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STATUTORY INSTRUMENTS

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**2007 No. 1573**

**The Carriage of Dangerous Goods and Use of  
Transportable Pressure Equipment Regulations 2007**

**PART 1**

**INTRODUCTORY PROVISIONS**

*Introductory*

**Citation and commencement**

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 and shall come into force on 1st July 2007.

**Interpretation—General**

2.—(1) In these Regulations, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly.

(2) In these Regulations, any reference to a “Part”, “Chapter”, “Section” or “Sub-section” shall, unless the context requires otherwise, be construed—

- (a) in relation to the carriage of goods by road or by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADR; and
- (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID.

(3) For the purposes of these Regulations in so far as they relate to carriage by inland waterway, the provisions of ADR apply as if they related to carriage by inland waterway rather than carriage by road and, for this purpose, a reference in ADR to “transport unit” shall be read as a reference to “vessel”.

(4) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of Chapter 3.2 and “UN number” shall be construed accordingly.

(5) Where a term is defined in ADR or in RID and is not defined for the purposes of these Regulations, it bears the meaning as defined in—

- (a) ADR in relation to carriage by road or by inland waterway; and
- (b) RID in relation to carriage by rail.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“ADR”	The provisions which came into effect on 1st January 2007 which—

<i>Column 1</i>	<i>Column 2</i>
	<p>(a) form Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2007)(1); and</p> <p>(b) are contained in Annexes A and B to Council Directive 94/55/EC of 21st November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(2).</p> <p>But—</p> <p>(a) for the purposes of regulations 35, 40, 72(5) and Schedule 2, means the provisions which form Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road, as revised or reissued from time to time; or</p> <p>(b) to the extent that the reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(3) (with the omission of “(except for the purposes of regulations 4 and 36(3) and Schedule 1)”).</p>
“airport”	The aggregate of the buildings and works comprised in an aerodrome within the meaning of section 105 of the Civil Aviation Act 1982(4).
“approved body”	Shall be construed in accordance with regulation 78.
“carriage”	Has the same meaning as in Section 1.2.1.
	<p>But—</p> <p>(a) for the purposes of Schedule 2, shall be construed in accordance with paragraph 2(4) and (5) of that Schedule; and</p>

(1) Current edition (2007): ISBN 9789211391121.

(2) O.J. No. L319, 12.12.94, p. 7; the most recent amending directive is Commission Directive 2006/89/EC of 3 November 2006 (O.J. No. L305, 4.11.2006, p. 4).

(3) S.I. 2004/568; amended by S.I. 2005/1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

(4) 1982 c. 16.

<i>Column 1</i>	<i>Column 2</i>
	(b) for the purposes of Schedule 3, shall be construed in accordance with paragraph 2(1) of that Schedule.
“class 1 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.1.1.1.
“class 2 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.2.1.1.
“class 3 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.3.1.1.
“class 4 goods”	Shall be construed in accordance with Subsections 2.1.1.1, 2.2.41.1.1, 2.2.42.1.1 and 2.2.43.1.1.
“class 5 goods”	Shall be construed in accordance with Subsections 2.1.1.1, 2.2.51.1.1 and 2.2.52.1.1.
“class 6 goods”	Shall be construed in accordance with Subsections 2.1.1.1, 2.2.61.1.1 and 2.2.62.1.1.
“class 7 goods”	Shall be construed in accordance with Subsections 2.1.1.1, 2.2.7.1.1 and 2.2.7.1.2.
“class 8 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.8.1.1.
“class 9 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.9.1.1.
“compatibility group”	Shall be construed in accordance with Subsection 2.2.1.1.6.
“COTIF”	The Convention concerning International Carriage by Rail, as revised or re-issued from time to time(5).
“dangerous goods”	Has the same meaning as in Section 1.2.1.
“division 1.1” and “division 1.4”	Shall be construed in accordance with Subsection 2.2.1.1.5.
“EEC-type cylinder”	Either— (a) transportable pressure equipment— (i) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State of the Communities, was authorised to grant such a certificate for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; and

(5) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).

<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> <li>(ii) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder, or</li> <li>(b) transportable pressure equipment— <ul style="list-style-type: none"> <li>(i) not subject to EEC verification under any of the separate Directives but which conforms to the requirements of the Directives referred to in paragraph (a)(i); and</li> <li>(ii) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder.</li> </ul> </li> </ul>
“emergency action code”	The emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List, as revised or reissued from time to time(6)
“explosive article”	Shall be construed in accordance with Sub-section 2.2.1.1.1(b).
“explosive substance”	Shall be construed in accordance with Sub-section 2.2.1.1.1(a).
“exposure”	The process of being exposed to ionising radiation.
“factory”	Has the same meaning as in section 175 of the Factories Act 1961(7).
“fire and rescue authority”	The fire and rescue authority under the Fire and Rescue Services Act 2004(8).
“GB competent authority”	<p>The competent authority for Great Britain in accordance with regulation 6(1) to (5).</p> <p>But when used in the phrase “2004 GB Competent Authority” means the GB competent authority for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004.</p>

(6) Current edition (2005): ISBN 9780113413041; it is expected that a new edition will be published on 1st July 2007 (ISBN 9780113413157).

(7) 1961 c. 34; section 175(2)(n) of the Factories Act 1961 was amended by the Factories Act 1961 etc. (Metrication) Regulations 1983 (S.I. 1983/978), regulation 3(1) and Schedule 1.

(8) 2004 c. 21; section 1(2)(d) was amended by the Civil Contingencies Act 2004, Schedule 2, Part 1, paragraph 10(1) and (2).

<i>Column 1</i>	<i>Column 2</i>
“harbour area”	Has the same meaning as in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987 <sup>(9)</sup> .
“hazard identification number”	Shall be construed in accordance with Sub-section 5.3.2.3.
“IMDG Code”	The International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization <sup>(10)</sup> .
“inland waterway”	Includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State of the Communities other than the United Kingdom.
“international transport operation”	The carriage of goods, including carriage by more than one mode of transport, from consignor to consignee where that carriage takes place in more than one State.
“ionising radiation”	The transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of $3 \times 10^{15}$ hertz or more, capable of producing ions directly or indirectly.
“maximum total quantity”	Shall be construed in accordance with Sub-sections 1.1.3.6.3 to 1.1.3.6.5.
“member of a vehicle crew”	A driver or any other person accompanying the driver for safety, security, training or operational reasons.
“military establishment”	An establishment intended for use for naval, military or air force purposes or the purposes of the Secretary of State for Defence.
“mine”	Has the same meaning as in section 180(1) of the Mines and Quarries Act 1954 <sup>(11)</sup> and those things deemed to be part of a mine for the purposes of that Act by sub-sections (2) to (6) of section 180 shall be deemed to be part of a mine for the purposes of these Regulations.

(9) S.I. 1987/37; amended by S.I. 1996/2092, 1996/2095, 1997/2367, 2003/1431 and 2004/568 and to which there are other amendments not relevant to these Regulations.

(10) Current edition (2006): ISBN 9280142143.

(11) 1954 c. 70; section 180 was amended by the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993/1897), regulation 41(2) and Schedule 3, Part 2 and by the Quarries Regulations 1999 (S.I. 1999/2024), regulation 47(2) and Schedule 2, Part 2. The words “the Health and Safety Executive” were substituted by the Mines and Quarries Act 1954 to 1971 (Repeals and Modifications) Regulations 1974 (S.I. 1974/2013), regulation 2(1)(b) and Schedule 2, paragraph 3.

<i>Column 1</i>	<i>Column 2</i>
“motor vehicle”	A mechanically propelled vehicle intended or adapted for use on the roads.
“notified body”	Shall be construed in accordance with regulation 77.
“old pressure receptacle”	<p>A pressure receptacle, including any of its permanent fittings, that is used, or intended to be used for the carriage of any class 2 goods or any of the substances listed in Table 3 of Packaging Instruction P200 in Section 4.1.4 and which was constructed—</p> <p>(a) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and</p> <p>(b) in the case of other pressure receptacles, on or before 9th May 2004,</p> <p>and for this purpose,</p> <p>(i) the definition of pressure drum in Section 1.2.1 shall apply as if it specified no minimum water capacity;</p> <p>(ii) the definition of tube in Section 1.2.1 shall apply as if it specified no minimum water capacity and a maximum water capacity of 5,000 litres; and</p> <p>(iii) the definition of “bundle of cylinders” in Section 1.2.1 shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1,000 litres or 5,000 litres for an assembly comprised of seamless cylinders.</p>
“old tank”	<p>Means—</p> <p>(a) a tank;</p> <p>(b) pressure receptacles forming elements of a battery-vehicle or battery-wagon; or</p> <p>(c) pressure receptacles forming elements of a MEGC or UN MEGC which has a total volume of 1,000 litres or more,</p> <p>used for the carriage of a liquid, gaseous, powdery or granular material and constructed on or before 9th May 2004.</p>
“operator”	<p>An enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN MEGC, tank or bulk container is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in Section 1.2.1.</p>

But—

<i>Column 1</i>	<i>Column 2</i>
	<p>(a) for the purposes of Schedule 2, has the meaning given in paragraph 2(1) and (2) of that Schedule; and</p> <p>(b) if used in the phrase “train operator”, shall be construed in accordance with the definition of that phrase in this Table.</p>
“owner”	<p>In relation to transportable pressure equipment, an IBC or an old pressure receptacle means the employer or the self-employed person who owns it, except for a person who buys it solely to use the goods in it before selling it back to the supplier.</p> <p>But—</p> <p>(a) if the transportable pressure equipment, IBC or old pressure receptacle is leased, it means the lessee; or</p> <p>(b) if the employer, self-employed person or lessee does not have a place of business in Great Britain it means—</p> <p>(i) the agent of that person in Great Britain; or</p> <p>(ii) if there is no such agent, the user.</p>
“placing on the market”	<p>In relation to transportable pressure equipment, means supplying such equipment or making it available to another person in the Communities and includes importation of such equipment.</p>
“pressure receptacle”	<p>A cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders.</p>
“Pressure Vessels Framework Directive”	<p>Council Directive <a href="#">76/767/EEC</a> of 27th July 1976<sup>(12)</sup> concerning the approximation of the laws of the member States relating to common provision for pressure vessels and methods for inspecting them.</p>
“quarry”	<p>Has the same meaning as in regulation 3 of the Quarries Regulations 1999<sup>(13)</sup>.</p>
“radiological emergency”	<p>A situation arising during the course of the carriage of a consignment that requires urgent action in order to protect workers, members of the public or the population (either partially or as a whole) from exposure.</p>
“railway”	<p>A system of transport employing parallel rails which provide support and guidance for</p>

(12) O.J. No. L262, 27.9.1976, p153; the most recent amendment was made by Council Regulation [\(EC\) No 807/2003](#) of 14 April 2003 (O.J. No. L122, 16.5.2003, p. 36).

(13) [S.I. 1999/2024](#), to which there are amendments not relevant to these Regulations.

<i>Column 1</i>	<i>Column 2</i>
	vehicles carried on flanged wheels, except any such system which is—
	(a) a tramway within the meaning of section 67(1) of the Transport and Works Act 1992 <sup>(14)</sup> ; or
	(b) operated wholly within a factory, harbour area, military establishment, mine or quarry.
“reassessment of conformity”	Shall be construed in accordance with regulation 75.
“receptacle”	Has the meaning given by the definition of “receptacle” in Section 1.2.1.
	But when used in relation to receptacles for class 1 goods it also includes the items listed in the definition of “receptacle” (class 1) in that Section.
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF <sup>(15)</sup> which—
	(a) came into effect on 1st January 2007; and
	(b) is contained in the Annex to Council Directive 96/49/EC of 23rd July 1996 on the approximation of the laws of member States with regard to the transport of dangerous goods by rail <sup>(16)</sup> .
	But—
	(a) for the purposes of regulations 35, 40, 72(5) and Schedule 2, means the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail which forms Appendix C to COTIF, as revised or reissued from time to time; or
	(b) to the extent that the reference in these Regulations to RID is a reference to RID as it applied for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure

<sup>(14)</sup> 1992 c. 42.<sup>(15)</sup> The ISBN of the 2007 edition of Appendix C to COTIF (including the Annex) is 9788086206288.<sup>(16)</sup> O.J. L235, 17.9.1996, p. 25; the most recent amending directive is Commission Directive 2006/90/EC of 3rd November 2006 (O.J. L305, 4.11.2006, p. 6).



<i>Column 1</i>	<i>Column 2</i>
“road”	Equipment Regulations 2004 <sup>(17)</sup> (with the omission of “(except for the purposes of regulations 4 and 36(3) and Schedule 1)”).  In relation to— (a) England and Wales, any highway and any other road to which the public has access, and includes bridges over which a road passes; and (b) Scotland, a road within the meaning of the Roads (Scotland) Act 1984 <sup>(18)</sup> and any other way to which the public has access, and includes bridges over which a road passes.
“safe and secure place”	A safe and secure place within a site— (a) in relation to which a person— (i) is licensed to manufacture or store explosives under regulation 13 of the Manufacture and Storage of Explosives Regulations 2005 <sup>(19)</sup> ; or (ii) is registered in respect of such storage under regulation 11 of those Regulations; or (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemption) Regulations 1979 <sup>(20)</sup> .
“separate Directives”	Council Directives— 84/525/EEC of 17th September 1984; 84/526/ EEC of 17th September 1984; and 84/527/ EEC of 17th September 1984 <sup>(21)</sup> ; concerning the approximation of the laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively.
“special arrangement”	Shall be construed in accordance with Section 1.7.4.
“special form radioactive material”	Material which— (a) falls within Sub-section 2.2.7.4.1; and

<sup>(17)</sup> S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

<sup>(18)</sup> 1984 c. 54.

<sup>(19)</sup> S.I 2005/1082.

<sup>(20)</sup> S.I. 1979/1378.

<sup>(21)</sup> O.J. No. L300, 19.11.1984, pp. 1, 20 and 48 respectively.

<i>Column 1</i>	<i>Column 2</i>
	(b) complies with Sub-sections 2.2.7.4.2 to 2.2.7.4.8.
“standard”	<p>A—</p> <p>(a) nationally or internationally agreed standard; or</p> <p>(b) document which is a technical code within the meaning of that term in—</p> <p>(i) in relation to carriage by road, ADR; or</p> <p>(ii) in relation to carriage by rail, RID.</p> <p>But if used in the phrase “design standard” shall be construed in accordance with the definition of that phrase in the Table in paragraph 1 of Schedule 3.</p>
“trailer”	A vehicle drawn by a motor vehicle.
“train”	Has the same meaning as in section 83(1) of the Railways Act 1993(22).
“train operator”	In relation to any train, means any person who has the management of the train for the time being.
“transportable pressure equipment”	<p>A pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN MEGC or tank which is used or intended to be used for carriage by road or by rail or storage of—</p> <p>(a) class 2 goods;</p> <p>(b) UN 1051 HYDROGEN CYANIDE, STABILIZED;</p> <p>(c) UN 1052 HYDROGEN FLUORIDE, ANHYDROUS; or</p> <p>(d) UN 1790 HYDROFLUORIC ACID with more than 85% hydrogen fluoride.</p> <p>It includes any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment. But it does not include—</p> <p>(a) an aerosol dispenser; or</p> <p>(b) a cylinder used to contain class 2 goods and forming a component part of a breathing appliance.</p>
“transport category”	A category to which goods are assigned for the purposes of Sub-section 1.1.3.6.
“transport document”	The document containing the information set out in Section 5.4.1.

<i>Column 1</i>	<i>Column 2</i>
“used at work <sup>(23)</sup> ”	In relation to old tanks, old pressure receptacles and transportable pressure equipment, includes the filling, emptying, refilling and storage of that equipment at work and an intention to conduct any of those activities.
“vehicle”	Any conveyance used for the carriage of goods by road.  But this definition does not apply in relation to the use of the word “vehicles” in the definition of “railway” in this Table.

### Interpretation matters relating to the armed forces

3.—(1) In these Regulations a vehicle or a train shall be regarded as being owned by the armed forces when it is owned by—

- (a) the Secretary of State for Defence and is used by Her Majesty’s Forces;
- (b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(24)</sup>; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(25)</sup>,

and includes a vehicle which has been provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

(2) In these Regulations a vehicle or a train is under the control of the armed forces when—

- (a) a member of the crew on board is—
  - (i) a member of—
    - (aa) Her Majesty’s Forces; or
    - (bb) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952, acting in the course of his duties; or
  - (ii) a member of the Ministry of Defence Police acting under the direction and control of the Chief Constable of the Ministry of Defence Police; or
- (b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within subparagraph (a).

(3) In this regulation, “member of the Ministry of Defence Police” and “Chief Constable of the Ministry of Defence Police” shall be construed in accordance with section 1 of the Ministry of Defence Police Act 1987<sup>(26)</sup>.

<sup>(23)</sup> In relation to “at work” *see* section 52 of the Health and Safety at Work etc Act 1974 (c. 37).

<sup>(24)</sup> 1952 c. 67.

<sup>(25)</sup> 1964 c. 5.

<sup>(26)</sup> 1987 c. 4; section 1(2)(a) was amended by the Police Act 1996 (c. 16), Schedule 7, paragraph 41; section 1(2)(c) was amended by the Police (Northern Ireland) Act 1998 (c. 32), Schedule 4, paragraph 16; pursuant to the Police (Northern Ireland) Act 2000 (c. 32), section 78(2)(c), the reference in section 1(2)(c) to “a member of the Royal Ulster Constabulary” is to be construed as a reference to “a member of the Police Service of Northern Ireland”; the current section 1(5) was inserted by the Police Reform Act 2002 (c. 30), section 79(3).

**The sending etc of documents**

4. Any document which is—
- (a) required to be sent, submitted or otherwise delivered; or
  - (b) issued,

pursuant to these Regulations may be sent to the recipient by fax or other means of electronic communication.

**Member States of the Communities which are not Contracting Parties to ADR or Member States of COTIF**

5.—(1) For the purposes of these Regulations a member State of the Communities which is not a Contracting Party to ADR shall be deemed to be a Contracting Party to ADR.

(2) For the purposes of these Regulations a member State of the Communities which is not a Member State of COTIF shall be deemed to be a Member State of COTIF.

**Competent authority**

6.—(1) The competent authority in Great Britain is the Secretary of State for Transport.

(2) Paragraph (1) is subject to paragraphs (3) to (5).

(3) The competent authority is the Health and Safety Executive for the functions in relation to—

- (a) the classification of class 1 goods pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271, and 645 of Chapter 3.3, in relation to class 1 goods;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18, in relation to class 1 goods; and
- (d) the design approval of containers or compartments for the carriage of class 1 goods, in accordance with note a to Sub-section 7.5.2.2.

(4) But paragraph (3) does not apply to the functions to the extent they relate to military explosives.

(5) The competent authority is the Secretary of State for Defence for the functions in relation to—

- (a) the classification of military explosives pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271 and 645 of Chapter 3.3, in relation to military explosives;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18, in relation to military explosives;
- (d) special provision W2 of Section 7.2.4; and
- (e) the design approval of containers or compartments for the carriage of military explosives, in accordance with note a to Sub-section 7.5.2.2.

(6) The competent authority for a competent authority function referred to in ADR or RID in a State other than the United Kingdom is the authority designated as the competent authority in that State for that function.

(7) The competent authority for a competent authority function referred to in ADR or RID in Northern Ireland is the authority designated as the competent authority in Northern Ireland for that function.

(8) For the purposes of these Regulations a reference in—

- (a) ADR or RID to “competent military authority”;

- (b) ADR to “Contracting Party”; and
- (c) RID to “Member State”,

shall be treated as a reference to “competent authority”.

(9) In this regulation, “military explosives” has the same meaning as in regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983(27).

### **Appointments**

7. Schedule 1 has effect in relation to appointments pursuant to regulations 69(2), 79(1), paragraph 9 of Schedule 2 and paragraph 10 of Schedule 3.

### *Application*

#### **Application**

8.—(1) These Regulations apply to, and in relation to, the carriage of dangerous goods by road and by rail.

(2) These Regulations apply to, and in relation to, the carriage of dangerous goods by inland waterway to the extent that they relate to the requirements of Section 1.8.3 in relation to safety advisers.

### *Exceptions*

#### **The issuing of authorisations to carry dangerous goods in circumstances where carriage would otherwise contravene the Regulations**

9.—(1) This regulation does not apply in relation to prohibitions or requirements arising under Part 4 of these Regulations.

(2) In relation to carriage that takes place wholly within Great Britain—

- (a) the Secretary of State for Transport in relation to all classes of dangerous goods; or
- (b) the Health and Safety Executive in relation to class 1 goods,

may authorise in writing a person or class of persons to carry for a limited time dangerous goods contrary to the prohibitions or requirements arising under these Regulations.

(3) An authorisation issued pursuant to paragraph (2) shall set out—

- (a) the carriage that is covered by the authorisation;
- (b) the reason that the authorisation is being issued; and
- (c) the period of time in relation to which the authorisation is to be valid.

(4) An authorisation issued pursuant to paragraph (2) may be—

- (a) made subject to conditions; and
- (b) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and such a notice may provide that the withdrawal of the authorisation shall have effect from a date specified in that notice.

(5) Any exemption or authorisation granted pursuant to regulation 36(1), (5), (6) or (8) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 that

was in force immediately before the coming into force of these Regulations shall be deemed to be an authorisation issued pursuant to—

- (a) if granted by the Secretary of State, paragraph (2)(a); or
- (b) if granted by the Health and Safety Executive, paragraph (2)(b),

of this regulation and be subject to the same conditions as were in force immediately before the coming into force of these Regulations.

### Armed forces

**10.**—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of—

- (a) class 6.2 goods of a type falling within subdivision I2 Infectious substances affecting animals only; or
- (b) class 9 goods of a type falling within subdivisions—
  - (i) M6 Pollutant to the aquatic environment, liquid;
  - (ii) M7 Pollutant to the aquatic environment, solid; or
  - (iii) M8 Genetically modified micro-organisms and organisms,

if those goods are carried on a vehicle or a train which is owned by, or under the control of, the armed forces.

(2) The requirements in Chapter 5.3, Sections 5.4.0 to 5.4.2 and Sub-sections 5.4.3.4 and 8.1.2.3 do not apply to, or in relation to, the carriage of dangerous goods by road in a vehicle owned by the armed forces in the circumstances specified in paragraph (3) or (4).

(3) The vehicle is being used in connection with training—

- (a) which has been certified to be training on a special occasion in accordance with regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989<sup>(28)</sup>; and
- (b) in respect of which at least 48 hours notice has been given to—
  - (i) the chief officer of police of each police area; and
  - (ii) as respects—
    - (aa) England and Wales, the fire and rescue authority; and
    - (bb) Scotland, the chief officer of the relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005<sup>(29)</sup>)

for each area,

in which the place selected for training is situated.

(4) The vehicle is being used in connection with manoeuvres within such limits and during such periods as may from time to time be specified by an Order in Council made under section 1 of the Manoeuvres Act 1958<sup>(30)</sup>.

(5) If dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 which applies to the vehicle in question pursuant to regulation 65 shall be deemed to be satisfied to the extent that it is not reasonably practicable for the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

<sup>(28)</sup> S.I. 1989/1796, to which there are amendments not relevant to these Regulations.

<sup>(29)</sup> 2005 asp 5.

<sup>(30)</sup> 1958 c. 7; section 1(3)(a)(i) was substituted by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words “Environment Agency” were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words “Natural England” were substituted by the Natural Environment and Rural Communities Act 2006, Schedule 11, Part 1, paragraph 26(a).

(6) If—

- (a) a vehicle is owned by, or under the control of, the armed forces;
- (b) a certificate of ADR approval of the type referred to in Sub-section 9.1.3 has been issued in relation to that vehicle pursuant to regulation 65; and
- (c) that certificate has expired,

the vehicle shall still be permitted to carry tanks where those tanks are empty but uncleaned if the conditions in paragraph (7) are satisfied.

(7) The conditions are—

- (a) the vehicle carrying the tanks is being driven—
  - (i) to a place for the purpose of—
    - (aa) submitting the vehicle to an annual technical inspection of the type referred to in Sub-section 9.1.2.3 that is required to be undertaken in relation to that vehicle by virtue of regulation 65;
    - (bb) cleaning the tanks and the place to which the vehicle is being driven is suitable for this purpose; or
    - (cc) repairing the vehicle or tank; or
  - (ii) the vehicle carrying the tanks is being driven from a place to which it had been taken for a purpose mentioned in (i); and
- (b) it was not reasonably practicable for the vehicle to have been submitted for the annual technical inspection before the expiry of the certificate of ADR approval because—
  - (i) the vehicle was being used for operational duties; or
  - (ii) a member of the vehicle crew was based on operational duties, outside the United Kingdom.

(8) If dangerous goods are being carried in a vehicle or a train owned by, or under the control of, the armed forces, the requirements in regulation 91 do not apply.

(9) But paragraphs (1) to (8) do not apply to, or in relation to, carriage on behalf of a person who is not a member of—

- (a) Her Majesty's Forces; or
- (b) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(31).

(10) Paragraphs (11) and (12) apply to, and in relation to, carriage in a vehicle or train owned by, or under the control of, the armed forces.

(11) Parts 2 and 5 of these Regulations do not apply to, or in relation to, carriage of class 7 goods which—

- (a) are, or form part of, an instrument of war;
- (b) are required for research into, or the development or production of, any such instrument or part of such instrument; or
- (c) are produced in the course of, or in connection with, such research, development or production,

if that carriage is undertaken on behalf of a Department of the Government of the United Kingdom or if the carriage is undertaken in connection with the execution of a contract with any such Department.

(12) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of class 7 goods which are, or form part of, an instrument of war if that carriage is undertaken on behalf of

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(31) 1952 c. 67.

a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952 or if the carriage is undertaken in connection with the execution of a contract with such a visiting force.

(13) The Secretary of State for Defence may, in the interests of national security, authorise in writing the exemption of any—

- (a) military explosive or any vehicle or train intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations; or
- (b) person from all or any of the requirements or prohibitions imposed by these Regulations, to the extent that they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces.

(14) An authorisation issued pursuant to paragraph (13) may be—

- (a) made subject to conditions;
- (b) limited in time; and
- (c) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and such a notice may provide that the withdrawal of the authorisation shall have effect from a date specified in that notice.

(15) An exemption granted pursuant to regulation 36(9) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(32)</sup> that was in force immediately before the coming into force of these Regulations shall be deemed to be an authorisation issued pursuant to paragraph (13) of this regulation and be subject to the same conditions as were in force immediately before the coming into force of these Regulations.

(16) In this regulation—

- (a) “I2 Infectious substances affecting animals only” shall be construed in accordance with Sub-section 2.2.62.1.2; and
- (b) “M6 Pollutant to the aquatic environment, liquid”, “M7 Pollutant to the aquatic environment, solid” and “M8 Genetically modified micro-organisms and organisms” shall be construed in accordance with Sub-section 2.2.9.1.2.

### **The Channel Tunnel**

**11.**—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods on any part of the Channel Tunnel system.

(2) In this regulation “the Channel Tunnel system” has the meaning given to “the tunnel system” by section 1(7) of the Channel Tunnel Act 1987<sup>(33)</sup> except that the words “to be” which come before the word “constructed” shall be omitted.

### **Carriage by road in or on certain vehicles**

**12.**—(1) This regulation applies to, and in relation to, carriage by road.

(2) Paragraphs (3) and (4) apply to a vehicle which is not a trailer.

(3) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a vehicle which is not a motor vehicle (complete or incomplete).

(4) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a vehicle which—

- (a) runs on rails;
- (b) is an agricultural or forestry tractor; or

<sup>(32)</sup> S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

<sup>(33)</sup> 1987 c. 53.



(c) is mobile machinery.

(5) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a trailer which is a trailer being towed by a vehicle to which these Regulations do not apply pursuant to paragraph (4).

### **Carriage wholly within an enclosed area**

**13.** Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods if the carriage is wholly within the perimeter of an enclosed area.

### *Derogations*

### **The crossing of public roads**

**14.—**(1) Parts 2 and 5 of these Regulations do not apply to the carriage of class 2 to 6, 8 or 9 goods by road in a vehicle which is used for—

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of a private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person even if those parts are separated by a road.

(2) Paragraph (3) applies to the carriage of class 1 or 7 goods by road.

(3) If the class 1 or 7 goods are being carried in a vehicle which is used for the purposes described in paragraph (1), regulations—

- (a) 43;
- (b) 51, except to the extent it relates to the requirements of Section 4.1.9;
- (c) 53(4), to the extent that it relates to the requirements in Chapter 5.3;
- (d) 53(6), to the extent that it relates to the requirements in Chapter 5.4;
- (e) 63(5) and 63(7), to the extent that they relate to the requirements in Sections 8.1.2 and 8.1.3;
- (f) 63(8); and
- (g) 64, to the extent that it relates to the requirements in Section 8.2.1,

do not apply.

### **Old tanks**

**15.—**(1) This regulation applies to old tanks which are intended to be used for the carriage of goods wholly within Great Britain.

(2) Regulations—

- (a) 52; and
- (b) 60,

do not apply to old tanks.

(3) But regulation—

- (a) 52(1), to the extent it requires compliance with the condition in regulation 52(2); and
- (b) 52(6), to the extent it requires compliance with the condition in regulation 52(7),

shall apply to old tanks.

- (4) Schedule 2 applies to an old tank.
- (5) But Schedule 2 does not apply to an old tank if it—
- (a) is transportable pressure equipment to which Part 4 applies;
  - (b)
    - (i) is being used for the carriage of gas oil, diesel or heating oil with a flash point of more than 60°C and not more than 100°C (UN 1202); and
    - (ii) remains safe and suitable for that purpose; or
  - (c) is not being used at work<sup>(34)</sup>.
- (6) An old tank which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail shall be deemed to have satisfied the requirements of Schedule 2.

### Old pressure receptacles

**16.**—(1) This regulation applies to old pressure receptacles which are intended to be used for the carriage of goods wholly within Great Britain.

(2) Regulations 51 and 55 do not apply to old pressure receptacles.

(3) Schedule 3 applies to a pressure receptacle specified in paragraph (4) if that receptacle is being used at work.

(4) The pressure receptacles are—

- (a) cylinders, tubes or cryogenic receptacles which—
  - (i) were manufactured on or before 30th June 2003; and
  - (ii) are not transportable pressure equipment to which Part 4 applies;
- (b) pressure drums or bundles of cylinders manufactured on or before 9th May 2004; and
- (c) UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas which comply with the provisions of special provision 594 of Chapter 3.3.

(5) But Schedule 3 does not apply to an old pressure receptacle—

- (a) which is a two-part beer keg, one part of which is intended to contain a gas or a mixture of gases under pressure;
- (b) used for the conveyance or storage of beer or carbonated drinks, the capacity of which does not exceed 0.252 cubic metres and the maximum working pressure of which is not greater than 12 bar above atmospheric pressure;
- (c) which is a portable fire extinguisher with a working pressure below 25 bar at 60°C and having a total mass not exceeding 23 kilograms;
- (d) which forms part of equipment of any—
  - (i) ship to which the Merchant Shipping Act 1995<sup>(35)</sup> applies or would apply if the ship were registered in Great Britain;
  - (ii) ship or other vessel in the service of the Crown; or
  - (iii) spacecraft, aircraft, hovercraft or hydrofoil;
- (e) which forms part of, or is intended to form part of, a weapons system;
- (f) which is the subject of a research experiment;
- (g) which comprises temporary apparatus being used in a research experiment, where it is not reasonably practicable to comply with paragraph 3 of Schedule 3;

<sup>(34)</sup> In relation to “at work” see section 52 of the Health and Safety at Work etc Act 1974 (c. 37).

<sup>(35)</sup> 1995 c. 21.

(h) which is refillable and has an internal volume of less than 0.5 litres or more than 5,000 litres; or

(i) which contains dangerous goods at a pressure of less than 0.5 bar above atmospheric pressure.

(6) The requirements of Schedule 3, other than paragraph 6(3), do not apply to any non-refillable transportable pressure receptacle which has an internal volume of less than 1.4 litres or more than 5 litres.

(7) The requirements of paragraphs 4, 5 and 6(1)(a) of Schedule 3 do not apply to an old pressure receptacle which—

(a) is refillable;

(b) is used solely for containing liquefied petroleum gas; and

(c) has a water capacity of up to 6.5 litres.

(8) An old pressure receptacle, other than one which is a UN 1044 FIRE EXTINGUISHER with compressed or liquefied gas, which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail, shall be deemed to have satisfied the requirements of Schedule 3.

(9) A cylinder—

(a) used to contain class 2 goods;

(b) which—

(i) forms a part of a breathing appliance; or

(ii) is a portable fire extinguisher; and

(c) which complies with the requirements of the Pressure Equipment Regulations 1999(36), shall be deemed to meet the requirements of paragraphs 3, 4 and 7 of Schedule 3.

### **Carriage of liquefied gas**

17.—(1) Regulations 51(3)(b), 52 and 60 and Part 4 of these Regulations do not apply to the extent provided for in this regulation.

(2) The GB competent authority may recognise different reference temperatures from those set out in—

(a) paragraphs (5)(b) and (c) of packing instruction P200 of Section 4.1.4; or

(b) Sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

in relation to the filling of pressure receptacles and tanks intended for the carriage of liquefied gas wholly within Great Britain.

(3) The GB competent authority may recognise standards for the construction of the shell of a tank intended to be used for the carriage of liquefied gas wholly within Great Britain which specify—

(a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or

(b) a different test pressure for the shell of the tank from that set out in Sub-sections 4.3.3.2.2 and 4.3.3.2.3,

provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

(4) If the GB competent authority has recognised a different reference temperature in accordance with paragraph (2), a person may comply with that reference temperature in relation to the filling of the pressure receptacle or tank for the carriage of liquefied gas wholly within Great Britain.

(5) If the GB competent authority has recognised a standard in accordance with paragraph (3), a person may comply with that standard in relation to the construction of the shell of a tank if that tank is intended to be used for the carriage of liquefied gas wholly within Great Britain.

(6) If a pressure receptacle or tank has been filled in compliance with the reference temperature recognised by the GB competent authority in accordance with paragraph (2), it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 80.

(7) If a tank has been constructed in conformity with the standard recognised by the GB competent authority in accordance with paragraph (3), it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 80.

#### **Certain commercial products containing radioactive material**

**18.** Parts 2 and 5 of these Regulations do not apply to the carriage in a vehicle of no more than—

- (a) 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
- (b) five gaseous tritium light devices with an individual activity not exceeding 10 GBq.

#### **Load threshold for class 1 goods**

**19.**—(1) For the purposes of these Regulations, Section 1.1.3 applies with the modifications specified in paragraphs (2) and (3).

(2) In the table in Sub-section 1.1.3.6.3—

- (a) in the second row omit the entry for class 1;
- (b) after the second row insert a new row—

“1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50”
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- (c) in the third row omit the entry for class 1;
- (d) after the third row insert a new row—

“2A	Class 1: 1.4B to 1.4G and 1.6N	500”
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and;

- (e) at the end, in the note omit “0081, 0082, 0084, 0241, 0331, 0332, 0482,”.

(3) In Sub-section 1.1.3.6.4—

- (a) after “the table in 1.1.3.6.3 multiplied by “20”,” insert the following item—
  - “the quantity of substances and articles of transport category 1A multiplied by “20””;
  - and
- (b) after “multiplied by “3”,” omit “and” and insert the following item—

- “the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

### **The carriage of UN 0335 FIREWORKS by road**

**20.** For the purposes of these Regulations, Table A of Chapter 3.2 applies as if column (6) of the row relating to UN 0335 includes the entry “651”.

### **Exemption from certain requirements for certain metal drums and metal IBCs**

**21.**—(1) This regulation applies to metal drums and metal IBCs that—

- (a) exceed 50 litres in capacity; and
- (b) were manufactured—
  - (i) less than 15 years before consignment; and
  - (ii) before 1st July 1995.

(2) Regulation 39 does not apply to the extent that it requires metal drums and metal IBCs to—

- (a) be approved for carriage; and
- (b) bear the markings required by—
  - (i) in relation to metal drums, Section 6.1.3; or
  - (ii) in relation to metal IBCs, Section 6.5.2,

in accordance with Sub-section 1.4.2.1.1(c).

### **The carriage of alcohol in wooden casks**

**22.**—(1) This regulation applies to the carriage by road of wooden casks containing UN 3065 of Packing Group III.

(2) If—

- (a) the wooden casks have a capacity of not more than 1,000 litres;
- (b) the packages are carried in a closed vehicle;
- (c) no other goods are carried on the transport unit; and
- (d) the transport unit complies with the requirements of—
  - (i) regulation 91; and
  - (ii) Part 1 of Schedule 7 (other than paragraph 2(b)),that apply in relation to the carriage of goods in a tank,

the regulations listed in paragraph (3) do not apply to the extent specified.

(3) The regulations are—

- (a) regulation 39, to the extent that it relates to—
  - (i) the use of approved wooden casks bearing the marks prescribed by ADR as required by Sub-section 1.4.2.1.1(c); and
  - (ii) compliance with packaging conditions as required by Sub-section 1.4.3.2(a);
- (b) regulation 51, to the extent that it relates to the design type and testing of wooden casks as required by Sub-sections 4.1.1.3 and 4.1.1.9;
- (c) regulation 53(1), to the extent that it relates to the requirements of Sections 5.2.1 and 5.2.2; and

- (d) regulation 53(4), to the extent that it relates to the requirements of Sections 5.3.1 and 5.3.2.

**Alternative to the requirement to comply with Section 5.3.2 of ADR relating to orange-coloured plates etc pursuant to regulation 53(4)**

23.—(1) This regulation applies to the carriage of class 7 goods by road.

(2) If—

- (a) the transport unit used for carrying the goods has a maximum permissible mass which does not exceed 3.5 tonnes;
- (b) the packages being carried contain only class 7 goods that are—
  - (i) fissile excepted;
  - (ii) not fissile; or
  - (iii) a combination of class 7 goods that are fissile excepted or not fissile;
- (c) the number of packages does not exceed 10; and
- (d) the sum of the transport indexes of the packages does not exceed 3,

a notice complying with the conditions in paragraph (3) may be displayed instead of complying with the requirements of Section 5.3.2 that would otherwise need to be complied with pursuant to regulation 53(4).

(3) The conditions are—

- (a) the notice shall include the words (using capital letters as indicated)—
  - (i) “This vehicle is carrying RADIOACTIVE MATERIAL”; and
  - (ii) “In case of accident get in touch at once with THE POLICE”;
- (b) the capital letters in the word “RADIOACTIVE” shall be not less than 12mm high and all other capital letters in the notice shall be not less than 5mm high;
- (c) the notice shall state the name, address and telephone number of a person capable of providing advice that would be of assistance in an emergency;
- (d) all lettering on the notice shall be black, bold and legible;
- (e) all lettering on the notice shall be embossed or stamped; and
- (f) the notice shall be—
  - (i) not less than 12 cm square;
  - (ii) fireproof to the extent that the words on the notice shall remain legible after exposure to a fire involving the vehicle;
  - (iii) securely posted in the vehicle in a position where it is plainly visible to the driver, but does not obstruct his view of the road; and
  - (iv) displayed only when the vehicle is carrying radioactive material.

(4) In this regulation, “fissile excepted” shall be construed in accordance with Sub-section 6.4.11.2.

**Display of information during piggyback carriage**

24.—(1) This regulation applies to, and in relation to, carriage by rail.

(2) If a vehicle being carried on a wagon by means of piggyback transport displays in a clearly visible manner—

- (a) the placards, marks, labels, plate markings and hazard identification number required to be displayed pursuant to the obligation imposed by regulation 53(4) to comply with Chapter 5.3; or
- (b) the hazard warning panels referred to in paragraph 5 of Schedule 7 in accordance with regulation 91,

the requirements set out in Sub-section 1.1.4.4 do not apply for the purposes of regulation 37(4) to the extent they relate to placarding and marking.

### **Shunting labels**

**25.** The requirement of regulation 53(4) to comply with Section 5.3.4 does not apply to, or in relation to, the carriage of goods by rail.

### **Retail distribution by road**

**26.—(1)** This regulation does not apply to, or in relation to, the carriage of class 1, 4.2, 6.2 or 7 goods.

(2) Paragraph (6) applies to, and in relation to, the carriage of dangerous goods by road if the conditions specified in paragraphs (3) to (5) are satisfied.

(3) The goods for carriage by road are packaged in—

- (a) limited quantities in accordance with Chapter 3.4; or
- (b) combination packagings in accordance with Chapter 4.1.

(4) The quantity of the goods on the transport unit does not exceed—

- (a) 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article; and
- (b) a total of 333 kilograms or litres per transport unit.

(5) The goods have been removed from their outer packaging for the final stages of the carriage operation between—

- (a) a distribution centre and a retailer or end-user; or
- (b) a retailer and an end-user.

(6) Regulations 53(1) and 54 do not apply to the extent that they require compliance with the provisions of Chapter 5.2 and Section 6.1.3 requiring markings to be affixed for the final stages of the carriage operation.

### **Exemption from the requirement to fit sheet steel spark-guards**

**27.** Regulation 62(2) does not apply to the extent it would require a wagon constructed before 1st January 1997 to be fitted with regulation sheet steel spark-guards in accordance with special provisions W2 and W8 of Chapter 7.2.

### **Mixing rules for vehicles and wagons carrying class 1 goods**

**28.—(1)** This regulation modifies the requirements of Section 7.5.2 for the purposes of regulation 62(6).

(2) Any of the class 1 goods specified in a sub-paragraph of paragraph (3) may be carried with any other class 1 goods specified in that sub-paragraph.

(3) The class 1 goods are—

- (a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B and explosive articles in compatibility group D, E or F of which the fuzes are component parts; and
  - (b) class 1 goods in compatibility group F and explosive articles in compatibility group C, D or E.
- (4) Paragraphs (5) to (13) apply to the carriage of class 1 goods by road.
- (5) The class 1 goods specified in paragraph (6) may be carried by road with AMMONIUM NITRATE (UN 1942).
- (6) The goods are—
- (a) detonating cord (UN 0065, 0104, 0289 and 0290);
  - (b) boosters (UN 0042 and 0283);
  - (c) detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361); and
  - (d) blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332).
- (7) Note d to the Table in Sub-section 7.5.2.1 applies to the carriage of goods carried in accordance with paragraph (5).
- (8) The dangerous goods listed in paragraph (9) may be carried with dangerous goods in—
- (a) transport category 2 (except for flammable gases, class 6.1 or 6.2 goods); and
  - (b) transport category 3.
- (9) The goods are—
- (a) signals (UN 0191 and 0197);
  - (b) fireworks (UN 0336);
  - (c) aerial flares (UN 0403);
  - (d) pyrotechnic articles (UN 0431); and
  - (e) line-throwing rockets (UN 0453).
- (10) But paragraph (8) only applies if—
- (a) the maximum total quantity of goods in transport category 2 does not exceed—
    - (i) 500 kilograms or litres; or
    - (ii) a combined total of 500 kilograms and litres; and
  - (b) the maximum total quantity of class 1 goods does not exceed 500 kilograms.
- (11) Paragraph (12) applies to class 1 goods which are in—
- (a) compatibility group G; and
  - (b) division 1.4.
- (12) The class 1 goods may be carried with—
- (a) class 3 goods and flammable gases in transport category 2; and
  - (b) non-flammable, non-toxic gases that are—
    - (i) of group A or O as referred to in Sub-section 2.2.2.1.3; and
    - (ii) in transport category 3.
- (13) But paragraph (12) only applies if the maximum total quantity of dangerous goods per transport unit does not exceed—
- (a) 200 kilograms or litres; or
  - (b) a combined total of 200 kilograms and litres,
- of which the class 1 goods does not exceed 20 kilograms.



(14) Paragraphs (5), (8) and (12) only apply if all measures that are reasonably practicable have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods.

(15) In this regulation, “flammable gases” shall be construed in accordance with Sub-section 2.2.2.1.5.

#### **Quantities of class 1 explosive articles**

**29.**—(1) This regulation applies to, and in relation to, the carriage of goods by road.

(2) This regulation modifies the table in Sub-section 7.5.5.2.1 for the purposes of regulation 62(6).

(3) The total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.

#### **Exemptions from the need to carry transport documents**

**30.**—(1) This regulation applies to, and in relation to, the carriage of goods by road.

(2) Paragraph (3) applies to class 2 to 6, 8 and 9 goods.

(3) For the purposes of these Regulations, the documents required to be carried on the transport unit by Sub-section 8.1.2.1(a) need not be carried where the quantity of dangerous goods being carried on the transport unit does not exceed the maximum total quantity for those goods calculated in accordance with the provisions of Sub-section 1.1.3.6.

(4) Paragraph (5) applies to class 1 goods.

(5) For the purposes of these Regulations, the documents required to be carried on the transport unit by Sub-section 8.1.2.1(a) need not be carried where the goods being carried are listed in a Table in Schedule 4.

(6) But paragraph (5) only applies—

(a) in relation to goods specified in Table 2 or 3, if the net mass of explosive material is not more than 50 kilograms; or

(b) in relation to goods specified in Table 4, if the net mass of explosive material is not more than 5 kilograms.

#### **Exemption from the requirements relating to fire-fighting equipment for the carriage of certain class 7 goods by road**

**31.**—(1) This regulation applies to, and in relation to, the carriage of class 7 goods by road.

(2) If—

(a) the dangerous goods being carried are UN 2908, 2909, 2910 or 2911 or any combination of such goods;

(b) the number of packages being carried in the transport unit does not exceed 10;

(c) the sum of the transport indexes of the packages does not exceed 3; and

(d) no other dangerous goods are being carried in or on the transport unit,

the requirements of Section 8.1.4 that would otherwise apply pursuant to regulation 63(5) do not apply.

#### **Exemption from the prohibition on opening packages**

**32.**—(1) This regulation does not apply to, or in relation to, the carriage of class 7 goods.

(2) If the carrier has authorised the driver or driver's assistant to open a package, the requirement of Sub-section 8.3.3 that would otherwise apply pursuant to regulation 63(7) does not apply.

### **Supervision requirements for vehicles carrying class 1 goods**

**33.**—(1) Paragraph (2) applies to, and in relation to, the carriage of class 1 goods.

(2) If the circumstances specified in paragraph (3) or (4) apply, compliance with Chapter 8.4 and special provision S1:(6) of Chapter 8.5 pursuant to regulation 63(5) and (7) is not required.

(3) The vehicle is at a stop within—

- (a) a safe and secure place; or
- (b) premises which are under the control of the Secretary of State for Defence,

and any class 1 goods being carried are listed in Table 1, 2 or 3 of Schedule 4.

(4) The conditions specified in paragraphs (5) to (8) are satisfied.

(5) The load consists of—

- (a) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;
- (b) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or
- (c) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number,

or any combination of the goods mentioned at (a), (b) and (c) provided that a weight or quantity specified in (a), (b) or (c) is not exceeded.

(6) The dangerous goods or any of them are to be used on the day of carriage.

(7) Adequate measures for the security of the goods in relation to the vehicle in question have been taken.

(8) The vehicle is parked on a site.

### **The application of Part 9 to vehicles constructed before 1997 and FL, OX and AT vehicles**

**34.**—(1) If a vehicle was constructed before 1st January 1997, compliance with Part 9 pursuant to regulation 65 is not required.

(2) But paragraph (1) does not apply unless the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.

(3) If a FL, OX or AT vehicle—

- (a) is used, or intended to be used, to carry only old tanks which comply with the requirements of Schedule 2; and
- (b) does not meet all of the requirements in Sections 9.7.2 and 9.7.3 applicable to old tanks and fastenings attaching old tanks to vehicles,

the requirement for that vehicle to be subject to an annual technical inspection in accordance with Sub-section 9.1.2.3 pursuant to regulation 65 does not apply.

(4) In paragraph (3), “FL, OX or AT vehicle” shall be construed in accordance with Sub-section 9.1.1.2.

*Exceptions arising from or connected to the application of ADR and RID*

**International carriage**

**35.**—(1) This regulation applies if the carriage is part of an international transport operation.

(2) Regulations 14 to 34 and 91 do not apply.

(3) But regulations 19, 20, 23, 29, 31, 33 and 34 apply to such parts of an international transport operation as are undertaken for the purpose of—

- (a) delivering goods to an airport for their onward carriage by air;
- (b) delivering goods to a harbour area for their onward carriage by sea;
- (c) carrying goods from an airport where those goods have arrived at that airport by air (and the goods have not been carried from the airport since their arrival); or
- (d) carrying goods from a harbour area where those goods have arrived at that harbour area by sea (and the goods have not been carried from the harbour area since their arrival),

provided that that part of the international transport operation takes place entirely within Great Britain.

**Non-application arising from the provisions of Section 1.1.3**

**36.**—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, carriage in the circumstances and to the extent that Section 1.1.3 provides that the provisions of ADR or RID do not apply to carriage.

(2) But Parts 2 and 5 of these Regulations do apply to the extent that regulation 89 provides that they apply.

**Applicability of other regulations relating to the carriage of dangerous goods and the applicability of ADR and the provisions of these Regulations relating to carriage by road to piggyback transport**

**37.**—(1) Parts 2 and 5 of these Regulations do not apply to the extent that they would otherwise prevent the acceptance for carriage of packages, containers, portable tanks and tank-containers which do not meet—

- (a) the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply in consequence of Part 2 of these Regulations; or
- (b) the modified placarding, marking and plate marking requirements of regulation 91,

but which comply with the requirements of Sub-section 1.1.4.2.

(2) Parts 2 and 5 of these Regulations do not apply to the extent that they would otherwise prevent the use of portable tanks which comply with the requirements of Sub-section 1.1.4.3.

(3) Paragraph (4) applies to, and in relation to, carriage by rail.

(4) Parts 2 and 5 of these Regulations do not apply to the extent they would otherwise prevent the carriage of dangerous goods by piggyback transport where that carriage complies with the requirements of Sub-section 1.1.4.4.

(5) But paragraph (4) does not apply to, or in relation to, the carriage of—

- (a) explosives of class 1, compatibility group A (UN 0074, 0113, 0114, 0129, 0130, 0135, 0224 and 0473);
- (b) self-reactive substances of class 4.1 requiring temperature control (UN 3231 to 3240);

- (c) organic peroxides of class 5.2 requiring temperature control (UN 3111 to 3120); and
- (d) sulphur trioxide at least 99.95% pure, without inhibitor, carried in tanks (UN 1829).

(6) Parts 2 and 5 of these Regulations do not apply to the extent, and in the circumstances, that Sub-section 1.1.4.5 provides that the provisions of ADR or RID do not apply.

(7) For the purposes of this regulation, Sub-section 1.1.4.4 applies as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 in so far as they relate to carriage by road” were included after the words “provisions of ADR”.