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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 2

#### REQUIREMENTS OF ADR AND RID

##### Training

**38.**—(1) A person involved in the carriage of dangerous goods shall ensure that he and those of his employees whose responsibilities are concerned with such carriage—

- (a) in the case of carriage by road, receive training which complies with, and is documented in accordance with, the requirements in Chapter 1.3 and Section 8.2.3; or
- (b) in the case of carriage by rail, receive training which complies with, and is documented in accordance with, the requirements in Chapter 1.3.

(2) But paragraph (1) does not apply to drivers who are required to receive training in accordance with regulation 64.

##### Safety obligations

**39.**—(1) A person involved in carriage shall comply with—

- (a) the general safety measures in Chapter 1.4; and
- (b) any particular safety obligations in Chapter 1.4 applying to him.

(2) But a consignor carrying goods by road on his own behalf is not required to comply with Sub-section 1.4.2.1.1(b) pursuant to sub-paragraph (1)(b) if the quantity of goods being carried does not exceed the maximum total quantity per transport unit specified in the table in Sub-section 1.1.3.6.3.

##### Temporary derogations under Section 1.5.1

**40.**—(1) In relation to carriage that takes place wholly within Great Britain it shall not be a contravention of these Regulations to carry dangerous goods in compliance with a temporary derogation agreed pursuant to Sub-section 1.5.1.1 to which the United Kingdom is a party.

(2) In this regulation, “temporary derogation” shall be construed in accordance with Section 1.5.1.

##### Transitional measures

**41.**—(1) The provisions of Chapter 1.6 shall apply.

(2) To the extent that any other requirement of ADR or RID which applies pursuant to these Regulations conflicts with a provision of Chapter 1.6, the provision of Chapter 1.6 shall prevail to the extent of the conflict.

**Requirements relating to the carriage of class 7 goods**

42.—(1) This regulation applies to, and in relation to, the carriage of class 7 goods.

(2) A person involved in the carriage of class 7 goods shall ensure that the requirements of Sub-section 1.7.2 in relation to the establishment and implementation of a radiation protection programme are fulfilled by him or on his behalf.

(3) To the extent that Sub-section 1.7.2 requires a consignor, carrier or consignee to include in a radiation protection programme measures relating to the exposure of his employees, agents or others involved in the carriage of goods to radiation, he shall be regarded as meeting his obligations under paragraph (2) if he complies with regulations 7 to 12 of the Ionising Radiations Regulations 1999<sup>(1)</sup>.

(4) But paragraph (3) does not apply in relation to—

- (a) measures relating to a radiological emergency; or
- (b) the requirement of Sub-section 1.7.2 to incorporate the requirements of—
  - (i) in ADR, CV33 (1.1); or
  - (ii) in RID, CW33 (1.1),
 of Sub-section 7.5.11.

(5) The requirements of Schedule 5 shall be complied with in relation to radiological emergencies.

(6) A person who complies with the requirements of Schedule 5 shall be regarded as meeting the requirements of paragraph (2) to the extent they relate to a radiological emergency.

(7) A—

- (a) manufacturer of packaging, special form radioactive material or low dispersible radioactive material; and
- (b) consignor, packer, loader, filler and carrier of class 7 goods,

shall ensure that the requirements of Sub-section 1.7.3 in relation to the establishment and implementation of a quality assurance programme are fulfilled by him or on his behalf.

(8) A—

- (a) manufacturer of packaging, special form radioactive material or low dispersible radioactive material; and
- (b) consignor, packer, loader, filler and carrier of class 7 goods,

shall provide the documentation, information and facilities for inspection referred to in, and demonstrate the matters set out in sub-paragraphs (a) and (b) of, Section 1.7.3 to the GB competent authority when requested to do so.

(9) To the extent that this regulation places obligations on the consignor, carrier or consignee of class 7 goods by reference to Sub-section 1.7.2 or 1.7.3, the packer and filler of those goods shall ensure that the consignor, carrier or consignee is provided with such information as is within the knowledge of the packer or filler as would assist the consignor, carrier or consignee to comply with the obligations placed on him by this regulation.

(10) A consignor shall not consign, and a carrier shall not carry, class 7 goods if it is impractical to ensure that the consignment complies with any requirement of this Part of these Regulations which is applicable to the consignment in question.

(11) But paragraph (10) does not apply if the goods are being consigned by special arrangement and the consignment complies with the requirements of Sub-section 1.7.4.2 for carriage by special arrangement.

(1) [S.I. 1999/3232](#).

(12) A consignor, packer, filler, loader and carrier shall ensure that the requirements of Sub-section 1.7.5 in relation to subsidiary risk are satisfied.

(13) In the event of non-compliance with any limit which is applicable to radiation levels or contamination, the consignor, carrier and consignee shall comply with the requirements of Section 1.7.6.

(14) In this regulation, “subsidiary risk” shall be construed in accordance with Section 1.7.5.

### **Safety advisers**

**43.**—(1) This regulation does not apply to a person if—

- (a) his main or secondary activity is not the carriage or the related loading of dangerous goods by road, rail or inland waterway; and
- (b) he only engages in the carriage, or the related loading, of dangerous goods within Great Britain occasionally and that carriage poses little or no danger or risk of pollution.

(2) This regulation does not apply to a person whose activities only concern the carriage by road, rail or inland waterway of dangerous goods where the quantity of dangerous goods in each—

- (a) transport unit, in relation to carriage by road;
- (b) wagon or large container, in relation to carriage by rail; or
- (c) vessel, in relation to carriage by inland waterway,

is less than that specified for the goods in question in Sub-section 1.1.3.6 or Chapters 3.3 and 3.4.

(3) A carrier, filler and loader shall comply with the requirements relating to the appointment and duties of safety advisers in Sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9.

(4) When requested to do so by the GB competent authority or an enforcing authority, a person required by paragraph (3) to appoint a safety adviser shall provide to the requesting authority—

- (a) a copy of the annual report prepared in accordance with Sub-section 1.8.3.3;
- (b) the identity of the safety adviser in accordance with Sub-section 1.8.3.5; and
- (c) a copy of any accident report prepared in compliance with Sub-section 1.8.3.6.

(5) In this regulation, “enforcing authority” shall be construed in accordance with regulation 92.

### **Reports on accidents or incidents**

**44.** Where a serious accident or incident takes place during the carriage of dangerous goods as described in Sub-sections 1.8.5.1 and 1.8.5.3, the loader, filler, carrier and consignee shall comply with the reporting requirements in Sub-section 1.8.5.1.

### **Security provisions**

**45.**—(1) Paragraph (2) does not apply to, or in relation to, the carriage of Category I/II nuclear material or Category III nuclear material.

(2) Any person involved in the carriage of dangerous goods shall comply with—

- (a) the general security measures in Chapter 1.10; and
- (b) any particular security obligations in Chapter 1.10 applying to him.

(3) In this regulation—

- (a) “Category I/II nuclear material” has the meaning given in regulation 3(3) of the Nuclear Industries Security Regulations 2003(2); and

- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

### **Emergency plans for marshalling yards**

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

(2) The railway infrastructure manager shall comply with the requirements of Chapter 1.11, relating to the preparation of internal emergency plans for marshalling yards.

### **Classification of goods**

**47.**—(1) A consignor shall not consign dangerous goods for carriage unless the goods have been classified—

- (a) in accordance with any general requirements applicable to the goods in question in Chapter 2.1;
- (b) in accordance with any class specific requirements applicable to the goods in question in Chapter 2.2, as indicated in columns (3a) and (3b) of Table A of Chapter 3.2; and
- (c) using the test methods applicable to the goods in question required by Chapters 2.2 and 2.3.

(2) A consignor complying with sub-paragraph (1)(a) shall allocate a—

- (a) UN number as indicated in column (1) of Table A of Chapter 3.2;
  - (b) name and description for the goods, as indicated in column (2) of Table A of Chapter 3.2; and
  - (c) packing group for the goods, as indicated in column (4) of Table A of Chapter 3.2,
- that is appropriate to the goods in question.

### **Prohibition from carriage**

**48.** A carrier shall not—

- (a) accept for carriage any dangerous goods which Chapter 2.2 provides shall not be carried; and
- (b) carry dangerous goods in a manner contrary to any requirements of Chapter 2.2 relating to the goods in question.

### **Dangerous goods list and special provisions**

**49.**—(1) If a person is required to comply with a special provision indicated in column (6), (9a), (11), (13) or (16) to (19) of Table A of Chapter 3.2 and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part of these Regulations then that special provision shall prevail to the extent of the conflict.

(2) For the purposes of this Part of these Regulations, a column of Table A of Chapter 3.2 is to be construed in accordance with Section 3.2.1.

(3) If any person complies, pursuant to this Part of these Regulations, with any requirement of Parts 2, 5 or 6 of ADR or of RID which relates to the use of a proper shipping name, then that person is to comply with any requirements in Section 3.1.2 that are applicable to the goods in question.

(4) Any person involved in the carriage of dangerous goods shall ensure, in relation to matters within his control, that any special provisions in Chapter 3.3 which relate to the goods in question, as indicated in column (6) of Table A of Chapter 3.2, are complied with to the extent that they impose requirements relating to those goods.

(5) In this regulation, “proper shipping name” shall be construed in accordance with Section 3.1.2.

### **Goods packed in limited quantities**

**50.**—(1) This regulation applies to, and in relation to, the carriage of goods packed in limited quantities.

(2) A consignor, packer and carrier shall comply with the provisions of Chapter 3.4 applicable to the carriage.

(3) To the extent that any requirement of ADR or RID which applies pursuant to this Part of these Regulations conflicts with a provision of Chapter 3.4, the provision of Chapter 3.4 shall prevail to the extent of the conflict.

(4) In this regulation, “limited quantities” shall be construed in accordance with column (7) of Table A of Chapter 3.2 and the table in Section 3.4.6.

### **Use of packaging and packages**

**51.**—(1) A packer and a consignor shall ensure that a package or packaging is constructed, tested, inspected, maintained, repaired, reconditioned and approved in accordance with the provisions specified in paragraph (3).

(2) A packer and a consignor shall ensure that dangerous goods for carriage are packed in accordance with the provisions specified in paragraph (3).

(3) The provisions are—

- (a) any general packing provisions in Sections 4.1.1 to 4.1.3 applicable to the goods and packaging in question;
- (b) any packing instruction in Section 4.1.4 applicable to the goods in question, as indicated in column (8) of Table A of Chapter 3.2;
- (c) any special packing provisions in Sections 4.1.5 to 4.1.9 applicable to the goods in question;
- (d) any special packing provisions in Section 4.1.4 applicable to the goods in question, as indicated in column (9a) of Table A of Chapter 3.2; and
- (e) any special provisions for mixed packing in Section 4.1.10 applicable to the goods in question, as indicated in column (9b) of Table A of Chapter 3.2.

### **Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN MEGCs**

**52.**—(1) A consignor shall not consign dangerous goods in a portable tank, and a filler shall not fill a portable tank with dangerous goods, unless the conditions in paragraph (2) and (3) are satisfied.

(2) There is a portable tank instruction in column (10) of Table A of Chapter 3.2 in relation to the goods in question.

(3) The tank is used in accordance with any—

- (a) general and additional provisions in Chapter 4.2;
- (b) requirements referred to in the portable tank instruction in Sub-section 4.2.5.2, as indicated in column (10) of Table A of Chapter 3.2; and
- (c) special provisions in Sub-section 4.2.5.3, as indicated in column (11) of Table A of Chapter 3.2,

which are applicable to the goods in question.

(4) An owner of a portable tank shall comply with the requirements of Sub-section 4.2.1.7 to retain the documents specified in that Sub-section and to produce them, or any of them, to the GB competent authority upon request.

(5) A consignor of dangerous goods using, and a filler filling, a UN MEGC for carriage of dangerous goods shall ensure—

- (a) the goods are not consigned and the UN MEGC is not filled unless there is an “(M)” in column (10) of Table A of Chapter 3.2 in relation to such goods; and
- (b) the UN MEGC is used in accordance with Section 4.2.4.

(6) A consignor of dangerous goods using, and a filler filling, any battery-vehicle, battery-wagon, MEGC or tank for carriage of dangerous goods shall ensure that those goods are not carried in the equipment in question unless the conditions in paragraphs (7) and (8) are satisfied.

(7) There is a tank code in column (12) of Table A of Chapter 3.2 in relation to the goods in question.

(8) The equipment is used in accordance with—

- (a) the requirements referred to in the tank code in Sub-section 4.3.3.1.1 (for class 2 goods) or 4.3.4.1.1 (for class 3 to 9 goods) indicated in column (12) of Table A of Chapter 3.2;
- (b) any provisions of Chapters 4.3 to 4.5 which are applicable to the equipment and dangerous goods in question; and
- (c) any special provisions applicable to the equipment and the dangerous goods in question in Section 4.3.5, as indicated in column (13) of Table A.

(9) An owner and an operator of a tank shall comply with the requirements of Sub-section 4.3.2.1.7 relating to tank records.

## **Consignment**

**53.**—(1) A packer and a consignor of dangerous goods shall ensure that packages are—

- (a) marked; and
- (b) labelled, as indicated in column (5) of Table A of Chapter 3.2,

in accordance with the requirements of Sections 5.1.1, 5.1.3 and 5.1.4, Chapter 5.2 and Section 5.5.1 which are applicable to the goods in question.

(2) A person using an overpack shall comply with the requirements of Section 5.1.2 and Sub-sections 5.2.2.1.11 and 5.4.1.2.5.

(3) A packer and a consignor of class 7 goods for carriage shall ensure that the requirements of Section 5.1.5 relating to shipment, approval, notification and certification are met.

(4) A loader, consignor, carrier and a filler shall ensure that any container, MEGC, UN MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the—

- (a) placards which correspond to the labels required in accordance with paragraph (1), as indicated in column (5) of Table A of Chapter 3.2;
- (b) marks, labels and plate markings; and
- (c) hazard identification number indicated in column (20) of Table A of Chapter 3.2,

required by Chapters 5.3 and 5.5 which are applicable to the goods in question.

(5) But paragraph (4) is subject to regulation 91(4).

(6) A consignor and a carrier shall ensure that the consignment is accompanied by the documentation required by Chapters 5.4 and 5.5.

(7) But paragraph (6) is, to the extent it relates to carriage by rail, subject to regulation 91(6).

### **Construction and testing of packaging**

**54.**—(1) This regulation applies to packaging which is intended to be used for the carriage of dangerous goods.

(2) But this regulation does not apply in relation to an item mentioned in Sub-section 6.1.1.1 in the circumstances that Sub-section 6.1.1.1 provides that the requirements of Chapter 6.1 do not apply to that item.

(3) A manufacturer of a packaging shall ensure that it is manufactured, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(4) A person reconditioning a packaging shall ensure that it is reconditioned, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(5) A person remanufacturing a packaging shall ensure that it is remanufactured, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(6) A manufacturer and a subsequent distributor of a packaging shall ensure that the information referred to in Sub-section 6.1.1.5 which is applicable to the packaging is given to the consignor and the packer before the packaging is presented for carriage.

(7) A manufacturer and a subsequent distributor of a packaging shall ensure that the test report referred to in Sub-section 6.1.5.8.1 which is applicable to the packaging is made available to the consignor and the packer before the packaging is presented for carriage.

### **Construction and testing of pressure receptacles, aerosol dispensers and gas cartridges**

**55.**—(1) This regulation applies in relation to pressure receptacles, aerosol dispensers and gas cartridges intended to be used for the carriage of dangerous goods.

(2) A manufacturer of—

- (a) a pressure receptacle, other than a UN pressure receptacle, shall ensure that the pressure receptacle and its service equipment are designed, calculated, manufactured, equipped, approved, inspected, tested and marked in accordance with Sub-sections 6.2.1 to 6.2.3; and
- (b) a UN pressure receptacle shall ensure that the pressure receptacle and its service equipment are designed, calculated, manufactured, equipped, approved, inspected, tested and marked in accordance with Sub-sections 6.2.1 and 6.2.5.

(3) An owner and a packer of—

- (a) a pressure receptacle, other than a UN pressure receptacle, shall ensure that the pressure receptacle and its service equipment are periodically inspected, tested and marked in accordance with Sub-sections 6.2.1 to 6.2.3; and
- (b) a UN pressure receptacle shall ensure that the pressure receptacle and its service equipment are periodically inspected, tested and marked in accordance with Sub-sections 6.2.1 and 6.2.5.

(4) A manufacturer, consignor and a packer of an aerosol dispenser or gas cartridge shall ensure that the gas cartridge or aerosol dispenser is manufactured, tested and marked in accordance with Section 6.2.4.

(5) In this regulation, “UN pressure receptacle” means a pressure receptacle that is constructed in accordance with the provisions of Chapter 6.2 of the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, as revised or reissued from time to time(3).

**Construction and testing of packaging for class 6.2 goods**

56.—(1) This regulation applies in relation to packaging which is intended to be used for the carriage of class 6.2 goods.

(2) But if the packaging is for carrying UN 3291 and is identified as being authorized in packaging instruction P621 in Sub-section 4.1.4.1, this regulation does not apply if the packaging meets the requirements of P621 that apply in relation to it.

(3) A manufacturer shall ensure that packaging is constructed, manufactured, tested and marked in accordance with Chapter 6.3.

(4) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.3.1.3 and 6.3.3.1 are fulfilled before the packaging is presented for carriage.

**Construction, testing and approval of special form radioactive material, low dispersible radioactive material, packages and packaging for class 7 goods**

57.—(1) This regulation applies to, and in relation to, the carriage of class 7 goods.

(2) A designer responsible for the design of a package shall ensure that it is designed so that the requirements of Sections 6.4.1 to 6.4.11 are met and is tested in accordance with Sections 6.4.12 to 6.4.20.

(3) If design approval in relation to a package is required in accordance with Section 6.4.22, a designer shall apply for and obtain that approval in accordance with Sub-sections 6.4.23.4 to 6.4.23.8 before commissioning the manufacture and distribution of that package.

(4) A designer of a package shall provide a manufacturer with sufficient instructions as will allow the manufacturer to comply with the construction requirements of Chapter 6.4 in relation to the packaging of that package.

(5) A designer of a package shall supply the information required to be supplied by Sub-section 6.4.23.15.

(6) A manufacturer shall ensure that packaging is manufactured in accordance with—

- (a) if design approval is required pursuant to paragraph (3) in relation to that packaging, the design approved pursuant to that approval; or
- (b) otherwise, the instructions provided by the designer in relation to the construction of that packaging.

(7) A manufacturer and a subsequent distributor shall ensure that the information requirements referred to in Sub-section 6.4.2.12 are fulfilled before a package is presented for carriage.

(8) A consignor and a packer shall ensure that a package is inspected and marked in accordance with Section 6.4.21.

(9) If, pursuant to regulation 53(3), a consignor is required to obtain—

- (a) shipment approval in accordance with Sub-section 5.1.5.2.2; or
- (b) shipment approval by special arrangement in accordance with Sub-section 5.1.5.2.3,

he shall comply with paragraph (10).

(10) Before consigning the dangerous goods the consignor shall—

- (a) make an application for shipment approval; and
- (b) ensure that he has obtained an approval certificate,

in accordance with Sub-sections 6.4.23.2 and 6.4.23.3 in relation to that consignment.

(11) In this regulation, a reference to “package” includes a reference to—



- (a) packaging;
- (b) special form radioactive material; and
- (c) low dispersible radioactive material.

### **Construction and testing of IBCs**

**58.**—(1) A manufacturer shall ensure that an IBC and its service equipment is constructed, tested, inspected and marked in accordance with Chapter 6.5.

(2) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.5.1.1.4 and 6.5.6.13 are fulfilled before the packaging is presented for carriage.

(3) An owner shall ensure that an IBC and its service equipment is tested, inspected, marked, repaired and routinely maintained in accordance with Chapter 6.5.

(4) An owner shall keep the inspection and test reports in accordance with Sub-section 6.5.4.4.3.

### **Construction and testing of large packaging**

**59.**—(1) This regulation applies to large packaging.

(2) But this regulation does not apply to large packaging to the extent that Sub-section 6.6.1.1 provides that the provisions of Chapter 6.6 do not apply to large packaging.

(3) A manufacturer shall ensure that large packaging is constructed, tested and marked in accordance with Chapter 6.6.

(4) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.6.1.4 and 6.6.5.4.2 are fulfilled before the large packaging is presented for carriage.

### **Construction and testing of tanks etc.**

**60.**—(1) A manufacturer of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that it and its equipment are designed, constructed, manufactured, inspected, tested, approved and marked in accordance with Chapters 6.7 to 6.10.

(2) An owner, filler and operator of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that it and its equipment are periodically tested and inspected in accordance with Chapters 6.7 to 6.10.

(3) An expert or body approved to perform an initial or periodic inspection, test or approval of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC or its equipment shall ensure that the inspection, test or approval is carried out in accordance with Chapters 6.7 to 6.10.

(4) An owner or operator of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that any certificate issued following an inspection, test or approval, pursuant to paragraph (3), is attached to the tank record.

### **Construction and testing of bulk containers**

**61.** A manufacturer, owner, operator and a filler shall ensure that a bulk container and its service and structural equipment is designed, constructed, inspected, tested, approved and marked in accordance with Chapter 6.11.

**Carriage, loading, unloading and handling**

62.—(1) A carrier, loader and a filler of dangerous goods for carriage in a large container, portable tank or tank-container shall ensure that the requirements in Chapter 7.1 that are applicable to the type of equipment or the goods in question are met.

(2) A carrier and a loader of dangerous goods for carriage in packages, shall ensure that—

- (a) any special provisions of Section 7.2.4, where indicated in column (16) of Table A of Chapter 3.2; and
- (b) any other requirements of Chapter 7.2,

that are applicable to the type of packages or the goods in question are met.

(3) A carrier and a filler shall ensure that the dangerous goods are not carried in bulk in bulk containers, containers, vehicles or wagons—

- (a) unless the carriage is authorised by Section 7.3.1 or columns (10) or (17) of Table A of Chapter 3.2; and
- (b) any requirements specified in those columns and in Chapter 7.3, which are applicable to the goods, bulk containers, container, vehicle or wagon in question, are met.

(4) A carrier and a filler of a tank shall ensure that dangerous goods are not carried unless—

- (a) the carriage is authorised by Chapter 7.4 and—
  - (i) column (10) of Table A of Chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank in accordance with paragraph 6.7.1.3; or
  - (ii) column (12) of Table A of Chapter 3.2; and
- (b) the requirements relating to carriage in tanks in Section 7.4.1, in relation to carriage by road, or of Chapter 7.4, in relation to carriage by rail, which are applicable to the tank or the vehicle in question are met.

(5) A carrier and a filler of a tank for carriage by road shall ensure that dangerous goods are not carried unless the requirements relating to the type of vehicle to be used in Section 7.4.2, as indicated in column (14) of Table A of Chapter 3.2, are met.

(6) A carrier, loader and a filler of equipment, a wagon, vehicle or a transport unit shall ensure that the requirements in Sections—

- (a) 7.5.1 to 7.5.7, 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of Chapter 3.2), in relation to carriage by road; or
- (b) 7.5.1 to 7.5.4 and 7.5.11 (as indicated in column (18) of Table A of Chapter 3.2), in relation to carriage by rail,

relating to the loading, unloading and handling of the goods which are applicable to the load in question, are met.

(7) A carrier shall ensure that the requirements in Section 7.5.8 are met.

(8) A carrier and a filler of equipment or a vehicle for carriage by road shall ensure that the requirements of Section 7.5.10 are met.

(9) The operations referred to in special provision CV1(1) of Section 7.5.11 may be carried out without permission from, or prior notice being given to, the GB competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.

(10) A consignor, carrier and a packer of dangerous goods for carriage by rail shall ensure that the dangerous goods are not carried as express goods unless—

- (a) the carriage is authorised as indicated in column (19) of Table A of Chapter 3.2; and

- (b) any special provisions in Chapter 7.6 indicated in that column for the goods in question are met.

(11) In this regulation, “express goods” shall be construed in accordance with the Regulations concerning the International Carriage of Express Parcels by Rail which form Annex IV to Appendix B to COTIF(4).

### **Vehicle crews (other than training), equipment, operation and documentation**

**63.**—(1) This regulation applies to carriage by road.

(2) But this regulation does not apply to the extent that, but for this paragraph, it would impose requirements in relation to the training of members of a vehicle crew.

(3) If either of the conditions in paragraph (4) is satisfied, this regulation does not apply to the extent that, but for this paragraph, it would require a vehicle to be equipped with the fire fighting equipment specified in Section 8.1.4.

(4) The conditions are—

- (a) the vehicle is being loaded or unloaded; and
- (b) the vehicle is a trailer that is not attached to a motor vehicle.

(5) A carrier shall ensure that a transport unit carrying dangerous goods complies with—

- (a) the requirements of Sections 8.1.1 and 8.1.3 to 8.1.5; and
- (b) any additional requirements specified in Chapter 8.5 that are applicable to the goods in question.

(6) Paragraph (7) does not apply in relation to any requirements that are to be complied with pursuant to paragraph (5).

(7) The carrier and each member of the vehicle crew shall ensure that the requirements of Section 8.1.2 and Chapters 8.3 to 8.5 which are applicable to the goods in question, are met.

(8) In the event of an accident or emergency involving carriage, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing, required to be carried on the transport unit pursuant to the requirement of paragraph (7) to meet the requirements of Sub-section 8.1.2.1(b), are complied with.

(9) For the purposes of paragraphs (5)(b) and (7), the requirements of Chapter 8.5 which are applicable to the goods in question are indicated in column (19) of Table A of Chapter 3.2.

(10) The requirements in special provisions S1:(4)(d) and (5)(a) of Chapter 8.5 which apply pursuant to this regulation apply to the extent that it is practicable for the carrier or the vehicle crew to comply with those requirements.

(11) Paragraph (12) applies to carriage through a road tunnel.

(12) The carrier and each member of the vehicle crew shall comply with any restriction specified in Sections 8.6.3 and 8.6.4 relevant to the goods being carried.

(13) In this regulation, “restriction” shall be construed in accordance with Section 1.9.5.

### **Training of the vehicle crew**

**64.**—(1) This regulation applies to carriage by road.

(2) A carrier shall ensure that a driver required to be trained in accordance with Sub-section 8.2.1.1—

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

- (a) has received training which complies with Section 8.2.1 which is relevant to the goods, person and type of vehicle in question;
  - (b) has received any special training required by Chapter 8.5 in relation to the goods in question; and
  - (c) holds a certificate, issued by the competent authority, stating that the driver has participated in a training course, and passed an examination in accordance with the requirements of Chapter 8.2, in relation to the carriage of the goods in question.
- (3) For the purposes of paragraphs (2)(b), the requirements of Chapter 8.5 which are applicable to the goods in question are indicated in column (19) of Table A of Chapter 3.2.
- (4) The person carrying out any training provided for by Chapter 8.2 shall ensure that that training complies with Sub-sections 8.2.2.1 to 8.2.2.6.
- (5) Paragraphs (6) and (7) apply to, and in relation to, the carriage of class 7 goods.
- (6) To the extent that S12 of Chapter 8.5 provides that the requirements of S11 of that Chapter shall not apply to, or in relation to, carriage, the carrier need not comply with his obligations under paragraph (2).
- (7) To the extent that a carrier does not comply with paragraph (2) pursuant to paragraph (6), he shall ensure that the driver—
- (a) has received the awareness training mentioned in S12 of Chapter 8.5; and
  - (b) holds a certificate confirming that the driver has received the training referred to in sub-paragraph (a).

### **Construction and approval of vehicles**

**65.**—(1) This regulation applies to carriage by road.

(2) A carrier shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.