
STATUTORY INSTRUMENTS

2009 No. 1348

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 and come into force on 1st July 2009.

Interpretation - General

2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.

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

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

(3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the same meaning as in—

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

(4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the same meaning as in that Directive.

(5) The expressions mentioned in column 1 of the Table have the meanings given in column 2.

Table

<i>Column 1</i>	<i>Column 2</i>
“the 2007 Regulations”	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007
	M1
	.

“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway ^{M2} , as revised or reissued from time to time.
“ADR”	Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road ^{M3} , as revised or reissued from time to time. But— <ul style="list-style-type: none"> (a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and (b) in regulation 14(6)(b) it means Annexes A and B as in force on the date in question.
[^{F1} “the Annexes”	Subject to paragraphs (6) and (7), Annexes I and II to the Dangerous Goods Directive.]
[^{F1} “appointed body”	A body appointed to carry out inspections of and tests on transportable pressure equipment by the GB competent authority under regulation 29 for the purposes of ADR and RID (as applicable).]
“armed forces”	Means— <ul style="list-style-type: none"> (a) one of Her Majesty's Forces within the meaning of the Armed Forces Act 2006^{M4}; (b) the Ministry of Defence Police^{M5}; (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952^{M6}; or (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964^{M7}.
[^{F2} “certificate of conformity”	The document issued to confirm successful completion of a conformity assessment.]
[^{F3} “civil carriage of class 7 goods”	The carriage of class 7 goods by road, rail or inland waterway otherwise than for the purposes of the department of Secretary of State having responsibility for Defence.]
[^{F4} “conformity assessment”	The assessment and the procedure for assessment of conformity set out in— <ul style="list-style-type: none"> (a) the Annexes to the Dangerous Goods Directive, where the assessment by an appointed body will culminate in the equipment being marked with the UK TPE marking; or (b) the Directives, where the assessment by a notified body will culminate in the equipment being marked with the pi marking.]
F5	F5
.
“COTIF”	The Convention concerning International Carriage by Rail ^{M8} , as revised or re-issued from time to time.

- “the Dangerous Goods Directive” ^{F6}Subject to paragraphs (6) and (7),] Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods ^{M9}
- , ^{F7}as it had effect immediately before IP completion day].
- [^{F8}the “Directives” ^{F9}Subject to paragraphs (6) and (7), the] Dangerous Goods Directive and the Transportable Pressure Equipment Directive.]
- [^{F10}“distributed” Subject to regulation 19(3)(b) and (4)(b), any person established in the United Kingdom, other than the manufacturer or the importer, who makes transportable pressure equipment, or parts thereof, available on the GB market.]
- “fire and rescue authority” ^{M10} The fire and rescue authority under the Fire and Rescue Services Act 2004
- “the GB competent authority” The competent authority in Great Britain for the purposes of these Regulations as determined under regulation 25.
But a reference to “2007 GB Competent Authority” is a reference to the competent authority in Great Britain for the purposes of the 2007 Regulations.
- [^{F11}“importer” Subject to regulation 19(3)(a) and (4)(a), a person who—
(a) is established in the United Kingdom; and
(b) places transportable pressure equipment or parts thereof from a country outside of the United Kingdom, on the GB market.]
- [^{F11}“making available on the GB market” and like expressions Subsequent to the transportable pressure equipment being placed on the Great Britain market, any supply of that equipment for distribution or use on that market in the course of a commercial or public service activity, [^{F12}including any supply on a hire, lease or rental basis,] whether in return for payment or free of charge.]
- [^{F11}“manufactured in series to a design type” Equipment that is one of a series of products manufactured to the same design.]
- [^{F11}“manufacturer” A person who—
(a) manufactures transportable pressure equipment, or parts thereof, or who has such equipment designed or manufactured; and
(b) markets it under their own name or trademark.]
- “national carriage” Carriage that includes carriage in Great Britain and does not include carriage outside the United Kingdom.
- [^{F13}“Northern Ireland competent authority” The competent authority in Northern Ireland, as defined in regulation 21 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, under regulation 25 of those Regulations.]
- [^{F14}“Northern Ireland TPE” ^{F14}Transportable pressure equipment which—
(a) complies with Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, and

- (b) is “qualifying Northern Ireland goods” within the meaning given in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]
- [^{F13}“notified body” An inspection body appearing on the list published by the European Commission pursuant to article 23(2) of the Transportable Pressure Equipment Directive.]
- [^{F13}“operator” A person established in a relevant territory who uses transportable pressure equipment.]
- [^{F13}“owner” A person established in the United Kingdom who owns transportable pressure equipment.]
- [^{F13}“pi marking” The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of which is set out in article 15 of that Directive
^{F15}
... .]
- [^{F13}“pi marked TPE” Transportable pressure equipment bearing the pi marking [^{F16}, but excluding Northern Ireland TPE] .]
- [^{F13}“placing on the GB market” and like expressions
^{F17} ^{F17}
... .
- [^{F18}“relevant territory” Great Britain, Northern Ireland or a member State of the EU.]
- “RID” The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF ^{M11}, as revised or reissued from time to time.
But—
- (a) to the extent that a reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and
- (b) in regulation 14(6)(b) it means the Annex as in force on the date in question.
- “the security provisions” The prohibitions and requirements of Chapter 1.10 (including those requirements deemed to be part of ADR in consequence of regulations 7 and 8.)
- [^{F19}“TPED competent authority” The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland [^{F20} or a member State of the EU.]]
- [^{F21}“the Transportable Pressure Equipment Directive” Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives [76/767/EEC](#), [84/525/EEC](#), [84/526/EEC](#), [84/527/EEC](#) and [1999/36/EC](#) [^{F22}, as it had effect immediately before IP completion day].]

- [^{F23}“UK TPE” Transportable pressure equipment bearing the UK TPE marking.]
- [^{F23}“UK TPE marking” The marking in the form published in accordance with regulation 22B.]
- “vehicle” Has the meaning given in article 2 of the Dangerous Goods Directive except that the words “at least four wheels and” are to be omitted.
- “wagon” Has the meaning given in article 2 of the Dangerous Goods Directive.

[^{F24}(6) References to—

- (a) “the Annexes”;
- (b) “the Dangerous Goods Directive”; and
- (c) “the Directives”;

are subject to the modification identified in paragraph (7).

- (a) (7) (a) Section I.1 of Annex I; and
- (b) Section II.1 of Annex II

to the Dangerous Goods Directive are to be read as if “as applicable with effect from 1 January 2019,” had been omitted.]

Textual Amendments

- F1** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(2)**
- F2** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(3)**
- F3** Words in reg. 2(5) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(2)** (with Sch. 4)
- F4** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(4)**
- F5** Words in reg. 2(5) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(5)**
- F6** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(6)(a)**
- F7** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(6)(b)**
- F8** Words in reg. 2(5) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(4)**
- F9** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(7)**

- F10** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(8)**
- F11** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(9)**
- F12** Words in [reg. 2\(5\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **3(a)**
- F13** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(10)**
- F14** Words in [reg. 2\(5\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **3(b)**
- F15** Words in [reg. 2\(5\)](#) omitted (1.1.2023) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **3(c)**
- F16** Words in [reg. 2\(5\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **3(d)**
- F17** Words in reg. 2(5) omitted (S.) (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 26(2)**
- F18** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(11)**
- F19** Words in reg. 2(5) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(6)**
- F20** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(12)**
- F21** Words in reg. 2(5) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(7)**
- F22** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(13)**
- F23** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(14)**
- F24** Reg. 2(6)(7) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(15)**

Marginal Citations

- M1** [S.I. 2007/1573](#).
- M2** ISBN 9789211391343 (2009 edition).
- M3** ISBN 9789211391336 (2009 edition).
- M4** [2006 c.52](#).
- M5** See section 1(1) of the [Ministry of Defence Police Act 1987 \(c.4\)](#).
- M6** [1952 c.67](#).
- M7** [1964 c.5](#).
- M8** Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).
- M9** OJ No L260, 30.9.2008, p.13.
- M10** [2004 c.21](#); section 1(2)(d) was amended by the [Civil Contingencies Act 2004 \(c.36\)](#), **Schedule 2, Part 1**, paragraph 10(1) and (2).

M11 ISBN 9788086206394 (2009 edition).

Interpretation of ADR, RID and ADN for the purposes of these Regulations

3. For the purposes of these Regulations—

- (a) the scope of ADR, RID and ADN is deemed to include national as well as international carriage;
- (b) a member State of the [F25EU] which is not a Contracting Party to ADR or ADN is deemed to be a Contracting Party to ADR or ADN (as the case may be);
- (c) a member State of the [F25EU] which is not a Member State of COTIF is deemed to be a Member State of COTIF;
- (d) a reference in—
 - (i) ADR or RID to “competent military authority”;
 - (ii) ADR or ADN to “Contracting Party”; and
 - (iii) RID to “Member State”,
 is to be treated as a reference to “competent authority” unless the context requires otherwise;
- (e) Sub-section 1.1.4.4 of RID applies as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 in so far as they relate to carriage by road” were included after the words “provisions of ADR”;
- ^{F26}(f)
- ^{F26}(g)
- ^{F26}(h)
- ^{F26}(i)
- (j) the words “The competent authorities of the Contracting Parties may provide that” are omitted from Sub-section 1.8.3.2 of ADR;
- (k) the words “The competent authorities of the Member States may provide that” are omitted from Sub-section 1.8.3.2 of RID;
- (l) the reference in Sub-section 1.8.3.3 to “national authorities” is to be treated as a reference to “the GB competent authority or an enforcement authority”; ^{F27}...
- (m) Sub-section 5.3.4 of RID is omitted[^{F28};
- [^{F28}(n) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of ADR apply as if the words “by the competent authority of a Contracting Party” were included after the word “assigned”; and]
- [^{F28}(o) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of RID apply as if the words “by the competent authority of a Member State of COTIF” were included after the word “assigned”.]

Textual Amendments

- F25** Word in reg. 3(b)(c) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(2)**
- F26** Reg. 3(f)(g)(h)(i) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(3)**
- F27** Word in reg. 3(l) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(4)**

F28 Reg. 3(n)(o) substituted for full stop (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(5)**

Application

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

[^{F29}(1A) Part 5 of these Regulations also applies in relation to the carriage of class 7 goods by inland waterway.]

(2) [^{F30}Parts 1 to 4, 6 and 7 of these Regulations] apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).

(3) These Regulations do not apply in relation to the carriage of dangerous goods on any part of the Channel Tunnel system.

(4) 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^{M12} except that the words “to be” which come before the word “constructed” are omitted.

Textual Amendments

F29 Reg. 4(1A) inserted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **4(a)** (with reg. 9)

F30 Words in reg. 4(2) substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **4(b)** (with reg. 9)

Marginal Citations

M12 1987 c.53.

PART 2

PROHIBITIONS AND REQUIREMENTS

Carriage to be in accordance with ADR or RID

5. No person is to carry dangerous goods, or cause or permit dangerous goods to be carried, where that carriage is prohibited by ADR or RID, including where that carriage does not comply with any applicable requirement of ADR or RID.

Alternative placarding requirements to apply to certain national carriage

6.—(1) This regulation applies in relation to national carriage—

- (a) in a tank;
- (b) in bulk; or
- (c) in relation to carriage by rail, by piggyback transport,

where that carriage is by a United Kingdom vehicle or a United Kingdom wagon.

(2) But this regulation does not apply in relation to carriage—

- (a) of class 7 goods; or

- (b) of any dangerous goods by a vehicle or wagon belonging to or under the responsibility of one of the armed forces.
- (3) For the purposes of regulation 5, the requirements of—
 - (a) Part 1 of Schedule 1 in respect of carriage by road; and
 - (b) Part 2 of Schedule 1 in respect of carriage by rail,are deemed to be requirements of Section 5.3.2 and any conflicting requirements in ADR or RID are to be disregarded.
- (4) In this regulation—
 - (a) a “United Kingdom vehicle” means a vehicle registered by the Secretary of State in accordance with section 21(1) of the Vehicle Excise and Registration Act 1994 ^{M13} or a trailer being towed by such a vehicle; and
 - (b) a “United Kingdom wagon” means a wagon used only for carriage within the United Kingdom.
- (5) In Schedule 1 “emergency action code” is a reference to the emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List ^{M14}, as revised or reissued from time to time.

Marginal Citations

M13 1994 c.22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version.

M14 ISBN 9780113413263 (2009 edition).

Additional security requirements for carriage by road

7.—(1) For the purposes of regulation 5, the requirements set out in paragraphs (2) to (4) are deemed to be requirements of Chapter 1.10 of ADR.

(2) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods must ensure that—

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the class 1 goods are delivered to—
 - (i) the consignee or the consignee's agent; or
 - (ii) a person who is authorised by the consignee to accept custody of the class 1 goods—
 - (aa) for onward despatch; or
 - (bb) in circumstances where the consignee has compelling reasons not to accept the goods in accordance with Sub-section 1.4.2.3,provided they are delivered to qualifying premises;
- (c) the goods are unloaded from the vehicle as soon as is reasonably practicable after it arrives at its place of delivery; and
- (d) any trailer or container containing class 1 goods is not detached, or removed, from the vehicle unless it is in qualifying premises.

(3) But paragraph (2)(d) does not apply in an emergency.

(4) The carrier of a vehicle used for the carriage of class 1 goods must not remove any class 1 goods from the consignor's premises unless ready immediately to despatch them to the consignee or a

person authorised by the consignee to accept custody in the circumstances referred to in paragraph (2) (b)(ii)(aa).

(5) In this regulation—

(a) “designated parking area” means—

(i) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and

[^{F31}(ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 13 of the Dangerous Goods in Harbour Areas Regulations 2016;]

(b) “qualifying premises” means—

(i) premises under the control of the Secretary of State for Defence;

(ii) a safe and secure place; or

(iii) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area; and

[^{F32}(c) “a safe and secure place” means a safe and secure place—

(i) within a site in relation to which a person is licensed to manufacture or store explosives under regulation 13 of the Explosives Regulations 2014; or

(ii) at which the manufacture or storage of explosives may lawfully take place by virtue of a certificate of exemption granted under those Regulations.]

Textual Amendments

F31 Reg. 7(5)(a)(ii) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016 \(S.I. 2016/721\)](#), reg. 1, **Sch. 5 para. 10** (with reg. 5)

F32 Reg. 7(5)(c) substituted (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 23**

Additional security requirement relating to access

8.—(1) For the purposes of regulation 5, the requirement set out in paragraph (2) is deemed to be a requirement of Chapter 1.10.

(2) A person involved in the carriage of dangerous goods must take all reasonable steps to ensure that unauthorised access to those goods is prevented.

Application of ADR to carriage by private individuals

9.—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the exemption from the prohibitions and requirements of ADR provided for by Sub-section 1.1.3.1(a) of ADR (carriage by private individuals) is to be disregarded.

(3) But paragraph (2) does not apply if the conditions specified in paragraphs (4) and (5) are satisfied.

(4) The net mass of explosive substance being carried does not exceed—

(a) in the case of fireworks, 50 kilograms; and

(b) in the case of other explosives or a combination of fireworks and other explosives, 30 kilograms.

(5) The individual has taken all reasonable steps to ensure that—

- (a) the manner in which the class 1 goods are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) there is no unauthorised access to the class 1 goods.

Application of ADR to carriage by certain enterprises

10.—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the requirements referred to in paragraph (3) apply to carriage that would, but for this paragraph, be exempt from those requirements because of the exemption set out in Sub-section 1.1.3.1(c) of ADR (carriage by enterprises which is ancillary to their main activity).

(3) The requirements are—

- (a) the requirements of ADR in—
 - (i) Section 7.5;
 - (ii) Section 8.3.5; and
 - (iii) special provisions S1:(3) and S1:(6) of Chapter 8.5; and
- (b) the requirements deemed to be part of ADR in consequence of regulations 7 and 8.

PART 3

EXEMPTIONS

Derogations and transitional provisions

11.—(1) The Secretary of State for Transport may exempt the carriage of dangerous goods from requirements and prohibitions arising under Part 2 of these Regulations.

(2) But paragraph (1) only applies for the purposes of—

- [^{F33}(a) implementing a derogation authorised under article 6(2) to (4) of and listed in—
- (i) section I.3 of Annex I, or
 - (ii) section II.3 of Annex II
- to the Dangerous Goods Directive that had effect immediately before IP completion day, subject to the modification in paragraph (3); or
- (b) maintaining a transitional provision permitted by article 7 of and listed in—
- (i) section I.2 of Annex I, or
 - (ii) section II.2 of Annex II
- to the Dangerous Goods Directive, subject to the modification in paragraph (3); or]
- (c) ensuring that carriage to which these Regulations apply, but the Dangerous Goods Directive, ADR or RID does not apply, is carried out in a manner consistent with a derogation or transitional provision referred to at sub-paragraph (a) or (b).

[^{F34}(3) The modification referred to in paragraphs (2)(a) and (b) apply to the identified sections of those Annexes to the Dangerous Goods Directive, and are that any reference to a member State is to be read as a reference to—

- (a) the UK, or
- (b) a member State of the EU.]

^{F35}(4)

^{F35}(5)

(6) The Secretary of State may not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.

(7) This regulation does not limit the power to issue an authorisation under regulation 12(1) [^{F36}or an exception under regulation 11A(1)].

Textual Amendments

- F33** Reg. 11(2)(a)(b) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **4(2)**
- F34** Reg. 11(3) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **4(3)**
- F35** Reg. 11(4)-(5) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **4(4)**
- F36** Words in reg. 11(7) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **4(5)**

[^{F37}Exceptions

11A.—(1) The Secretary of State may issue an exception from the requirements and prohibitions arising under Part 2 of these Regulations when satisfied that safety would not be compromised and either—

- (a) the carriage is of small quantities of dangerous goods and the substances have neither a medium nor high level of radioactivity;
- (b) the carriage is national carriage over short distances; or
- (c) the carriage is national carriage by rail on routes designated by the Secretary of State as—
 - (i) forming part of a defined industrial process; and
 - (ii) being closely controlled under clearly specified conditions.

(2) An exception issued under paragraph (1) must not be for a period exceeding 6 years from the date of issue.

(3) Prior to issuing an exception, the Secretary of State—

- (a) must consult—
 - (i) the GB competent authority; and
 - (ii) the Office of Rail and Road in respect of carriage by rail where that body is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006; and
- (b) may consult—
 - (i) the authorities identified in regulation 32 as being enforcing authorities for the carriage concerned, where that authority is not consulted pursuant to sub-paragraph (a); and
 - (ii) such other bodies as appear to the Secretary of State to be appropriate.

(4) The Secretary of State may renew, and in doing so may amend, an exception for a further period not exceeding six years from the date of renewal.

(5) The Secretary of State may not bring to an end, or substantially alter, an exception unless those who might be affected have been consulted.

(6) This regulation does not limit the power to issue an authorisation under regulation 12(1).

Textual Amendments

F37 Regs. 11A, 11B inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 5

Documentation of exemptions and exceptions

11B.—(1) Where any—

- (a) exemption is granted pursuant to regulation 11(1); or
- (b) exception is issued pursuant to regulation 11A(1),

that exemption or exception is to be set out in a document called “Carriage of Dangerous Goods: Approved Derogations, Transitional Provisions and Exceptions”.

(2) The document may be revised in whole or in part from time to time.

(3) In the document the Secretary of State must set out—

- (a) the types of carriage to which the exemption or exception applies;
- (b) the circumstances in which the exemption or exception applies;
- (c) the requirements and prohibitions that do not apply pursuant to regulations 11(1) or 11A;
- (d) any requirements and prohibitions that apply instead; and
- (e) in the case of an exception, the date upon which it was first issued, the dates of any renewals under regulation 11A(4) and the date the exception is due to expire.]

Textual Amendments

F37 Regs. 11A, 11B inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 5

Authorisations

12.—(1) A person referred to in column 1 of the Table may issue an authorisation to a person or class of persons to carry dangerous goods in circumstances which are contrary to prohibitions and requirements arising under Part 2 of these Regulations providing the conditions specified in column 2 are satisfied in respect of that carriage.

Column 1

The Secretary of State for Transport

The Secretary of State for Defence

Column 2

The carriage is national carriage

The conditions are as follows—

- (a) (i) the carriage is national carriage;
and
- (ii) either—

- (aa) the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Defence is the GB competent authority; or
- (bb) it is in the interests of national security to disapply the prohibitions and requirements that are the subject of the authorisation; or

- (b) the carriage is by a vehicle or wagon belonging to or under the responsibility of one of the armed forces and it is not reasonably practicable for operational, training or security reasons related to the role of the armed forces for the prohibitions and requirements disappplied by the authorisation to apply to the carriage.

[^{F38}The Office for Nuclear Regulation

The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Office for Nuclear Regulation is the GB competent authority.]

The Health and Safety Executive

The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Health and Safety Executive is the GB competent authority.

-
- (2) An authorisation issued pursuant to paragraph (1) must be in writing and must set out—
 - (a) the carriage that is covered by the authorisation;
 - (b) the reason that the authorisation is being issued; and
 - (c) any time limit applicable to the validity of the authorisation.
 - (3) An authorisation issued pursuant to paragraph (1) 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 that notice must set out whether the withdrawal of the authorisation has effect immediately or whether the withdrawal has effect from a specified date.
 - (4) Any authorisation granted, or deemed to be granted, pursuant to regulation 9(2) or 10(13) of the 2007 Regulations that was in force immediately before the coming into force of these Regulations

is deemed to be an authorisation issued pursuant to paragraph (1) of this regulation and subject to the same conditions as were in force immediately before the coming into force of these Regulations.

Textual Amendments

- F38** Words in reg. 12(1) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 28\(3\)](#) (with [Sch. 4](#))

Reference temperatures and standards

13.—(1) This regulation applies where the GB competent authority has recognised reference temperatures or standards in accordance with regulation 28(1) or (2).

(2) Part 2 does not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with regulation 28(1) or (2).

(3) The exemption set out in paragraph (2) only applies if the tank or pressure receptacle being used for carriage —

- (a) is clearly marked or labelled to show that it is suitable for national carriage only; and
- (b) does not carry the [^{F39}pi marking].

Textual Amendments

- F39** Words in [reg. 13\(3\)\(b\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 6

Old pressure receptacles

14.—(1) This regulation applies in relation to national carriage.

(2) This regulation applies in relation to the carriage of dangerous goods which is not permitted under Part 2 of these Regulations because the old pressure receptacle used for that carriage cannot, by virtue of its design or construction, satisfy the requirements for the use of pressure receptacles set out in ADR or RID.

(3) Subject to paragraph (5), the requirements in ADR or RID which cannot be complied with are to be disregarded for the purposes of Part 2 of these Regulations if the requirements of paragraph (4) are satisfied.

(4) The requirements are—

- (a) the old pressure receptacle has not been subject to modification, major repair or re-rating which has put it outside the scope of the design standard or design specification to which it was originally constructed;
- (b) the old pressure receptacle—
 - (i) has been approved by a person appointed pursuant to regulation 29(2) as being safe for use;
 - (ii) was found to be safe by an inspection body in accordance with paragraph 5(4) of Schedule 3 to the 2007 Regulations and marked accordingly; or

- (iii) was found to be safe by an inspection body or a competent person in accordance with paragraph 4(2) of Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 ^{M15} and marked accordingly, and the time elapsed since the approval or the finding that the receptacle was safe does not exceed the intervals for periodic inspection specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4; and
- (c) in respect of old pressure receptacles used for the carriage of acetylene, the operator has a written record of—
 - (i) the tare weight of the old pressure receptacle, including the porous substance and, where relevant, the acetone or other solvent;
 - (ii) the nature of solvent used; and
 - (iii) the maximum safe operating pressure of the old pressure receptacle.
- (5) An old pressure receptacle which is of seamless construction or has contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken [^{F40}, after these Regulations have come into force,] may not be used for the carriage of dangerous goods.
- (6) In this regulation “old pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders—
 - (a) constructed—
 - (i) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and
 - (ii) in the case of other pressure receptacles, on or before 9th May 2004;
 - (b) which did not meet the design and construction requirements applicable to that receptacle that were set out in ADR or RID as in force on the date construction was completed;
 - (c) which did comply with the design and construction requirements imposed under the law of the United Kingdom in force on the date construction was completed; and
 - (d) which has not been subject to a reassessment of conformity pursuant to a provision of the law of United Kingdom [^{F41}or an EEA State] giving effect to article 5 of the Transportable Pressure Equipment Directive (including [^{F42}regulations 20A and 21] of these Regulations).

Textual Amendments

- F40** Words in reg. 14(5) inserted (1.10.2014) by [The Acetylene Safety \(England and Wales and Scotland\) Regulations 2014 \(S.I. 2014/1639\)](#), reg. 1(1), **Sch. 2 para. 2**
- F41** Words in reg. 14(6)(d) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **7(a)**
- F42** Words in reg. 14(6)(d) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **7(b)**

Marginal Citations

- M15** [S.I. 2004/568](#); revoked by [S.I. 2007/1573](#).

Carriage within the perimeter of an enclosed area

15. Part 2 of these Regulations does not apply in relation to the carriage of dangerous goods where such carriage is wholly performed within the perimeter of an enclosed area.

Carriage by road other than by vehicles

16.—(1) This regulation applies in relation to carriage by road.

(2) Part 2 of these Regulations does not apply in relation to carriage where that carriage is not undertaken by a vehicle.

Instruments of war and related material

17. Part 2 of these Regulations does not apply in relation to the carriage of class 7 goods by a vehicle or wagon belonging to, or under the responsibility of, one of the armed forces where those goods—

- (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.

Nuclear material

18.—(1) Part 2 does not apply in relation to the carriage of Category I/II nuclear material or Category III nuclear material to the extent that it requires compliance with the security provisions.

(2) In this regulation—

- (a) “Category I/II nuclear material” has the meaning given in regulation 3(3) of the Nuclear Industries Security Regulations 2003 ^{M16}; and
- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

Marginal Citations

M16 [S.I. 2003/403](#).

PART 4

TRANSPORTABLE PRESSURE EQUIPMENT

[^{F43}Scope of Obligations]

[^{F43}**19.—(1)** Regulations 19A to 19F apply to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive [^{F44}, subject to the modification in paragraph (1A)].

[^{F45}(1A) The modification referred to in paragraph (1) is that the reference to “making it available on the market” in that article is to be read as a reference to making it available on the GB market, as defined by these Regulations.]

(2) For the avoidance of doubt, any reference in those regulations to a manufacturer, importer, distributor, owner or operator as “it” is not to be construed as excluding a natural person.

[^{F46}(3) Where transportable pressure equipment has been—

- (a) placed on the GB market by an importer; or
- (b) made available on the GB market by a distributor

prior to IP completion day, references to those economic operators in the regulations identified in paragraph (4) include such economic operators established in a relevant territory.

(4) The regulations referred to in paragraph (3) are—

- (a) in respect of an importer—
 - (i) regulation 19CA(1)(b) and (2)(a),
 - (ii) regulation 19D(3)(a) and (4)(a), and
 - (iii) regulation 19E(2)(a), and
- (b) in respect of a distributor, regulation 19E(2)(a).]]

Textual Amendments

- F43** Reg. 19 substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(1)**
- F44** Words in [reg. 19\(1\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **8(2)**
- F45** [Reg. 19\(1A\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **8(3)**
- F46** [Reg. 19\(3\)\(4\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **8(4)**

[^{F47}General Obligations

19A.—(1) A manufacturer, importer, distributor, owner or operator may only place or make available on the market, put into service or use equipment if it ensures that the equipment meets the requirements of the Dangerous Goods Directive.

(2) On receipt of a request from the Health and Safety Executive, a manufacturer, importer, distributor, owner or operator must identify to the Executive any manufacturer, importer, distributor or owner who has supplied it with, or to whom it has supplied, equipment over at least the previous 10 years.

(3) A request made pursuant to paragraph (2) must—

- (a) be in writing; and
- (b) contain a date by which a response is to be provided with that date being reasonable in all the circumstances.

(4) Paragraph (5) applies where a manufacturer, importer, distributor or owner provides to an operator information about equipment it has placed or made available on the market, or put into service.

[^{F48}(5) The information must comply with—

- (a) the Annexes in respect of UK TPE; or
- (b) the Directives in respect of pi marked TPE [^{F49}and Northern Ireland TPE].]

(6) This regulation does not apply to an owner who is a private individual using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

Textual Amendments

- F47** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**
- F48** [Reg. 19A\(5\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **9**
- F49** Words in [reg. 19A\(5\)\(b\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **4**

[^{F50}Prohibition on placing or making available certain transportable pressure equipment on the GB market on or after 1st January 2023

19AZA.—(1) A manufacturer, importer, or distributor may only place equipment on the GB market on or after 1st January 2023 if the equipment is UK TPE or Northern Ireland TPE.

(2) Subject to paragraph (3), a manufacturer, importer, or distributor may only make equipment available on the GB market on or after 1st January 2023 if the equipment—

- (a) is UK TPE or Northern Ireland TPE; or
- (b) is pi marked TPE which was placed on the market prior to 1st January 2023.

(3) Where a conformity assessment has been carried out in relation to equipment by a notified body prior to IP completion day, a manufacturer, importer or distributor may only place the equipment on the market where—

- (a) the manufacturer arranges for the notified body conformity assessment and any technical documentation to be transferred to an appointed body;
- (b) the appointed body referred to in sub-paragraph (a) accepts responsibility for the notified body conformity assessment; and
- (c) the appointed body issues a certificate of conformity relying, or relying in part, on any examinations or tests undertaken prior to the issue of the notified body conformity assessment.]

Textual Amendments

- F50** [Reg. 19AZA](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **5**

[^{F51}Obligations of Manufacturers prior to placing equipment on the GB market

19AA.—(1) A manufacturer of equipment to be placed on the GB market must comply with paragraph (2) or (3).

- (2) Where it is intended that the equipment becomes UK TPE, the manufacturer must—
 - (a) ensure a conformity assessment is carried out by an appointed body;
 - (b) mark equipment in accordance with regulation 22B; and
 - (c) keep the technical documentation specified in—

- (i) section 1.8.7 of ADR; or
 - (ii) section 1.8.7 of RID,
- for the period specified in those Agreements.

(3) Where it is intended that the equipment becomes [^{F52}Northern Ireland TPE], the manufacturer must—

- (a) ensure a conformity assessment is carried out by a notified body;
- (b) mark equipment in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive; and
- (c) keep the technical documentation specified in the Dangerous Goods Directive for the period specified in that Directive.

Textual Amendments

- F51** Regs. 19AA, 19AB inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, 10
- F52** Words in reg. 19AA(3) substituted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 6

Obligations of Manufacturers after placing UK TPE [^{F53}or Northern Ireland TPE] on the GB market

19AB.—(1) This regulation applies to equipment bearing the UK TPE marking [^{F54}and Northern Ireland TPE] that a manufacturer has placed on the GB market.

(2) Where a manufacturer knows or has reason to believe that the equipment does not comply with regulation 19AA(2) or the Annexes [^{F55}or with regulation 19AA(3) (as applicable)] , that manufacturer must—

- (a) take immediate corrective measures to ensure that the equipment complies with—
 - [^{F56}(i) regulation 19AA(2) and the Annexes, in respect of UK TPE; or
 - (ii) regulation 19AA(3) and the Annexes, in respect of Northern Ireland TPE;]
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a manufacturer considers that the equipment presents a risk, that manufacturer must immediately inform the GB competent authority and Northern Ireland competent authority of—

- [^{F57}(a) the risk, including providing details of any non-compliance with—
 - (i) regulation 19AA(2) or the Annexes, in respect of UK TPE; and
 - (ii) regulation 19AA(3) or the Annexes, in respect of Northern Ireland TPE;”]
- (b) any action taken in accordance with paragraph (2).

(4) A manufacturer must record—

- [^{F58}(a) each instance of non-compliance with—
 - (i) regulation 19AA(2) or the Annexes, in respect of UK TPE; and
 - (ii) regulation 19AA(3) or the Annexes, in respect of Northern Ireland TPE;”]
- (b) any corrective measure taken,

and must retain that record for at least 20 years from the date that the non-compliance is discovered.

- (5) On receipt of a reasoned request from the GB competent authority, a manufacturer must—
- (a) provide that authority with all information and documents necessary to show that the equipment meets the requirements of—
 - ^{F59}(i) regulation 19AA(2) and the Annexes, in respect of UK TPE; or
 - (ii) regulation 19AA(3) and the Annexes, in respect of Northern Ireland TPE;”.]
 - (b) cooperate with that authority in any action it takes to eliminate risks posed by that equipment.]

Textual Amendments

- F51** Regs. 19AA, 19AB inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, 10
- F53** Words in reg. 19AB heading inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(a)
- F54** Words in reg. 19AB(1) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(b)
- F55** Words in reg. 19AB(2) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(c)(i)
- F56** Reg. 19AB(2)(a)(i)(ii) substituted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(c)(ii)
- F57** Reg. 19AB(3)(a) substituted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(d)
- F58** Reg. 19AB(4)(a) substituted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(e)
- F59** Reg. 19AB(5)(a)(i)(ii) substituted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), 7(f)

^{F47}Obligations of Manufacturers [^{F60}after placing pi marked TPE on the GB market]

19B.—^{F61}(1) This regulation applies to equipment bearing the pi marking that a manufacturer has placed on the GB market [^{F62}prior to 1st January 2023] .]

(2) Where a manufacturer knows or has reason to believe that equipment [^{F63}bearing the pi marking that] it has placed on the market does not comply with the Directives, that manufacturer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a manufacturer considers that equipment it has placed on the market presents a risk, that manufacturer must immediately inform the TPED competent authority [^{F64}for any relevant territory on which the equipment has been placed] of the risk, including providing details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(4) A manufacturer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

- (5) On receipt of a reasoned request from a TPED competent authority, a manufacturer must—
- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
 - (b) cooperate with that authority in any action it takes to eliminate risks posed by that equipment.

^{F65}(6)]

Textual Amendments

- F47** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**
- F60** Words in reg. 19B heading inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **11(2)**
- F61** Reg. 19B(1) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **11(3)**
- F62** Words in reg. 19B(1) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **8**
- F63** Words in reg. 19B(2) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **11(4)**
- F64** Words in reg. 19B(3) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **11(5)**
- F65** Reg. 19B(6) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **11(6)**

[^{F66}Application of regulations 19AA to 19B to Importers or Distributors

19BA. Regulations 19AA to 19B apply to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

- (a) places equipment on the GB market under the importer or distributor's own name or trademark; or
- (b) modifies equipment already placed on the GB market in such a way that it may affect compliance—
 - (i) of UK TPE with these Regulations or the Annexes; or
 - (ii) of pi marked TPE [^{F67}or Northern Ireland TPE] with the Directives.

Textual Amendments

- F66** Regs. 19BA-19BC inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 12
- F67** Words in [reg. 19BA\(b\)\(ii\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), 9

Obligations of Importers prior to placing equipment on the GB market

19BB.—(1) Before placing equipment on the GB market, an importer must ensure that—

- (a) the equipment has been marked in accordance with—
 - (i) regulation 22B [^{F68}, in respect of equipment which an importer intends to place on the GB market as UK TPE]; or
 - (ii) articles 14 and 15 of the Transportable Pressure Equipment Directive [^{F69}, in respect of equipment which an importer intends to place on the GB market as Northern Ireland TPE];
- (b) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with—
 - (i) the Annexes, in respect of UK TPE; or
 - (ii) the Dangerous Goods Directive, in respect of [^{F70}Northern Ireland TPE]; and
- (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it.

(2) Where an importer considers that equipment presents a risk before it has been placed on the GB market, that importer must inform the manufacturer and the Health and Safety Executive of the risk.

Textual Amendments

- F66** Regs. 19BA-19BC inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 12
- F68** Words in [reg. 19BB\(1\)\(a\)\(i\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), 10(a)(i)
- F69** Words in [reg. 19BB\(1\)\(a\)\(ii\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), 10(a)(ii)
- F70** Words in [reg. 19BB\(1\)\(b\)\(ii\)](#) substituted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), 10(b)

Obligations of Importers after placing UK TPE on the GB market

19BC.—(1) This regulation applies to equipment bearing the UK TPE marking that an importer has placed on the GB market.

(2) The importer must ensure that—

- (a) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment's compliance with the Annexes; and
- (b) the technical documentation specified in the Annexes is kept for the period set out in that Directive.

(3) Where an importer knows or has reason to believe that equipment it has placed on the GB market does not comply with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

that importer must act as required by paragraph (4).

(4) The actions required by paragraph (3) are to—

- (a) take immediate corrective measures to ensure that the equipment complies with—
 - (i) this regulation;
 - (ii) regulation 19BB(1)(a)(i), (b)(i) or (c); and
 - (iii) the Annexes;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(5) Where an importer considers that equipment it has placed on the GB market presents a risk, that importer must immediately inform the manufacturer, the GB competent authority and Northern Ireland competent authority of the risk, including details of any non-compliance with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

and any action taken in accordance with paragraph (4).

(6) An importer must record each instance of non-compliance with—

- (a) this regulation;
- (b) regulation 19BB(1)(a)(i), (b)(i) or (c); or
- (c) the Annexes,

and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(7) On receipt of a reasoned request from the GB competent authority, an importer must—

- (a) provide that authority with all information and documents necessary to show that the equipment meets the requirements of—
 - (i) this regulation;
 - (ii) regulation 19BB(1)(a)(i), (b)(i) or (c); and
 - (iii) the Annexes;
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

F66 Regs. 19BA-19BC inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 12

[^{F47}Obligations of Importers [^{F71}after placing pi marked TPE on the GB market]

19C.—[

^{F72}(A1) This regulation applies to equipment bearing the pi marking that a manufacturer has placed on the GB market [^{F73}prior to 1st January 2023].]

(1) An importer must ensure that—

^{F74}(a)

^{F74}(b)

^{F74}(c)

(d) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment's compliance with the Dangerous Goods Directive; and

(e) the technical documentation specified in the Dangerous Goods Directive is kept for the period set out in that Directive.

(2) Where an importer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that importer must—

(a) take immediate corrective measures to ensure that the equipment complies with the Directives;

(b) withdraw the equipment from the market; or

(c) issue a recall of the equipment.

^{F75}(3)

(4) Where an importer considers that equipment it has placed on the market presents a risk, that importer must immediately inform the manufacturer and the TPED competent authority [^{F76}for any relevant territory on which the equipment has been placed] of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) An importer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, an importer must—

(a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and

(b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

F47 Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, 7(2)

- F71** Words in [reg. 19C](#) heading inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [13\(2\)](#)
- F72** [Reg. 19C\(A1\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [13\(3\)](#)
- F73** Words in [reg. 19C\(A1\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), [11](#)
- F74** [Reg. 19C\(1\)\(a\)-\(c\)](#) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [13\(4\)](#)
- F75** [Reg. 19C\(3\)](#) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [13\(5\)](#)
- F76** Words in [reg. 19C\(4\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [13\(6\)](#)

[^{F77}Obligations of Distributors prior to making equipment available on the GB market

19CA.—(1) Before making transportable pressure equipment available on the GB market, a distributor must ensure that—

- (a) the equipment has been marked in accordance with—
 - (i) [regulation 22B](#) [^{F78}, in respect of equipment which a distributor intends to make available on the GB market as UK TPE]; or
 - (ii) [articles 14 and 15 of the Transportable Pressure Equipment Directive](#) [^{F79}, in respect of equipment which a distributor intends to make available on the GB market as pi marked TPE and which was placed on the GB market prior to 1st January 2023, and in respect of equipment which a distributor intends to make available on the GB market as Northern Ireland TPE]; and
- (b) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it.

(2) Where a distributor considers that equipment presents a risk before it has been made available on the GB market, that distributor must inform—

- (a) the manufacturer or the importer; and
 - (b) the Health and Safety Executive
- of the risk.

Textual Amendments

- F77** [Regs. 19CA, 19CB](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [14](#)
- F78** Words in [reg. 19CA\(1\)\(a\)\(i\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), [12\(a\)](#)

F79 Words in [reg. 19CA\(1\)\(a\)\(ii\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. [1\(1\)](#), [12\(b\)](#)

Obligations of Distributors after making UK TPE available on the GB market

19CB.—(1) This regulation applies to equipment bearing the UK TPE marking that a distributor has made available on the GB market.

(2) The distributor must ensure that the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment's compliance with the Annexes.

- (3) Where a distributor knows or has reason to believe that equipment does not comply with—
- (a) this regulation;
 - (b) regulation 19CA(1)(a)(i) or (b); or
 - (c) the Annexes,

that distributor must act as required by paragraph (4).

- (4) The actions required by paragraph (3) are to—
- (a) take immediate corrective measures to ensure that the equipment complies with—
 - (i) this regulation;
 - (ii) regulation 19CA(1)(a)(i) or (b); and
 - (iii) the Annexes;
 - (b) withdraw the equipment from the market; or
 - (c) issue a recall of the equipment.

(5) Where a distributor considers that equipment it has made available on the GB market presents a risk, that distributor must immediately inform the manufacturer, the GB competent authority and Northern Ireland competent authority of the risk, including details of any non-compliance with—

- (a) this regulation;
- (b) regulation 19CA(1)(a)(i) or (b); or
- (c) the Annexes,

and any action taken in accordance with paragraph (4).

- (6) A distributor must record each instance of non-compliance with—
- (a) this regulation;
 - (b) regulation 19CA(1)(a)(i) or (b); or
 - (c) the Annexes,

and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

- (7) On receipt of a reasoned request from the GB competent authority, a distributor must—
- (a) provide that authority with all information and documents necessary to show that the equipment meets the requirements of—
 - (i) this regulation;
 - (ii) regulation 19CA(1)(a)(i) or (b); and
 - (iii) the Annexes;

- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

F77 Regs. 19CA, 19CB inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, 14

[^{F47}**Obligations of Distributors** [^{F80}after making pi marked TPE [^{F81}or Northern Ireland TPE] available on the GB market]

19D.—[

^{F82}(A1) This regulation applies to equipment bearing the pi marking [^{F83}, and Northern Ireland TPE,] that a distributor has made available on the GB market.]

[^{F84}(1) A distributor must ensure that the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment's compliance with the Directives.]

(2) Where a distributor knows or has reason to believe that equipment it made available on the market does not comply with the Directives, that distributor must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

^{F85}(3)

(4) Where a distributor considers that equipment it has made available on the market presents a risk, that distributor must immediately inform—

- (a) the manufacturer or the importer; and
- (b) the TPED competent authority [^{F86}for any relevant territory on which the equipment has been made available],

of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) A distributor must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, a distributor must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

F47 Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, 7(2)

- F80** Words in reg. 19D heading inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **15(2)**
- F81** Words in reg. 19D heading inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **13(a)**
- F82** Reg. 19D(A1) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **15(3)**
- F83** Words in reg. 19D(A1) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **13(b)**
- F84** Reg. 19D(1) substituted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **15(4)**
- F85** Reg. 19D(3) omitted (31.12.2020) by virtue of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **15(5)**
- F86** Words in reg. 19D(4)(b) substituted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **15(6)**

[^{F47}Obligations of Owners

19E.—(1) An owner must ensure that equipment for which it is responsible is stored and transported in conditions that do not jeopardise the compliance of that equipment with the Dangerous Goods Directive.

(2) Where an owner considers that the owner's equipment presents a risk, it must inform—

- (a) the manufacturer, importer or distributor; and
- (b) the Health and Safety Executive,

of the risk.

[
^{F87}(2A) An owner of UK TPE must record each instance of non-compliance with—

- (a) this regulation;
- (b) regulation 21A; or
- (c) the Annexes,

and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.]

(3) An owner [^{F88}of pi marked TPE][^{F89}, or Northern Ireland TPE,] must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(4) This regulation does not apply to private individuals using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

Textual Amendments

- F47** Regs. 19A-19F inserted (24.10.2011) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (S.I. 2011/1885), regs. 1, **7(2)**
- F87** Reg. 19E(2A) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **16(2)**

- F88** Words in [reg. 19E\(3\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), [regs. 1, 16\(3\)](#)
- F89** Words in [reg. 19E\(3\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), [regs. 1\(1\), 14](#)

[^{F47}Obligations of Operators

19F. Where an operator considers that equipment presents a risk, that operator must inform the owner and the Health and Safety Executive of the risk.]

Textual Amendments

- F47** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), [regs. 1, 7\(2\)](#)

[^{F90}Authorised Representatives]

[^{F90}**20.**—[^{F91}(1) Subject to paragraph (3), a manufacturer may appoint in writing a person established in a relevant territory (“an authorised representative”) to carry out some or all of the duties imposed on the manufacturer by—

- (a) regulations 19A, 19AA and 19AB in respect of equipment that bears, or will bear, the UK TPE marking [^{F92}and equipment that is, or will become, Northern Ireland TPE]; or
- (b) regulations 19A, 19AA and 19B in respect of equipment that bears, or will bear, the pi marking.]

(2) An appointment made in accordance with paragraph (1) must include at least the following duties—

- (a) keeping technical documentation;

[^{F93}(b) in respect of UK TPE—

- (i) providing to the GB competent authority or Northern Ireland competent authority, in response to a reasoned request, the information and documents necessary to show that the equipment meets the requirements of these Regulations and the Annexes; and
- (ii) cooperating with those competent authorities in any action they take to eliminate risks posed by the equipment; and

(c) in respect of pi marked TPE [^{F94}and Northern Ireland TPE]—

- (i) providing to a TPED competent authority, in response to a reasoned request and in a language that it easily understands, the information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (ii) cooperating with that competent authority in any action they take to eliminate risks posed by the equipment.]

(3) An authorised representative must not be appointed to carry out duties imposed by regulation 19A(2), [^{F95}19AA(2)(a), (2)(b), (3)(a) or (3)(b)].

(4) The name and address of the authorised representative must be included on the certificate of conformity.

[^{F96}(5) An authorised representative must only provide information to an operator that complies with the requirements of—

- (a) the Annexes in respect of UK TPE; or
- (b) the Directives in respect of pi marked TPE [^{F97}and Northern Ireland TPE].]

Textual Amendments

- F90** Reg. 20 substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **8**
- F91** Reg. 20(1) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **17(2)**
- F92** Words in reg. 20(1)(a) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **15(a)**
- F93** Reg. 20(2)(b)(c) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **17(3)**
- F94** Words in reg. 20(2)(c) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **15(b)**
- F95** Words in reg. 20(3) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **17(4)**
- F96** Reg. 20(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **17(5)**
- F97** Words in reg. 20(5)(b) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **15(c)**

[^{F98}Reassessment of conformity – UK TPE

20A.—(1) This regulation applies to transportable pressure equipment which does not bear the conformity markings provided for in—

- (a) regulation 22B;
- (b) the Transportable Pressure Equipment Directive; or
- (c) Council [Directive 1999/36/EC](#) of 29 April 1999 on transportable pressure equipment,

for the purposes of reassessment of conformity.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment is to be—

- (a) reassessed by a type A appointed body in accordance with the procedure set out in Annex III to the Transportable Pressure Equipment Directive, subject to the modifications in paragraph (6); and
- (b) inspected by an appointed body appointed for periodic inspection of that equipment and marked in accordance with the requirements of regulation 22B.

(4) If a pressure receptacle has been manufactured in series to a design type for which a—

- (a) type A notified body notified for; or
- (b) type A appointed body appointed for

reassessment of conformity has issued a certificate of type reassessment, the reassessment of conformity may be undertaken by an appointed body appointed for periodic inspection of that pressure receptacle.

(5) In this regulation—

- (a) “certificate of type reassessment” means a certificate issued in accordance with paragraph 6 of Annex III to the Transportable Pressure Equipment Directive, subject to the modifications in paragraph (6); and
- (b) “type A appointed body” means an appointed body conforming to standard EN ISO/IEC 17020 type A as revised or reissued from time to time.

(6) The modifications referred to in paragraphs (3)(a) and (5)(a) apply to Annex III to the Transportable Pressure Equipment Directive and are that—

- (a) any reference to “a notified body” is to be read as a reference to an appointed body;
- (b) any reference to a “type A notified body” is to be read as a reference to a type A appointed body;
- (c) any reference to “notified” is to be read as a reference to appointed;
- (d) any reference to the “pi marking” is to be read as a reference to the UK TPE marking; and
- (e) any reference to “Member States” is to be read as a reference to the GB competent authority.]

Textual Amendments

F98 Reg. 20A inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **18**

Reassessment of conformity [^{F99} - pi marked TPE]

21.—(1) This regulation applies to [^{F100}pi marked TPE] within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2) [^{F101}(c)] of that Directive.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment is to be—

- (a) reassessed by a [^{F102}type A] notified body in accordance with the procedure set out in [^{F103}Annex III] to the Transportable Pressure Equipment Directive; and

[^{F104}(b) inspected by a notified body notified for periodic inspection of that equipment and marked in accordance with the requirements of articles 14 and 15 of that Directive.]

[^{F105}(4) But if a pressure receptacle has been manufactured in series to a design type for which a type A notified body notified for reassessment of conformity has issued a certificate of type reassessment, the reassessment of conformity may be undertaken by a notified body notified for periodic inspection of that pressure receptacle.]

[^{F106}(5) In this regulation—

- (a) “certificate of type reassessment” means a certificate issued in accordance with paragraph 7 of Annex III to the Transportable Pressure Equipment Directive; and
- (b) “type A notified body” means a notified body conforming to standard EN ISO/IEC 17020 type A as revised or reissued from time to time.]

Textual Amendments

- F99** Words in [reg. 21](#) heading inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [19\(2\)](#)
- F100** Words in [reg. 21\(1\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [19\(3\)](#)
- F101** Word in [reg. 21\(1\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(2\)](#)
- F102** Words in [reg. 21\(3\)\(a\)](#) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(3\)\(a\)](#)
- F103** Words in [reg. 21\(3\)\(a\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(3\)\(b\)](#)
- F104** [Reg. 21\(3\)\(b\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(4\)](#)
- F105** [Reg. 21\(4\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(5\)](#)
- F106** [Reg. 21\(5\)](#) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [9\(6\)](#)

[^{F107}UK TPE - Periodic inspection and repeated use

21A.—(1) This regulation applies to UK TPE, for the purposes of its periodic inspections, intermediate inspections, exceptional checks and use.

(2) If the equipment bears the marking provided for in regulation 22B, it is to be subject to—

- (a) periodic inspection; and
- (b) if required by ADR or RID, intermediate inspection,

in accordance with the frequency identified as being applicable to that type of equipment in Chapter 6.2 of ADR or Chapter 6.2 of RID.

(3) The periodic inspection or, where necessary, intermediate inspection must be conducted by an appointed body.

(4) The date of the periodic inspection or intermediate inspection, must be marked on the equipment along with the identification number of the appointed body responsible for the inspection.]

Textual Amendments

- F107** [Reg. 21A](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [20](#)

Periodic inspection [^{F108} - pi marked TPE][^{F109} and Northern Ireland TPE] and repeated use

22.—(1) This regulation applies to [^{F110}pi marked TPE][^{F111}and Northern Ireland TPE] within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2) [^{F112}(b)] of that Directive.

(2) [^{F113}The equipment] is to be subject to periodic inspection in accordance with the requirements of [^{F114}the Dangerous Goods Directive].

^{F115}(3)

(4) The marking requirements applicable to periodic inspections [^{F116}of pi marked TPE][^{F117}and Northern Ireland TPE] set out in [^{F118}articles 14 and 15] of the Transportable Pressure Equipment Directive are to be complied with in relation to the equipment.

Textual Amendments

- F108** Words in [reg. 22](#) heading inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **21(2)**
- F109** Words in [reg. 22](#) heading inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **16(a)**
- F110** Words in [reg. 22\(1\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **21(3)**
- F111** Words in [reg. 22\(1\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **16(b)**
- F112** Word in [reg. 22\(1\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(2)**
- F113** Words in [reg. 22\(2\)](#) substituted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **16(c)**
- F114** Words in [reg. 22\(2\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(3)(c)**
- F115** [Reg. 22\(3\)](#) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(4)**
- F116** Words in [reg. 22\(4\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **21(4)**
- F117** Words in [reg. 22\(4\)](#) inserted (1.1.2023) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1370\)](#), regs. 1(1), **16(d)**
- F118** Words in [reg. 22\(4\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(5)**

[^{F119}Conversion of pi marked TPE to UK TPE

22A.—(1) This regulation applies to equipment bearing the pi marking—

- (a) that is due to be subject to a periodic or intermediate inspection in accordance with the requirements of the Dangerous Goods Directive;
- (b) that will, following the inspection, not be used for carriage within the territory of an EU member State other than for the transport of dangerous goods between EU member States and non-member States, where that carriage—
 - (i) complies with the requirements of the ADR or RID, and
 - (ii) is not prohibited within the Annexes; and
- (c) whose owner wishes it to be marked with the UK TPE marking.

(2) The inspection must be conducted by an appointed body.

(3) The equipment must be marked in accordance with regulation 22B and, adjacent to that marking, be marked with—

- (a) the date of the periodic inspection or, where appropriate, the intermediate inspection, and
- (b) the identification number of the appointed body responsible for the periodic or intermediate inspection.

Textual Amendments

F119 Regs. 22A, 22B inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **22(1)**

UK TPE marking

22B.—(1) The Secretary of State must publish the form of the UK TPE marking as set out in Schedule 1A on the Gov.uk website (www.gov.uk).

(2) Schedule 1A (UK TPE marking) has effect.

(3) The UK TPE marking may not be affixed to a product unless these Regulations provide for its affixing.]

Textual Amendments

F119 Regs. 22A, 22B inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **22(1)**

Misleading and other markings

[^{F120}23.—(1) No person is to affix a marking on transportable pressure equipment which is likely to mislead third parties with regard to the meaning of the graphics of—

- (a) the UK TPE marking; or
- (b) the pi marking.

(2) Any other marking may be affixed to transportable pressure equipment provided that the visibility and legibility of—

- (a) the UK TPE marking; or
- (b) the pi marking

is not reduced.]

Textual Amendments

F120 [Reg. 23](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **23**

[^{F121}PART 4A

Control of Volatile Organic Compounds

Textual Amendments

F121 Pt. 4A inserted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **5** (with reg. 9)

Interpretation of Part 4A

23A. In this Part—

“petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more, which is intended for use as a fuel for motor vehicles, except liquefied petroleum gas (LPG);

“tank” means a container designed and operated so that residual vapours are retained in the container after the unloading of the petrol.

Approved tank requirements

23B.—(1) The Secretary of State must approve and publish approved tank requirements, which must contain—

- (a) the requirements for the design and construction of tanks for the carriage of petrol;
- (b) the requirements for the filling of such tanks; and
- (c) the requirements for the examination, testing and certification of such tanks.

(2) The Secretary of State may revise the approved tank requirements and, when doing so, must within 3 months of the date of that approval, publish in such a manner as the Secretary of State considers appropriate, a notice specifying—

- (a) the revision;
- (b) the date on which it was approved; and
- (c) the date on which it takes effect, the date of which must be not less than 6 months after the date of the approval of the revision.

Duty to comply with the approved tank requirements

23C.—(1) The operator of any tank which is intended to be, or is being, used for the carriage of petrol must take all reasonable steps to ensure that such of the requirements specified in the approved tank requirements as are relevant to that tank are complied with.

(2) Any person who designs, manufactures, imports, supplies, modifies, repairs, examines, tests, certifies or fills any tank which is intended to be, or is being, used for the carriage of petrol, must ensure, insofar as they are matters within that person’s control, that such of the requirements specified in the approved tank requirements as are relevant to that tank are complied with.]

PART 5

[^{F122}Radiation Emergencies and Notifiable Events]

Textual Amendments

F122 Pt. 5 heading substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, 6 (with reg. 9)

[^{F123}Radiation emergencies and notifiable events]

- [^{F123}24.—(1) This Part applies in relation to the carriage of class 7 goods only.
- (2) Schedule 2 makes provision in connection with radiation emergencies and notifiable events
- (3) But this Part does not apply to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.]

Textual Amendments

F123 Reg. 24 substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, 7 (with reg. 9)

PART 6

GB COMPETENT AUTHORITY FUNCTIONS

Competent authority

25.—(1) The competent authority in Great Britain for the purposes of these Regulations is determined in accordance with paragraphs (2) to (5).

(2) Subject to paragraph (3), the Health and Safety Executive is the competent authority for class 1 goods in relation to—

- (a) classification pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271, 272, 278, 288, 309, 311 and 645 of Chapter 3.3;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
- (d) the design approval of containers or compartments, in accordance with note a to Sub-section 7.5.2.2; and
- (e) the functions in respect of mobile explosives manufacturing units mentioned in Sub-sections 6.12.5 and 7.5.5.2.3.

(3) The competent authority is the Secretary of State for Defence for functions—

- (a) in relation to military explosives for—
 - (i) classification pursuant to Section 2.2.1;
 - (ii) special provisions 16, 178, 266, 271 and 645 of Chapter 3.3;
 - (iii) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
 - (iv) special provision W2 of Section 7.2.4; and

- (v) the design approval of containers or compartments, in accordance with note a to Sub-section 7.5.2.2; and
- (b) in relation to class 7 goods which—
 - (i) are, or form part of, an instrument of war;
 - (ii) are required for research into, or the development or production of, any such instrument or part of such instrument; or
 - (iii) are produced in the course of, or in connection with, such research, development or production.

[^{F124}(3A) [^{F125}The Office for Nuclear Regulation] is the competent authority for those functions in relation to the carriage of class 7 goods for which the Secretary of State for Defence is not the competent authority, except for the function in sub-section 1.10.1.6 of ADR (register of driver training certificates).]

(4) The competent authority for the functions set out in Sub-sections 1.9.5.1, 1.9.5.3.1 and 1.9.5.3.8 of ADR is the traffic authority responsible for the road that passes through the tunnel.

(5) The Secretary of State for Transport is the competent authority for all other functions.

(6) The GB competent authority may appoint a person to carry out a function of the GB competent authority under these Regulations and a reference in these Regulations to the performance of the function by the GB competent authority is to be treated as including a reference to the performance of the function by the person appointed.

(7) The person may be appointed to carry out the function in particular circumstances or generally.

(8) Paragraphs (9) and (10) apply if the 2007 GB competent authority appointed, or was deemed by regulation 67(5) of the 2007 Regulations to have appointed, a person to perform a competent authority function pursuant to regulation 67(1) of those Regulations and that appointment had effect immediately before the coming into force of these Regulations.

(9) The person appointed, or deemed appointed, under the 2007 Regulations is deemed to be a person appointed pursuant to paragraph (6) to perform the equivalent function in ADR or RID.

(10) But in the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 67(1) of the 2007 Regulations.

(11) In this regulation—

[^{F126}(a) “military explosives” means any class 1 goods—

- (i) under the control of the Secretary of State for Defence;
- (ii) held for the service of the Crown for the purposes of the Ministry of Defence;
- (iii) under the control of one of the armed forces; or
- (iv) the carriage of which is certified by the Secretary of State for Defence to be in connection with the execution of a contract with the Secretary of State for Defence or with one of the armed forces; and]

(b) “traffic authority” is to be construed in accordance with section 121A of the Road Traffic Regulation Act 1984 ^{M17}.

Textual Amendments

F124 Reg. 25(3A) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **11(2)**

F125 Words in reg. 25(3A) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 28\(4\)](#) (with Sch. 4)

F126 Reg. 25(11)(a) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **11(3)**

Marginal Citations

M17 1984 c.27; section 121A was inserted by the [New Roads and Street Works Act 1991 \(c.22\)](#), [Schedule 8, Part 2, paragraph 70](#) and amended by the [Greater London Authority Act 1999 \(c.29\)](#), [section 271](#) and [S.I. 1999/1820](#) and 2001/1400.

Functions of the GB competent authority arising under ADR, RID and ADN

26. The GB competent authority is to perform those functions that are identified in ADR, RID and ADN as being the functions of a competent authority.

[^{F127} Functions of the GB competent authority arising under Part 6

26A.—(1) This regulation applies in respect of UK TPE when the GB competent authority is informed by—

- (a) a manufacturer, pursuant to regulation 19AB(3), that it has reason to believe that equipment it has placed on the GB market, does not comply with regulation 19AB(2);
- (b) an importer, pursuant to regulation 19BC(5), that it has reason to believe that equipment it has placed on the GB market, does not comply with regulation 19BC(3); or
- (c) a distributor, pursuant to regulation 19CB(5), that it has reason to believe that equipment it has made available on the GB market, does not comply with regulation 19CB(3).

(2) When provided with the information identified in paragraph (1), the GB competent authority must inform—

- (a) the TPED competent authority for each EU member State; and
- (b) the European Commission,

including information about the equipment presenting the risk and measures taken in relation to that equipment by the economic operator concerned.]

Textual Amendments

F127 [Reg. 26A](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **24**

Fees in relation to functions of the GB competent authority

27.—(1) This regulation applies where a person has asked the GB competent authority to perform a function which is, by virtue of regulation 26, a function of the GB competent authority.

(2) A fee may be charged for, or in connection with, the performance of the function by, or on behalf of, the GB competent authority.

(3) Any fee charged must be reasonable for the work performed or to be performed.

(4) But in relation to a function mentioned in regulation 29(3), paragraph 1(2) and (3) of Schedule 3 applies instead of paragraphs (2) and (3) of this regulation.

Modifications etc. (not altering text)

- C1** Reg. 27 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 8(2)(b)(i)** (with [Sch. 4](#))

GB competent authority functions relating to reference temperatures and standards

28.—(1) 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 to be used only for the national carriage of liquefied gas.

(2) The GB competent authority may recognise standards for the construction of the shell of a tank intended to be used only for the national carriage of liquefied gas 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.

Appointments by the GB competent authority

29.—(1) Paragraph (2) applies in respect of equipment which under these Regulations may not be used in connection with the carriage of dangerous goods unless it has been approved for that use.

(2) The GB competent authority may appoint such persons as it thinks fit to determine whether the equipment should be approved and, if so, to approve that equipment for use.

(3) Where it is a function of the GB competent authority, by virtue of regulation 26, to approve or authorise a body or expert to carry out, witness, supervise or decide to waive an inspection, examination, test or approval in respect of equipment used in connection with the carriage of dangerous goods, that function is to be performed by the appointment of a person pursuant to paragraph (2).

(4) In respect of the appointment of a person to carry out the functions of ^{F128}[an appointed body] for the purposes of Part 4 of these Regulations, the GB competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in ^{F129}[^{F130}the Annexes] and the requirements set out in ^{F131}[paragraph (4A).]

^{F132}(4A) An appointed body must—

- (a) be established in Great Britain; and
- (b) satisfy the criteria set out in—
 - (i) sub-section 1.8.6.8 of ADR; or
 - (ii) sub-section 1.8.6.8 of RID.]

^{F133}(5)

(6) Schedule 3 has effect in relation to the making of appointments pursuant to paragraph (2).

Textual Amendments

- F128** Words in [reg. 29\(4\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [25\(2\)\(a\)](#)
- F129** Words in [reg. 29\(4\)](#) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [12\(2\)](#)
- F130** Words in [reg. 29\(4\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [25\(2\)\(b\)](#)
- F131** Words in [reg. 29\(4\)](#) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [25\(2\)\(c\)](#)
- F132** [Reg. 29\(4A\)](#) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, [25\(3\)](#)
- F133** [Reg. 29\(5\)](#) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, [12\(3\)](#)

Modifications etc. (not altering text)

- C2** [Reg. 29\(6\)](#) modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 8\(2\)\(b\)\(i\)](#) (with [Sch. 4](#))
- C3** [Reg. 29\(6\)](#) modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 8\(2\)\(c\)\(i\)](#) (with [Sch. 4](#))

Certain functions to be deemed to have been performed by the GB competent authority

30.—(1) Paragraphs (3) and (4) apply if—

- (a) the 2007 GB competent authority performed, or was deemed by regulation 70 of the 2007 Regulations to have performed, a function pursuant to regulation 66(1) of those Regulations; and
 - (b) the action taken by the 2007 GB competent authority, as a consequence of the performance of the function, had effect immediately before the coming into force of these Regulations.
- (2) But paragraphs (3) and (4) do not apply where the function was performed, or deemed performed, by appointment in accordance with regulation 69(2) of the 2007 Regulations.
- (3) The GB competent authority is deemed to have performed the function pursuant to regulation 26 under the same provision of ADR or RID as it was performed, or deemed performed, pursuant to regulation 66(1).
- (4) In the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 66(1).

PART 7

MISCELLANEOUS

Keeping and provision of information

31.—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 is to be provided to the GB competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 is to be kept for a period of three months after the completion of the carriage in question.

Enforcement

^{F134}**32.**—(1) The enforcing authorities for these Regulations are—

- (a) the Secretary of State for Defence in relation to road, rail and inland waterways but only in connection with those functions for which the Secretary of State for Defence is the GB competent authority;
- (b) in so far as they apply to carriage of dangerous goods other than civil carriage of class 7 goods, the persons specified in paragraph (2).

(2) The enforcing authorities are—

- (a) the Health and Safety Executive in relation to road and, subject to paragraph (3), rail,
- (b) the Secretary of State for Transport in relation to road and inland waterways,
- (c) the chief of police of each area in relation to road.

(3) The Health and Safety Executive is not an enforcing authority in relation to rail to the extent that ^{F135}[the Office of Rail and Road] is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.

(4) Despite paragraphs (1) to (3), the Secretary of State for Transport is the only enforcing authority in relation to the carriage of all classes of goods, except civil carriage of class 7 goods, to the extent that these Regulations require compliance with the security provisions.]

Textual Amendments

F134 Reg. 32 substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(5)** (with Sch. 4)

F135 Words in reg. 32 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(v)**

Modifications etc. (not altering text)

C4 [Reg. 32](#) applied (4.8.2023) by [The A303 \(Amesbury to Berwick Down\) Development Consent Order 2023 \(S.I. 2023/834\)](#), arts. 1, **43** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

^{F136}**Offences in connection with the civil carriage of class 7 goods**

32A.—(1) It is an offence for a person to contravene—

- (a) any provision of these Regulations as they apply to the civil carriage of class 7 goods, or

- (b) any requirement or prohibition imposed under any provision of these Regulations as they apply to such carriage (including any requirement or prohibition to which that person is subject by virtue of the terms of or any condition or restriction attached to any approval, exemption or other authority issued, given or granted under them).
- (2) A person who commits an offence under this regulation is liable—
- (a) on summary conviction to—
- (i) imprisonment for a term not exceeding [^{F137}12 months][^{F137}the general limit in a magistrates' court] , or
 - (ii) a fine, or
 - (iii) both;
- (b) on conviction on indictment to—
- (i) imprisonment for a term not exceeding two years, or
 - (ii) a fine, or
 - (iii) both.
- (3) Paragraphs (4) and (5) make transitional modifications to paragraph (2) as it applies to England and Wales.
- (4) In relation to an offence committed before [^{F138}2nd May 2022], the reference in paragraph (2)(a)(i) to imprisonment for a term not exceeding [^{F139}12 months][^{F139}the general limit in a magistrates' court] is to be read as reference to imprisonment for a term not exceeding six months.
- (5) In relation to an offence committed before the commencement of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) the reference to a fine in paragraph (2)(a)(ii) is to be read as a reference to a fine not exceeding £20,000.]

Textual Amendments

- F136** Reg. 32A inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(6)** (with [Sch. 4](#))
- F137** Words in [reg. 32A\(2\)\(a\)\(i\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), **Sch. Pt. 2**
- F138** Words in [reg. 32A\(4\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(2), **Sch. Pt. 2**
- F139** Words in [reg. 32A\(4\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), **Sch. Pt. 2**

Revocation

- 33.** The 2007 Regulations are revoked.

[^{F140}Duty to Review

- 34.—**(1) The Secretary of State must—
- (a) conduct a review of the operation and effect of these Regulations;

- (b) set out the conclusions of the review in a report; and
 - (c) publish a report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directives are implemented in other member States of the EU.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) “Review period” means—
- (a) the period of five years beginning with the day on which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 come into force; and
 - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.]

Textual Amendments

F140 Reg. 34 inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **14**

Signed by the authority of the Secretary of State

Department for Transport

Paul Clark
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.