



STATUTORY INSTRUMENTS.

S.I. No. 618 of 2010

CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1998
(APPOINTMENT OF COMPETENT AUTHORITIES) ORDER 2010

(Prn. A10/1902)

CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1998
(APPOINTMENT OF COMPETENT AUTHORITIES) ORDER 2010

I, BATT O'KEEFFE, Minister for Enterprise, Trade and Innovation in exercise of the powers conferred on me by section 4 of the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998), as amended by the European Communities (Carriage of Dangerous Goods by Road Act 1998) (Amendment) Regulations 2010 (as adapted by the Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 185 of 2010)), and after consultation with the Minister for the Environment, Heritage and Local Government, the Minister for Transport and the Minister for Justice and Law Reform, hereby order as follows:

1. This Order may be cited as the Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2010.

2. In this Order—

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

“MEMU” means a mobile explosives manufacturing unit;

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

3. The following persons are appointed to be competent authorities to perform the functions conferred on competent authorities by or under the Act, and / or the Principal Regulations, and the functions to be performed by them are set out as follows, namely:

- (a) the Road Safety Authority, in respect of the technical examination of vehicles and the issue of certificates of approval for such vehicles pursuant to Part 6 of the Principal Regulations;
- (b) 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 and conformity assessment of receptacles, 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 3(1) of the Principal Regulations and Part 6 of the ADR;
- (c) the Irish National Accreditation Board (INAB), the committee commonly known by that name established pursuant to section 10 (amended by section 46 of the Industrial Development (Enterprise

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

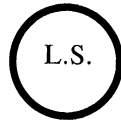
Ireland) Act 1998) of the Industrial Development Act 1993 in respect of accreditation of inspection bodies as may be required for the purposes of Regulation 3(2), 17(2)(c), 35(b), 37 or 38 of the Principal Regulations;

- (d) the Minister for Justice and Law Reform, in respect of matters relating to the transport by road:
 - (i) of explosives of the ADR Class 1, including the approval of specialisation training courses for the training of drivers of vehicles carrying explosives of the ADR Class 1, pursuant to Regulations 45 to 51 of the Principal Regulations;
 - (ii) by MEMU.
- (e) the Radiological Protection Institute of Ireland, in respect of matters relating to the transport by road of radioactive materials of the ADR Class 7, including the approval of specialisation courses for the training of drivers of vehicles carrying radioactive material of the ADR Class 7 and the examination of persons who have participated in those courses, pursuant to Regulations 45 to 51 of the Principal Regulations;
- (f) the National Roads Authority, in respect of matters relating to the transport by road of dangerous goods of the ADR through the following tunnels, pursuant to Regulation 11(c) of the Principal Regulations:
 - (i) Dublin Port Tunnel;
 - (ii) Jack Lynch Tunnel, Cork;
 - (iii) Limerick Tunnel PPP; and
 - (iv) any other tunnel on a national road subject to the provisions of the European Communities (Minimum Safety Requirements for Tunnels in the Trans-European Road Network) Regulations 2006 (S.I. No. 213 of 2006); and
- (g) the Health and Safety Authority, in respect of all other functions required to be performed by a competent authority pursuant to the Principal Regulations, (other than those functions specified in paragraphs (a) to (f) of this Article) including—
 - (i) the approval of—
 - (I) basic training courses, and
 - (II) specialisation training courses for transport in tanks for the transport of dangerous goods by road other than those goods referred to in paragraph (d) or (e) of this Article,

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- (ii) the examination of persons who have participated in the courses to which subparagraph (i) refers, pursuant to Regulations 45 to 51 of the Principal Regulations, and
- (iii) the issue of driver training certificates.

4. The Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007 (S.I. No. 290 of 2007) is revoked.



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)

Section 4 of the Carriage of Dangerous Goods by Road Act 1998 gives the Minister for Enterprise, Trade and Innovation power to appoint competent authorities to perform functions conferred by the Act and by Regulations made under the Act.

Together with the Act, the Carriage of Dangerous Goods by Road Regulations 2010 transpose the requirements of the European Union Directives on the transport of dangerous goods by road and the requirements of the associated 2009 version of the United Nations ADR (European Agreement Concerning the International Carriage of Dangerous Goods by Road). The 1998 Act and the Regulations referred to set out functions to be performed by various competent authorities.

This Order appoints the various competent authorities for the purposes of the 1998 Act and the Regulations referred to above as follows—

Road Safety Authority,
 National Standards Authority of Ireland,
 Irish National Accreditation Board,
 Minister for Justice and Law Reform,
 Radiological Protection Institute of Ireland,
 National Roads Authority, and
 Health and Safety Authority,

to perform the functions assigned to them.

This Order is complementary to the—

- (i) Carriage of Dangerous Goods by Road Regulations 2010 (“the Principal Regulations”), 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) European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2010, 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 “the Principal Regulations”.

The Order revokes and replaces the Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007 (S.I. No. 290 of 2007).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
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nó tríd an bpost ó
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