

O.I.C. 1986/118

DANGEROUS GOODS TRANSPORTATION ACT

Pursuant to section 29 of the Dangerous Goods Transportation Act, the Commissioner in Executive Council orders as follows:

1. The Dangerous Goods Transportation Act, assented to on October 28th, 1985, shall come into force on July 17, 1986.

2. The annexed Dangerous Goods Transportation Regulations are hereby made and established.

3. The Member of the Executive Council with the responsibility as Minister of Community and Transportation Services, from time to time, is charged with the responsibility for the exercise of power under the Dangerous Goods Transportation Act.

Dated at Whitehorse, in the Yukon Territory, this 17th day of July, A.D., 1986.

Commissioner of the Yukon

DANGEROUS GOODS TRANSPORTATION REGULATIONS

Interpretation

1. In these regulations,
"Federal Regulations" means the English version of the Transportation of Dangerous Goods Regulations (Canada), SOR/85/77 of January 18, 1985, as amended from time to time.

Application of regulations

2. These regulations apply to the transportation of dangerous goods within the Yukon on highways, as defined in the Highways Act, notwithstanding anything in the Federal Regulations to the contrary.

Adoption

3.(1) Subject to the Act and these regulations, the Federal Regulations except Parts X, XI and XIII, including directions and permits made under those Regulations, are adopted under section 29(2) of the Act as the safety requirements and as the safety standards and safety marks for containers, packaging and road vehicles, for the transportation of dangerous goods on road vehicles in the Yukon;

(2) The provisions of the Federal Regulations pertaining to classification, documentation, training and appointment of agents, apply with the necessary modification as if they were made under the powers conferred by section 29(1) of the Act.

Deemed control

4. Dangerous goods being transported in a manner described in section 2.2 of the Federal Regulations are deemed to be under the direction and control of the Minister of National Defence for Canada when being transported in the Yukon.

Direction

5.(1) In this section, "direction" means a direction pursuant to subsection 26(1) of the Act.

(2) Every appeal or application for review of a direction under subsection 26(3) of the Act shall be in writing and shall be submitted to the Executive Council Member within 30 days of the direction.

(3) Every appeal or application for review pursuant to subsection (2) shall provide the following:

(a) the name and address of the applicant;

(b) a copy of the direction or a complete description of the subject matter of the direction;

(c) the grounds on which the application for review is based;

(d) an indication of the relief sought;

(e) the name and address of the applicant's representative, if any.

(4) The Executive Council Member, after consideration of an appeal or application for review, and any other information that he or she considers appropriate, may confirm, rescind, alter or vary any direction.

(5) The Executive Council Member shall communicate his or her decision with respect to the appeal or application for review in writing, together with the reasons for his or her decision, to the applicant.

Direction binding

6. No person shall transport dangerous goods in or on a motor vehicle on a highway where a direction has been given under section 26(1) of the Act in respect of that transportation except in accordance with the direction.

Application for permit for exemption

7. An application for a permit for exemption pursuant to section 5 of the Act shall be made to the Executive Council Member or to a person designated under subsection 5(2) of the Act by completing Form I and delivering the application to the Executive Council Member or the designated person.

Oral application

8.(1) An application for a permit for exemption may be made orally if necessary for the protection of life or property.

(2) An oral application referred to in subsection (1) shall be confirmed by an application under section 7 within 14 days of the oral application.

Issuance of permit for exemption

9. A permit for exemption issued by the Executive Council Member or a designated person shall be in Form II.

Effect

10. Unless the Executive Council Member or the person designated under subsection 5(2) of the Act otherwise orders, a permit for exemption takes effect immediately on being issued.

Duration

11. A permit for exemption is valid until and including the expiry date specified in it or until it is rescinded by the Executive Council Member or a person designated under subsection 5(2) of the Act.

Certificates

12. For the purposes of sections 13 and 14,
"certificate of designation" means the certificate referred to in subsection 12(2) of the Act;
"certificate of inspection" means the certificate evidencing the inspection, detention or taking of a sample referred to in subsection 17(1) of the Act.

Certificate of designation

13. The certificate of designation to be furnished to an inspector shall be in Form III.
Inspections, seizures and samples

14. Where an inspector inspects or detains or takes a sample of anything in accordance with subsection 17(1) of the Act, the inspector shall

- (a) provide the person in charge of the thing referred to in that section with a certificate of inspection in Form IV, and
- (b) retain a copy of the certificate of inspection for a period of two years.

Aid to interpretation

15.(1) Where, in the Federal Regulations, different provisions or standards exist for transportation across national boundaries and across provincial or territorial boundaries, the provisions pertaining to transportation across provincial or territorial boundaries apply.

(2) A reference in the Federal Regulations to a federal agency, division, official or officer shall be construed as a reference to the corresponding agency, division, official or officer of the Yukon, but where an agreement is entered under section 25 of the Act delegating a function, duty or right to a federal agency, division, official or officer, the appropriate reference in the Federal Regulations applies.

Commencement

16. These Regulations shall come into force on July 17th, 1986.

**FORM I
APPLICATION - PERMIT FOR EXEMPTION
PURSUANT TO SECTION 5
OF THE DANGEROUS GOODS
TRANSPORTATION ACT
COMPANY NAME**

ADDRESS

CITY AND PROVINCE/TERRITORY POSTAL CODE
TELEPHONE _____

DANGEROUS GOODS IDENTIFICATION:

Shipping Name	Class/ Division	P.I.N.	Method of Containment of Each Unit	Total Quantity
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Provisions of the Act/Regulations for which exemption is requested:
Statement outlining need for permit and intended frequency of use:

NAME OF PERSON MAKING APPLICATION _____

POSITION _____

ADDRESS

CITY AND PROVINCE/TERRITORY POSTAL CODE
TELEPHONE _____

SIGNATURE

DATE

FORM II
PERMIT FOR EXEMPTION
PURSUANT TO SECTION 5 OF THE
DANGEROUS GOODS TRANSPORTATION ACT,
THIS PERMIT HAS BEEN ISSUED TO:
NAME

ADDRESS

CITY AND PROVINCE/TERRITORY POSTAL CODE
TELEPHONE _____

EXEMPTIONS:

CONDITIONS:

PERMIT NUMBER: _____

TIME AND DATE OF ISSUE: _____

EXPIRY DATE: _____

ISSUING AUTHORITY: _____

FORM III
CERTIFICATE OF DESIGNATION AS INSPECTOR

AREA OF QUALIFICATION:

ISSUE DATE: _____

EXPIRY DATE: _____

This person is designated as an inspector for the purpose of the Dangerous Goods Transportation Act,
Pursuant to Area of Qualification Stated on Reverse.

NAME _____

SIGNATURE OF INSPECTOR

SIGNATURE OF MINISTER

**FORM IV
CERTIFICATE OF INSPECTION
PROVIDED PURSUANT TO SUBSECTION 17(1)
OF THE
DANGEROUS GOODS
TRANSPORTATION ACT**

THIS IS TO CERTIFY THAT THE INSPECTOR IDENTIFIED HEREUNDER HAS
____ INSPECTED _____ SEIZED
____ TAKEN A SAMPLE OF THE FOLLOWING

DANGEROUS GOODS
PRODUCT
IDENTIFICATION NUMBER _____
SHIPPING NAME _____
QUANTITY _____
MASS/VOLUME OF SAMPLE TAKEN _____

PACKAGING
TYPE _____

PACKAGES
NUMBER AFFECTED _____

CONTAINER
IDENTIFICATION _____

MEANS OF TRANSPORT
MODE _____
IDENTIFICATION _____
CARRIER _____

REASON FOR ACTION
THE ABOVE WAS
_____ OPENED _____ UNSEALED
_____ FOR THE PURPOSE(S) STATED ONLY, AND
WAS RELEASED IN OTHERWISE GOOD
CONDITION

RELEASED TO: _____
NAME AND FUNCTION LOCATION TIME DATE

SIGNATURE OF INSPECTOR

CERTIFICATE OF DESIGNATION
AS INSPECTOR NO.

SIGNATURE OF PERSON IN CHARGE OF
THE DANGEROUS GOODS