



STATUTORY INSTRUMENTS.

S.I. No. 620 of 2010

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS
BY ROAD) (ADR MISCELLANEOUS PROVISIONS) REGULATIONS
2010

(Prn. A10/1904)

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I, BATT O'KEEFFE, Minister for Enterprise, Trade and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Directive 2008/68/EC¹ of the European Parliament and of the Council of 24 September 2008 on the approximation of the laws of the Member States with regard to the inland transport of dangerous goods (insofar as that Directive relates to the transport of dangerous goods by road), as amended by Commission Decision 2010/187/EU² of 25 March 2010, hereby make the following regulations—

Citation

1. These Regulations may be cited as the European Communities (Inland Transport of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010.

Interpretation

2. (1) In these Regulations—

“ADR” means the European Agreement Concerning the International Carriage of Dangerous Goods by Road, the Annexes to it and the protocol of signature thereto done at Geneva on 30 September 1957, and the amending protocol thereto adopted at Geneva on 28 October 1993;

“*the Annexes*” means Annexes A and B to the ADR referred to in Annex I to Directive 2008/68/EC¹ of the European Parliament and of the Council of 24 September 2008, as amended by Commission Decision 2010/187/EU of 25 March 2010²”

“associated Regulations” means the Carriage of Dangerous Goods by Road Regulations 2010;

‘authorised tester’ has the meaning assigned to it by Regulation 59 of the associated Regulations;

“carriage of dangerous goods by road” means any road transport operation performed by a vehicle wholly or partly on public roads, including the activity of loading and unloading, covered by the Annexes, but does not include transport wholly performed within the perimeter of an enclosed area not open to the public;

¹ OJ L260, 30.09.2008, p.13

² OJ L83, 30.03.2010, p.24

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th December, 2010.*

“carrier” shall be construed in accordance with Regulation 3;

“competent authority” shall be construed in accordance with Regulation 5;

“competent person” shall be construed in accordance with Regulation 7;

“consignor” shall be construed in accordance with Regulation 4;

“Contracting Party” means a State that is a party to the ADR;

“dangerous goods” means those substances and articles the carriage by road of which is prohibited, or authorised only in certain circumstances, by the Annexes and includes wastes (being any dangerous goods or solution or mixture of dangerous goods for which no direct use is envisaged but which is or are transported for reprocessing, dumping, elimination by incineration or other methods of disposal);

“Directive 2008/68/EC” means Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the approximation of the laws of the Member States with regard to the inland transport of dangerous goods, as amended by Commission Decision 2009/240/EC of 4 March 2009 and Commission Decision 2010/187/EU of 25 March 2010.

“Directive 95/50/EC” means Council Directive 95/50/EC of 6 October 1995, as amended by Directive 2001/26/EC of the European Parliament and of the Council of 7 May 2001, by Commission Decision 2002/886/EC of 7 November 2002 as last adapted to technical progress by 2008/54/EC of the European Parliament and of the Council of 17 June 2008;

“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);

“IMDG code” means the International Maritime Dangerous Goods Code, for the implementation of Chapter VII, Part A, of the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention), published by the International Maritime Organisation (IMO), London;

“inspector” shall be construed in accordance with Regulation 6;

“MEMU” means a mobile explosives manufacturing unit;

“Minister” means the Minister for Enterprise, Trade and Innovation;

“vehicle certificate of approval” means the certificate of approval, in the format laid down in Chapter 9.1.3.5, issued for a vehicle pursuant to Part 6 of the associated Regulations;

“vehicle certificate of approval (national transport only)” means the certificate of approval, issued for a vehicle (for the carriage of the dangerous goods by road only in the State) pursuant to Part 6 of the associated Regulations, subject to Regulation 13, and set out in Part 1 or Part 2 of Schedule 3.

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

(3) A word or expression that is used in these Regulations and that is also used in the ADR or Directive 95/50/EC has, unless the contrary intention appears, the same meaning in these Regulations as in the ADR or that Directive.

(4) In these Regulations—

- (a) reference to a Chapter means a reference to that Chapter in the ADR, applicable as from 1 January 2009,
- (b) reference to a Part of the ADR means a reference to that Part in the ADR, applicable as from 1 January 2009, and
- (c) reference to Annex A or Annex B means a reference to Annex A or Annex B to the ADR, applicable as from 1 January 2009;

and reference to Annexes to the ADR shall be construed accordingly.

Carrier

3. (1) For the purpose of these Regulations and subject to paragraph (2), “carrier” means the person who carries out a transport operation involving the carriage of dangerous goods by road with or without a transport contract and shall be construed as—

- (a) 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 clause (i), the driver of the vehicle or of the vehicle in which the container is carried (as the case may be), and
- (b) 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 clause (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 clause (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 clause (i), (ii) or (iii), the driver of the vehicle on which the tank is carried.

(2) A person shall not be regarded as the carrier solely because—

- (a) he or she has the management of a tank, container or vehicle during loading or unloading, or
- (b) 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, container or vehicle unless the leaser 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 leaser or hirer (as the case may be) shall assume responsibilities as the owner imposed by or under these Regulations.

Consignor

4. (1) Notwithstanding Regulation 2 (2) and subject to paragraph (2), 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—

- (a) a 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
- (b) if no person satisfies the requirements of subparagraph (a), the consignee of those goods in so far as that person has control over the carriage of those dangerous goods in the State.

(2) If the transport operation is carried out under a contract for carriage, “consignor” means the consignor according to the contract for carriage.

Competent Authority

5. The following persons are appointed as the competent authorities in the State for the purposes of these Regulations and the functions to be performed by them are set out as follows namely:

- (a) the Road Safety Authority, in respect of issue of a vehicle certificate of approval (national transport only) pursuant to Regulation 14;

- (b) the Minister for Justice and Law Reform, in respect of—
 - (i) the approval of the design of, and the requirements to be met in regard to, the containers and compartments used in the carriage of packages of substances and articles of the ADR Class 1, in accordance with Regulation 19(d)(i), and
 - (ii) the approval of the design, construction, testing, and examination of, and the requirements to be met as regards the operation and use of, the vessels to be used in the carriage of substances of the ADR Classes 3, 5.1 or 8, in accordance with Regulation 19(d)(ii);
- (c) the National Standards Authority of Ireland, in respect of such inspections relating to compliance with requirements for the construction and testing of receptacles, type approval of tanks and tank containers, design type testing and approval of packaging and the design type testing and approval of intermediate bulk containers as may be required pursuant to Regulation 19(d);
- (d) the Irish National Accreditation Board, (being the Committee of that name established by resolution of the Board of Forfás pursuant to section 10 of the Industrial Development Act 1993 (No. 19 of 1993), as amended by section 46 of the Industrial Development (Enterprise Ireland) Act 1998 (No. 34 of 1998), in respect of accreditation of inspection bodies as may be required for the purposes of Regulation 19(d); and
- (e) the Health and Safety Authority, in respect of all other functions conferred on a competent authority by these Regulations.

Inspectors

6. (1) A competent authority may appoint such and so many persons as the authority thinks fit to be inspectors for the purposes of these Regulations and may revoke any such appointment.

(2) A competent authority shall issue to every inspector appointed by it under paragraph (1) a warrant of appointment and, when exercising a power conferred on an inspector by or under these Regulations, the inspector shall, on being so requested by a person affected, produce the warrant or a copy of it duly authenticated by the competent authority, to that person.

(3) An inspector may, for the purposes of ascertaining whether these Regulations are being complied with, do any or all of the following:

- (a) carry out a check on any transport equipment for reasons of safety inherent in the carriage of dangerous goods by road,
- (b) at any time enter any premises or place if he or she has reasonable grounds for suspecting that it is used for a purpose connected with the carriage of dangerous goods by road, or that transport equipment used for that purpose is at the premises or place, and inspect the

premises or place, the transport equipment and any documents or records kept or used on the premises or place or that transport equipment,

- (c) where he or she has reasonable grounds for suspecting that at any premises or place an offence under these Regulations has been or is being committed, use reasonable force where necessary in order to enter the premises or place, provided he or she is so authorised by a warrant of a judge of the District Court under Regulation 20 or, if it appears to the inspector to be a case of emergency and that the delay in obtaining a warrant would be likely to endanger life, then without being so authorised,
- (d) when exercising a power under this Regulation, be accompanied by a member of the Garda Síochána if the inspector has reasonable cause to apprehend a serious obstruction in the execution of the inspector's duty,
- (e) at any time check transport equipment which is stationary, together with its load, if any, and inspect any documents, goods, records or recording equipment being carried in or on the vehicle or by any member of the crew, which are kept or used for a purpose connected with the carriage of dangerous goods by road,
- (f) take samples of goods from any premises, place or transport equipment which the inspector has reasonable grounds for suspecting is being used, has been used or is intended to be used for the carriage of dangerous goods by road,
- (g) require any person at the premises, in the place or in the transport equipment to produce to the inspector any document or record (including in the case of information in a non-legible form a copy of an extract from such information in permanent legible form) kept or used for a purpose connected with the carriage of dangerous goods by road which is in the power or control of that person,
- (h) inspect, examine and take copies of or extracts from or take away, if necessary, for the purposes of inspection or examination, any document or record (including in the case of information in a non-legible form a copy of an extract from such information in permanent legible form) kept or used in connection with the carriage of dangerous goods by road and require the person by whom such document or record is kept or who produced the document or record to certify a copy thereof as a true copy,
- (i) investigate any accident involving carriage of dangerous goods by road, and
- (j) undertake, or arrange for the undertaking, of the examination, testing, processing or dismantling of transport equipment as may be necessary.

(4) For the purpose of exercising his or her powers under paragraph (3), an inspector may detain transport equipment, including any dangerous goods contained therein or thereon, during such time as is required for the exercise of those powers.

(5) An inspector shall not, other than with the consent of the occupier, enter such part of a premises used as a private dwelling unless he or she has obtained a warrant from the District Court under Regulation 20 authorising such entry.

(6) Where an inspector in the exercise of his or her powers under this Regulation is prevented from entering any premises an application may be made under Regulation 20 for a warrant authorising such entry.

(7) Where a competent authority is satisfied that an inspector appointed by it has, in good faith, duly exercised a power conferred on the inspector pursuant to this Regulation the competent authority shall indemnify the inspector against all actions or claims however arising in respect of the exercise by the inspector of that power.

(8) A person who obstructs or interferes with an inspector when the inspector is exercising a power under this Regulation, or who fails or refuses to comply with a request or requirement of an inspector under this Regulation, is guilty of an offence.

(9) A person who wilfully gives to an inspector information which he or she knows to be false or misleading in a material respect, or makes any such false or misleading statement recklessly as to its truth or otherwise, is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) or (9) shall be liable on summary conviction to a fine not exceeding €1,900.

Competent person

7. (1) For the purposes of these Regulations, a person is deemed to be a competent person where, having regard to the task that he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.

(2) Account shall be taken, as appropriate, for the purposes of paragraph (1) of the framework of qualifications referred to in the Qualifications (Education and Training) Act 1999 (No. 26 of 1999).

Revocation

8. The European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 (S.I. No. 289 of 2007) are revoked.

Requirement for road checks

9. (1) The competent authority shall, for the purposes of Directive 95/50/EC—

- (a) fulfil the checks requirements in paragraphs 1 and 2 of Article 3 of that Directive,
- (b) carry out checks in accordance with paragraphs 1 to 5 of Article 4 of that Directive,
- (c) co-operate with competent authorities in other Member States of the European Communities in fulfilling the requirements of paragraph 2 of Article 7 and Article 8 of that Directive, and
- (d) supply such information to the Commission of the European Communities as is required by paragraph 1 of Article 9 of that Directive.

(2) Where an inspector carries out a check for the purposes of subparagraph (1)(a), a certificate containing the particulars set out in Schedule 1, showing the result of the check as required by paragraph 1 of Article 4 of Directive 95/50/EC shall be drawn up by the inspector and given to the driver of the vehicle.

Defence forces exemption

10. These Regulations do not apply to vehicles carrying dangerous goods belonging to, or under the control of, the Defence Forces or the armed forces of a country which is a contracting party to the ADR.

General exemption relating to carriage of dangerous goods by road in the State and certificate of exemption

11. (1) A competent authority may, subject to any law of the European Union in respect of the carriage of dangerous goods by road, and following consultation with the Minister, by certificate in writing exempt, in respect of the carriage of dangerous goods by road in the State, a participant from any requirement imposed upon him or her by the associated Regulations and any such exemption may be granted subject to conditions and for such a period of time as the competent authority sees fit to impose and may be revoked at any time.

(2) A participant availing of an exemption under paragraph (1) shall ensure that a copy of the certificate of exemption accompanies the load of dangerous goods at all times, while it is being carried by road.

Application of exemptions in Regulations 13 to 19

12. The exemptions set out in Regulations 13 to 19 apply only to the carriage of dangerous goods by road in the State.

Existing vehicles

13. (1) Notwithstanding Parts 2 and 3 of the associated Regulations, and by derogation from Part 9 of the ADR relating to anti-lock braking systems and endurance braking, vehicles not fitted with anti-lock brakes and endurance braking and first registered before 1 April 2002 shall be taken to comply with Part

6 of the associated Regulations as respects the requirements for anti-lock and endurance braking systems in Chapter 9.2.3.1.

(2) Notwithstanding Parts 2 and 3 of the associated Regulations, and by derogation from Part 9 of the ADR, tank-vehicles meeting the ADR requirements for the base vehicle but fitted with a tank or gas receptacle to which Regulation 16 or 17, as the case may be, applies shall be taken to comply with Part 6 of the associated Regulations.

(3) Notwithstanding Parts 2 and 3 of the associated Regulations, and by derogation from Part 9 of the ADR, vehicles first registered before 1 April 2002 which do not comply with Part 9 of the ADR, and in particular Chapter 9.3, may be used to carry explosives of ADR Class 1 Division 1.1 in quantities not exceeding 5000 kg, provided that—

- (a) a quick action cut-off is fitted to the fuel feed pipe in an accessible position,
- (b) the cab is separated from the body of the vehicle by a clear space of at least 152 mm and the whole of the exhaust pipe is protected from the body by a fire resisting screen carried down to within 304 mm of the ground,
- (c) the body of the vehicle, including the floor is completely covered externally with sheet metal and lined internally with wood so treated as to be rendered non flammable or with such other material as may be approved in writing by an inspector,
- (d) the floorboards and side doors of the cab, if of wood, are so treated as to be rendered non-flammable, and
- (e) there is no opening in the body of the vehicle except the door, which shall fit closely and shall be at the back unless another position is approved in writing by an inspector.

Issue of vehicle certificate of approval (national transport only)

14. (1) Subject to Regulation 13 and following the examination of a vehicle referred to in that Regulation in accordance with Regulation 62(5) of the associated Regulations, where an authorised tester is satisfied that the vehicle complies with the requirements of Part 6 of the associated Regulations, he or she shall, in the case of—

- (a) a vehicle referred to in paragraph (1) or (2) of Regulation 13, issue a vehicle certificate of approval (national transport only) for that vehicle in the format set down in Part 1 of Schedule 3, or
- (b) a vehicle referred to in paragraph (3) of Regulation 13, issue a vehicle certificate of approval (national transport only) for that vehicle in the format set down in Part 2 of Schedule 3.

(2) a tank-vehicle constructed since 1 July 2003, otherwise in compliance with ADR, when used exclusively in the State for the transport of dangerous goods by road, may be treated, as appropriate, in accordance with Regulation 16.

Vehicle certificate of approval offences

15. (1) (a) The carrier and the driver of a vehicle referred to in Regulations 13 and 14(2) shall ensure that the vehicle certificate of approval (national transport only) is carried in the cab of the vehicle whenever the vehicle is being used for the transport of dangerous goods.

(b) Notwithstanding—

- (i) subparagraph (a), and in the case of a vehicle referred to in Regulation 13, where the vehicle consists of a drawing vehicle coupled to a trailer or a semi-trailer and is being used for the carriage of dangerous goods, the vehicle certificate of approval (national transport only), or
- (ii) Parts 2 and 3 of the associated Regulations, and by derogation from Chapter 8.1.2.2(a), where the vehicle consists of a drawing vehicle coupled to a trailer or a semi-trailer and is being used for the carriage of dangerous goods within the State only, the vehicle certificate of approval,

for the trailer or semi-trailer component need not be carried on the transport unit but must be produced, on request, at an agreed location to an inspector or a member of the Garda Síochána, as appropriate, within 10 days of such request.

(2) (a) A carrier or a driver who fails to comply with paragraph (1)(a) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €600.

(b) A carrier who fails to comply with a request under paragraph (1)(b) is guilty of an offence and is liable on summary conviction to a fine not exceeding €600.

Tanks etc. constructed before 1 July 2003

16. Notwithstanding Parts 2 and 3 of the associated Regulations, a fixed tank or a portable tank or a demountable tank or a tank-container and their respective fittings, that is not fully in compliance with Chapter 6.7, 6.8, 6.9 or 6.10 and that was constructed before 1 July 2003, shall be taken to comply with the associated Regulations and with Regulations 7 to 9 of the Air Pollution Act 1987 (Petroleum Vapour Emissions) Regulations 1997 (S.I. No. 375 of 1997) where—

- (a) all practicable steps are taken to ensure that the fixed tank, demountable tank or tank-container, as the case may be, and its fittings meet the requirements specified in Schedule 2.
- (b) the fixed tank, demountable tank or tank-container, as the case may be, is fitted with a corrosion-resistant metal plate or plates permanently attached to the tank in a place readily accessible for inspection, and

- (c) the following particulars, regarding the fixed tank, demountable tank or tank container, are marked on the plate or plates referred to in paragraph (b), by stamping into the metal or other similar method:
 - (i) its serial number,
 - (ii) its water capacity in litres,
 - (iii) its maximum safe working pressure,
 - (iv) the month and year of its most recent thorough examination,
 - (v) the month and year of its most recent periodic test, if appropriate,
 - (vi) the month and year of its most recent leakproofness test,
 - (vii) its operating temperature range, if appropriate, and
 - (viii) the identification mark of the competent person who carried out the most recent thorough examination, periodic inspection or leakproofness test, as appropriate.

Gas receptacles constructed before 1 July 2003

17. Notwithstanding Parts 2 and 3 of the associated Regulations, a receptacle used for the carriage of gases of the ADR Class 2 and its fittings, that is not fully in compliance with Chapter 6.2 and that was constructed before 1 July 2003 is taken to comply with the associated Regulations where—

- (a) all practicable steps are taken to ensure that the receptacle and its fittings are—
 - (i) properly designed, of adequate strength, good construction and free from obvious defect,
 - (ii) constructed of materials that are not chemically incompatible with or liable to react dangerously with the dangerous goods being carried,
 - (iii) suitable for the purpose for which it is being used,
 - (iv) designed, constructed and maintained so as to prevent any of the contents escaping except in the interests of safety, where the contents may be released using a suitable safety device, and
 - (v) thoroughly examined externally and internally by a competent person at the intervals specified in the ADR and after any major repairs which may affect the integrity or safety of the receptacle, and
- (b) the receptacle has the following particulars stamped either into the metal on a reinforced part of the receptacle or on a ring or disc immovably affixed to the receptacle—

- (i) the name of the owner,
 - (ii) its serial number,
 - (iii) its year of manufacture,
 - (iv) its water capacity in litres,
 - (v) its test pressure,
 - (vi) (I) the year and, subject to clause (II), the month of its last thorough examination,
 - (II) where a receptacle is used to carry gases of the ADR Class 2 for which the interval between periodic inspections is 10 years or more the month of the last thorough examination need not be indicated,
 - (vii) (I) the tare weight of the receptacle without fittings and accessories, or
 - (II) in the case where the receptacle is an LPG (propane, butane or mixtures of propane and butane of the ADR Class 2, with UN numbers 1978, 1011 and 1965 respectively) cylinder the tare weight inclusive of fittings and accessories,
- and
- (viii) the identification mark of the competent person who carried out the test or examination.

Exemption relating to private premises

18. Notwithstanding Parts 2 and 3 of the associated Regulations, those Regulations do not apply where a vehicle is being used to transfer dangerous goods—

- (a) between private premises and another vehicle situated in the immediate vicinity of those premises, or
- (b) between one part of a private premises and another part of the premises situated in the immediate vicinity of that first mentioned part, where both parts are occupied by the same person, notwithstanding that those parts may be separated by a public road,

provided that the transfer of the dangerous goods is carried out by means of the most direct and shortest route between a private premises and a vehicle or the two parts of a private premises, as appropriate.

Other miscellaneous exemptions

19. The following exemptions (subject to the conditions therein referred to) apply to the provisions of Parts 2 and 3 of the associated Regulations namely:

- (a) where kerosene bearing UN number 1223, diesel fuel bearing UN number 1202 or liquefied petroleum gas bearing UN number 1965 is being carried for delivery to the end user—
 - (i) the transport document which, pursuant to Chapter 5.4, is required at the start of the transport operation is not required to contain the name and address of a consignee, and
 - (ii) the transport document, referred to in subparagraph (i), is not required to comply with Chapter 5.4.1.1.1(e) or (f);
- (b) in the case of the carriage of empty uncleaned tanks, the transport document for the last load shall be sufficient;
- (c) notwithstanding the provisions of Chapter 7.5.11, the loading and unloading of dangerous goods in a public place to which special provision CV1 of that Chapter applies, is permitted without special permission from a competent authority;
- (d) packages containing articles of Compatibility Group B of the ADR Class 1 and packages containing substances and articles of Compatibility Group D of the ADR Class 1 may be carried on the same vehicle with dangerous goods of the ADR Classes 3, 5.1 or 8, where—
 - (i) the said packages of the ADR Class 1 are carried in separate containers or compartments of a design approved and in compliance with the conditions required by the relevant competent authority, and
 - (ii) the said substances of the ADR classes, 3, 5.1 or 8 are carried in vessels meeting the requirements of the relevant competent authority as regards their—
 - (I) design,
 - (II) construction,
 - (III) testing,
 - (IV) examination,
 - (V) operation, and
 - (VI) use;
- (e) flexible hose reels (including fixed pipelines associated with them) attached to tank vehicles engaged in the retail distribution of petroleum products with UN numbers 1011, 1202, 1223, 1965 or 1978 are not required to be empty during carriage by road where adequate measures are taken by the carrier to prevent any loss of contents;

- (f) a transport document as referred to in Chapter 5.4 is not required for the carriage of pesticides of ADR Class 3, with the Classification Code FT2, and pesticides of ADR Class 6, with the Classification Code T6, where the quantity of the dangerous goods being carried does not exceed the quantities set out in Chapter 1.1.3.6;
- (g) Subject to paragraph (h), the carriage of marine distress pyrotechnical articles of ADR Class 1, with UN numbers 0092, 0093, 0191, 0195, 0197, 0240, 0312, 0403, 0404 or 0453 to the nearest military barracks is exempt from—
 - (i) the requirement for a transport document in accordance with Chapter 8.1.2.1(a),
 - (ii) the packaging requirements of Chapters 4.1 and 6.1, and
 - (iii) the package marking and labelling requirements of Chapter 5.2;
- (h) Paragraph (g) applies to the article referred to in that paragraph pursuant to Chapters 4.1.1.1 and 4.1.1.2 where—
 - (i) the carriage of the articles is for their disposal following the expiry of their shelf life,
 - (ii) they are packaged by one of the methods listed in the packing instruction P135 of Chapter 4.1.4,
 - (iii) their packagings are—
 - (I) of good quality,
 - (II) strong enough to withstand the shocks and loadings normally encountered during carriage,
 - (III) constructed and closed so as to prevent loss of contents during carriage, and
 - (IV) not affected or significantly weakened by the pyrotechnical articles,
 - (iv) they are not packed together with any other article or substance,
 - (v) each package is clearly marked with the following inscription, namely—

“Time Expired Pyrotechnics”,
 - (vi) the carriage is in compliance with—
 - (I) Chapter 1.1.3.6,

- (II) the exemptions related to quantities carried per transport unit, and
 - (III) the conditions to which the exemptions are subject pursuant to paragraph (g),
- (vii) the load is accompanied by a transport document containing—
- (I) the name and address of the consignor,
 - (II) the name and address of the military barracks to which the load is being consigned,
 - (III) a description of the articles being consigned, including their UN number, name and classification code,
 - (IV) the number of packages and total mass of the load of them, and
 - (V) the following inscriptions:
 - (A) “Time Expired Pyrotechnics”, and
 - (B) “Load not exceeding the exemption limits prescribed in Chapter 1.1.3.6 of the ADR”,
- (viii) their carriage is to the nearest military barracks, and
- (ix) a complete itemised list of the articles is provided to the military barracks at least two days prior to the delivery of the articles;
- (i) in the case of the carriage in bulk of ammonium nitrate based fertiliser with UN number 2067, from a port where it is being unloaded from a ship, where the carriage involves multiple loads in the same vehicle of that fertiliser only on the same or consecutive days—
- (i) the transport document, required by Chapter 8.1.2.1(a) to be provided in respect of the first load, shall be sufficient for subsequent loads in respect of the same vehicle on the same or subsequent consecutive days, and
 - (ii) the special provision CV24, of Chapter 7.5.11, shall not apply, provided that it is complied with before the first load and after the last load in respect of the same vehicle;
- (j) the requirements of Chapters 5.3 and 5.4 and Parts 7, 8 and 9 of the ADR and the provisions of Chapter 3.2 that relate to carriage of gases to be used as dispensing agents for beverages do not apply to the carriage of gases of ADR Class 2 in cylinders, provided that as respects beverages for which the gases being carried are to be used as dispensing agents where the gases and beverages are being carried in the same vehicle—

- (i) they are so carried on the same vehicle as the beverages,
 - (ii) the gases are dispensing agents for the beverages, and
 - (iii) the beverages are not classified as dangerous according to the ADR;
- and
- (k) the provisions of Chapters 4.1, 6.2 and Columns (8), (9a) and (9b) of Chapter 3.2 do not apply to the carriage of gases of ADR Class 2 in cylinders or pressure drums in the case of a multimodal carriage, that includes carriage by sea, of the gases, provided that—
 - (i) consignors comply with the provisions of Chapters 4.1, 6.2 and the relevant provisions of Chapter 3.2 of the IMDG Code,
 - (ii) the carriage within the State consists of a single journey and is completed within a single day,
 - (iii) the cylinders or pressure drums are not refilled in the State,
 - (iv) the empty cylinders or pressure drums, whether uncleaned or cleaned, are returned to the country of origin, from where they originated, and
 - (v) small quantities are carried per load.

Search warrants

20. If a judge of the District Court is satisfied on the sworn information of an inspector that there are reasonable grounds for suspecting that—

- (a) a premises, including any part used as a private dwelling, is used for a purpose connected with the carriage of dangerous goods by road,
- (b) transport equipment used for that purpose is at the premises,
- (c) there is information or material relating to the carriage of dangerous goods by road required by an inspector for examination held in any premises or part of any premises, or
- (d) an offence under these Regulations has been or is being committed therein,

the judge may issue a warrant authorising an inspector, accompanied by other inspectors or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so required of the warrant, to enter that premises, if need be by reasonable force, and exercise all or any of the powers conferred on an inspector under Regulation 6.

CHECKLIST CERTIFICATE

Annex I to Council Directive 95/50/EC as amended by Commission Directive 2004/112/EC as last adapted to technical progress by Directive 2008/54/EC

1. Place of check 2. Date 3. Time

4. Vehicle nationality mark and registration number
 5. Trailer/semi-trailer nationality mark and registration number
 6. Undertaking carrying out transport/address
 7. Driver / driver's assistant
 8. Consignor, address, place of loading ⁽¹⁾ ⁽²⁾
 9. Consignee, address, place of unloading ⁽¹⁾ ⁽²⁾
 10. Total quantity of dangerous goods per transport unit

11. ADR 1.1.3.6 quantity limit exceeded	<input type="checkbox"/> yes	<input type="checkbox"/> no	
12. Mode of transport	<input type="checkbox"/> in bulk	<input type="checkbox"/> package	<input type="checkbox"/> tank
Documents on board			
13. Transport document	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
14. Instructions in writing	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
15. Bilateral/multilateral agreement/national authorization	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
16. Certificate of approval for vehicles	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
17. Driver's training certificate	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
Transport operation			
18. Goods authorized for transport	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
19. Vehicles authorized for goods carried	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
20. Provisions related to the mode of transport (bulk, package, tank)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
21. Mixed loading prohibition	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
22. Loading, securing of the load and handling ⁽³⁾	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
23. Leakage of goods or damage to package ⁽³⁾	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
24. UN packaging marking / tank marking ⁽²⁾ ⁽³⁾ (ADR 6)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
25. Package marking (e.g. UN no.) and labelling ⁽²⁾ (ADR 5.2)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
26. Tank / vehicle placarding (ADR 5.3.1)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
27. Vehicle / transport unit marking (orange plate, elev. temp.) (ADR 5.3.2-3)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
Equipment on board			
28. General purpose safety equipment specified in ADR	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
29. Equipment according to the goods carried	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
30. Other equipment specified in the instructions in writing	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
31. Fire extinguisher(s)	<input type="checkbox"/> inspected	<input type="checkbox"/> infringement established	<input type="checkbox"/> not applicable
32. The most serious risk category of established infringements, if any	<input type="checkbox"/> Category I	<input type="checkbox"/> Category II	<input type="checkbox"/> Category III
33. Remarks			
34. Authority/ officer having carried out the inspection			

⁽¹⁾ To be filled only if relevant for an infringement⁽²⁾ To be stated under "remarks" for groupage transport operations⁽³⁾ Check of visible violations "

SPECIFIC REQUIREMENTS RELATING TO FIXED TANK, DEMOUNTABLE TANK OR TANK-CONTAINER UNDER REGULATION 16

Part 1

MISCELLANEOUS PROVISIONS

General provisions

1. All practicable steps must be taken to ensure that the fixed tank, demountable tank or tank-container and its fittings—

- (a) are properly designed, of adequate strength, good construction and free from patent defect,
- (b) are constructed of materials that are not chemically incompatible with or liable to react dangerously with the dangerous goods being carried,
- (c) are suitable for the purpose for which they are being used,
- (d) are designed, constructed and maintained so as to prevent any of the contents escaping except that this requirement shall not prevent the fitting of a suitable safety device,
- (e) comply, as appropriate, with—
 - (i) Chapter 6.8.2.1.28, concerning protection of fittings mounted on the upper part of the tank,
 - (ii) Chapters 6.8.2.2, 6.8.3.2 and 6.8.4(b), concerning items of equipment (shells made of metallic materials),
 - (iii) Chapter 6.9.3, concerning items of equipment (shells made of fibre-reinforced plastics), and
 - (iv) Chapter 6.10.3, concerning items of equipment (vacuum-operated waste tanks).

Sections 2, 3, 4 and 6 of the LPG ITA Code of Practice 2 of January 1974

2. A fixed tank or tank-container, complying with Sections 2, 3, 4 and 6 of the LPG ITA Code of Practice 2 of January 1974, issued by the United Kingdom Liquefied Petroleum Gas Industry Technical Association, and used for the carriage of propane, butane or mixtures of propane and butane of the ADR Class 2 with the UN Numbers 1978, 1011 and 1965, is deemed to comply with paragraph 1 (a), (b), (c) and (e) where the tank has been designed, constructed and initially tested in accordance with—

- (a) one of the following standards of the ‘British Standards Institution’—
 - (i) BS 1500: 1958, entitled “Fusion Welded Pressure Vessels for General Purpose”,
 - (ii) BS 1515: 1965, entitled “Fusion Welded Pressure Vessels for Use in the Chemical, Petroleum and Allied Industries”, or
 - (iii) BS 5500: 1976, entitled “Specification for Unfired Fusion Welded Pressure Vessels”, or
- (b) the “ASME Boiler and Pressure Vessel Code: 1962: Section VIII, Pressure Vessels” of the American Society of Mechanical Engineers.

Examinations, inspections and tests

3. All practicable steps must be taken to ensure that the fixed tank, demountable tank or tank-container and its fittings—

- (a) in the case of a fixed tank used for the carriage of substances with the UN Numbers 1202, 1203 or 1223, is thoroughly examined both internally and externally by a competent person every 6 years and after any major repairs which affect the integrity or safety of the said tank, or
- (b) subject to subparagraph (a), undergoes a periodic inspection by a competent person, in the manner (subject to any conditions or requirements of the competent person) set out in and at the intervals specified, as appropriate, in Chapters 6.8.2.4, 6.8.3.4, 6.8.4(d), 6.9.5 and 6.10.4 and after any major repairs which affect the integrity or safety of the said tank or tank-container,
- (c) in the case of a fixed tank used for the carriage of substances with the UN Numbers 1202, 1203 or 1223, is subjected to a leakproofness test by a competent person every 3 years in the manner (subject to any conditions or requirements of the competent person) set out in Chapter 6.8.2.4, or
- (d) subject to subparagraph (c), is subjected to an intermediate leak-proofness test by a competent person, in the manner (subject to any conditions or requirements of the competent person) set out in and at the intervals specified, as appropriate, in Chapters 6.8.2.4, 6.8.3.4, 6.8.4(d), 6.9.5 and 6.10.4.

Certificates of examinations, inspections and tests

4. A certificate of the results of every examination, inspection or test referred to below must be kept available and produced to an inspector on request and to an authorised examiner when required under Part 6 of the associated Regulations, in respect of a—

- (a) thorough examination carried out in accordance with paragraph 3(a) and containing the prescribed particulars as set out in Part 2 of this Schedule and signed by the person making the examination,
- (b) periodic inspection carried out in accordance with paragraph 3(b) and containing the prescribed particulars as set out in Part 3 of this Schedule and signed by the person carrying out the periodic inspection, and
- (c) leakproofness test carried out in accordance with paragraph 3(c) or (d) and containing the prescribed particulars set out in Part 4 of this Schedule and signed by the person carrying out the leakproofness test.

Part 2

PARTICULARS TO BE INCLUDED IN CERTIFICATE OF THOROUGH EXAMINATION OF TANK

1. Name of owner
2. Address of owner
3. Serial number
4. Vehicle registration number or, where the certificate is required in respect of a trailer or semi-trailer, the chassis number
5. Year of manufacturer (if known)
6. Name of manufacturer (if known)
7. Water capacity in litres
8. Results of examinations carried out
9. Any repairs or modifications required before being put back into service
10. Other observations
11. Dangerous substances for which the tank is suitable

I/We certify that on (date) I/we—

- (a) thoroughly examined the tank described above externally and internally
- (b) carried out a leakproofness test*—
 - (i) of the tank, after assembly of equipment, and
 - (ii) of all items of equipment of the tank

and I/We am/are satisfied that the tank and its equipment are operating satisfactorily.

Signed Date

Company

Address

*The leakproofness test shall be carried out separately on each compartment of a compartmented shell.

Part 3

PARTICULARS TO BE INCLUDED IN CERTIFICATE OF PERIODIC INSPECTION OF TANK

1. Name of owner
2. Address of owner
3. Serial number
4. Vehicle registration number or where the certificate is required in respect of a trailer or semi-trailer the chassis number
5. Year of manufacturer (if known)
6. Name of manufacturer (if known)
7. Tare weight including equipment and fittings
8. Maximum gross weight in kilograms
9. Water capacity in litres
10. Design temperature (if above +50°C or below —20°C)
11. Maximum working pressure of the tank
12. Description of pressure relief devices (if fitted)
13. Operating pressure of relief devices
14. Results of examinations carried out
15. Any repairs or modifications required before being put back into service
16. Other observations
17. Dangerous substances for which the tank is suitable

I/We certify that on (date) I/we—

- (a) thoroughly examined the tank described above externally and internally,
- (b) subjected the tank to a pressure test at a pressure of *,
- (c) carried out a leakproofness test**—
 - (i) of the tank, after assembly of equipment, and
 - (ii) of all items of equipment of the tank,
- (d) examined the condition of the lining of the tank*

and I/we am/are satisfied that the tank, its equipment, and the lining of the tank*, are operating satisfactorily.

Signed Date

Company

Address

.....

.....

**Delete if not applicable*

***The leakproofness test shall be carried out separately on each compartment of a compartmented shell.*

Part 4

PARTICULARS TO BE INCLUDED IN CERTIFICATE OF LEAKPROOFNESS OF TANK

1. Name of owner
2. Address of owner
3. Serial number
4. Vehicle registration number or where the certificate is required in respect of a trailer or tank semi-trailer, the chassis number
5. Test pressure applied
6. Results of leakproofness test
7. Other observations

I/We certify that on (date) I/we—

(a) carried out a leakproofness test* of the tank described above together with all items of equipment, and

(b) tested all items of equipment of the tank for satisfactory operation, and I/we am/are satisfied that the tank and its equipment are operating satisfactorily.

Signed Date

Company

Address

**The leakproofness test shall be carried out separately on each compartment of a compartmented shell.*

Schedule 3

FORM OF VEHICLE CERTIFICATE OF APPROVAL (NATIONAL TRANSPORT ONLY)

Part 1

VEHICLE CERTIFICATE OF APPROVAL (NATIONAL TRANSPORT ONLY)

The vehicle certificate of approval (national transport only) shall have the same layout as the model in this Schedule. Its dimensions shall be 210 mm x 297 mm (format A4). Both front and back may be used. The colour shall be white. The certificate for a vacuum-operated waste tank-vehicle shall bear the following remark: "vacuum-operated waste tank-vehicle".

Front of Certificate

CERTIFICATE OF APPROVAL FOR VEHICLES (NATIONAL TRANSPORT ONLY) CARRYING CERTAIN DANGEROUS GOODS					
This certificate testifies that the vehicle specified below fulfils the conditions prescribed in the Carriage of Dangerous Goods by Road Regulations 2010					
1. Certificate No.:	2. Vehicle Manufacturer:	3. Vehicle Identification No.:		4. Registration No.: (if any)	
5. Name and business address of carrier, operator or owner:					
6. Description of vehicle:¹					
7. Vehicle designation(s) according to Chapter 9.1.1.2 of the ADR:²					
EX/II	EX/III	FL	OX	AT	MEMU ³
8. Endurance braking system:³ <input type="checkbox"/> Not applicable <input type="checkbox"/> The effectiveness according to Chapter 9.2.3.1.2 of the ADR is sufficient for a total mass of the transport unit of ...t. ⁴					
9. Description of fixed tank(s)/battery-vehicle (if any): 9.1 Manufacturer of tank: 9.2 Approval number (if any) of tank/battery-vehicle: 9.3 Tank manufacturer's serial number/Identification of elements of battery-vehicle: 9.4 Year of manufacture 9.5 Tank code according to Chapters 4.3.3.1 or 4.3.4.1 of the ADR: 9.6 Special provisions according to Chapter 6.8.4 of the ADR:					
10. Dangerous goods authorised for carriage: The vehicle fulfils the conditions required for the carriage of dangerous goods assigned to the vehicle designation(s) in No. 7. 10.1 In the case of an EX/II or EX/III vehicle ³ <input type="checkbox"/> goods of Class 1 including compatibility group J <input type="checkbox"/> goods of Class 1 excluding compatibility group J 10.2 In the case of a tank-vehicle/battery-vehicle ³ <input type="checkbox"/> only the substances permitted under the tank code and any special provision specified in No. 9 may be carried ⁵ , or <input type="checkbox"/> only the following substances (Class, UN number, and if necessary packing group and proper shipping name) may be carried: Only substances which are not liable to react dangerously with the materials of the shell, gaskets, equipment and protective linings (if applicable) may be carried.					
11. Remarks:					
12. Valid until:			Stamp of issuing service		
			Place, Date, Signature		

¹ According to the definitions for power-driven vehicles and for trailers of categories N and O as defined in Annex 7 of the Consolidated Resolution on the Constructed of Vehicles (R.E.3) or in Directive 97/27/EC.

² Strike out what is not appropriate.

³ Mark the appropriate.

⁴ Enter appropriate value. A value of 44 tonnes will limit the "registration/in-service maximum permissible mass" indicated in the registration document(s).

⁵ Substances assigned to the tank code specified in No. 9 or to another tank code permitted under the hierarchy in Chapters 4.3.3.1.2 or 4.3.4.1.2 of the ADR, taking account of the special provision(s), if any.

³ In accordance with 1.6.5.11, MEMUs which have been constructed and approved before 1 January 2009 in accordance with the provisions of national law but which do not, however, conform to the construction and approval requirements applicable as of from 1 January 2009, may be used with the approval of the competent authorities in the countries of use.

Back of Certificate

13. Extensions of validity:	
Validity extended until	Stamp of issuing service, place, date, signature:

Note: This certificate shall be returned to the issuing service when the vehicle is taken out of service; if the vehicle is transferred to another carrier, operator or owner, as specified in No. 5; on expiry of the validity of the certificate; and if there is a material change in one or more essential characteristics of the vehicle.

Part 2

CERTIFICATE OF APPROVAL FOR VEHICLES CARRYING CERTAIN DANGEROUS
GOODS UNDER REGULATION 13(3) OF THE EUROPEAN COMMUNITIES (CARRIAGE
OF DANGEROUS GOODS BY ROAD) (ADR MISCELLANEOUS PROVISIONS)
REGULATIONS 2010

This certificate testifies that the vehicle specified below fulfils the conditions prescribed by Regulation 13(3) of the European Communities (Carriage of Dangerous Goods by Road) (Miscellaneous Provisions) Regulations 2010 concerning the carriage of substances of Class 1 up to a maximum of 5,000 kg.

1. Certificate No:	2. Vehicle Manufacturer:	3. Vehicle Identification No:	4. Registration No./Trailer Mark:

5. Name and business address of carrier, operator or owner:

6. Description of vehicle:

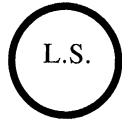
7. Dangerous goods authorised for carriage:

The vehicle fulfils the conditions required for the carriage of dangerous goods of Class 1 up to a maximum of 5,000 Kg.

8. Remarks:

This approval only applies to vehicles first registered before 1 April 2002.

9. Valid until:	Place	Date	Signature	Stamp of issuing service



GIVEN under my Official Seal,
21 December 2010.

BATT O'KEEFFE,
Minister for Enterprise, Trade and Innovation.

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. They complement the provisions of the “associated Regulations”, namely, the Carriage of Dangerous Goods by Road Regulations 2010 made under the Carriage of Dangerous Goods by Road Act 1998.

The Regulations contain provisions on an EC harmonised approach to the road checks aspect of their enforcement. They also implement certain exemptions which are in addition to those contained in the Annexes A and B to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road” (ADR) 2009.

The Regulations transpose or retranspose relevant elements of—

- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 as amended by Commission Decision 2009/240/EC of 4 March 2009 and Commission Decision 2010/187/EU of 25 March 2010, and
- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on transport of dangerous goods by road, as amended by Directive 2001/26/EC of the European Parliament and of the Council of 7 May 2001, by Commission Decision 2002/886/EC of 7 November 2002 by Commission Directive 2004/112/EC of 13 December 2004 as last adapted to technical progress by 2008/54/EC of the European Parliament and of the Council of 17 June 2008;

which were not otherwise transposed through the Carriage of Dangerous Goods by Road Regulations 2010.

These Regulations are complementary to the—

- (i) Carriage of Dangerous Goods by Road Regulations 2010 which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the “European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) 2009”;
- (ii) Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010, which specifies the competent authorities for the purposes of these Regulations; and
- (iii) Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2010, which specifies the fees that may be charged by a competent authority, authorised examiner or accreditation body under these Regulations

These Regulations revoke and replace the European Communities (Carriage of Dangerous Goods by Road) (ADR Miscellaneous Provisions) Regulations 2007 (S.I. No. 289 of 2007).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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