



STATUTORY INSTRUMENTS.

S.I. No. 291 of 2007



CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1998 (FEES)
REGULATIONS 2007

(Prn. A7/1121)

CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1998 (FEES)
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I, MICHEÁL MARTIN, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 5 of the Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998), hereby make the following regulations—

Citation

1. These Regulations may be cited as the Carriage of Dangerous Goods by Road Act 1998 (Fees) Regulations 2007.

Interpretation

2. In these Regulations—

“accreditation” means accreditation in accordance with ISEN 45004;

“accreditation body” means an accreditation body referred to in Regulation 3(2)(b) of the Principal Regulations;

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

“authorised examiner” has the meaning assigned to it by Regulation 59 of the Principal Regulations;

“Authority” means the Health and Safety Authority;

“competent authority” means one or more than one of the persons or bodies appointed by the Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007 to perform one or more than one of the functions relating to the Principal Regulations conferred on the person or body pursuant to that Order;

“Forfás” means the body of that name established by the Industrial Development Act 1993 (No. 19 of 1993);

“inspection body” means an inspection body referred to in Regulation 3(2)(a) of the Principal Regulations;

“ISEN” means Irish Standard Specification 45004: 1995 entitled “General criteria for the operation of various types of bodies performing inspection” published by the NSAI;

“MEGC” means a “Multiple-element gas container”;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th June, 2007.*

“INAB” means the Irish National Accreditation Board being the Committee of that name established by resolution of the Board of Forfás pursuant to section 10 of the Industrial Development Act 1993 (No. 19 of 1993) as amended by section 46 of the Industrial Development (Enterprise Ireland) Act 1998 (No. 34 of 1998);

“NSAI” means the National Standards Authority of Ireland;

“Principal Regulations” means the Carriage of Dangerous Goods by Road Regulations 2007.

Prescription of persons by whom fees are payable

3. Persons referred to in Regulation 4, 6, 7, 8 or 9 as being persons by whom fees are to be paid in respect of the performance by a competent authority of a function referred to in the Regulation concerned, are prescribed as the persons by whom the fees referred to in the relevant Regulation in respect of the performance of the function concerned are to be paid for the purpose of section 5 of the Act.

Fees payable in respect of services provided

4. (1) A competent authority, or an authorised examiner or an accreditation body engaged for the purpose of the Act 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 the Act, 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) Functions referred to in paragraph (1) shall include the following:

- (a) accreditation of a body by a competent authority as an inspection body for the purposes of Regulation 3 and Part 7 of the Principal Regulations,
- (b) performance of an annual technical inspection of a vehicle by a competent authority for the purposes of Regulation 21 and Schedule 2, paragraph 3, to the Principal Regulations and issuing a vehicle certificate of approval for the purpose of those Regulations,
- (c) approval of courses for the training of drivers by a competent authority for the purposes of Regulation 46 of the Principal Regulations,
- (d) continual inspection and validation of approved training courses by a competent authority or an accreditation body as the case may be,
- (e) organisation and supervision of examinations, issue of a driver training certificate, extension of the validity of a driver training certificate or the replacement of a driver training certificate for the purposes of Regulations 51 to 56 of the Principal Regulations by a competent authority,

- (f) recognition or approval, or both, of procedures for testing the design types of packagings for the purposes of Regulation 17(2)(c) of the Principal Regulations by a competent authority or an accreditation body as the case may be,
- (g) performance of design type approval or issue of a certificate of type approval of portable tanks, MEGCs, fixed tanks, demountable tanks, tank-containers or battery-vehicles for the purposes of Regulation 17(2)(c) of the Principal Regulations by a competent authority or an accreditation body as the case may be, or
- (h) issue of replacement vehicle certificates of approval by the authorised examiner for the purposes of Regulation 64 of the Principal Regulations.

Fees payable — INAB

5. (1) The fees charged by the INAB, in relation to the accreditation of a body as an inspection body for the purposes of Regulation 3(2)(b) of the Principal Regulations, shall be so charged in accordance with the INAB Schedule of Fees which is published annually.

(2) Forfás, acting on behalf of the INAB, is hereby prescribed as the person to whom fees in respect of the performance of functions referred to in paragraph (1) are payable for the purposes of section 5(2) of the Act.

(3) Fees referred to in paragraph (1) are payable in accordance with any terms or conditions stated on the invoice issued by Forfás.

Fees payable in connection with vehicle annual technical inspection

6. An authorised examiner engaged for the purposes of the Act and the Principal Regulations by a competent authority may charge and is entitled to be paid for the performance by it of a function conferred on it under the Act, by the owner of the vehicle who requests the performance of that function, a fee (which shall include all costs incurred by the authorised examiner in the performance of the function including administrative costs) as follows:

- (a) a fee of €151.25 in respect of an application for a vehicle technical inspection by the authorised examiner for the purposes of Regulation 62 of the Principal Regulations,
- (b) a fee of €14.40 in respect of the validity of a vehicle certificate of approval being extended by the authorised examiner for the purposes of Regulation 63(2) of the Principal Regulations, or
- (c) a fee of €30 in respect of the issue of a replacement vehicle certificate of approval by the authorised examiner for the purposes of Regulation 64 of the Principal Regulations.

Fees payable by training provider

7. A competent authority may charge and is entitled to be paid for the performance by it of a function conferred on it under the Act, by the training

provider who requested the performance of the function, a fee (which shall include all costs incurred by the competent authority in the performance of the function including administrative costs) as follows:

- (a) a fee of €2,300 in respect of an application for approval of an initial training course by the competent authority, being in this case, the Authority for the purposes of Regulation 46 of the Principal Regulations,
- (b) a fee of €680 in respect of an application for approval of a refresher training course by the competent authority, being in this case, the Authority for the purposes of Regulation 46 of the Principal Regulations,
- (c) a fee of €680 in respect of an application of an initial tank specialisation course by the competent authority, being in this case, the Authority for the purposes of Regulation 46 of the Principal Regulations,
- (d) a fee of €680 in respect of an application for approval of a refresher tank specialisation course by the competent authority, being in this case, the Authority for the purposes of Regulation 46 of the Principal Regulations,
- (e) a fee of €50 in respect of an application for approval of an additional or replacement trainer by the competent authority, being in this case, the Authority for an approved course for the purposes of Regulation 46 of the Principal Regulations,
- (f) a fee of €680 in respect of an application for approval of an initial Class 1 specialisation training course by the competent authority, being in this case, the Minister of Justice, Equality and Law Reform for the purposes of Regulation 46 of the Principal Regulations,
- (g) a fee of €680 in respect of an application for approval of a refresher Class 1 specialisation training course by the competent authority, being in this case, the Minister of Justice, Equality and Law Reform for the purposes of Regulation 46 of the Principal Regulations,
- (h) a fee of €680 in respect of an application for approval of an initial Class 7 specialisation training course by the competent authority, being in this case, the Radiological Protection Institute of Ireland for the purposes of Regulation 46 of the Principal Regulations,
- (i) a fee of €680 in respect of an application for approval of a refresher Class 7 specialisation training course by the competent authority, being in this case, the Radiological Protection Institute of Ireland for the purposes of Regulation 46 of the Principal Regulations,
- (j) an annual fee of €900 in respect of the continual inspection and validation of a training course by the competent authority, being in this case, the Authority,

- (k) an annual fee of €900 in respect of the continual inspection and validation of a training course by the competent authority being, in this case, the Minister of Justice, Equality and Law Reform, and
- (l) an annual fee of €900 in respect of the continual inspection and validation of a training course by the competent authority being, in this case, the Radiological Protection Institute of Ireland.

Fees payable by examination candidates

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

- (a) a fee of €110 in respect of an application for an initial basic or initial specialisation examination to be carried out with the approval of the competent authority being, in this case, the Authority or the Minister for Justice, Equality and Law Reform, as the case may be, for the purposes of Regulation 51 of the Principal Regulations,
- (b) a fee of €110 in respect of an application for a refresher basic or refresher specialisation examination to be carried out with the approval of a competent authority being, in this case the Authority or the Minister for Justice, Equality and Law Reform, as the case may be, for the purposes of Regulation 51 of the Principal Regulations,
- (c) a fee of €110 in respect of an application for a specialisation examination, not taken with a basic examination, to be carried out with the approval of the competent authority being, in this case, the Radiological Protection Institute of Ireland for the purposes of Regulation 51 of the Principal Regulations,
- (d) a fee of €15 in respect of an application for a grant of a driver training certificate, an amended driver training certificate, or an extension in respect of a driver training certificate in accordance with Regulation 52, 53, or 54 of the Principal Regulations, as the case may be, or
- (e) a fee of €15 in respect of an application for a replacement driver training certificate, in accordance with Regulation 56 of the Principal Regulations.

Fees payable in connection with recognition and approval

9. The NSAI may charge and is entitled to be paid for the performance by it of a function conferred on it under the Act, by the person who requests the performance of that function, a fee (which shall include all costs incurred by the NSAI in the performance of the function including administrative costs) as follows:

- (a) a fee for the recognition or approval of procedures for testing the design types of packagings for the purposes of Regulation 17(2)(c) of the Principal Regulations, and
- (b) a fee for amendment to, or re-validation or replacement of, an approval referred to in paragraph (a).

Fees payable in connection with tank, tank-container and receptacle type approval and testing

10. The NSAI may charge and is entitled to be paid for the performance by it of a function conferred on it under the Act, by the person who requests the performance of that function, a fee (which shall include all costs incurred by the NSAI in the performance of the function including administrative costs) as follows:

- (a) a fee for the issue of an ADR type approval certificate for tanks and tank-containers for the purpose of Regulation 17(2)(c) of the Principal Regulations, and
- (b) a fee for amendment to, or re-validation or replacement of, an ADR type approval certificate referred to in paragraph (a).

Fees — NSAI

11. The fees referred to in Regulations 9 and 10 shall be paid by a person referred to in those Regulations as the person who requests the performance of a function by the NSAI, not later than 30 days from the day on which the NSAI furnishes an invoice to the person in respect of the performance of the function concerned.

Miscellaneous

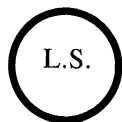
12. (1) Fees received by the Minister or the Minister for Justice, Equality and Law Reform under these Regulations shall be paid into the Exchequer in accordance with the directions of the Minister for Finance.

(2) Any fees prescribed by these Regulations are not inclusive of Value Added Tax.

(3) Any fees payable under Regulation 3 shall not include any costs connected with a criminal investigation or prosecution under the Principal Regulations.

Revocations

13. The Carriage of Dangerous Goods by Road (Fees) Regulations 2006 (S.I. No. 408 of 2006) are revoked.



GIVEN under my Official Seal,
13 June 2007

MICHEÁL MARTIN
Minister for Enterprise, Trade and Employment

EXPLANATORY NOTE

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

These Regulations are complementary to the—

- (i) Carriage of Dangerous Goods by Road Regulations 2007 (“the Principal Regulations”), which apply to the carriage, in tanks, in bulk and in packages, of dangerous goods by road; in implementing the provisions of the technical Annexes to the “European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) 2007”,
- (ii) European Communities (Carriage of Dangerous Goods by Road)(ADR Miscellaneous Provisions) Regulations 2007, and
- (iii) Carriage of Dangerous Goods by Road Act 1998 (Appointment of Competent Authorities) Order 2007, which specifies the competent authorities for the purposes of “the Principal Regulations”.

The Regulations revoke and replace the Carriage of Dangerous Goods by Road (Fees) Regulations 2006 (S.I. No. 408 of 2006).

The Regulations provide for the payment of fees that may be charged by a competent authority, authorised examiner or accreditation body under the Carriage of Dangerous Goods by Road Regulations 2007.

There are no changes introduced other than references to the associated Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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