than 3.5 tonnes, in accordance with paragraphs (a), (b)(iii) and (c) of Chapter 8.1.4.1,
- (b) in the case of a transport unit with a maximum permissible mass of more than 3.5 tonnes and not more than 7.5 tonnes, in accordance with subparagraphs (a), (b)(ii) and (c) of Chapter 8.1.4.1,
- (c) in the case of a transport unit with a maximum permissible mass of more than 7.5 tonnes, in accordance with paragraphs (a), (b)(i) and (c) of Chapter 8.1.4.1,
- (d) in the case of a transport unit to which special provision S3, concerning the carriage of infectious substances, of Chapter 8.5 applies, in accordance with paragraph (a) of Chapter 8.1.4.1, or
- (e) in the case of a transport unit to which Chapter 8.1.4.2 applies, a portable fire extinguisher as required by that Chapter.

- (2) (a) Portable fire extinguishers, required under subparagraph (1), shall comply with the requirements of Chapter 8.1.4.3.
- (b) Notwithstanding its provisions, a vehicle is taken to be in compliance with paragraph (1) in so far as the relevant provisions of Chapter 8.1.4.3 apply, in the case of a vehicle equipped with a fixed fire extinguisher, provided that there is compliance with the relevant provisions of that Chapter.
- (3) Each portable fire extinguisher, required under subparagraph (1) must, in accordance with Chapters 8.1.4.4 and 8.1.4.5—
- (a) be fitted with a seal verifying that it has not been used,
- (b) bear a mark of compliance acceptable to the relevant competent authority,
- (c) bear an inscription indicating either the date (month and year) of the next recurrent inspection or the maximum permissible period of use, as applicable,
- (d) be subjected to periodic inspections in accordance with authorised national standards, and
- (e) comply with Chapter 8.1.4.5 regarding miscellaneous equipment.

Miscellaneous equipment

8. The carrier shall ensure, in accordance with paragraphs (a) and (b) of Chapter 8.1.5, that each transport unit is equipped with—
- (a) at least one chock of a size suited to the weight of the vehicle and the diameter of the wheels,
- (b) two self-standing warning signs, such as reflective cones or triangles or flashing amber lights (independent from the electrical equipment of the vehicle),
- (c) a suitable warning vest or warning clothing, such as described in European Standard EN 471, for each member of the vehicle crew,
- (d) a pocket lamp, that complies with the requirements referred to in Chapter 8.3.4, for each member of the vehicle crew, and
- (e) in the case of a transport unit to which special provision S7, concerning certain toxic gases or articles, of Chapter 8.5 applies, a respiratory protective device for each member of the vehicle crew, which complies with the requirements referred to in that special provision.

Additional personal protection and equipment

9. The carrier shall ensure that paragraph (c) of Chapter 8.1.5 is complied with.

Inspections and examinations

10. The carrier shall ensure that the periodic inspections and intermediate periodic inspections or, as the case may be, the periodic inspections and leak-proofness tests have been carried out within the time intervals specified and in accordance with the relevant provisions of Chapters 6.7, 6.8, 6.9 and 6.10.

Overloading

11. The carrier shall ensure that the vehicle is not overloaded in compliance with Chapter 1.4.2.2.1(e) pursuant to Chapter 1.4.1.

Placards and markings

12. The carrier shall ensure that the vehicle is placarded and marked in compliance with the requirements referred to in Chapter 5.3.

Equipment on vehicle and maintenance

13. The carrier shall ensure that—

- (a) the equipment prescribed in the written instructions, given in accordance with paragraph 2 (c), is on board the vehicle used for the carriage of the dangerous goods, and
- (b) the equipment, required to be provided on the vehicle, is properly maintained.

Supervision of vehicles

14. The carrier must ensure compliance with Chapter 8.4, whenever it applies pursuant to Chapters 3.2.1 and 8.5.

SCHEDULE 3

OFFENCES TO WHICH SECTION 18 OF THE ACT APPLIES

TABLE

No. 1	Offence 2	Regulation Number 3
1	Transport document was not given or was not in compliance with the ADR	20(2)(a)(ii)(I) (as it refers to 17(2)(b)(i))
2	Instructions in writing were not given or were not in compliance with the ADR	20(2)(a)(ii)(III) (as it refers to 17(2)(b)(iii))
3	Approval authorising carriage was not given	20(2)(a)(ii)(IV) (as it refers to 17(2)(b)(iv))
4	Packaging used is not permitted	20(2)(a)(iii)(I) (as it refers to 17(2)(c)(i)(I))
5	Portable tank used is not permitted	20(2)(a)(iv)(I) (as it refers to 17(2)(c)(ii)(I)(A))
6	Tank used is not permitted	20(2)(a)(v)(I) (as it refers to 17(2)(c)(ii)(II)(A))
7	Vehicle did not have appropriate vehicle certificate of approval	20(2)(a)(vii)(I)(A) (as it refers to 17(2)(d)(i)(I))
8	Driver did not have a valid driver training certificate	20(2)(a)(vii)(I)(B) (as it refers to 17(2)(d)(i)(II))
9	Transport document or instructions in writing were not carried in the vehicle	25(2)(a) (as it refers to 21(2)(a)(i) or (ii) as the case may be)
10	Vehicle did not have a vehicle certificate of approval	25(2) (as it refers to 21(2)(b))
11	Driver did not have a valid, or had an inappropriate, driver training certificate	25(2) (as it refers to 21(2)(c) or (d) as the case may be)
12	Transport unit was not provided with sufficient suitable portable fire extinguishers	25(2)(b) (as it refers to 21(2)(f)(i))
13	Portable fire extinguisher provided on the transport unit did not have a seal, or other indication, verifying that it had not been used	25(2)(b) (as it refers to 21(2)(f)(ii))
14	Transport unit was not provided with suitable chock	25(2)(c)(as it refers to 21(2)(g)(i))
15	Transport unit was not provided with 2 reflective cones, triangles or flashing amber lights (independent of transport unit)	25(2)(c) (as it refers to 21(2)(g)(ii))
16	Suitable warning vest was not provided for each crew member	25(2)(c) (as it refers to 21(2)(g)(iii))
17	Suitable pocket lamp was not provided for each crew member	25(2)(c) (as it refers to 21(2)(g)(iv))
18	Suitable respirators were not provided for each crew member, where required by the instructions in writing	25(2)(c) (as it refers to 21(2)(g)(v))
19	Additional equipment, specified in instructions in writing, was not carried in the vehicle	25(2) (as it refers to 21(2)(j))
20	Tank used was not inspected or tested or checked within the specified time	25(2) (as it refers to 21(2)(h))

No. 1	Offence 2	Regulation Number 3
21	ADR placards or orange-coloured plates were not affixed on the vehicle or tank or were not in compliance with the ADR	25(2)(d) (as it refers to 21(2)(i)(i) or (ii) as the case may be)
22	Damaged or not leakproof package was loaded onto the vehicle	32(b) (as it refers to 30(b)(i))
23	Required ADR placards or orange-coloured plates were not displayed on container	32(c) (as it refers to 30(c)(ii))
24	Dangerous goods were not properly stowed and secured	32(c) (as it refers to 30(c)(iii))
25	Mixed loading not in compliance with the ADR	32(d) (as it refers to 30(d)(i))
26	Foodstuffs, other articles of consumption or animal feedstuffs not loaded in compliance with the ADR	32(d) (as it refers to 30(d)(ii))
27	Packaging used is not permitted or does not conform to the design type	34(c) (as it refers to 33(c)(i)(I) or (II) as the case may be)
28	Overpack or package was not correctly marked or labelled	34(d) (as it refers to 33(c)(ii)(I) or (II) as the case may be)
29	Packaging did not bear the UN code marking	34(e) (as it refers to 33(c)(iii))
30	Tank used was not inspected or tested or checked within the specified time	36 (as it refers to 35(b))
31	Tank was not filled in compliance with the ADR	36(a) (as it refers to 35(c)(i) or (ii) as the case may be)
32	ADR placards or orange-coloured plates were not affixed on vehicle, tank or container	36(b) (as it refers to 35(i)(i), (ii) or (iii) as the case may be)
33	Driver did not have a driver training certificate with him or her while driving the vehicle	44(1)(a) (as it refers to 41(1)(a))
34	Required instructions in writing were not kept readily identifiable in driver's cab	44(1)(a) (as it refers to 41(1)(b)(ii))
35	Irrelevant instructions in writing, were not kept separate from the pertinent documents	44(1)(a) (as it refers to 41(1)(b)(iii))
36	Dangerous goods were not properly stowed and secured	44(1)(a) (as it refers to 41(1)(c))
37	Documents were not made available to an inspector or member of the Garda Síochána	44(1)(b)(i) (as it refers to 42(b)(ii))
38	Outlet valves, manlids or dip tube openings were open during carriage	44(1)(b)(ii) (as it refers to 42(d)(i))
39	Good electrical connection to earth was not made prior to filling or emptying the tank	44(1)(b)(ii) (as it refers to 42(d)(ii))
40	A passenger, other than a member of the vehicle crew, was carried in the vehicle	44(1)(b)(iii) (as it refers to 42(e)(i))
41	Driver did not shut off the engine during loading or unloading operations	44(1)(b)(iii) (as it refers to 42(e)(ii))

No. 1	Offence 2	Regulation Number 3
42	Driver did not apply the parking brakes while the vehicle was parked	44(1)(b)(iii) (as it refers to 42(e)(iii))
43	Driver did not have his or her photographic identification available	44(1)(c) (as it refers to 43(a))
44	Crew member did not have his or her photographic identification available	44(2) (as it refers to 43(a))
45	Driver smoking during handling operations in vicinity of vehicle or in the vehicle	44(1)(c)(i) (as it refers to 43(c)(ii))
46	Crew member smoking during handling operations in vicinity of vehicle or in the vehicle	44(2)(a) (as it refers to 43(c)(ii))
47	Functions of appointed safety adviser were not performed by him or her	85(3) (as it refers to 80(1))
48	Annual report was not prepared by the appointed safety adviser	85(3) (as it refers to 80(2)(a))
49	Accident report was not prepared by the appointed safety adviser	85(3) (as it refers to 81(1))
50	Appointed safety adviser did not have a valid vocational training certificate	85(2) (as it refers to 82(1))
51	Vehicle was used without an appropriate vehicle certificate of approval being in force for the vehicle	69(2)
52	Security training was not given in compliance with the ADR	75(1) (as it refers to 73(b))
53	Security plan was not available or was not adequate	75(2) (as it refers to 74(1)(b) or (c) as the case may be)
54	Safety adviser was not appointed	85(1) (as it refers to 77(1))
55	Appointed safety adviser did not hold a valid vocational training certificate	85(1) (as it refers to 77(2))
56	Competent authority was not informed of identity of safety adviser	85(1) (as it refers to 79(2))
57	Annual report or accident report was not available	85(1) (as it refers to 80(2)(b) or 81(2) as the case may be)

SCHEDULE 4

Regulation 95.

PRESCRIBED FORM FOR THE PURPOSES OF SECTION 18(2) OF THE ACT - PAYMENT IN LIEU OF PROSECUTION

Competent authority¹

Notice under section 18 of Carriage of Dangerous Goods by Road Act 1998

Payment in lieu of prosecution

Participant/Person

Serial No.:

Name of Participant/Person:

Address of Participant/Person:

Road Check Location:

Date of Road Check:

Vehicle Registration Number:

It is alleged that you, as a participant in the carriage of dangerous goods on the vehicle with the above registration number, at the above location and on the above date, have committed the offence(s) indicated below, to which section 18 of the Carriage of Dangerous Goods by Road Act 1998 applies.

You may pay without delay the amount of €190 in respect of each alleged offence (being a total amount of €.....), which should be accompanied by this Notice, to the inspector named below.

Offences

A prosecution in respect of the alleged offence(s) will not be instituted if the amount above is

paid to the inspector named in this Notice –

- (i) immediately, in the case of a participant outside the State, or
- (ii) within 14 days, in the case of a participant within the State.

Signed:.....

Date:.....

Inspector of the [name of the competent authority to be inserted here]

¹insert name of competent authority

Participant/Person**Identifier**

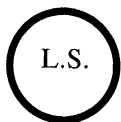
Letter A C	Participant Consignor Carrier	Letter D V	Person driver Vehicle crew (other than driver) safety adviser
F L P	Filler Loader Packer	S E	safety adviser examination body

Offence Identification

No. 1	Offence 2	Regulation Number 3
1A	Transport document was not given or was not in compliance with the ADR	20(2)(a)(ii)(I) (as it refers to 17(2)(b)(i))
2A	Instructions in writing were not given or were not in compliance with the ADR	20(2)(a)(ii)(III) (as it refers to 17(2)(b)(iii))
3A	Approval authorising carriage was not given	20(2)(a)(ii)(IV) (as it refers to 17(2)(b)(iv))
4A	Packaging used is not permitted	20(2)(a)(iii)(I) (as it refers to 17(2)(c)(i)(I))
5A	Portable tank used is not permitted	20(2)(a)(iv)(I) (as it refers to 17(2)(c)(ii)(I)(A))
6A	Tank used is not permitted	20(2)(a)(v)(I) (as it refers to 17(2)(c)(ii)(II)(A))
7A	Vehicle did not have appropriate vehicle certificate of approval	20(2)(a)(vii)(I)(A) (as it refers to 17(2)(d)(i)(I))
8A	Driver did not have a valid driver training certificate	20(2)(a)(vii)(I)(B) (as it refers to 17(2)(d)(i)(II))
9C	Transport document or instructions in writing were not carried in the vehicle	25(2)(a) (as it refers to 21(2)(a)(i) or (ii) as the case may be)
10C	Vehicle did not have a vehicle certificate of approval	25(2) (as it refers to 21(2)(b))
11C	Driver did not have a valid, or had an inappropriate, driver training certificate	25(2) (as it refers to 21(2)(c) or (d) as the case may be)
12C	Transport unit was not provided with sufficient suitable portable fire extinguishers	25(2)(b) (as it refers to 21(2)(f)(i))
13C	Portable fire extinguisher provided on the transport unit did not have a seal, or other indication, verifying that it had not been used	25(2)(b) (as it refers to 21(2)(f)(ii))
14C	Transport unit was not provided with suitable chock	25(2)(c) (as it refers to 21(2)(g)(i))
15C	Transport unit was not provided with 2 reflective cones, triangles or flashing amber lights (independent of transport unit)	25(2)(c) (as it refers to 21(2)(g)(ii))
16C	Suitable warning vest was not provided for each crew member	25(2)(c) (as it refers to 21(2)(g)(iii))
17C	Suitable pocket lamp was not provided for each crew member	25(2)(c) (as it refers to 21(2)(g)(iv))
18C	Suitable respirators were not provided	25(2)(c) (as it refers to 21(2)(g)(v))

No. 1	Offence 2	Regulation Number 3
	for each crew member, where required by the instructions in writing	
19C	Additional equipment, specified in instructions in writing, was not carried in the vehicle	25(2) (as it refers to 21(2)(j))
20C	Tank used was not inspected or tested or checked within the specified time	25(2) (as it refers to 21(2)(h))
21C	ADR placards or orange-coloured plates were not affixed on the vehicle or tank or were not in compliance with the ADR	25(2)(d) (as it refers to 21(2)(i)(i) or (ii) as the case may be)
22L	Damaged or not leakproof package was loaded onto the vehicle	32(b) (as it refers to 30(b)(i))
23L	Required ADR placards or orange-coloured plates were not displayed on container	32(c) (as it refers to 30(c)(ii))
24L	Dangerous goods were not properly stowed and secured	32(c) (as it refers to 30(c)(iii))
25L	Mixed loading not in compliance with the ADR	32(d) (as it refers to 30(d)(i))
26L	Foodstuffs, other articles of consumption or animal feedstuffs not loaded in compliance with the ADR	32(d) (as it refers to 30(d)(ii))
27P	Packaging used is not permitted or does not conform to the design type	34(c) (as it refers to 33(c)(i)(I) or (II) as the case may be)
28P	Overpack or package was not correctly marked or labelled	34(d) (as it refers to 33(c)(ii)(I) or (II) as the case may be)
29P	Packaging did not bear the UN code marking	34(e) (as it refers to 33(c)(iii))
30F	Tank used was not inspected or tested or checked within the specified time	36 (as it refers to 35(b))
31F	Tank was not filled in compliance with the ADR	36(a) (as it refers to 35(c)(i) or (ii) as the case may be)
32F	ADR placards or orange-coloured plates were not affixed on vehicle, tank or container	36(b) (as it refers to 35(i)(i), (ii) or (iii) as the case may be)
33D	Driver did not have a driver training certificate with him or her while driving the vehicle	44(1)(a) (as it refers to 41(1)(a))
34D	Required instructions in writing were not kept readily identifiable in driver's cab	44(1)(a) (as it refers to 41(1)(b)(ii))
35D	Irrelevant instructions in writing, were not kept separate from the pertinent documents	44(1)(a) (as it refers to 41(1)(b)(iii))
36D	Dangerous goods were not properly stowed and secured	44(1)(a) (as it refers to 41(1)(c))
37D	Documents were not made available to an inspector or member of the Garda Síochána	44(1)(b)(i) (as it refers to 42(b)(ii))
38D	Outlet valves, manlids or dip tube openings were open during carriage	44(1)(b)(ii) (as it refers to 42(d)(i))
39D	Good electrical connection to earth was	44(1)(b)(ii) (as it refers to 42(d)(ii))

No. 1	Offence 2	Regulation Number 3
	not made prior to filling or emptying the tank	
40D	A passenger, other than a member of the vehicle crew, was carried in the vehicle	44(1)(b)(iii) (as it refers to 42(e)(i))
41D	Driver did not shut off the engine during loading or unloading operations	44(1)(b)(iii) (as it refers to 42(e)(ii))
42D	Driver did not apply the parking brakes while the vehicle was parked	44(1)(b)(iii) (as it refers to 42(e)(iii))
43D	Driver did not have his or her photographic identification available	44(1)(c) (as it refers to 43(a))
44V	Crew member did not have his or her photographic identification available	44(2) (as it refers to 43(a))
45D	Driver smoking during handling operations in vicinity of vehicle or in the vehicle	44(1)(c)(i) (as it refers to 43(c)(ii))
46V	Crew member smoking during handling operations in vicinity of vehicle or in the vehicle	44(2)(a) (as it refers to 43(c)(ii))
47S	Functions of appointed safety adviser were not performed by him or her	85(3) (as it refers to 80(1))
48S	Annual report was not prepared by the appointed safety adviser	85(3) (as it refers to 80(2)(a))
49S	Accident report was not prepared by the appointed safety adviser	85(3) (as it refers to 81(1))
50S	Appointed safety adviser did not have a valid vocational training certificate	85(2) (as it refers to 82(1))
51	Vehicle was used without an appropriate vehicle certificate of approval being in force for the vehicle	69(2)
52	Security training was not given in compliance with the ADR	75(1) (as it refers to 73(b))
53	Security plan was not available or was not adequate	75(2) (as it refers to 74(1)(b) or (c) as the case may be)
54	Safety adviser was not appointed	85(1) (as it refers to 77(1))
55	Appointed safety adviser did not hold a valid vocational training certificate	85(1) (as it refers to 77(2))
56	Competent authority was not informed of identity of safety adviser	85(1) (as it refers to 79(2))
57	Annual report or accident report was not available	85(1) (as it refers to 80(2)(b) or 81(2) as the case may be)



GIVEN under my Official Seal,
13 June 2007

MICHEÁL MARTIN,
Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road, including the packing, loading, filling and unloading of the dangerous goods in relation to their carriage. They apply the provisions of Annexes A and B to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road” (ADR) 2007.

The Regulations place duties on the various participants associated with the carriage of the dangerous goods. They contain requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their carriage. The Regulations require that the drivers, and others involved in the carriage of the dangerous goods by road, be adequately trained and, in the case of drivers, hold certificates of such training. The Regulations also contain provisions on an EC harmonised approach to the road checks aspect of their enforcement.

These regulations place duties on the Competent Authority, in Part 7, in respect of carrying out spot checks on vehicles and premises. This requirement is contained in provisions in Chapter 1.8.1 of ADR.

The Regulations transpose or retranspose—

- Council Directive 94/55/EC of 21 November 1994, on the transport of dangerous goods by road;
- Directive 2000/61/EC of the European Parliament and of the Council of 10 October 2000, amending Directive 94/55/EC;
- Commission Directive 2006/89/EC of 3 November 2006 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 (O.J. No. L 305, 4.11.2006, p. 4) (which amends Annexes A and B to Directive 94/55/EC to incorporate Annexes A and B of the 2007 edition of the ADR).

Directive 94/55/EC as amended and adapted to technical progress, requires national legislation to be in line with the Annexes to ADR which are updated and replaced every 2 years but with certain derogations for national transport, as provided for in separate regulations made under the European Communities Act, 1972.

The Regulations revoke and replace the Carriage of Dangerous Goods by Road Regulations 2006 (S.I. No. 405 of 2006).

Compared to the 2006 Regulations, the main changes introduced in these Regulations include—

- (i) the prescribed forms for vehicle inspection are now set out in Schedule 3 of the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 for ease of use,
- (ii) the number of offences in Schedules 3 and 4 is reduced and certain offences have been consolidated, and
- (iii) certain new offences are provided for in Schedules 3 and 4 relating to Safety Advisers and Security Provisions.

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