
STATUTORY INSTRUMENTS

2009 No. 1348

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

PART 3

EXEMPTIONS

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^{M1} 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 [^{F1}, 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 [^{F2}or an EEA State] giving effect to article 5 of the Transportable Pressure Equipment Directive (including [^{F3}regulations 20A and 21] of these Regulations).

F1 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**

F2 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)**

F3 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

M1 [S.I. 2004/568](#); revoked by [S.I. 2007/1573](#).

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, Section 14.