
STATUTORY INSTRUMENTS

1996 No. 2095

The Carriage of Dangerous Goods by Road Regulations 1996

PART III

MODE OF CARRIAGE

Method of dispatch and restrictions on forwarding

7. The operator of any container, tank or vehicle which is being used for the carriage of certain dangerous goods shall ensure that any requirements specified in Schedule 4 relating to those goods are complied with.

Carriage in bulk

8.—(1) No operator of a container or vehicle shall cause or permit to be carried therein any dangerous goods in bulk unless the letter Y appears in column 8 of the Approved Carriage List in relation to those goods.

(2) Without prejudice to paragraph (1), no operator of a vehicle shall cause or permit to be carried therein dangerous goods in bulk unless any requirements specified in Schedule 5 relating to those goods are complied with.

(3) Without prejudice to paragraph (1), no operator of a container shall cause or permit to be carried therein dangerous goods in bulk unless any requirements specified in Schedule 6 relating to those goods are complied with.

Carriage in tanks

9.—(1) No operator of a tank 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 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 most recent certificate issued in accordance with regulation 11.

(3) The operator of any vehicle which is being used for the carriage of dangerous goods in a tank shall ensure that specialist advice concerning the goods can be obtained by telephone in English at any time during carriage.

Suitability of containers, tanks and vehicles

10.—(1) The operator of a container, tank or vehicle which is being used for the carriage of dangerous goods shall ensure that the container, tank or vehicle concerned—

- (a) is suitable for such carriage, having regard to—
 - (i) the nature and circumstances of the journey being undertaken, and
 - (ii) the hazardous properties and quantities of the dangerous goods and of all other goods being carried with them; and

(b) has been adequately maintained.

(2) The operator of any vehicle which is being used for the carriage of dangerous goods shall ensure that—

- (a) the vehicle has no more than one trailer or semi-trailer;
- (b) where the vehicle is being used for the carriage of packages comprising packagings made of materials sensitive to moisture, it is either a sheeted vehicle or a closed vehicle; and
- (c) subject to paragraph (3), any requirements specified in Schedule 7 relating to those goods are complied with.

(3) Paragraph 2(c) shall not apply where a vehicle is being used for the carriage of dangerous goods in a large container provided paragraph (4) is complied with.

(4) The operator of a large container which is being used for the carriage of dangerous goods shall ensure that any requirements specified in Schedule 7 relating to those goods are complied with, as if the large container were a vehicle.

(5) The operator of a small container which is being used for the carriage of dangerous goods is bulk shall ensure that the container is of the closed type with complete sides.

Examination, testing and certification of tanks

- (a) **11.** (1) (a) The provisions of Schedule 3 shall apply to and in relation to tank containers and the carrying tanks of road tankers constructed before 1st January 1999; and
- (b) paragraphs (2) to (14) of this regulation shall apply to and in relation to tanks constructed after 31st December 1998.

(2) No person shall construct, 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 (referred to in these Regulations as an “approved design”)—

- (a) conforms with-
 - (i) the construction requirements,
 - (ii) the equipment requirements, and
 - (iii) the conditions peculiar to 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) No operator shall cause or permit to be carried any dangerous goods in a tank unless a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank—

- (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 the tank 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—

- (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.

(5) Without prejudice to the generality of paragraph (4), the operator of a tank which has been damaged, modified or repaired in such a way as might impair its safety since the last certificate was signed in accordance with paragraph (4) shall ensure that dangerous goods are not carried in that tank until a further certificate has been signed, dated and issued by the competent authority or an approved person stating that the tank—

- (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 was being used.

(6) It shall be sufficient compliance with paragraphs (3), (4) and (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 competent authority or approved 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), (4) and (5) shall be kept by the operator—

- (a) at his principal place of business within Great Britain; or
- (b) (i) in the case of a tank other than the tank of a road tanker, at the address within Great Britain from which the deployment of the tank is controlled; or
- (ii) in the case of the tank of a road tanker, at the premises from which the road tanker is operated.

(8) It shall be sufficient compliance with paragraph (7) in circumstances where the operator is not the owner of the tank, if either—

- (a) an authenticated copy 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 vehicle; or
- (b) the certificate is readily available from the owner of the tank.

(9) Where the operator of a tank changes, the previous operator insofar as he was required to keep the certificates referred to in paragraphs (3), (4) and (5) at an address in Great Britain in accordance with paragraph (7), shall give those certificates to the new operator.

(10) Where the information required for any of the certificates referred to in paragraphs (3), (4) and (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 concerned changes in these circumstances, the previous operator shall provide the new operator with that information in writing.

(11) Any approved person who examines, tests and certifies a tank under paragraphs (3), (4) or (5) shall do so properly and in accordance with such criteria as have been approved and published in the Approved Tank Requirements.

(12) 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.

(13) Schedule 8 shall have effect with respect to fees for approvals and surveillance inspections under this regulation.

(14) Notwithstanding paragraphs (4) and (5), the operator may transport by road 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.

General requirements for carriage

12.—(1) No operator of a container, tank or vehicle shall cause or permit to be carried therein any dangerous goods unless—

- (a) he has obtained the consignor's declaration, if applicable, or an authenticated copy thereof, in relation to those goods; and
- (b) he has taken all reasonable steps to ensure that those goods are in a condition fit for carriage.

(2) No driver of a vehicle which is being used for the carriage of dangerous goods shall cause or permit to be carried therein any person (other than a member of the vehicle crew) for the sole purpose of transporting that person.

(3) No driver or member of the vehicle crew shall open a package containing any dangerous goods unless authorised to do so by the operator of that vehicle.

(4) Subject to paragraph (5), no person shall bring portable lighting apparatus onto a vehicle if such apparatus is capable of producing a flame or has any metallic surface liable to produce sparks.

(5) Paragraph (4) shall not apply where the only dangerous goods being carried on the vehicle are infectious substances.

(6) No person shall enter a closed vehicle, which is being used for the carriage of liquids having a flash-point of 61°C or below or flammable gases, carrying lighting apparatus other than portable lamps so designed and constructed that they cannot ignite any flammable vapours or gases which may have penetrated into the interior of the vehicle.

(7) The driver and the operator of a vehicle which—

- (a) is being used for the carriage of infectious substances or toxic goods; or
- (b) is empty, uncleaned, having been used for the carriage of any such goods,

shall ensure that no food is carried in that vehicle unless it is effectively separated from any infectious substances or toxic goods or is otherwise adequately protected from the risk of contamination by those goods.