



STATUTORY INSTRUMENTS.

S.I. No. 238 of 2013.

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS
BY ROAD AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT)
(AMENDMENT) REGULATIONS 2013

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I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007)) of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Commission Directive 2012/45/EU of 3 December 2012¹, and for the purpose of giving further effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008² (insofar as that Directive relates to the transport of dangerous goods by road), hereby make the following regulations:

1. (a) These Regulations may be cited as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2013.
- (b) The Principal Regulations and these Regulations may be cited together as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013.

2. In these Regulations, “Principal Regulations” means the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011).

3. The Principal Regulations are amended in the Arrangement of Regulations—

- (a) by substituting “54. National tanks” for “54. Old Tanks”, and
- (b) by substituting “55. Pressure receptacles constructed before 1 July 2003” for “55. Gas receptacles constructed before 1 July 2003”.

4. Regulation 2 of the Principal Regulations is amended—

- (a) in the definition of “ADR” by substituting “1 January 2013” for “1 January 2011”,
- (b) by substituting for the definition of “Annexes” the following:

“‘Annexes’ means Annexes A and B to the ADR referred to in Annex I to the Directive;”

¹OJ No. L 332, 4.12.2012, p. 18

²OJ No. L 260, 30.9.2008, p. 13.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th July, 2013.*

(c) by substituting for the definition of “the Directive” the following:

“‘the Directive’ means Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008² (insofar as that Directive relates to the carriage of dangerous goods by road), as amended by Commission Directive 2012/45/EU of 3 December 2012¹ and Commission Implementing Decision 2013/218/EU of 6 May 2013³”

(d) by substituting for the definition of “the Directives” the following:

“‘the Directives’ means the Directive and Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010⁴; and

(e) by substituting for the definition of “transport equipment” the following:

“‘transport equipment’ or ‘equipment’ includes vehicles, tanks, tank containers, portable tanks, demountable tanks, tank swap bodies, tube trailers, bulk containers, intermediate bulk containers, containers, packaging, packages, receptacles, aerosols and any other item used or intended for use in the transport of dangerous goods by road;”.

5. Regulation 5(4)(a) of the Principal Regulations is amended by substituting “following notification to the Minister” for “with the consent of the Minister”.

6. Regulation 8 of the Principal Regulations is amended—

(a) in paragraph (2)(g)—

(i) in clause (iv), by substituting “the ADR,” for “the ADR, and”,

(ii) in clause (v), by substituting “the ADR, and” for “the ADR;”, and

(iii) by inserting after subparagraph (v) the following:

“(vi) are labelled, marked, placarded and plated in accordance with the ADR and all such labels, marks, placards and orange plates are clearly visible;”,

(b) by substituting for paragraph (8) the following—

“(8) (a) Subject to subparagraph (b), an undertaking shall comply with the requirement to appoint a safety adviser as specified in section 1.8.3 of the ADR.

(b) Subparagraph (a) shall not apply to those undertakings whose activities meet those described in sub-section 1.8.3.2,

³OJ No. L 130, 15.5.2013, p. 26.

⁴OJ No. L 165, 30.6.2010, p. 1

indents (a) and (b), 1.7.1.4, 2.2.62.1.5, and chapters 3.3, 3.4 and 3.5 of the ADR.

(c) An undertaking who appoints more than one safety adviser under subparagraph (a) shall co-ordinate the activity of each safety adviser to ensure compliance with sub-sections 1.8.3.3 and 1.8.3.6 of the ADR.”, and

(d) by inserting after paragraph (8) the following:

“(9) Vehicles subject to approval certification required by Part 9 of the ADR or Part 8 of these regulations shall have the appropriate approval certificate when carrying dangerous goods, including during periods in which the vehicle is parked in secure premises or other off road location.

(10) Without prejudice to any requirement in these regulations to have readily available a certificate or document, a participant shall on request present a specified certificate or document to the inspector or member of An Garda Síochána making such a request within 10 days of the request.”.

7. Regulation 10 of the Principal Regulations is amended—

(a) in paragraph (1)(f)

(i) by substituting “the classification of tunnels as required” for “the carriage by road of dangerous goods through the following tunnels required”, and

(ii) by substituting “Dublin Tunnel” for “Dublin Port Tunnel”.

(b) in paragraph (1)(g)(ii), by substituting “the approval of driver” for “the approval of”, and

(c) in paragraph (10)(c), by substituting “witnessed” for “witnessed”.

8. The Principal Regulations are amended by substituting for Regulation 12(1)(t) the following:

“(t) where necessary—

(i) require the disposal of dangerous goods and transport equipment, separately or of both in respect of which there has been or there appears to the inspector to have been a contravention of the relevant road transport statutory provisions at the

expense of the person in charge, or remove the dangerous goods or transport equipment and arrange for it to be disposed of at the expense of the person in charge, and

(ii) require that such disposal shall be—

(I) such as will prevent the dangerous goods and transport equipment or both from being used or placed on the market, and

(II) in compliance with requirements under the Waste Management Acts 1996 to 2011;”

9. The Principal Regulations are amended by substituting for Regulation 26(4) the following:

“(4) A person who contravenes a requirement in a prohibition notice or a contravention notice shall be guilty of an offence.”

10. Regulation 28(1) of the Principal Regulations is amended by substituting “based on the form set out” for “in the form set out”.

11. Regulation 35 of the Principal Regulation is amended—

(a) by substituting “any dangerous goods or transport equipment, or both” for “any dangerous goods”, and

(b) by substituting “the dangerous goods or transport equipment, or both” for “the dangerous goods”.

12. The Principal Regulations are amended by substituting for Regulation 45 the following:

“45. A competent authority or the Minister, as the case may be, may charge and is entitled to be paid for the performance by the competent authority or the Minister, as the case may be, of a function conferred on it or the Minister under the relevant road transport statutory provisions, by the examination candidate who requests the performance of the function, a fee (which shall include all costs incurred by the competent authority or the Minister, as the case may be, in the performance of the function including administrative costs) as follows:

(a) a fee of €110 in respect of an application for an initial basic or initial specialisation examination to be carried out with the approval of the competent authority being, in this case, the Authority, the Minister for Justice and Equality or the Radiological Protection Institute of Ireland, as the case may be, for the purposes of subsection 8.2.2.7 of the ADR,

- (b) a fee of €110 in respect of an application for a refresher basic or refresher specialisation examination to be carried out with the approval of a competent authority being, in this case the Authority, the Minister for Justice and Equality or the Radiological Protection Institute of Ireland, as the case may be, for the purposes of subsection 8.2.2.7 of the ADR,
- (c) a fee of €15 in respect of an application for a grant of a driver training certificate, an amended driver training certificate, or an extension in respect of a driver training certificate in accordance with subsection 8.2.2.8 of the ADR, as the case may be, or
- (d) a fee of €15 in respect of an application for a replacement driver training certificate, in the event of the original certificate being lost or destroyed.”.

13. Regulation 52(2) of the Principal Regulations is amended—

- (a) by substituting “in compliance with the ADR” for “otherwise in compliance with ADR”, and
- (b) by substituting “for the transport of dangerous goods” for “for the carriage of dangerous goods”.

14. The Principal Regulations are amended by substituting for Regulation 54 the following:

“National tanks

54. Notwithstanding Part 2 of these Regulations, a tank and its respective fittings, that is not fully in compliance with Chapters 6.7, 6.8, 6.9, 6.10 or 6.12 of the ADR, as the case may be, and that was constructed before 1 July 2003, or in the case of mobile explosive manufacturing units, before 1 July 2009 or for tanks constructed to EN12493 inclusive of Annex C shall be taken to comply with the ADR and as necessary, 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 tank and its fittings meet the requirements specified in Schedule 4,
- (b) the tank is fitted with a corrosion-resistant metal plate or plates permanently attached to the tank in a place readily accessible for inspection,
- (c) the following particulars, regarding the tank 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 and in the case of multiple compartment shells, the capacity of each compartment followed by the symbol “S” when the shell or compartments of more than 7500 litres are divided by surge plates into sections of not more than 7500 litres capacity,
 - (iii) its maximum safe working pressure on pressure filled or pressure discharged tanks,
 - (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,
 - (viii) the identification mark of the competent person who carried out the most recent thorough examination, periodic inspection or leakproofness test, as appropriate,
 - (ix) the name of the owner or operator,
 - (x) the unladen mass and maximum permissible mass of a tank-vehicle, and
 - (xi) the tare and maximum permissible gross mass for a tank-container or portable tank, and
- (d) marking requirements in (c)(ii), (iii), (ix), (x) and (xi) shall apply from 31 December 2013, after which date the marks may be applied at the next due tank examination, inspection or test.”.

15. Regulation 55 of the Principal Regulations is amended—

(a) by substituting for the heading the following:

“Pressure receptacles constructed before 1 July 2003”, and

(b) by substituting for paragraph (a)(v) the following:

“(v) thoroughly examined externally and internally as appropriate, by a competent person and otherwise in accordance with the relevant ADR subsections 6.2.1.6, 6.2.2.4, 6.2.3.5, 6.2.4.2 and at the intervals specified in the ADR and after any major repairs which may affect the integrity or safety of the receptacle,”.

16. The Principal Regulations are amended by substituting for Regulation 57 the following:

“Other miscellaneous exemptions

57. The following exemptions (subject to the conditions therein referred to) apply to the provisions of Part 2 of these Regulations namely—

- (a) in preparing a road transport document, pursuant to Chapter 5.4 of the ADR, when dangerous goods are carried to be delivered to multiple consignees who cannot be identified at the start of the carriage, the words “Delivery Sale” may be used,
- (b) notwithstanding the provisions of subsection 7.5.11 of the ADR, the loading and unloading of dangerous goods in a public place to which special provision CV1 of Chapter 7.5 applies, is permitted without special permission from a competent authority,
- (c) 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, 1863, 1965 or 1978 are not required to be empty during transport by road where adequate measures are taken by the carrier to prevent any loss of contents,
- (d) a transport document as referred to in Chapter 5.4 of the ADR is not required for the transport 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 subsection 1.1.3.6 of the ADR,
- (e) subject to paragraph (f), the transport of marine distress pyrotechnical articles of ADR Class 1, with UN numbers 0092, 0093, 0191, 0195, 0197, 0240, 0312, 0403, 0404 or 0453, to a military barracks or range is exempt from—
 - (i) the requirement for a transport document in accordance with subsection 8.1.2.1(a) of the ADR,
 - (ii) the packaging requirements of Chapters 4.1 and 6.1 of the ADR, and
 - (iii) the package marking and labelling requirements of Chapter 5.2 of the ADR,
- (f) paragraph (e) applies to the articles referred to in that paragraph pursuant to subsections 4.1.1.1 and 4.1.1.2 of the ADR where—
 - (i) the transport 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 section 4.1.4 of the ADR,
- (iii) their packagings are—
 - (I) of good quality,
 - (II) strong enough to withstand the shocks and loadings normally encountered during transport,
 - (III) constructed and closed so as to prevent loss of contents during transport, 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 transport is in compliance with—
 - (I) subsection 1.1.3.6 of the ADR,
 - (II) the exemptions related to quantities carried per transport unit, and
 - (III) the conditions to which the exemptions are subject pursuant to paragraph (d),
- (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 or range 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 subsection 1.1.3.6 of the ADR”,
- (viii) their transport is to a military barracks or range, and
 - (ix) a complete itemised list of the articles is provided to the military barracks or range at least two days prior to the delivery of the articles,
- (g) in the case of the transport in bulk of ammonium nitrate based fertiliser with UN number 2067, from a port where it is being unloaded from a ship, where the transport involves multiple loads in the same vehicle of that fertiliser only on the same or consecutive days—
- (i) the transport document, required by section 5.4.1 of the ADR 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 section 7.5.11 of the ADR, shall not apply, provided that it is complied with before the first load and after the last load in respect of the same vehicle,
- (h) 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 of the ADR that relate to transport of gases to be used as dispensing agents for beverages do not apply to the transport 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,
- (i) the provisions of Chapters 4.1, 6.2 of the ADR and Columns (8), (9a) and (9b) of Chapter 3.2 of the ADR do not apply to the transport of gases of ADR Class 2 in cylinders or pressure drums in the case of a multimodal transport, that includes transport 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 transport 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,

(j) in the case where the competent authority has recognised reference temperatures or standards in accordance with Regulation 10(9)(a) or (b), Part 2 of these Regulations do not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with Regulation 10(9)(a) or (b).”.

17. The Principal Regulations are amended by substituting for Schedule 2 the following:

“SCHEDULE 2

Regulation 28

FIXED PAYMENT NOTICES

PART 1

OFFENCE NUMBER AND SUMMARY TO WHICH REGULATION 28 APPLIES

No.	Offence Summary
1	Transport document was not given or was not in compliance with the ADR
2	Dangerous goods are prohibited for transport
3	Dangerous goods not classified and authorised for carriage in accordance with the ADR
4	Packaging used is not in compliance with applicable packing provision or applicable packing instructions
5	Non-compliance with test and inspection dates or permitted periods of use for packaging, IBC's or large packaging
6	Use of damaged packaging, IBC's or large packaging
7	Tank used is not permitted or not in compliance with the ADR or these regulations
8	Bulk container is not permitted or not in compliance with the ADR
9	Vehicle did not have an appropriate vehicle certificate of approval
10	Driver did not have an appropriate driver training certificate
11	Labelling, marking, placarding or plating not in compliance with the ADR
12	Instructions in writing were not provided or were not in compliance with the ADR
13	Prescribed documentation not carried in the vehicle or was not in compliance with the ADR
14	Leakage of dangerous substances or other visual defects not checked
15	Transport equipment is not in compliance with the ADR or these regulations

No.	Offence Summary
16	Transport unit was not provided with sufficient suitable portable fire extinguishers
17	Portable fire extinguisher provided on the transport unit did not have a seal, or other indication, verifying that it had not been used
18	Transport unit was not provided with suitable chock
19	Transport unit was not provided with 2 reflective cones, triangles or flashing amber lights (independent of transport unit)
20	Suitable warning vest was not provided for each crew member
21	Suitable pocket lamp was not provided for each crew member
22	Suitable respirators were not provided for each crew member, where required by the instructions in writing
23	Additional equipment, specified in instructions in writing, was not carried in the vehicle
24	Tank used was not inspected or tested or checked within the specified time
25	Damaged package or a package that was not leakproof was loaded onto the vehicle
26	Dangerous goods were not properly stowed and secured
27	Mixed loading not in compliance with the ADR
28	Foodstuffs, other articles of consumption or animal feedstuffs not loaded in compliance with the ADR
29	Overpack or package was not correctly marked or labelled
30	Mixed packing not in compliance with the ADR
31	Tank-container/portable tank not in compliance with the ADR
32	Tank or package was not filled or packed in compliance with the ADR
33	Driver did not have a driver training certificate with him or her while driving the vehicle
34	Required instructions in writing were not kept readily identifiable in driver's cab
35	Documents were not made available to an inspector or member of the Garda Síochána or were not produced within 10 days
36	Outlet valves, manlids or dip tube openings were open during transport
37	Good electrical connection to earth was not made prior to filling or emptying the transport equipment
38	A passenger, other than a member of the vehicle crew, was carried in the vehicle
39	Driver did not shut off the engine during loading or unloading operations
40	Driver did not apply the parking brakes while the vehicle was parked
41	Vehicle not properly supervised or parked
42	No photographic identification available
43	Smoking during handling operations in vicinity of vehicle or in the vehicle
44	Fire or unprotected light being used during handling operations in vicinity of vehicle or in the vehicle
45	Failure to verify that the correct dangerous goods were unloaded
46	Failure to remove dangerous residues after unloading
47	Functions of appointed safety adviser were not performed by him or her

Comment:.....

You are not obliged to make the payment specified in the Notice. A prosecution in respect of the alleged offence(s) will not be instituted during the period of 21 days if the amount specified is paid during that period.

Signed:.....

Date:.....

Inspector of the **competent authority**¹

[Address of the competent authority to be inserted here]

[Insert acceptable means of payment]

¹insert name of competent authority

*Delete as applicable

[Notice to be accompanied by Schedule 2, Part 3]

PART 3

PARTICIPANT IDENTIFIER, OFFENCE NUMBER, IDENTIFICATION AND RISK CATEGORY AND FIXED PAYMENT TABLE

Participant Identifier

Letter	Participant	Letter	Participant
A	Consignor	UL	Unloader
C	Carrier	D	Driver
F	Filler	V	Vehicle Crew (other than driver)
L	Loader	S	Safety Adviser
P	Packer	TC	Tank container/portable tank operator

Offence Identification

No.	Identifier	Highest risk category that may be assigned	Offence Summary
1.	A	I	Transport document was not given or was not in compliance with the ADR
2.	A/C/L	I	Dangerous goods are prohibited for transport
3.	A	I	Dangerous goods not classified and authorised for carriage in accordance with the ADR
4.	A/P	I	Packaging used is not in compliance with applicable packing provision or applicable packing instructions
5.	A	II	Non-compliance with test and inspection dates or permitted periods of use for packaging, IBC's or large packaging

No.	Identifier	Highest risk category that may be assigned	Offence Summary
6.	A	II	Use of damaged packaging, IBC's or large packaging
7.	A	I	Tank used is not permitted or not in compliance with the ADR or these regulations
8.	A	I	Bulk container is not permitted or not in compliance with the ADR
9.	A/C	I	Vehicle did not have an appropriate vehicle certificate of approval
10.	A/C	I	Driver did not have an appropriate driver training certificate
11.	A/L/F/C/D/P/TC	I	Labelling, marking, placarding or plating not in compliance with the ADR
12.	C	II	Instructions in writing were not provided or were not in compliance with the ADR
13.	C	I	Prescribed documentation not carried in the vehicle or was not in compliance with the ADR
14.	C	I	Leakage of dangerous substances or other visual defects not checked
15.	C	I	Transport equipment is not in compliance with the ADR or these regulations
16.	C	II	Transport unit was not provided with sufficient suitable portable fire extinguishers
17.	C	III	Portable fire extinguisher provided on the transport unit did not have a seal, or other indication, verifying that it had not been used
18.	C	II	Transport unit was not provided with suitable chock
19.	C	II	Transport unit was not provided with 2 reflective cones, triangles or flashing amber lights (independent of transport unit)
20.	C	II	Suitable warning vest was not provided for each crew member
21.	C	II	Suitable pocket lamp was not provided for each crew member
22.	C	II	Suitable respirators were not provided for each crew member, where required by the instructions in writing
23.	C	II	Additional equipment, specified in instructions in writing, was not carried in the vehicle
24.	C/F/TC	I	Tank used was not inspected or tested or checked within the specified time
25.	L	I	Damaged package or a package that was not leakproof was loaded onto the vehicle
26.	A/C/L/D	II	Dangerous goods were not properly stowed and secured
27.	L	I	Mixed loading not in compliance with the ADR
28.	L/D	II	Foodstuffs, other articles of consumption or animal feedstuffs not loaded in compliance with the ADR
29.	P	II	Overpack or package was not correctly marked or labelled

No.	Identifier	Highest risk category that may be assigned	Offence Summary
30.	P	I	Mixed packing not in compliance with the ADR
31.	TC	I	Tank-container/portable tank not in compliance with the ADR
32.	A/P/F	I	Tank or package was not filled or packed in compliance with the ADR
33.	D	III	Driver did not have a driver training certificate with him or her while driving the vehicle
34.	D	III	Required instructions in writing were not kept readily identifiable in driver's cab
35.	A/C/D/ S/TC	III	Documents were not made available to an inspector or member of the Garda Síochána or were not produced within 10 days
36.	D	II	Outlet valves, manlids or dip tube openings were open during transport
37.	D/L/F/UL	II	Good electrical connection to earth was not made prior to filling or emptying the transport equipment
38.	D	III	A passenger, other than a member of the vehicle crew, was carried in the vehicle
39.	D	III	Driver did not shut off the engine during loading or unloading operations
40.	D	III	Driver did not apply the parking brakes while the vehicle was parked
41.	D	II	Vehicle not properly supervised or parked
42.	D/V	III	No photographic identification available
43.	A/C/D/V/ L/F/UL	I	Smoking during handling operations in vicinity of vehicle or in the vehicle
44.	A/C/D/V/ L/F/UL	I	Fire or unprotected light being used during handling operations in vicinity of vehicle or in the vehicle
45.	D/UL	I	Failure to verify the correct dangerous goods were unloaded
46.	D/UL	II	Failure to remove dangerous residues after unloading
47.	S	I	Functions of appointed safety adviser were not performed by him or her
48.	S	II	Annual report was not prepared by the appointed safety adviser
49.	S	II	Accident report was not prepared by the appointed safety adviser
50.	A/C/L/P/F/ UL/TC	I	Non-compliance with relevant safety obligation in Chapter 1.4 of the ADR
51.	A/C	II	Security training was not given in compliance with the ADR
52.	A/C	II	Security plan was not available or was not adequate
53.	A/C	I	Safety adviser was not appointed
54.	A/C/S	I	Appointed safety adviser did not hold a valid vocational training certificate

No.	Identifier	Highest risk category that may be assigned	Offence Summary
55.	A/C/S	II	Competent authority was not informed of identity of safety adviser
56.	A/C/S	II	Annual report or accident report was not available

Fixed Payment in relation to the Risk Category associated with an alleged offence

Risk Category	Fixed Payment
I	€500
II	€250
III	€100

”

18. The Principal Regulations are amended by substituting for Schedule 3 the following:

“SCHEDULE 3

Regulation 52

FORM OF VEHICLE CERTIFICATE OF APPROVAL (NATIONAL TRANSPORT ONLY)

PART 1

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 European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013.			
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			
8. Endurance braking system:³			
<input type="checkbox"/> Not applicable			
<input type="checkbox"/> The effectiveness according to subsection 9.2.3.1.2 of the ADR is sufficient for a total mass of the transport unit oft. 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 subsections 4.3.3.1 or 4.3.4.1 of the ADR:			
9.6 Special provisions according to section 6.8.4 of the ADR:			
10. Dangerous goods authorised for transport:			
The vehicle fulfils the conditions required for the transport 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:			
Place,		Stamp of issuing service	
Date,			
Signature			

¹According 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 Construction of Vehicles (R.E.3) or in Directive 97/27/EC.

²Strike out what is not appropriate.

³Mark the appropriate.

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

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

Back of Certificate

13. Extensions of validity:

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 51(3) of the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013

This certificate testifies that the vehicle specified below fulfils the conditions prescribed by Regulation 51(3) of the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and 2013 concerning the transport 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:		
Name and business address of carrier, operator or owner:					
6. Description of vehicle:					
7. Dangerous goods authorised for transport: The vehicle fulfils the conditions required for the transport of dangerous goods 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 body	Service



Given under my Official Seal,
4 July 2013.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

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

These Regulation transpose into Irish law Commission Directive 2012/45/EU of 3 December 2012 adapting for the second time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (insofar as that Directive relates to the transport of dangerous goods by road). Commission Directive 2012/45/EU gives effect to the changes to the ADR agreement that came into force from 1 January 2013.

The Regulations also give further effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008.

These Regulations amend the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011).

These Regulations together with the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 and the ADR place duties on the various participants associated with the carriage of dangerous goods by road. These include requirements for the vehicles, tanks, tank containers, receptacles and packages containing the dangerous goods during their transport. They require that the drivers, and others involved in the transport by road of the dangerous goods, be adequately trained and, in the case of drivers, hold certificates of such training. The Regulations (S.I. No. 349 of 2011 as amended and updated by this statutory instrument) also contain provisions on an EU harmonised approach to the road checks aspect of their enforcement.

These Regulations may be cited as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2013.

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