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STATUTORY INSTRUMENTS

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**1996 No. 2089**

**The Carriage of Dangerous Goods by Rail Regulations 1996**

**PART III:**

**MODE OF CARRIAGE**

**Carriage in bulk in wagons and large containers**

**5.** No operator of a wagon or large container shall cause or permit to be carried therein any dangerous goods in bulk unless—

- (a) the letter Y appears in column 8 of the Approved Carriage List in relation to those goods;
- (b) any requirements specified in Schedule 2 relating to the carriage of those goods in that wagon or container are complied with;
- (c) in the case of a wagon it is—
  - (i) closed,
  - (ii) open and sheeted, or
  - (iii) has a moveable roof; and
- (d) in the case of a large container it is—
  - (i) closed, or
  - (ii) open and sheeted.

**Carriage in small containers**

**6.** No operator of a small container shall cause or permit to be carried therein any dangerous goods unless the requirements specified in Schedule 3 relating to those goods are complied with.

**Carriage in tanks**

**7.—(1)** No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless the letter Y appears in column 7 of the Approved Carriage List in relation to those goods.

(2) No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods if the pressure of that tank exceeds the maximum working pressure stated in the certificate referred to in regulation 9(2).

(3) No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless the information relating to certification of tanks specified in the Approved Tank Requirements is indelibly marked on one or more corrosion-resistant plates which are securely fastened to the tank of the tank container or tank wagon concerned, or to a support which is welded to the tank, in a position readily accessible for inspection.

### **Suitability of containers, packages, tank containers, tank wagons and wagons**

8.—(1) No operator of any container, tank container, tank wagon or wagon shall cause or permit to be carried therein any dangerous goods unless the container, tank container, tank wagon or wagon concerned—

- (a) is suitable for the purpose for such carriage; and
- (b) has been adequately maintained.

(2) No train operator shall cause or permit to be carried in his train any dangerous goods in any container, tank container, tank wagon or wagon unless he has taken all reasonable steps to ensure that paragraph (1) has been complied with.

(3) No train operator shall cause or permit to be carried in his train any dangerous goods in a package unless he has taken all reasonable steps to ensure that the package—

- (a) is suitable for such carriage; and
- (b) has been adequately maintained.

(4) In this regulation the expression “suitable for such carriage” means suitable having regard to—

- (a) the nature and circumstances of the journey to be undertaken; and
- (b) the hazardous properties and quantities of the dangerous goods and of all other goods to be carried with them.

### **Examination, testing and certification of tanks**

9.—(1) The provisions of this Regulation shall only apply to or in relation to tanks constructed after 31st December 1998.

(2) No person shall manufacture, import or supply a tank intended for the use of the carriage of dangerous goods unless it is of a design in respect of which a certificate has been signed, dated and issued by the competent authority or an approved person stating that such a design (hereinafter referred to in these regulations as an “approved design”)—

- (a) conforms with such requirements concerning construction, equipment and the dangerous goods to be carried as have been approved and published in the Approved Tank Requirements; and
- (b) is suitable for the purpose for which it is intended.

(3) Subject to paragraph (11), no operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank of the tank container or tank wagon concerned—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements;
- (b) conforms to an approved design; and
- (c) is suitable for the purpose for which it is intended.

(4) Following the examination and test referred to in paragraph (3), the operator of a tank container or tank wagon which is being used for the carriage of dangerous goods shall ensure that a certificate has been signed, dated and issued by the competent authority or an approved person, at the intervals specified in the Approved Tank Requirements, stating that the tank of the tank container or tank wagon concerned—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with the Approved Tank Requirements; and
  - (b) remains suitable for the purpose for which it is being used.
- (5) Without prejudice to the generality of paragraph (4), the operator of a tank container or tank wagon whose tank has been damaged, modified or repaired in such a way as might impair its safety since the last certificate was issued in accordance with paragraph (4) shall ensure that dangerous goods are not carried therein until a further certificate has been signed, dated and issued by the competent authority or an approved person stating that the tank of the tank container or tank wagon concerned—
- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
  - (b) remains suitable for the purpose for which it is being used.
- (6) It shall be sufficient compliance with paragraphs (3) to (5), if the information required to be stated in the certificate is entered in a computer under the control of the operator by the competent authority or approved person who carried out the examination and test, or by another person acting on the instructions of that competent authority or approved person, provided that information—
- (a) is secure from unauthorised interference;
  - (b) can be authenticated only by the authority or person who carried out the examination and test; and
  - (c) is capable of being produced in the form of a certificate at the appropriate place referred to in paragraph (7).
- (7) The certificates referred to in paragraphs (3) to (5) shall be kept by the operator of the tank container or tank wagon concerned—
- (a) at his principal place of business within Great Britain; or
  - (b) at the address within Great Britain from which the deployment of the tank container or tank wagon is controlled.
- (8) It shall be sufficient compliance with paragraph (7) in circumstances where the operator of that tank container or tank wagon is not the owner thereof, if either—
- (a) an authenticated photocopy of the relevant certificate is kept—
    - (i) at the operator's principal place of business within Great Britain; or
    - (ii) in the case where the operator does not have a place of business in Great Britain, on the tank container or tank wagon; or
  - (b) the certificate is readily available from the owner of the tank container or tank wagon concerned.
- (9) Where the operator of a tank container or tank wagon changes, the previous operator thereof, insofar as he was required to keep the certificates referred to in paragraphs (3) to (5) at an address in Great Britain in accordance with paragraph (8), shall give those certificates to the new operator.
- (10) Where the information required for any of the certificates referred to in paragraphs (3), to (5) is entered in a computer in accordance with paragraph (6), it shall be sufficient compliance with paragraph (7) if that computer is kept at the appropriate place in the said paragraph (7); and without prejudice to the generality of paragraph (9), if the operator of the tank container or tank wagon changes in these circumstances, the previous operator thereof shall provide the new operator with that information in writing.

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

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(11) Notwithstanding paragraphs (4) and (5), the operator of a tank container or tank wagon may transport by rail empty, uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing that certificate.

(12) Any approved person who examines, tests and certifies a tank under paragraphs (3) to (5) shall do so properly and in accordance with such criteria as have been approved and published in the Approved Tank Requirements.

(13) Following the approval of a person as an approved person, the competent authority or person acting on its behalf shall carry out, upon reasonable notice, a surveillance inspection of the approved person at such intervals as the competent authority considers appropriate and for that purpose the approved person shall afford, at his own cost, any facilities and assistance and make available any information which may reasonably be required by or on behalf of the competent authority.

(14) Schedule 4 shall have effect with respect to fees for approvals and surveillance inspections under this regulation.