

INFORMATION NOTE ON NEW ADR 2013 REGULATIONS

New ADR regulations have been enacted to amend the current ADR Regulations, S.I. 349 of 2011. The **European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2013, S.I. 238 of 2013**, came into effect on the 4th July 2013.

The primary reason for these amending regulations is to give effect to the ADR 2013. However, they also include a number of substantive changes to the 2011 regulations, in addition to some minor editorial amendments. The following list provides a summary of these changes; however this list is not exhaustive, and both sets of regulations must be read in conjunction with each other.

| 2011 Provision | 2013 Amendment | Impact of Change |
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| <p>Regulation 5.</p> <p>Requirement to gain consent from the Minister regarding competent authority approvals, exemptions and multilateral agreements.</p> | <p>The requirement to gain consent of the Minister of the Department of Jobs, Enterprise & Innovation has been amended to a requirement to notify the Minister.</p> | <p>This amendment is intended to streamline the administrative process, so as to improve efficiency and reduce administrative burden, thus improving response times.</p> |
| <p>Regulation 8.</p> <p>Requirement to appoint a safety adviser (DGSA).</p> | <p>A new sub section has been added to require undertakings to co-ordinate the work of the DGSAs where more than one DGSA is appointed.</p> | <p>This amendment is intended to ensure the efforts of DGSAs are managed efficiently. It provides clarity for undertakings appointing more than one DGSA.</p> |
| <p>Regulation 10.</p> <p>Requirement to carry or hold certain documentation /certification.</p> | <p>In addition to a requirement to carry or hold a document, if requested to produce a document at a later date, it must be produced within 10 days.</p> | <p>All documentation in relation to the carriage of dangerous goods must be produced with 10 days if requested to do so by an Inspector or member of An Gardaí Síochána. Failure to do so may result in a fixed payment notice.</p> |
| <p>Regulation 54.</p> <p>“Old Tanks” national provisions.</p> | <p>National provisions for “Old Tanks” (now amended to “National Transport Only Tanks”) have been amended to take account of LPG road tanks constructed to EN12493 (inclusive of Annex C), i.e. non-ADR tanks.</p> | <p>This amendment recognises LPG tanks which have been constructed to different reference temperatures to those provided in ADR for use in national transport operations.</p> |
| <p>Regulation 54.</p> <p>National provisions for tank plate marking.</p> | <p>New tank plate marking requirements have been added to regulation 54 (c). These are applicable from 31st Dec 2013 and</p> | <p>The additional marking requirements, such as capacity of compartments, safe working pressure, name of owner or operator, tare/unladen mass and</p> |

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| | only then on the next due tank inspection date. | maximum permissible gross mass will provide operators and enforcement bodies with additional important information on the safe operation of tanks, and ensure closer alignment with the ADR. |
| Regulation 55. National provisions for Gas receptacles. | Title“Gas receptacles” amended to “Pressure receptacles” . Additional provisions have been incorporated into the examination of gas cylinders. | This amendment is intended to ensure that gas cylinders are tested and inspected in accordance with recognised standards as appropriate to the gas cylinder, and also to ensure closer alignment with the ADR. |
| Regulation 57. Miscellaneous (national) exemptions. Omission of the name and address of the consignee(s) in a transport document when carrying diesel, kerosene or LPG to the end user. | This exemption has been replaced with the general exemption, as provided for in ADR, concerning the omission of consignee information in certain circumstances and using the term “Delivery Sale”. | The original exemption which was specific to certain fuel sales operators is replaced with the ADR provision, which allows the omission of consignee details in certain circumstances with competent authority approval. This amendment provides that competent authority approval. |
| Regulation 57. Miscellaneous (national) exemptions. Use of the last transport document for the subsequent transport of uncleaned tanks. | The exemption has been removed. | ADR provides for the use of the last transport document with minimal amendment to that document. By adhering to the ADR provision it will ensure that important information, such as the quantity of dangerous goods, which is important in the event of an accident, is accurately described on the transport document. |
| Schedule 2. Fixed Payment Notice and summary offences to which a notice may be issued. | The over-all number of offences have been reduced and “TC” – tank container/portable tank operator, has been added to the list of participants | A number of the summary offences have been amended for clarification and as necessary the scope of the offence broadened to include additional participants. This will ensure the appropriate duty holder can be issued a fixed payment notice as necessary. |

The above legislation may be obtained from www.irishstatutebook.ie and via the HSA web site www.hsa.ie

Queries may be directed to wcu@hsa.ie

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