



STATUTORY INSTRUMENTS.

**S.I. No. 651 of 2010**



EUROPEAN COMMUNITIES (TRANSPORT OF DANGEROUS GOODS  
BY RAIL) REGULATIONS, 2010

**(Prn. A10/1942)**

EUROPEAN COMMUNITIES (TRANSPORT OF DANGEROUS GOODS  
BY RAIL) REGULATIONS, 2010

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Application
4. Competent Authorities
5. Training of persons involved in the transport of dangerous goods by rail
6. General compliance with the RID
7. Specific compliance with the RID
8. Other Requirements for all dangerous goods
9. Accreditation of Inspection bodies for examinations and tests
10. Duties of all participants
11. Other general duties of persons engaged in the transport of dangerous goods by rail
12. Duties of railway undertakings as carriers
13. Obligation on undertakings to appoint safety advisers
14. Safety adviser
15. Safety Adviser Training Certificate
16. Withdrawal of Training Certificate
17. Accident reports
18. Exemptions contained in the RID, temporary derogations and transitional measures
19. Certificate of Exemption
20. General Derogations
21. Security and safety measures
22. Inspectors
23. Provision of records and other information
24. Requirement to give name and address, obstruction, arrest, offence.

25. Improvement plan.
26. Improvement notice
27. Prohibition notice.
28. Application to High Court by a Competent Authority
29. Indemnification for actions in good faith
30. Fees
31. Prosecution of summary offences.
32. Offences by bodies corporate.
33. Cost of prosecutions.
34. Service of notices, etc.
35. Non-application of Explosives Act, 1875, relating to the transport of explosives by rail.
36. Revocations

Schedule 1

SCHEDULE 2

Explanatory Note

EUROPEAN COMMUNITIES (TRANSPORT OF DANGEROUS GOODS  
BY RAIL) REGULATIONS, 2010

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purposes of giving effect to Directive 2006/68/EC of the European Parliament and of the Council of 24 September 2008<sup>1</sup> on the inland transport of dangerous goods (insofar as that Directive relates to the transport of dangerous goods by rail), as amended by Commission Directive 2010/61/EU of 2 September 2010<sup>2</sup>, hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the European Communities (Transport of Dangerous Goods by Rail) Regulations, 2010.

*Interpretation*

2. (1) In these Regulations, unless the context otherwise requires:

“aerosol or aerosol dispenser” means a non-refillable receptacle meeting the requirements of Chapter 6.2.6, made of metal, glass, or plastics and containing a gas which is compressed, liquefied, or dissolved under pressure, with or without a liquid, paste, or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state or a gaseous state;

“carrier” means the enterprise which carries out the transport operation with or without a transport contract;

“Chapter” means a Chapter of the RID;

“Commission” means the European Commission;

“competent authority” means a person designated under Regulation 4(1) as a competent authority or a person appointed under Regulation 4(5);

“competent person” means a person who, having regard to the task he or she is required to perform and taking account of the size or hazards (or both) of the undertaking or establishment in which he or she undertakes work, possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

<sup>1</sup>OJ No. L260, 30.09.2008, p.13

<sup>2</sup>OJ No. L233, 03.09.2010, p. 27

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 4th January, 2011.*

“consignee” means the consignee according to the contract for transport. If the consignee designates a third party in accordance with the requirements applicable to the contract for transport, this person shall be deemed to be the consignee within the meaning of the RID. If transport takes place without a contract for transport, the enterprise that takes charge of the dangerous goods on arrival shall be deemed to be the consignee;

“consignment” means any package or packages, or load of dangerous goods, presented by a consignor for transport;

“consignor” means the enterprise that dispatches dangerous goods either on its own behalf or for a third party. If transport takes place under a contract for transport, consignor means the consignor according to the contract for transport;

“container” means an article of transport equipment (lift van or other similar structure):

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use,
- (b) specifically designed to facilitate the transport of goods, by one or more means of transport, without breakage of load,
- (c) fitted with devices permitting its ready stowage and handling, particularly when being transhipped from one means of transport to another,
- (d) so designed as to be easy to fill and to empty,
- (e) having an internal volume of not less than 1m<sup>3</sup> (1,000 litres), except for containers for the transport of radioactive material;

“Contracting Party” means a state that is a party to the RID;

“dangerous goods” means those substances and articles the transport by rail of which is prohibited or authorised only under certain conditions by the RID;

“demountable tank” means a tank designed to fit the special apparatus of the wagon but which can only be removed from it after dismantling their means of attachment;

“Directive” means Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008<sup>3</sup> on the inland transport of dangerous goods as amended by Commission Directive 2010/61/EU of 2 September 2010<sup>4</sup>;

“examination body” means a person appointed by the competent authority concerned to hold examinations approved by the competent authority;

“filler” means any enterprise that loads dangerous goods into a tank (tank-wagon, wagon with demountable tank, portable tank, or tank-container) and/or

<sup>3</sup>OJ No. L 260, 30.09.2008, p.13

<sup>4</sup>OJ No. L233, 03.09.2010, p. 27

into a wagon, large container, or smaller container for transport in bulk or into a battery-wagon or MEGC;

“fixed tank” means a tank having a capacity of more than 1,000 litres, which is permanently attached to a wagon (which then becomes a tank-wagon) or is an integral part of the frame of such wagon;

“flash point” means the lowest temperature of a liquid at which its vapours form a flammable mixture with air;

“infrastructure manager” means a person, including Iarnród Éireann-Irish Rail, which is responsible in particular for establishing and maintaining railway infrastructure, or a part thereof, as defined in Article 3 of Directive 91/440/EEC on the development of the Community’s railways,<sup>5</sup> which may also include the management of infrastructure control and safety systems. The functions of the infrastructure manager on a network or part of a network may be allocated to different bodies or undertakings;

“inspector” means a person appointed as an inspector under Regulation 22;

“intermediate bulk container” or “IBC” means a rigid or flexible portable packaging, other than those specified in Chapter 6.1 that:

- (a) has a capacity of:
  - (i) not more than 3m<sup>3</sup> (3,000 litres), for solids and liquids of Packing Groups (II) and (III),
  - (ii) not more than 1.5m<sup>3</sup> (1,500 litres) for solids of Packing Group 1 when packed in flexible, rigid plastics, composite, fibreboard and wooden IBCs,
  - (iii) not more than 3m<sup>3</sup> (3,000 litres), for solids of Packing Group 1 when packed in metal IBCs,
  - (iv) not more than 3m<sup>3</sup> (3,000 litres), for radioactive materials RID Class 7,
- (b) is designed for mechanical handling,
- (c) is resistant to the stresses produced in handling and transport as determined by the tests specified in Chapter 6.5;

“Member State” means Member State of the European Union;

“Minister” means Minister for Transport;

“Multiple-element gas container (MEGC)” means a unit containing elements that are linked to each other by a manifold and mounted on a frame. The following elements are considered to be elements of a multiple-element gas container:

<sup>5</sup>OJ No. L 237, 24.8.1991, p. 25

cylinders, tubes, pressure drums and bundles of cylinders as well as tanks for the transport of gases of Class 2 having a capacity of more than 450 litres;

“n.o.s. entry” (“not otherwise specified entry”) means a collective entry to which substances, mixtures, solutions or articles may be assigned if they are not specifically named in Table A of Chapter 3.2 and if they exhibit chemical, physical and/or dangerous properties corresponding to the Class, classification code, packing group and the name and description of the n.o.s. entry;

“package” means the complete product of the packing operation, consisting of the packaging or large packaging or IBC and its contents prepared for dispatch. The term includes pressure receptacles for gases as defined in Chapter 1.2.1 as well as articles that, because of their size, mass or configuration may be carried unpackaged or carried in cradles, crates or handling devices. Except for the transport of radioactive material, the term does not apply to goods that are carried in bulk, or to substances carried in tanks;

“packaging” means one or more receptacles and any other components or materials necessary for the receptacles to perform their containment and other safety functions, as well as combination packaging, composite packaging (plastics material), composite packaging (glass, porcelain or stoneware), inner packaging, intermediate bulk container (IBC), intermediate packaging, large packaging, light-gauge metal packaging, outer packaging, reconditioned packaging, remanufactured packaging, reused packaging, salvage packaging, and sift-proof packaging, as defined in the RID;

“packer” means any enterprise that puts dangerous goods into packagings, including large packagings and IBCs and, where necessary, prepares packages for transport;

“participant” means any person or enterprise involved in the transport of dangerous goods by rail and associated loading, unloading, packing and filling and shall include any consignor, carrier, consignee, loader, packer, filler, tank-container/portable tank operator, tank-wagon operator, railway infrastructure manager, engaged in the transport of dangerous goods by rail;

“railway undertaking” means any private or public undertaking the main business of which is to provide rail transport services for goods or passengers, on the basis that the undertaking must ensure traction;

“receptacle” means a containment vessel for receiving and holding substances or articles, including any means of closing, but does not apply to shells as defined in the RID;

"RID" means the ‘Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)’, appearing as Appendix C to the ‘Convention concerning International Carriage by Rail (COTIF)’ concluded at Vilnius on 3rd June 1999, as applicable with effect from 1 January 2009, and as amended with effect from 1 January 2011 by Commission Directive 2010/61/EU<sup>6</sup>;

<sup>6</sup>OJ No. L233, 03.09.2010, p. 27

“safety adviser” in relation to the transport of dangerous goods, means any person, appointed by a head of an undertaking, to perform the functions referred to in Regulation 14 and who holds a training certificate;

“tank” means a shell including its service and structural equipment; when used alone, the term tank means a tank-container, portable tank, tank-wagon, and demountable tank as defined in Chapter 1.2.1, including tanks forming elements of battery-wagons or MEGCs;

“tank container” means an article of transport equipment meeting the definition of a container, and comprising a shell and items of equipment, including the equipment to facilitate movement of the tank-container without significant change of attitude, used for the transport of gases, liquid, powdery or granular substances and having a capacity of more than 0.45 m<sup>3</sup> (450 litres);

“tank swap body” is considered to be a tank-container;

“tank wagon” means a wagon intended for the transport of liquids, gases, powdery or granular substances, comprising a superstructure, consisting of one or more shells and an underframe fitted with its own items of equipment (running gear, suspension, buffing, traction, braking gear and inscriptions);

“training certificate” means a vocational training certificate issued under Regulation 15 in accordance with Chapter 1.8.3, or by another Member State in accordance with Chapter 1.8.3;

“transport” means any operation for the transport, including transport of dangerous goods by rail, conducted wholly or partially within the State, including the activities of loading, unloading and transfer to or from another mode of transport and the stops necessitated by the circumstances of the transport, covered by the RID, without prejudice to any laws in force concerning liability in respect of such operations;

“transport equipment” includes wagons, tank-wagons, battery-wagons, tanks, tank-containers, demountable tanks, bulk containers, intermediate bulk containers, containers, packaging, packages, receptacles and any other item used for the transport of dangerous goods by rail;

“undertaking” means any person the activities of which include the transport or the related loading or unloading of dangerous goods by rail;

“wagon” means a rail vehicle without its own means of propulsion that runs on its own wheels on railway tracks and is used for the transport of goods.

(2) A word or expression which is used in these Regulations and which is also used in the Directive or the RID, has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive or the RID.

(3) In these Regulations:



- (a) a reference to a Regulation is a reference to a Regulation of these Regulations unless it is indicated that reference to some other Regulation is intended,
- (b) a reference to a paragraph or sub-paragraph is a reference to a paragraph or sub-paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,
- (c) a reference to a Chapter is a reference to a Chapter of the RID.

#### *Application*

3. (1) These Regulations apply to the transport of dangerous goods by rail within the State or between the State and another Member State.

(2) A container, package, tank container, tank wagon or wagon that has been loaded with dangerous goods before being brought onto the railway shall be deemed to be engaged in the transport of dangerous goods by rail from the time when the container, package, tank container, tank wagon or wagon is brought onto the railway until the container, package, tank container, tank wagon or wagon is removed from the railway or the container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been unloaded and, where necessary, cleaned, purged, or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person.

(3) A container, package, tank container, tank wagon or wagon that has been brought onto the railway before the commencement of loading shall be deemed to be engaged in the transport of dangerous goods by rail from the time of commencement of loading until the container, package, tank container, tank wagon or wagon is removed from the railway or the container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been unloaded and, where necessary, cleaned, purged, or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person.

(4) A demountable tank, other than one used for the transport of radioactive material as defined by Class 7 of the RID, shall be deemed to be engaged in the transport of dangerous goods by rail from the time of commencement of filling of the demountable tank until it has been unloaded and, where necessary, cleaned or purged.

(5) In the case of radioactive material of RID Class 7, transport by rail shall include all operations and conditions associated with and involved in the transport of radioactive material by rail including:

- (a) the design, fabrication and maintenance of packaging,
- (b) the preparation, consigning, handling, transport, storage in transit and receipt at the final destination of packages,

- (c) normal and accident conditions of transport by rail encountered in transport and storage during transit, and
  - (d) transport by rail that is incidental to the use of radioactive material.
- (6) These Regulations do not apply to:
- (a) the transport of dangerous goods by means of transport equipment belonging to, or under the control of, the Defence Forces of the State,
  - (b) the transport of dangerous goods by rail within the perimeter of an enclosed area outside the control of a railway undertaking or infrastructure manager.

(7) The relevant competent authority designated under these Regulations may prohibit or impose certain conditions on the transport of certain dangerous goods by rail on sections of railway with special and local risks. Where possible, the relevant competent authority shall establish alternative routes to be used in place of each prohibited route subject to certain conditions.

(8) If a competent authority, in the event of an accident or incident within the State, considers that the safety provisions applicable have been found to be insufficient to limit the hazards involved in transport operations and if there is an urgent need to take action, it shall, at the planning stage, notify the Minister and the European Commission of the measures which it proposes to take and shall implement them in accordance with European Commission authorisation and duration of that authorisation.

#### *Competent Authorities*

4. (1) For the purposes of these Regulations the following shall be competent authorities to ensure compliance with these Regulations and the RID:

- (a) the Railway Safety Commission with respect to;
  - (i) the transport by rail of dangerous goods Class 2 gases, Class 3 flammable liquids, Class 4.1 flammable solids, self-reactive substances and solid desensitised explosives, Class 4.2 substances liable to spontaneous combustion, Class 4.3 substances which, in contact with water, emit flammable gases, Class 5.1 oxidising substances, Class 5.2 organic peroxides, Class 6.1 toxic substances, Class 6.2 infectious substances, Class 8 corrosive substances, and Class 9 miscellaneous dangerous substances and articles, of the RID,
  - (ii) the functions of a competent authority under Regulations 14, 15, 16 and 17,
  - (iii) the appointment of inspectors under Regulation 22,
  - (iv) the functions of a competent authority as may be required in accordance with Regulation 9 and Part 6 of the RID, and

- (v) any other functions of a competent authority under these Regulations and the RID;

other than those functions specified in paragraphs (b) and (c) of this Regulation.

- (b) the Minister for Justice and Law Reform with respect to matters relating to the transport by rail of explosive substances and articles of RID Class 1 including:

- (i) the receipt and processing of applications and the granting of approvals in writing, and

- (ii) the appointment of inspectors under Regulation 22,

subject to the provisions of these Regulations and to the conditions set out in Schedule 1 to these Regulations;

- (c) the Radiological Protection Institute of Ireland with respect to matters relating to the transport by rail of radioactive materials of RID Class 7, including:

- (i) the receipt and processing of applications and the granting of approvals in writing, and

- (ii) the appointment of inspectors under Regulation 22,

subject to the provisions of these Regulations and the conditions set out in Schedule 2 to these Regulations.

(2) A competent authority may grant approvals or issue certificates in respect of any matter for which it is a competent authority under this Regulation.

(3) Applications for approvals or certificates under these Regulations shall be in such form and made in such manner as the competent authority concerned determines.

(4) No person shall engage in the transport by rail of dangerous goods specified in paragraphs 1(b) and 1(c) unless that person holds a valid approval granted by the relevant competent authority under these Regulations.

(5) A competent authority appointed for the purposes of these Regulations may appoint in writing a competent person to perform some or all of its functions as a competent authority under these Regulations, which appointment may be revoked by the competent authority at any time.

(6) A person appointed under paragraph (5) shall, in accordance with any guidelines given to the person by the competent authority, make adequate arrangements for the performance of those functions.

(7) A person appointed under paragraph (5) shall have all the powers of a competent authority under these Regulations in respect of the performance of

those of the functions of the competent authority which he or she has been appointed to perform but shall perform those functions in accordance with the guidelines given to him or her by the competent authority.

(8) A competent authority may, from time to time, engage such consultants or advisers as it may consider necessary to assist it in the discharge of its functions and any fees due to a consultant or adviser engaged under this Regulation shall form part of the expenses of the competent authority.

(9) Notwithstanding any provisions of these Regulations, a competent authority may give guidance to participants as regards the manner of compliance with specific provisions of these Regulations and the RID.

(10) All rights and liabilities of the Minister arising by virtue of any contract or commitment (expressed or implied) entered into by him or her before the commencement of these Regulations in relation to a function of the Minister corresponding to a function conferred on the Railway Safety Commission by this Regulation shall upon the date of commencement of these Regulations stand transferred to the Railway Safety Commission.

(11) Every right and liability transferred by paragraph (10) to the Railway Safety Commission may, on and after the commencement of these Regulations, be sued on, recovered or enforced by or against the Railway Safety Commission in its own name and it shall not be necessary for the Railway Safety Commission or the Minister to give notice to the person whose right or liability is transferred by paragraph (10) of such transfer.

(12) A person who contravenes paragraph (4) is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000.

*Training of persons involved in the transport of dangerous goods by rail*

5. (1) A participant shall ensure that persons employed by him or her whose duties concern the transport of dangerous goods by rail shall receive training in the requirements governing the transport of such goods appropriate to their responsibilities as required in Chapter 1.3.

(2) The training required by paragraph (1) shall be periodically supplemented, by the employer, with refresher training to take account of changes in the RID and in these and other applicable Regulations.

(3) The training required by paragraph (1) shall take the following form:

- (a) personnel shall be familiar with the general requirements for the transport of dangerous goods by rail, as specified in the RID,
- (b) personnel shall receive detailed training in the requirements of these Regulations, the RID, and the transport of dangerous goods by rail directly commensurate with their duties and responsibilities,

- (c) where the transport of dangerous goods involves a multi-modal operation, the personnel shall be made aware of the requirements concerning other transport modes,
- (d) personnel shall receive detailed training covering the hazards and dangers in the transport of dangerous goods by rail commensurate with the degree of risk of injury or exposure arising from an incident involving the transport of dangerous goods by rail, including loading and unloading,
- (e) the training provided shall aim to make personnel aware of safe handling and emergency response procedures,
- (f) personnel shall receive appropriate training concerning radiation protection including the precautions to be observed in order to restrict their occupational exposure and the exposure of other persons who might be affected by their actions.

(4) Details of all training should be kept by both the employer and the employee and shall be verified upon commencing a new employment.

*General compliance with the RID*

6. (1) Dangerous goods shall be classified in accordance with the provisions of the RID.

(2) Subject to Regulations 3(6), 3(7), 18, and 20:

- (a) dangerous goods shall not be supplied for transport by rail and shall not be carried by rail unless such transport is permitted by the RID and is in accordance with the provisions of the RID,
- (b) dangerous goods that are not to be accepted for transport in accordance with the relevant provisions of Chapter 2.2 shall not be supplied for transport by rail and shall not be carried by rail.

*Specific compliance with the RID*

7. (1) Without prejudice to Regulation 6 and subject to Regulations 3(6), 3(7), 18 and 20, dangerous goods, except those of RID Class 7, and those of RID Class 6.2 assigned the UN numbers 2814 and 2900, shall not be supplied for carriage by rail and shall not be carried by rail;

- (a) in packages (including intermediate bulk containers (IBCs) and large packagings);
  - (i) except in compliance with Chapter 4.1 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3,
  - (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3,
  - (iii) unless the packagings (as the case may be) comply with Chapter 6.1,

- (iv) unless (as the case may be) the pressure receptacles, aerosol dispensers or small receptacles containing gas (gas cartridges), comply with Chapter 6.2,
  - (v) unless the IBCs (as the case may be) comply with Chapter 6.5, and
  - (vi) unless the large packagings (as the case may be) comply with Chapter 6.6;
- (b) in portable tanks or UN certified MEGCs unless;
- (i) it is permitted by and complies with Chapters 4.2 and 7.4 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3, and
  - (ii) the portable tanks or UN certified MEGCs comply with Chapter 6.7;
- (c) in fixed tanks (tank-wagons), demountable tanks, tank-containers or tank swap bodies with shells made of metallic materials or battery-wagons or MEGCs (not being UN certified MEGCs referred to in paragraph above) unless;
- (i) it is permitted by and complies with Chapters 4.3 and 7.4 and the relevant provisions of Part 3 of the RID, and
  - (ii) fixed tanks (tank-wagons), demountable tanks, tank-containers or tank swap bodies with shells made of metallic materials or battery-wagons or MEGCs comply with Chapter 6.8;
- (d) in fibre-reinforced plastic (FRP) fixed tanks (tank-wagons), demountable tanks, tank-containers or tank swap bodies unless;
- (i) it is permitted by and complies with Chapter 4.4 and the relevant provisions of Part 3 of the RID, and
  - (ii) the fibre-reinforced plastic (FRP) fixed tanks (tank-wagons), demountable tanks, tank-containers or tank swap bodies comply with Chapter 6.9;
- (e) in vacuum-operated waste tanks unless;
- (i) it is permitted by and complies with Chapter 4.5 and the relevant provisions of Part 3 of the RID, and
  - (ii) the tanks comply with Chapter 6.10;
- (f) in bulk unless;
- (i) it is permitted by and complies with Chapter 7.3 and the relevant provisions of Part 3 of the RID, and

- (ii) the bulk containers (as the case may be) comply with Chapter 6.11.

(2) Without prejudice to Regulation 6 and subject to Regulations 3(6), 3(7), 18 and 20, dangerous goods of RID Class 6.2, assigned the UN numbers 2814 and 2900, shall not be supplied for carriage by rail and shall not be carried by rail;

(a) in packages;

- (i) except in compliance with Chapter 4.1 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3,
- (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3, and
- (iii) unless the packagings (as the case may be) comply with Chapter 6.3;

(b) in bulk containers unless;

- (i) it is permitted by and complies with Chapter 7.3 and the relevant provisions of Part 3, and
- (ii) the bulk containers comply with Chapter 6.11;

(c) unless, if applicable, according to the relevant provisions of Chapter 5.5.

(3) Without prejudice to Regulation 6 and subject to Regulations 3(6), 3(7), 18 and 20, dangerous goods of RID Class 7 shall not be supplied for carriage by rail and shall not be carried by rail;

(a) in packages;

- (i) except in compliance with Chapters 2.2.7 and 4.1.9 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3,
- (ii) in overpacks (as the case may be) except in compliance with Chapters 5.1.2.2 and 5.1.2.3,
- (iii) unless the packagings comply with Chapter 6.4;

(b) in portable tanks or UN certified MEGCs unless;

- (i) it is permitted by and complies with Chapters 4.2 and 7.4 and the relevant provisions of Chapter 3.2 and, if applicable, Chapter 3.3, and
- (ii) the portable tanks or UN certified MEGCs comply with Chapter 6.7;

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

*Other Requirements for all dangerous goods*

8. Without prejudice to Regulation 6 and subject to Regulations 3(6), 3(7), 18 and 20, dangerous goods shall not be supplied for carriage by rail and shall not be carried by rail;

- (a) except in compliance with Chapter 1.3 regarding training,
- (b) except in compliance with Chapter 1.8 regarding checks and other measures to ensure compliance with the RID,
- (c) except in compliance with, if applicable, Chapter 1.9 regarding transport restrictions by a competent authority,
- (d) except in compliance with, if applicable, Chapter 1.10 regarding security requirements,
- (e) except in compliance with the relevant provisions of Parts 3 and 5 of the RID regarding the consignment procedures,
- (f) except in compliance with the relevant provisions of Chapters 3.2 and 3.3 (if applicable) and Part 7 of the RID regarding the conditions of carriage, loading, unloading and handling of the dangerous goods.

*Accreditation of Inspection bodies for examinations and tests*

9. (1) Subject to the provisions of paragraphs (2), (3) and (4), the Railway Safety Commission shall be the competent authority as regards compliance with Part 6 of the RID, dealing with requirements for the construction and testing of packagings, intermediate bulk containers, large packagings and tanks.

(2) In carrying out the function at paragraph (1), the Railway Safety Commission may require participants to show that any transport equipment used by them is in conformity with the provisions of Part 6 of the RID.



(3) For the purpose of this Regulation, the Railway Safety Commission may appoint another body as regards ensuring compliance with requirements in Part 6 of the RID.

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

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

(5) Failure by a participant to arrange for an inspection, check or test under this Regulation shall constitute an offence. The person guilty of such offence shall be liable on summary conviction to a fine not exceeding €5,000.

*Duties of all participants*

10. (1) All participants shall reduce risk in so far as is reasonably practicable, so as to avoid damage or injuries, and, if necessary, to minimise their effects.

(2) All participants shall comply with the requirements of the RID in their respective fields.

*Other general duties of persons engaged in the transport of dangerous goods by rail*

11. (1) A person shall not:

- (a) wilfully damage or open without reasonable cause any package, packaging, tank, tank container, demountable tank, tank swap body, intermediate bulk container or aerosol used to contain dangerous goods in the course of transport by rail,
- (b) remove without reasonable cause or wilfully deface any label, mark, sign, placard, orange coloured plate or warning notice required to be displayed,
- (c) remove or interfere with any item of equipment required to be carried on or in a container, tank container, tank wagon or wagon,
- (d) enter a container, tank container, tank wagon or wagon while carrying portable lighting apparatus comprising a flame; and any such portable lighting apparatus used shall not exhibit any metal surface liable to produce sparks,

- (e) enter a container, tank container, tank wagon or closed wagon used for the transport of liquids having a flash point of 61°C or below, or flammable substances and articles of dangerous goods of RID Class 2, as defined in Chapter 2.2.2, if that person is carrying lighting apparatus other than portable lamps designed and constructed such that they cannot ignite any flammable vapours or gases which may have penetrated into the interior of the wagons or containers,
- (f) smoke in the vicinity of any container, tank container, tank wagon or wagon or inside such wagons or containers during loading, unloading or handling operations, or use fire or naked flame on, or in the vicinity of, a container, tank container, tank wagon or wagon carrying substances and articles of RID Class 1 or during loading or unloading of these substances and articles.

(2) No operator of any container, tank container, tank wagon or wagon shall cause or permit to be carried therein any dangerous goods unless such transport equipment is suitable for the purpose of such transport and has been adequately maintained.

(3) A person who contravenes this Regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding three months, or both.

*Duties of railway undertakings as carriers*

12. (1) Subject to Regulations 3(6), 3(7), 4(2), 4(4), 6, 7, 8, 9, 10, 18, and 20, a carrier shall not undertake the transport of dangerous goods by rail unless such transport is in accordance with the provisions of these Regulations and the RID.

(2) Without prejudice to the generality of paragraph (1), a carrier shall not undertake the transport by rail of dangerous goods listed as not to be accepted for transport by rail in Chapter 2.2.

(3) Without prejudice to the generality of paragraph (1), a carrier shall not undertake the transport of dangerous goods by rail unless such transport is in accordance with the following specific provisions, as applicable:

- (a) The dangerous goods have been authorised for transport in accordance with these Regulations and the RID,
- (b) The carrier has been furnished with a container packing certificate in accordance with Chapter 5.4.2 when so required,
- (c) (i) the periodic inspections and intermediate periodic inspections or the periodic inspections and leakproofness tests have been carried out within the time intervals specified in accordance with Chapters 6.7.2.19, 6.7.3.15, 6.7.4.14, 6.7.5.12, 6.8.2.4, 6.8.3.4, 6.9.5, 6.10.4 and 6.11.3.3.
- (ii) the placarding and marking is in accordance with Chapter 5.3,

(d) In the case of transport by wagon:

- (i) the wagon is not overloaded,
- (ii) the placarding and marking is in accordance with Chapter 5.3,

(e) In the case of transport in containers, when required by Chapter 5.3.1, the containers are placarded in accordance with Chapter 5.3.1.

(4) Whenever a carrier uses the services of other participants, the carrier shall take appropriate measures to ensure that the participants comply with the carrier's duties under these Regulations and the RID.

(5) Where a carrier observes an infringement of the requirements of these Regulations or the RID, the carrier shall not continue with the further transport of the dangerous goods until the infringement has been remedied.

(6) Where an infringement of Chapter 1.4.2.2.4 is observed during the transport of dangerous goods, the carrier shall comply with the provisions of that Chapter.

(7) Where a serious accident or incident occurs during the transport of dangerous goods by rail, the carrier shall prepare, or cause to be prepared, a report of the serious accident or incident and shall submit a copy of the report to the relevant competent authority without delay, in accordance with the requirements of Chapter 1.8.5.

(8) For the purposes of paragraph (7), a serious accident or incident shall be an event described in Chapter 1.8.5.3.

(9) A report prepared in accordance with paragraph (7) shall be in the form prescribed in Chapter 1.8.5.4.

(10) A carrier who contravenes or fails to comply with this Regulation is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.

*Obligation on undertakings to appoint safety advisers*

13. (1) An undertaking, the activities of which include the transport or the related loading or unloading of dangerous goods by rail, shall appoint in writing one or more safety advisers for the transport of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

(2) Where an undertaking appoints more than one individual in accordance with paragraph (1), it shall make arrangements for ensuring adequate co-operation between them.

(3) An undertaking shall ensure that the number of individuals appointed by it under paragraph (1) is sufficient to ensure that their functions can be carried out effectively.

(4) An undertaking shall ensure, for any safety adviser appointed by it under paragraph (1), that the time available and the means at the disposal of the safety adviser to fulfil his or her functions are adequate having regard to those functions.

(5) An undertaking shall provide any safety adviser appointed by it under paragraph (1) with adequate information and facilities for the performance of his or her functions including details of any accidents in relation to the transport of dangerous goods.

(6) An undertaking that fails to comply with this Regulation is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.

(7) This Regulation does not apply to undertakings:

- (a) The activities of which concern quantities in each wagon smaller than those referred to in Chapter 1.1.3.6, 1.7.1.4 and Chapters 3.3, 3.4, and 3.5, or
- (b) The main or secondary activities of which are not the transport, or the related loading or unloading of dangerous goods, but which occasionally engage within the State in the transport, or the related loading or unloading, of dangerous goods that pose a low level of risk or danger to persons or property or to the environment.

#### *Safety adviser*

14. (1) A safety adviser may be:

- (a) the head of the undertaking,
- (b) a person with other duties in the undertaking, or
- (c) a person not directly employed by that undertaking provided that the person is capable of performing the functions of safety adviser in that undertaking and has been given in writing the authority to perform those functions by the head of the undertaking.

(2) The main function of a safety adviser shall be to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of the undertaking, to facilitate the conduct of those activities in accordance with these Regulations and the RID in the safest possible way.

(3) A safety adviser shall perform the duties listed in Chapter 1.8.3.3 relevant to the undertaking's activities.

(4) A safety adviser shall, unless he or she is the head of the undertaking, be under the responsibility of the head.

(5) An undertaking shall, on request, inform the competent authority concerned or an inspector of the identity of its safety adviser.

(6) As soon as may be, but not later than three months, after the end of each calendar year, a safety adviser shall provide a copy of the annual report referred to in Chapter 1.8.3.3 to the undertaking who has appointed him or her, and the copy shall be kept by the undertaking for a minimum period of five years, and made available by the undertaking to the competent authority on request.

(7) An undertaking which fails to comply with paragraph (5) or (6) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.

*Safety Adviser Training Certificate*

15. (1) A person shall not act as a safety adviser and an undertaking shall not appoint a person as a safety adviser, unless the person holds a valid vocational training certificate ("training certificate") valid for transport by rail and the dangerous goods being transported, issued by or on behalf of the competent authority concerned.

(2) The competent authority concerned shall, upon application to it, issue a training certificate to a person who complies with the requirements of this Regulation.

(3) An applicant for a training certificate ("candidate") shall undergo training and pass an examination approved by the competent authority concerned.

(4) Any training referred to in paragraph (3) shall provide a candidate with sufficient knowledge of the risks inherent in the transport of dangerous goods, of legislation applicable and administrative provisions applicable to the modes of transport concerned and the functions listed in Chapter 1.8.3.3.

(5) The examination referred to in paragraph (3) shall:

- (a) be organised in accordance with Chapter 1.8.3.10,
- (b) cover at least the subjects listed in Chapter 1.8.3.11, and
- (c) fulfil the requirements of Chapters 1.8.3.12 and 1.8.3.13.

(6) A candidate shall carry out a case study in connection with Chapter 1.8.3.12.4(b) whereby he or she can demonstrate that he or she has the necessary qualifications to carry out the functions of safety adviser.

(7) A training certificate shall be established in accordance with the model given in Chapter 1.8.3.18.

(8) Where an examination is limited to one or more of the types of dangerous goods listed in Chapter 1.8.3.13 or to the transport of dangerous goods by rail that limitation shall be clearly indicated on the training certificate to which it relates.

(9) A training certificate issued by another Member State shall be recognised by a competent authority and, subject to Regulation 16, have effect in the State to the like effect as it has in the Member State which issued it.

(10) Subject to paragraph (11), a training certificate shall be valid for a period of five years.

(11) Where the holder of a training certificate can show to the competent authority concerned, that within the 12 month period which precedes the expiry of the validity of the certificate referred to in paragraph (10) or of any extension of it given under this paragraph, he or she has passed an examination which has been approved by the competent authority, the period of validity of that certificate shall be extended by the competent authority for a further period of five years.

(12) If a competent authority does not take direct charge of an examination referred to in paragraphs (3) or (11) it shall appoint, in writing, an examination body in compliance with the criteria set out in Chapter 1.8.3.10. Any appointment carried out according to this Regulation:

- (a) shall be in a form and manner at the discretion of the competent authority,
- (b) may be limited to a period of time at the discretion of the competent authority, and
- (c) may be terminated if the competent authority has cause to believe that the appointed body has not performed the functions assigned to it in a satisfactory manner according to Chapters 1.8.3.10, 1.8.3.11, 1.8.3.12, 1.8.3.13 and 1.8.3.14.

(13) The competent authority concerned or the examination body appointed by it shall gradually establish a compendium of questions that have been included in an examination set by it. A body appointed in accordance with paragraph (12) shall provide all questions used or to be used in the examinations to the competent authority.

(14) A person shall not;

- (a) in applying to an undertaking for a position as a safety adviser, make a statement that he or she knows is false or misleading for the purposes of obtaining that position,
- (b) in applying for a training certificate from a competent authority or in giving any information required for the purposes of these Regulations, make a statement that he or she knows is false,
- (c) with intent to deceive, forge or alter a training certificate, or
- (d) with intent to deceive, make or possess any document closely resembling a training certificate.

(15) A person who contravenes paragraph (1) or (14) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding three months, or to both.

*Withdrawal of Training Certificate*

16. (1) The competent authority which:

- (a) has issued a training certificate may withdraw or suspend for a stated or indefinite period the certificate, or
- (b) has recognised a training certificate issued by another Member State may prohibit or suspend it for a stated or indefinite period from having effect in the State for the transport of dangerous goods in respect of the area for what it is the competent authority,

if the holder of the certificate, without reasonable excuse, fails to;

- (i) comply with the functions of safety adviser under Regulation 14, or
- (ii) prepare an accident report in accordance with Regulation 17.

(2) Where a competent authority proposes to:

- (a) withdraw or suspend a training certificate it has issued, or
- (b) prohibit or suspend a training certificate issued by another Member State from having effect in the State,

it shall notify the certificate holder of the proposal to withdraw the certificate and the holder may, within 21 days of the notification, make representations to the competent authority, which shall consider them.

(3) Where a competent authority decides to withdraw or suspend a training certificate issued by it or prohibit or suspend it from having effect in the State, any person aggrieved may, within 21 days of notification of the decision, appeal to the judge of the District Court in whose district court area the undertaking for which he or she acts as a safety adviser carries on business, and the withdrawal, suspension or prohibition shall not take effect until the time allowed for such appeal has elapsed and, in the event of an appeal, until the appeal is determined or withdrawn.

(4) On hearing an appeal under paragraph (3) the court may either confirm or vary the decision or allow the appeal.

(5) A decision under paragraph (4) of the District Court on an appeal under paragraph (3) shall be final, save that by leave of the court, an appeal from the decision shall be to the High Court on a specified point of law.

(6) A notification under this Regulation shall be made in writing and, as soon as possible, sent or given in any of the ways as set out under Regulation 34.



(7) Where a notification under this Regulation is sent to a holder of a certificate, the holder shall immediately inform the head of the undertaking for which he or she is the safety adviser of such notification, save where the head of the undertaking is the holder of the certificate in question.

(8) Where a certificate issued by another Member State is prohibited or suspended under this Regulation, the competent authority concerned shall notify the competent authority of the other Member State that issued the certificate of such prohibition or suspension.

(9) A person who is employed or proposes to be employed as a safety adviser in the State, and who has had his or her certificate invalidated by whatever means by a competent authority in another Member State, shall immediately notify the relevant competent authority in the State and also the head of any undertaking in which he or she is, or proposes to be, employed in the State, of such invalidation.

(10) A person who contravenes paragraph (7) or (9) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.

#### *Accident reports*

17. (1) Without prejudice to any other legal requirement, whenever an accident affects a person, property or the environment, or results in damage to property or the environment during transport, loading or unloading of dangerous goods carried out by an undertaking, the undertaking shall ensure that a safety adviser appointed by it under Regulation 13(1) shall, after collecting all relevant information, prepare an accident report and give it or a copy to the management of the undertaking in compliance with Chapter 1.8.3.6.

(2) An accident report prepared under paragraph (1) shall be preserved by the undertaking for which it was prepared for a period of not less than five years and such report shall be made available by the undertaking to an inspector at his or her request or to the competent authority concerned at its request.

(3) Without prejudice to paragraph (1), in the case of a serious accident or incident during loading, filling, transport or unloading referred to in Chapter 1.8.5.1 and defined in Chapter 1.8.5.3, the undertaking shall prepare, or cause to be prepared, a report of the accident in the form prescribed in Chapter 1.8.5.4 and submit it to the competent authority.

(4) The competent authority, on receipt of the report required under paragraph (3), may make a report according to Chapter 1.8.5.2 if it is of the opinion that it is necessary.

(5) An undertaking who fails to comply with paragraphs (1), (2), and (3) of this Regulation is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000.

#### *Exemptions contained in the RID, temporary derogations and transitional measures*

18. (1) These Regulations do not apply in any case where;



- (a) exemptions, relating to the nature of the transport operation set out in Chapter 1.1.3.1, apply,
- (b) exemptions, relating to the carriage of gases set out in Chapter 1.1.3.2, apply,
- (c) exemptions, relating to the carriage of liquid fuels set out in Chapter 1.1.3.3, apply,
- (d) certain dangerous goods packed in limited or excepted quantities meet the conditions contained in Chapter 3.4 or 3.5, in compliance with Chapter 1.1.3.4.2 or 1.1.3.4.3,
- (e) exemptions, relating to empty uncleaned packagings set out in Chapter 1.1.3.5, apply,
- (f) certain dangerous goods of Class 6.2 meet the conditions contained in Chapter 2.2.62.1.5 in compliance with that Chapter, or
- (g) certain radioactive materials meet the conditions contained in Chapter 1.7.1.4 in compliance with that Chapter.

(2) Subject to paragraph (3), if a competent authority is of the opinion that it is appropriate to do so for the purposes referred to in Chapter 1.5.1, it may, by a notice published in *Iris Oifigiúil*, grant a temporary derogation from the requirements of the RID and, where relevant, these Regulations shall not be applied in order to give effect to the temporary derogation.

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

(4) These Regulations do not apply where the transitional measures referred to in Chapter 1.6 are invoked provided there is compliance with the conditions contained in Chapter 1.6.

#### *Certificate of Exemption*

19. (1) The relevant competent authority may, subject to any provisions imposed by the European Union in respect of the transport of dangerous goods by rail, by certificate in writing, exempt a participant from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and a limit of time and may be revoked at any time.

(2) Any participant availing of an exemption pursuant to paragraph (1) shall ensure that a copy of that exemption accompanies the load of dangerous goods at all times, whilst being carried by rail.

#### *General Derogations*

20. (1) Pursuant to Article 6 of the Directive, in respect of the transport of dangerous goods by rail within the State it shall be sufficient that the language used in transport documentation including markings be in English, or in English

and in Irish, and the format of the documentation or markings be in accordance with requirements laid down by the relevant competent authority.

(2) Pursuant to Annex II.2.3 of the Directive:

- (a) wagons and tank wagons, constructed before 1 January 1997 which do not conform to the provisions of the Directive, but which were constructed in accordance with administrative arrangements in force on 31 December 1996, or if such wagons or tank wagons are operated by a railway undertaking of another Member State, in accordance with national provisions or administrative arrangements in force in that Member State on 31 December 1996, provided these wagons or tank wagons are properly maintained to the required safety levels, are in a state of good repair, and are suitable for the purpose for which they are being used, shall be permitted to be used in the State.
  - (b) wagons and tank wagons, constructed on or after 1 January 1997 which do not conform to the provisions of the Directive, but which were constructed in accordance with the requirements of Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail<sup>7</sup> that were applicable on their date of construction, provided these wagons or tank wagons are properly maintained to the required safety levels, are in a state of good repair, and are suitable for the purpose for which they are being used, shall be permitted to be used in the State.
- (3) Wagons or tank wagons carrying dangerous goods under paragraph (2) may be conveyed by a railway undertaking, where the said wagon or tank wagon is in a state of disrepair, for the sole purpose of transporting such a wagon or tank wagon to a place for repair, provided it is safe to do so.

#### *Security and safety measures*

21. (1) All participants shall comply with the security requirements set out in Chapter 1.10 commensurate with their responsibilities.

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

(3) Carriers, consignors and other participants specified in Chapters 1.4.2 and 1.4.3 shall not engage in the transport of high consequence dangerous goods defined in Chapter 1.10.3.1 and in quantities exceeding those specified in the Table in Chapter 1.10.5, except in compliance with the provisions of Chapter 1.10.3.2 regarding security plans.

(4) A railway undertaking operating a train which is being used for the transport of dangerous goods by rail shall ensure compliance with Chapters 1.4.3.6 and 1.11, and take all reasonable steps to ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the

<sup>7</sup>OJ No. L 235, 17.9.1996, p. 25

creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

(5) Every person engaged in the transport of dangerous goods by rail shall take all reasonable steps to ensure that:

- (a) nothing is done during that transport to create a significant risk or significantly increase any existing risk to the health or safety of any person, and
- (b) unauthorised access to the dangerous goods concerned is prevented.

(6) A person shall not cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst dangerous goods are being carried in any container, package, tank container, tank wagon or wagon.

(7) A person who contravenes paragraph (6) is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000.

#### *Inspectors*

22. (1) A competent authority may appoint any of its officers, consultants, advisers or other persons as it deems appropriate to be inspectors for the purposes of these Regulations and such appointment may be revoked by the competent authority.

(2) A person appointed under paragraph (1) shall, on his or her appointment, be furnished with a warrant of his or her appointment and when exercising any power conferred on an inspector by these Regulations shall, if requested by any person thereby affected, show the warrant to that person.

(3) For the purpose of the exercise of functions of a competent authority under these Regulations, an inspector may:

- (a) travel on any train or any part of a train of any railway undertaking,
- (b) enter, inspect, examine and search at all times, any place or premises which he or she has reasonable cause to believe is railway property,
- (c) enter into any place, premises or vehicle which he or she has reasonable cause to believe contains records or information relevant to and necessary for the exercise of functions of the competent authority concerned under these Regulations and therein carry out such searches, inspections and examinations as he or she considers reasonable and necessary,
- (d) have a member of An Garda Síochána accompany him or her if the inspector has reasonable cause to apprehend any serious obstruction in the execution of his or her duty,

- (e) take with him or her any other person or any equipment or materials required for any purpose for which the power of entry is being exercised,
- (f) where he or she has reasonable cause to believe that at or in any railway property an offence under these Regulations has been or is being committed, use reasonable force where necessary in order to enter that property,
- (g) make such examination and inquiry as may be necessary,
- (h) require the production of any record (and, in the case of information in non-legible form, to reproduce it in legible form) which in the opinion of the inspector is necessary for him or her to inspect, examine and copy or require that a copy of it or of any entry therein be provided to him or her,
- (i) inspect and take copies of or extracts from any such records (including, in the case of information in non-legible form, a copy of or extract from such information in permanent legible form),
- (j) remove and retain such records for such period as may be reasonable for further examination,
- (k) require any person whom he or she has reasonable cause to believe to be able to give information relevant for the purposes of these Regulations, to answer such questions with respect to matters under these Regulations as he or she thinks fit to ask and to sign a declaration of the truth of the answers given,
- (l) direct that any railway property or part thereof and anything therein shall be left undisturbed for so long as it is reasonably necessary for the purpose of these Regulations,
- (m) take samples or, as regards any article or substance he or she finds, require the railway undertaking or any member of staff of, or other person engaged by, the railway undertaking or any person who appears to him or her to be in possession of the article or substance, to supply without payment, for test, examination or analysis sufficient samples thereof,
- (n) cause any article or substance found which appears to him or her to be reasonably necessary for the purpose of these Regulations to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is in the circumstances necessary for the purposes of the process or test) and where an inspector proposes to exercise the power conferred by this paragraph in the case of an article or substance found, he or she shall, if so requested by a person who at the time is present and who may have responsibilities in respect of such article or substance, cause anything which is to be

done by virtue of that power to be done in the presence of that person,

- (o) in relation to any article or substance found at or in railway property in accordance with paragraph (n), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely;
  - (i) to examine or arrange for the examination of it and do to it anything which he or she has power to do under paragraph (n),
  - (ii) to ensure that it is not tampered with before the examination of it is completed, or
  - (iii) to ensure that it is available for use as evidence in any proceedings,
- (p) take any measurements, photographs or video recordings or make any sound, electrical or other recordings which he or she considers necessary for the purposes of these Regulations,
- (q) require any person to afford him or her such facilities and assistance within his or her control or responsibilities as are reasonably necessary to enable him or her to exercise any of the powers conferred on him or her under these Regulations,
- (r) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material to afford the inspector all reasonable assistance in relation to its use, and
- (s) require any railway undertaking to have any train, railway infrastructure, equipment, system, or procedure examined and tested at the undertaking's expense where, in his or her opinion, this is necessary for the purposes of these Regulations.

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

(5) A person who is being interviewed under paragraph (3)(k) or Regulation 23 may, if he or she requests:

- (a) where the person is a member of the staff of the railway undertaking or a person engaged by the railway undertaking, be accompanied;
  - (i) by one other member of the staff of the railway undertaking, or one member of the staff of the person engaged by the railway undertaking,

(ii) by one other person from an organisation which represents, as the case may be, the staff of the railway undertaking or the person engaged by the railway undertaking, or

(iii) at his or her own expense, by a legal or other adviser,

or

(b) where the person is not a member of the staff of the railway undertaking or a person engaged by the railway undertaking, be accompanied, at his or her own expense, by a legal or other adviser.

(6) The sole function of a person permitted to accompany another person in accordance with paragraph (5) shall be the provision of advice to the person being interviewed.

(7) A person permitted to accompany another person in accordance with paragraph (5) shall, if directed by the inspector concerned, desist from doing anything that, in the opinion of the inspector, frustrates the orderly and efficient conduct of the interview.

(8) Before exercising the power conferred by paragraph (3)(n) in the case of any article or substance, an inspector shall, in so far as it is reasonably practicable to do so, consult such persons as appear to him or her to be appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he or she proposes to do under that power.

(9) Where, under the power conferred by paragraph (3)(o), an inspector takes possession of any article or substance found at or in any railway property, he or she shall, if it is practicable for him or her to do so, take a sample thereof and give to a responsible person at the place of work a portion of the sample marked in a manner sufficient to identify it.

(10) An inspector, for the purpose of carrying out his or her functions under these Regulations, shall have unhampered access to a railway incident site.

(11) A competent authority shall consult with railway undertakings in relation to procedural arrangements for entry by its inspectors upon railway property.

(12) An inspector shall not, except under a warrant under paragraph (14) or with the consent of the occupier, enter a domestic dwelling for the purposes of this Regulation.

(13) Where an inspector in the exercise of his or her powers under this Regulation is prevented from entering any premises, place or vehicle, an application may be made under paragraph (14) authorising such entry.

(14) If a judge of the District Court is satisfied on the sworn information of an inspector that there are reasonable grounds for suspecting that information required by an inspector for the purpose of these Regulations is held at any premises, place or vehicle, including a domestic dwelling, the judge may issue

a warrant authorising the inspector, accompanied if the inspector considers it necessary by other inspectors or members of An Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so required, to enter, if need be by reasonable force, the premises, place or vehicle and exercise all or any of the powers conferred on an inspector under these Regulations.

(15) In this Regulation, “railway property” means all land, buildings, railway infrastructure, rolling stock and vehicles under the control of a railway undertaking.

*Provision of records and other information*

23. (1) Where, in the opinion of an inspector carrying out an inspection under these Regulations, an inspection of any record may be necessary for the purpose of exercising his or her functions under these Regulations, the inspector may require a railway undertaking or other relevant person to deliver to a place nominated by the inspector, and within such reasonable period as the inspector specifies, such record to enable the inspector to inspect and copy it and the railway undertaking or other relevant person shall comply with the requirement.

(2) An inspector may require the attendance before him or her of any person in the jurisdiction for the purpose of providing to the inspector any information that may be known to the person and which, in the inspector’s opinion may be necessary for the purposes of exercising a function under these Regulations and the person shall comply with the requirement.

(3) A person required to attend before an inspector in accordance with paragraph (2) shall be entitled to the reimbursement by the competent authority concerned of any reasonable expenses incurred in connection with his or her attendance.

(4) An inspector may also, for the purpose of exercising his or her functions under these Regulations:

- (a) examine any person required to attend before him or her and may require answers or returns to any inquiry he or she thinks fit to make, and
- (b) administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by the person in his or her examination.

(5) An inspector may make such copies or take such extracts from the information gathered under paragraph (4) as the inspector considers necessary for the purposes of the investigation.

*Requirement to give name and address, obstruction, arrest, offence.*

24. (1) A member of An Garda Síochána accompanying an inspector under these Regulations may require of any person his or her name and address and may, if such person refuses or fails to give his or her name and address or gives



a name or address which the member has reasonable grounds for believing to be false or misleading, arrest such person without warrant.

(2) Where a person, when his or her name and address is required of him or her under this Regulation, refuses or fails to give his or her name and address or gives a name or address which is false or misleading, such person is guilty of an offence.

(3) A member of An Garda Síochána accompanying an inspector under these Regulations may arrest without warrant any person who obstructs or interferes with an inspector exercising a power under these Regulations or refuses to comply with a request or requirement of an inspector under these Regulations.

(4) A person who obstructs or interferes with an inspector in exercise of any power conferred on an inspector under these Regulations, or who fails or refuses to comply with a request or requirement of an inspector under these Regulations, is guilty of an offence.

(5) 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 false or misleading statement with reckless disregard as to its truth or otherwise, is guilty of an offence.

(6) A person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding three months or to both.

*Improvement plan.*

25. (1) Where an inspector is of the opinion that an activity being or likely to be carried on by or under the control or on behalf of:

- (a) a railway undertaking and the activity involves, or is likely to involve, a risk to the safety of persons, property or the environment, or
- (b) any other person on or near a railway and where the activity poses, or is likely to pose, a danger to the safety of persons, property or the environment,

the inspector may give a direction in writing to that railway undertaking or person, requiring the submission to the inspector, within a time specified in the direction, of a plan (“improvement plan”) specifying the remedial action proposed to be taken to rectify the matters set down in the direction.

(2) Where an improvement plan is submitted in accordance with paragraph (1) or re-submitted under paragraph (b), an inspector shall, within 30 days, write to the railway undertaking or person concerned:

- (a) stating that he or she is satisfied with the remedial action proposed to be taken, or



- (b) if he or she is not satisfied with the remedial action proposed by the plan, directing that the plan be revised and re-submitted to him or her within a time specified in the direction.

(3) An inspector may withdraw a direction under this Regulation at any time before a date specified therein or may extend and further extend such date.

*Improvement notice*

26. (1) Where an inspector is of the opinion that a railway undertaking or other person is contravening or has contravened or is failing to comply or has failed to comply with any of the provisions of these Regulations or has failed, following a direction under Regulation 25, to submit or implement an adequate improvement plan, the inspector may serve on that railway undertaking or person a notice (“improvement notice”) in writing signed by him or her stating that he or she is of that opinion and the improvement notice shall:

- (a) specify the provision as to which the inspector is of that opinion,
- (b) give particulars of the reasons why the inspector is of that opinion,
- (c) where applicable, state that the railway undertaking or person has failed to submit or implement an improvement plan, and
- (d) direct that railway undertaking or person to remedy the alleged contraventions by a date specified in the notice, which shall not be earlier than the period within which an appeal can be brought under paragraph (4).

(2) An improvement notice may include directions as to the measures to be taken to remedy the alleged contraventions set out in the notice.

(3) Where an inspector proposes to serve an improvement notice, he or she shall first notify the railway undertaking or person concerned in writing of his or her intention to serve the improvement notice and the railway undertaking or person in question may, within 21 days, make representations to the inspector, who shall consider them.

(4) Where an inspector decides, having considered any representations made to him or her under paragraph (3), to serve an improvement notice, a railway undertaking or person which is aggrieved by such improvement notice may, within the period of 14 days beginning on the day on which the notice is served on it, appeal to the High Court against the notice and in determining the appeal the Court may:

- (a) if it is satisfied that in the circumstances of the case it is reasonable to do so, confirm the notice with or without modification, or
- (b) cancel the notice.

(5) A railway undertaking or person who appeals against an improvement notice shall at the same time notify the competent authority concerned of the

appeal and the grounds for appeal and the competent authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(6) Where an appeal against an improvement notice is taken, the notice shall take effect on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or on the day specified in the notice as that on which it is to come into effect, whichever is the later.

(7) Where no appeal is taken against an improvement notice, the notice shall take effect on the expiration of the period during which such an appeal may be taken or on the day specified in the notice as that on which it is to come into effect, whichever is the later.

(8) An inspector may withdraw an improvement notice at any time before the date specified in it under paragraph (1)(d) and he or she may extend or further extend that date at any time when an appeal against the notice is not pending.

(9) A person who fails to comply with an improvement notice shall be guilty of an offence and shall be liable:

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €300,000.

*Prohibition notice.*

27. (1) Where an inspector is of the opinion that an activity being or likely to be carried on by, or under the control or on behalf of:

(a) a railway undertaking and the activity involves, or is likely to involve, an immediate and substantial risk to the safety of persons, property or the environment, or

(b) any other person on or near a railway and where the activity poses, or is likely to pose, an immediate and substantial danger to the safety of persons, property or the environment,

or where a railway undertaking or person fails to comply with a requirement or requirements of these Regulations, the inspector may serve on that railway undertaking or person a notice ("prohibition notice") signed by him or her.

(2) Where an undertaking fails to appoint a safety adviser under Regulation 13(1), an inspector may serve on the undertaking a notice ("prohibition notice") signed by him or her prohibiting the transport of dangerous goods by the undertaking where he or she considers that the transport of such goods by the undertaking may pose a serious risk to persons or property or the environment.

(3) A prohibition notice shall:

(a) state that the inspector is of that opinion,

- (b) specify the matters that in the inspector's opinion give or, as the case may be, are likely to give rise to the said risk,
  - (c) where, in the opinion of the inspector, the matter involves or, as the case may be, will involve a contravention of any provision of these Regulations, specify the provision or provisions as to which the inspector is of that opinion, and give particulars of the reasons why he or she is of that opinion, and
  - (d) direct that the activity to which the notice relates shall be carried on neither by nor under the control of the railway undertaking or other person on which the notice is served, nor by nor under the control of any other person, unless the matters specified in the notice in pursuance of paragraphs (b) or (c) have been remedied.
- (4) A prohibition notice shall take effect:
- (a) if the notice so declares, immediately the notice is received by the railway undertaking or person on whom or which it is served, and
  - (b) in any other case:
    - (i) if no appeal is taken against the notice, on the expiration of the period during which such an appeal may be taken or on the day specified in the notice as that on which it is to come into effect, whichever is the later, or
    - (ii) if such an appeal is taken, on the day next following the day on which the notice is confirmed on appeal or the appeal is withdrawn or on the day specified in the notice as that on which it is to come into effect, whichever is the later.
- (5) The bringing of an appeal against a prohibition notice that is to take effect in accordance with paragraph (4)(a) shall not have the effect of suspending the operation of the notice:

provided, however, that the appellant may apply to the High Court to have the operation of the notice suspended until the appeal is disposed of and, on such application, the Court may, if it thinks proper to do so, direct that the operation of the notice be suspended, in whole or in part, until the appeal is disposed of.

- (6) (a) A railway undertaking or other person who is aggrieved by a prohibition notice may, within the period of seven days beginning on the day on which the notice is served on it, appeal to the High Court against the notice and in determining the appeal the Court may:
  - (i) if it is satisfied that in the circumstances of the case it is reasonable to do so, confirm the notice with or without modification, or
  - (ii) cancel the notice.

(b) Where on the hearing of an appeal under this Regulation a prohibition notice is confirmed, the Court may, notwithstanding paragraph (4), on the application of the appellant, suspend in whole or in part the operation of the notice for such period as in the circumstances of the case he or she considers appropriate.

(7) A railway undertaking or person who appeals against a prohibition notice or who applies for a direction suspending the application of the notice in whole or in part shall at the same time notify the competent authority concerned of the appeal or the application and the grounds for the appeal or the application and the competent authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.

(8) An inspector may withdraw a prohibition notice.

(9) (a) Where a prohibition notice has been served and activities are carried on in contravention of the notice, the High Court may, on the application of an inspector, by order prohibit the continuance of the activities.

(b) An application to the High Court for an order under paragraph (a) shall be by motion and the Court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and the order by which an application under paragraph (a) is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate.

(10) On the application of the railway undertaking or other person concerned, an inspector shall confirm in writing if the circumstances giving rise to a prohibition notice no longer prevail or have been remedied to his or her satisfaction and if he or she so confirms, the notice shall no longer have effect.

(11) The competent authority concerned shall, unless in its opinion it is not appropriate in a particular instance to do so, make public details of a prohibition notice, including the name of the person to whom the notice is addressed and the situation giving rise to the notice.

(12) A person who fails to comply with a prohibition notice is guilty of an offence and is liable:

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding three months, or to both, or

(b) on conviction on indictment, to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding two years, or to both.

*Application to High Court by a Competent Authority*

28. (1) Where a competent authority considers that the risk to safety posed by the operations, activities or omissions of a railway undertaking, infrastructure manager, or an undertaking is so serious as to constitute a danger to persons, property, or the environment and should be immediately prohibited or restricted

until specified measures have been taken to reduce the risk to a reasonable level, it may apply ex parte to the High Court for an order prohibiting or restricting such operations, activities or omissions.

(2) The Court may make such interim or interlocutory order as it considers appropriate.

(3) Any such order shall have effect notwithstanding the terms of any permission given under these Regulations or any other enactment for the operation of the railway or part thereof or, where the order refers to another person, the carrying out of an activity by such person.

(4) On any application for the revocation or variation of an order made under paragraph (1), the competent authority concerned shall be entitled to appear, be heard and adduce evidence.

*Indemnification for actions in good faith*

29. Where a competent authority is satisfied that an inspector, a member of staff of the competent authority, or a person appointed by the competent authority under Regulation 4(5), or a consultant or adviser or person engaged by the competent authority under Regulation 4(8), has discharged his or her duties in the exercise of a function of the competent authority under these Regulations in a bona fide manner, it shall indemnify such inspector or member of staff of the competent authority, or appointee, or consultant or adviser, or other person engaged by the competent authority, against all actions or claims however arising in respect of the discharge by him or her of his or her duties, including for the avoidance of doubt, the preparation and publication of an investigation report.

*Fees*

30. (1) A competent authority, or an authorised examiner or an accreditation body engaged for the purpose of these Regulations by a competent authority as the case may be, may charge and is entitled to be paid for the performance by it of a function conferred on it by or under these Regulations, by the person who requests the performance of that function, a fee (which shall include all costs incurred by the competent authority, authorised examiner or accreditation body, as the case may be, in the performance of that function including administrative costs).

(2) The Public Office Fees Act, 1879, does not apply in relation to a fee under this Regulation.

*Prosecution of summary offences.*

31. (1) Proceedings for an offence under these Regulations may be brought and prosecuted summarily by a competent authority.

(2) A competent authority shall be entitled:

- (a) to view and take copies of any record or other evidence gathered or obtained by the Railway Accident Investigation Unit during the course of its investigation of a railway incident under section 58 of the Railway Safety Act 2005, and

- (b) subject to section 58(17) of the Railway Safety Act 2005, to submit as evidence in criminal or other proceedings any such record or other evidence.

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for any offence under these Regulations may be instituted at any time within two years after the date of the offence.

*Offences by bodies corporate.*

32. Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

*Cost of prosecutions.*

33. Where a person is convicted of an offence under these Regulations, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order that person to pay to the competent authority concerned the costs and expenses, measured by the court, incurred by the competent authority in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees or persons engaged by the competent authority.

*Service of notices, etc.*

34. (1) Where a notice, notification or direction is required under these Regulations to be given to or served on a person, the notice or direction shall be in writing and shall be addressed to that person and shall be given to the person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or carries on business;
- (c) by sending it by post in a pre-paid registered letter or by any other form of recorded delivery service, addressed to the person at the address at which the person ordinarily resides or carries on business;
- (d) if an address for the service of notices, notifications or directions has been furnished by the person, by leaving it at, or sending it by pre-paid registered post or by any other form of recorded delivery service addressed to the person to, that address;
- (e) in any case where a competent authority considers that the immediate giving of the notice, notification or direction is required, by sending it, by means of a facsimile machine or electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the

address at which the person ordinarily resides or carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the sender's:

- (i) facsimile machine generates a message confirming successful transmission of the total number of pages of the notice, or
- (ii) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail.

(2) For the purposes of this Regulation, a company registered under the Companies Acts 1963 to 2009, shall be deemed to be ordinarily resident at its registered office and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

*Non-application of Explosives Act, 1875, relating to the transport of explosives by rail.*

35. (1) Section 75 of the Explosives Act, 1875, does not apply in relation to the inspection of railway equipment involving the transport of explosives.

(2) The following do not apply to the transport of dangerous goods by rail:

- (a) section 35 of the Explosives Act, 1875, and
- (b) the Packing of Explosives for Conveyance Rules, 1955 (S.I. No. 37 of 1955), (as amended by the Packing of Explosives for Conveyance (Amendment) Rules, 1974 (S.I. No. 180 of 1974), and the Packing of Explosives for Conveyance (Amendment) Rules, 1986 (S.I. No. 274 of 1986)).

*Revocations*

36. The European Communities (Safety Advisers for the Transport of Dangerous Goods by Road and Rail) Regulations, 2001 (S.I. No. 6 of 2001), the European Communities (Transport of Dangerous Goods by Rail) Regulations, 2003 (S.I. No. 701 of 2003), and the European Communities (Transport of Dangerous Goods by Rail) (Amendment) Regulations 2007 (S.I. No. 212 of 2007) are revoked.



## SCHEDULE 1

Special provisions relating to the transport of explosive substances and articles (RID dangerous good Class 1)

(1) Any substance or article having or suspected of having explosive properties shall be considered for assignment to Class 1 in accordance with the tests, procedures and criteria prescribed in Part 1, Manual of Tests and Criteria.

(2) A substance or article assigned to Class 1 can only be accepted for transport when it has been assigned to a name or n.o.s. entry listed in table A of Chapter 3.2 and meets the criteria of the Manual of Tests and Criteria.

(3) The substances and articles of Class 1 shall be assigned to a UN number and a name or n.o.s. entry listed in table A of Chapter 3.2. Interpretation of the names of substances and articles in table A of Chapter 3.2 shall be based upon the glossary in Chapter 2.2.1.1.7.

(4) Substances and articles Class 1 listed in column 3a of Table A of Chapter 3.2 can only be accepted for transport subject to the requirements of columns 3b to 20 of Table A, and any additional conditions the Minister for Justice and Law Reform considers appropriate.

(5) Samples of new or existing explosive substances or articles carried for purposes including testing, classification, research and development, quality control, or as a commercial sample, other than initiating explosive, may be assigned to UN No. 0190 SAMPLES, EXPLOSIVES.

(6) The assignment of substances and articles not mentioned by name as such in table A of Chapter 3.2 to a n.o.s. entry or UN NO.0190 SAMPLES, EXPLOSIVE as well as the assignment of certain substances the transport of which is subject to a specific authorisation by the competent authority according to the special requirements referred to in column 6 of table A of Chapter 3.2 shall be made by the competent authority of the country of origin. This competent authority shall also approve in writing the conditions of transport of these substances and articles. If the country of origin is not a COTIF Member State, the classification and the conditions of transport shall be recognised by the competent authority of the first COTIF Member State reached by the consignment.

(7) Substances and articles of Class 1 shall be assigned to a division in accordance with Chapter 2.2.1.1.5 and to a compatibility group in accordance with Chapter 2.2.1.1.6. The division shall be based on the results of the tests described in Chapters 2.3.0 and 2.3.1 applying the definitions in Chapter 2.2.1.1.5. The compatibility group shall be determined in accordance with the definitions in Chapter 2.2.1.1.6. The classification code shall consist of the division number and the compatibility group letter.

(8) Explosive substances which are unduly sensitive according to the criteria of the Manual of Tests and Criteria, Part 1, or are liable to spontaneous reaction,



as well as explosive substances and articles which cannot be assigned to a name or n.o.s. entry listed in table A of Chapter 3.2 shall not be accepted for transport.

(9) Substances of compatibility group A shall not be accepted for transport by rail (1.1A, UN No.0074, 0113, 0114, 0129, 0130, 0135, 0224 and 0473).

(10) Articles of compatibility group K shall not be accepted for transport by rail (1.2k, UN No.0020 and 1.3k, UN No. 0021).

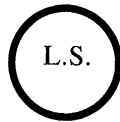
## SCHEDULE 2

Special provisions relating to the transport of radioactive materials (RID dangerous good Class 7)

(1) Radioactive material, as defined in Chapter 2.2.7.1 and listed in column 3a of Table A of the RID, may be accepted for transport subject to the requirements set out in columns 3b to 20 of Table A, Chapter 1.7 and to the provisions of the Radiological Protection Act, 1991.

(2) Any person involved in the transport by rail of radioactive materials Class 7 must apply in writing for a licence to the Radiological Protection Institute of Ireland for approval for its transport.

(3) At least one month's notice must be given by a consignor or a railway undertaking as carrier to the Radiological Protection Institute of Ireland when applying for approval in writing to transport radioactive materials by rail.



GIVEN under my Official Seal,  
30 December 2010.

NOEL DEMPSEY, T.D.,  
Minister for Transport.

## EXPLANATORY NOTE

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

The purpose of these Regulations is to give effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008<sup>8</sup> on the inland transport of dangerous goods by rail (insofar as that Directive relates to the transport of dangerous goods by rail) as amended by Commission Directive 2010/61/EU of 2 September 2010<sup>9</sup>.

The Regulations revoke and replace the European Communities (Safety Advisers for the Transport of Dangerous Goods by Road and Rail) Regulations, 2001 (S.I. No. 6 of 2001), the European Communities (Transport of Dangerous Goods by Rail) Regulations, 2003 (S.I. No. 701 of 2003), and European Communities (Transport of Dangerous Goods by Rail) (Amendment) Regulations 2007 (S.I. No. 212 of 2007).

<sup>8</sup>OJ No.L260, 30.09.2008, p.13

<sup>9</sup>OJ No. L233, 03.09.2010, p. 27

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased directly from the  
GOVERNMENT PUBLICATIONS SALE OFFICE  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,  
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,  
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)  
or through any bookseller.

---

€8.89



Wt. (B28178). 315. 1/11. Cahill. Gr. 30-15.