
STATUTORY INSTRUMENTS

1989 No. 105

HEALTH AND SAFETY

**The Road Traffic (Carriage of Dangerous Substances
in Packages etc.) (Amendment) Regulations 1989**

<i>Made</i>	- - - -	<i>26th January 1989</i>
<i>Laid before Parliament</i>		<i>3rd February 1989</i>
<i>Coming into force</i>	- -	<i>1st March 1989</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 15(1) and (2) and 82(3)(a) of, and paragraphs 3, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”), and of all other enabling powers, for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Packages etc.) (Amendment) Regulations 1989 and shall come into force on 1st March 1989.

(2) In these Regulations, “the principal Regulations” means the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986(2).

Amendments to the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)–

(a) in the definition of “dangerous substance”, for sub-paragraph (h) to the end of the definition, there shall be substituted–

“(h) any other substance which, although not listed in Part IA2 of the approved list, has, when classified, the properties of a substance specified in Schedule 1,

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

(2) S.I. 1986/1951.

but does not include a substance carried at such dilution or otherwise treated so that it no longer has the properties of any flammable gas, organic peroxide, toxic gas or any substance in Schedule 1;” and

(b) in the definition of “packing group”, for sub-paragraph (b), there shall be substituted—

“(b) in the case of a dangerous substance not so listed—

(i) if not a toxic substance, the packing group specified for that substance in column 2 of Part I of Schedule 1, or

(ii) if a toxic substance, packing group I or II allocated in accordance with the criteria set out in Part II of Schedule 1;”.

(3) In regulation 3 (which determines the application of the principal Regulations), in paragraph (1), after “substance” where it first appears, insert “regulation 13A shall apply in relation to the carriage of any quantity of any dangerous substance such as is specified therein”.

(4) In regulation 6 (which requires information in writing to be available during the carriage of a dangerous substance)—

(a) in paragraph (2)(b), at the beginning, insert “subject to paragraph (3)”; and

(b) after paragraph (2), insert the following paragraph—

“(3) Nothing in paragraph (2)(b) shall require the destruction, removal or placing in a securely closed container of information in writing relating to any dangerous substance which is not being carried where that information in writing relates also to a dangerous substance which is being carried, and the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical.”.

(5) In regulation 11(1) (which requires vehicles which are used for the carriage of 500 kilograms or more of dangerous substances to display rectangular orange plates at the front and rear), in sub-paragraph (c), after the word “visible”, insert the words “except that the rear plate need not be visible where the vehicle is being loaded or unloaded”.

(6) In regulation 11(2) (which imposes duties on operators and drivers of vehicles with respect to the orange coloured plates required to be displayed pursuant to regulation 11(1)), in sub-paragraph (b), after the word “and” where it first appears, insert the words “(other than when it need not be clearly visible in the circumstances set out in paragraph (1)(c))”.

(7) There shall be inserted, after regulation 13, the following regulation—

“Restrictions on the carriage of certain dangerous substances in the same vehicle as food

13A.—(1) The operator and driver shall ensure that no dangerous substance—

(a) listed in Part IA2 of the approved list, which is specified to be in packing group I or II in column 7 of that Part and which also has the properties of any substance specified in Schedule 1 in the entry for “Toxic Substance”; or

(b) which, although not listed in Part IA2 of the approved list, has, when classified, the above properties,

is carried in any vehicle in which food is being carried, unless the food is carried in a part of the vehicle effectively separated from that containing the substance, or is otherwise adequately protected from the risk of contamination.

(2) In this regulation, “food” means—

- (a) as respects England and Wales, food within the meaning of section 131(1) of the Food Act 1984⁽³⁾;
- (b) as respects Scotland, food within the meaning of section 58(1) of the Food and Drugs (Scotland) Act, 1956⁽⁴⁾.”.

(8) The headings to Parts I and II of Schedule 1; column 1 of Part I and paragraph 3 of Part II of Schedule 1; column 1 of Schedule 2; and Schedule 3 shall be amended in accordance with the Schedule to these Regulations.

Signed by authority of the Secretary of State

26th January 1989

Peter Bottomley
Parliamentary Under Secretary of State
Department of Transport

(3) 1984 c. 30.
(4) 1956 c. 30.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Regulation 2(8)

The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986
 AMENDMENTS TO HEADINGS TO PARTS I AND II OF SCHEDULE
 1; TO COLUMN 1 OF PART I AND PARAGRAPH 3 OF PART II OF
 SCHEDULE 1; TO COLUMN 1 OF SCHEDULE 2; AND TO SCHEDULE 3.

Schedule	Amendments
1. The heading to Part I of Schedule 1.	Insert "PACKING" between "AND" and "GROUPS".
2. Column 1 of Part I of Schedule 1.	<p>(a) (a) In the specification headed "Flammable Liquid", substitute "not greater" for "less" and "55°C" for "21°C"; insert "not greater than" before "35°C" where it first occurs and "and a flash point of less than 21°C" after "35°C" where it last occurs; and delete "and below".</p> <p>(b) In the specification headed "Flammable Solid", delete "flammable" in line 4, and, in sub-paragraph (b), insert "is a self-reactive solid or" before "can".</p> <p>(c) In the specification headed "Substance which in contact with water emits flammable gas", in sub-paragraph (a), substitute "spontaneously" for "in the presence of water or moisture", and "such that the rate of evolution of flammable gas is equal to or greater than 10 litres per kilogram of substance over any period of one minute; or" for "and has a minimum rate of gas evolution over any one minute of 500 millilitres per gram; or"; and, in sub-paragraph (b), delete "gas", and substitute "of flammable gas is equal to or greater than 20 litres per kilogram of substance per hour" for "over any one day is equal to or greater than 500 millilitres per gram".</p> <p>(d) In the specification headed "Oxidizing Substance", substitute "a degree equal to or greater than" for "a greater degree than"; and, in sub-paragraphs (a) and (b) respectively, substitute "potassium bromate" for "sodium chlorate", and "potassium perchlorate" for "sodium nitrate".</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Schedule	Amendments
	(e) In the specification headed “Toxic Substance”, substitute “packing group I or II” for “group I or group II”.
3. The heading to Part II of Schedule 1.	Insert “PACKING” between “INTO” and “GROUPS”.
4. Paragraph 3 of Part II of Schedule 1.	(a) (a) In line 1, insert “packing” between “into” and “groups”. (b) Substitute the following table for the existing table—

Classification	Packing group	Oral toxicity LD ₅₀ (mg/kg)	Dermal toxicity LD ₅₀ (mg/kg)	Inhalation toxicity of dusts or mists LC ₅₀ (mg/L)	Inhalation toxicity of vapours where V is the saturated vapour concentration produced by the substance at 20°C expressed by reference to LC ₅₀ (ml/m ³)
Toxic Substance	I	≤5	≤40	≤0.5	V ≥10.LC ₅₀ and LC ₅₀ ≤1000
	II	>5 to ≤50	>40 to ≤200	>0.5 to ≤2	V ≥LC ₅₀ and LC ₅₀ ≤3000 but not placed in packing group I

5. Column 1 of Schedule 2.	(a) (a) In the entry for “ <i>tert</i> -Amyl peroxyneodecanoate”, substitute “77% in solution” for “75% with phlegmatiser”. (b) In the second entry for “ <i>tert</i> -Butyl peroxy-2-ethylhexanoate”, substitute “52% in solution” for “50% with phlegmatiser”. (c) In the third entry for “ <i>tert</i> -Butyl peroxy-2-ethylhexanoate”, substitute “31%” for “30%”, “36%” for “35%” where it first occurs and “33%” for “35%” where it last occurs.
----------------------------	--

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) In each of the entries for “*tert*-Butyl peroxyphthalate”, substitute “67%” for “72%”.
- (e) In the entry for “Diacetyl peroxide”, delete “(di-methylphthalate or other approved phlegmatiser)”.
- (f) In the entry for “Di-(2-methylbenzoyl) peroxide”, substitute “87%” for “85%”.
- (g) In the entry for “Dipropionyl peroxide”, substitute “27%” for “28%”.
- (h) In the entry for “Di-(3,5,5-trimethyl-1, 2-dioxolanyl-3) peroxide”, substitute “52%” for “50%”, and delete “with phlegmatiser”.
- (i) In the entry for “Di-(3,5,5-trimethylhexanoyl) peroxide”, delete “or Di-(3,5,5-trimethylhexanoyl) peroxide in solution”.
6. Schedule 3.
- (a) (a) In the heading to Column 1, substitute “Flammable Solid” for “Organic Peroxide”.
- (b) In Column 1, insert “2,5-Diethoxy-4-morpholinobenzene-diazonium zinc chloride” after the entry for “4-Benzyl (methyl)amino-3-ethoxybenzenediazonium zinc chloride”; and, in Column 2, insert “+35°C” opposite the entry inserted by this sub-paragraph.
-
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986 (“the principal Regulations”). The principal Regulations impose requirements in relation to the carriage of dangerous substances by road in packages.

2. These Regulations—

- (a) amend regulation 2(1) of the principal Regulations by modifying the definitions of “dangerous substance” and “packing group” which are set out therein (*regulation 2(2)*);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) amend the principal Regulations by inserting an additional regulation (regulation 13A) therein, which imposes restrictions with regard to the carriage of certain dangerous substances in the same vehicle as food (*regulation 2(3) and(7)*);
- (c) amend regulation 6 of the principal Regulations (which requires information in writing to be available during the carriage of a dangerous substance) by excluding from the requirement that a driver must destroy, remove or place in a securely closed container information in writing relating to a dangerous substance which is not being carried which is contained in paragraph (2)(b) thereof, any information which is common to any dangerous substance which is being carried (*regulation 2(4)*);
- (d) amend regulation 11 of the principal Regulations (which imposes requirements relating to the marking of vehicles carrying dangerous substances) by excluding from the obligations imposed by paragraphs (1)(c) and (2)(b) thereof concerning the visibility and freedom from obstruction of orange coloured plates, vehicles which are being loaded or unloaded (*regulation 2(5) and(6)*);
- (e) amend Schedules 1, 2 and 3 to the principal Regulations (which reflect the classification of dangerous substances in the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods) to take account of changes made to those Recommendations in December 1986 (*regulation 2(8) andthe Schedule*).