STATUTORY INSTRUMENTS

2011 No. 1885

HEALTH AND SAFETY

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011

Made - - - -	*26th September 2011*
Laid before Parliament	*29th September 2011*
Coming into force - -	*24th October 2011*

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

(a) sections 15(1) to (5), (8) and (9), 43(2) to (6) and 82(3)(a) of, and paragraphs 1, 2(1), 3, 4(1), 6, 8, 9, 13, 15, 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 [M1] ("the 1974 Act"); and

(b) to the extent necessary to amend the Pyrotechnic Articles (Safety) Regulations 2010 [M2], section 2(2) of the European Communities Act 1972 [M3] ("the 1972 Act").

The Secretary of State is a Minister designated [M4] for the purposes of the 1972 Act in relation to pyrotechnic articles.

In accordance with section 50(1) and (1AA) of the 1974 Act [M5] the Secretary of State has consulted the Health and Safety Executive and such other bodies as appear to the Secretary of State to be appropriate.

In accordance with paragraph 2(7) of Schedule 3 to the Railways Act 2005 [M6] the Secretary of State has consulted the Office of Rail Regulation.

Marginal Citations

M1 1974 c.37; section 1(1)(c) was modified by the Health and Safety at Work etc. Act (Application to Environmentally Hazardous Substances) Regulations 2002 (S.I. 2002/282) to enable regulations to be made for environmentally hazardous substances, and has been amended by the following relevant S.I.s: 2004/463, 2005/1308, 2007/1332 and 2009/318. Section 15(1) was amended by the Employment Protection Act 1975 (c.71), **Schedule 15**, paragraph 6.

M2 S. I. 2010/1554.

M3 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), **section 27(1)(a)** and by the European Union (Amendment) Act 2008 (c.7), **Sch**edule Part 1.

M4 S. I. 2009/2743.

M5 Articles 3 and 16(1) and (2) of the Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960) substituted a new version of section 50(1) for the previous version and inserted

section 50(1AA). The extent of the requirement to consult pursuant to section 50(1) was narrowed by the insertion of section 50(1A) into the Health and Safety at Work etc. Act 1974 by the Railways Act 2005 ("the 2005 Act") (c.14), Schedule 3, paragraph 13.

M6 2005 c.14; the meaning of "railway safety purposes" under Schedule 3 of the 2005 Act which is relevant to the obligation to consult was amended by the Railways Act 2005 (Amendment) Regulations 2006 (S.I. 2006/556).

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 and come into force on 24th October 2011.

Amendment of Regulations

2. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 [M7] are amended in accordance with regulations 3 to 15.

Marginal Citations

M7 S.I. 2009/1348.

Interpretation – General

3.—(1) In regulation 2, the Table in paragraph (5) is amended as follows.

(2) For the row containing the expression and meaning of "conformity mark", substitute—

""conformity mark"	The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of the mark being set out in article 15 of that Directive."

(3) Before the row in which the expression "conformity mark" is given a meaning, insert—

""conformity assessment"	The assessment and the procedure for assessment of conformity set out in the Directives."

(4) After the row in which the expression "the Dangerous Goods Directive" is given a meaning, insert—

""the Directives"	The Dangerous Goods Directive and the Transportable Pressure Equipment Directive."

(5) After the row in which the expression "relevant authority" is given a meaning, insert—

""relevant member State"	A member State of the EU on whose market the equipment in question has been made available."

(6) After the row in which the expression "the security provisions" is given a meaning, insert—

““TPED competent authority”	The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland or another member State of the EU.”

(7) For the row containing the expression and meaning of “the Transportable Pressure Equipment Directive”, substitute—

““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 M8 .”

Marginal Citations

M8 OJ L165, 30.6.2010, p.1.

Interpretation of ADR, RID and ADN

4.—(1) Regulation 3 is amended as follows.

(2) In paragraphs (b) and (c), for “Communities” substitute “ EU ”.

(3) Omit paragraphs (f), (g), (h) and (i).

(4) In paragraph (l), at the end, omit “and”.

(5) In paragraph (m), at the end, for “.” substitute—

“;

(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

(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”.”.

Derogations and transitional provisions

5. In regulation 11(3), before “Dangerous”, insert “ Carriage of ”.

Authorisations

6. In the Table in regulation 12(1), after the row containing the entry for the Secretary of State for Defence, insert—

“The Secretary of State for Energy and Climate Change	**The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Energy and Climate Change is the GB competent authority.”**

Obligations relating to the Transportable Pressure Equipment Directive

7.—(1) For regulation 19, substitute—

"**Scope of Obligations**

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.

(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.".

(2) After regulation 19, insert—

"**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.

(5) The information must comply with the Directives.

(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.

Obligations of Manufacturers

19B.—(1) A 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.

(2) Where a manufacturer knows or has reason to believe that equipment 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 in any relevant member State 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.

(6) This regulation applies to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

(a) places equipment on the market under the importer or distributor's own name or trademark; or

(b) modifies equipment already placed on the market in such a way that compliance with the Directives may be affected.

Obligations of Importers

19C.—(1) An importer must ensure that—

(a) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with the Dangerous Goods Directive;

(b) equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;

(c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it;

(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.

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

(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

in any relevant member State 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.

Obligations of Distributors

19D.—(1) A distributor must ensure that—

(a) the equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;

(b) the certificate of conformity for the equipment contains or has attached to it the name and address of the importer where relevant; and

(c) 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.

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

(a) the manufacturer or the importer; and

(b) the Health and Safety Executive,

of the risk.

(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 in any relevant member State,

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.

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.

(3) An owner 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.

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.”.

Authorised Representatives

8. For regulation 20, substitute—

“**Authorised Representatives**

20.—(1) Subject to paragraph (3), a manufacturer may appoint in writing a person (“an authorised representative”) to carry out some or all of the duties imposed on the manufacturer by regulations 19A and 19B.

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

(a) keeping technical documentation;

(b) 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 the equipment meets the requirements of the Directives; and

(c) cooperating with a TPED competent authority in any action it takes to eliminate risks posed by the equipment.

(3) An authorised representative must not be appointed to carry out duties imposed by regulation 19A(2), 19B(1)(a) or 19B(1)(b).

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

(5) An authorised representative must only provide information to an operator that complies with the requirements of the Directives.”.

Reassessment of conformity

9.—(1) Regulation 21 is amended as follows.

(2) In paragraph (1), for "(b)" substitute " (c) ".

(3) In paragraph (3)(a)—

(a) after "reassessed by a", insert " type A "; and

(b) for "Part II of Annex IV" substitute " Annex III ".

(4) For paragraph (3)(b), substitute—

"(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.".

(5) For paragraph (4), substitute—

"(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.".

(6) After paragraph (4), insert—

"(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 [M9] as revised or reissued from time to time.".

Marginal Citations

M9 Current Edition: 2004, ISBN 0580446832.

Periodic inspection and repeated use

10.—(1) Regulation 22 is amended as follows.

(2) In paragraph (1), for "(c)" substitute " (b) ".

(3) In paragraph (2)—

(a) for "article 10(1) or (2)" substitute " articles 14 and 15 ";

(b) omit "or the marking for gas cylinders referred to in the second indent of article 1(2)(c) of that Directive"; and

(c) for "article 6(1) of the Directive" substitute " the Dangerous Goods Directive ".

(4) Omit paragraph (3).

(5) In paragraph (4), for "article 10" substitute " articles 14 and 15 ".

Competent Authority

11.—(1) Regulation 25 is amended as follows.

(2) After paragraph (3), insert—

"(3A) The Secretary of State for Energy and Climate Change 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).".

(3) For paragraph (11)(a), substitute—

"(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".

Appointments by the GB competent authority

12.—(1) Regulation 29 is amended as follows.

(2) In paragraph (4), for "Annexes I and II to the Transportable Pressure Equipment Directive" substitute " the Dangerous Goods Directive and the requirements set out in articles 20 and 26 of the Transportable Pressure Equipment Directive. ".

(3) Omit paragraph (5).

Enforcement

[F1]**13.** . . . . . .

Textual Amendments

F1 Reg. 13 revoked (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. 210** (with Sch. 4)

Duty to Review

14. After regulation 33, insert—

"**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.”.

Schedule 2 – Radiological Emergencies

15.—(1) Schedule 2 is amended as follows.

(2) In paragraph 4—

(a) in sub-paragraph (1), after “consignor”, insert “ and the carrier ”; and

(b) in sub-paragraph (3), after “consignor”, insert “ and the carrier ”.

Revocation

16. The Classification and Labelling of Explosives Regulations 1983 [M10] are revoked.

Marginal Citations

M10 S.I. 1983/1140 as amended by the following S.I.s: 1996/2093, 1999/303, 2004/568, 2005/1082, 2007/1573 and 2010/1554.

Consequential Amendments

17.—(1) The Regulations specified in the Schedule to these Regulations are amended in accordance with the provisions of that Schedule.

(2) The amendments made by this regulation and the Schedule to the Regulations in paragraphs 1 to 6 of the Schedule apply outside Great Britain to the extent that they affect provisions of those Regulations which apply outside Great Britain by virtue of—

(a) regulation 5(1) of the Dangerous Substances in Harbour Areas Regulations 1987 [M11];

(b) regulation 3 of the Docks Regulations 1988 [M12];

[F2](c) . . . . . .

[F3](d) . . . . . .

[F4](e) . . . . . .

(f) regulation 12 of the Dangerous Substances and Explosive Atmospheres Regulations 2002 [M13].

Textual Amendments

F2 Reg. 17(2)(c) revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(a), **Sch. 14 Pt. 2**

F3 Reg. 17(2)(d) revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(a), **Sch. 14 Pt. 2**

F4 Reg. 17(2)(e) revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(a), **Sch. 14 Pt. 2**

Marginal Citations

M11 S.I. 1987/37, to which there are amendments not relevant to these Regulations.

M12 S.I. 1988/1655, to which there are amendments not relevant to these Regulations.

M13 S.I. 2002/2776, amended by S.I. 2004/568, 2007/1573 and 2009/716.

Signed by authority of the Secretary of State

Theresa Villiers
Minister of State

Department for Transport

SCHEDULE

Regulation 17

Amendments

The Dangerous Substances in Harbour Areas Regulations 1987

1. In regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987, for the definition of "military explosive", substitute " "military explosive" has the same meaning as in regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 [M14]; ".

Marginal Citations

M14 S.I. 2009/1348, as amended by S.I. 2011/1885.

The Docks Regulations 1988

2. In regulation 21(3)(d) of the Docks Regulations 1988, for "regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983", substitute " regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 [M15] ".

Marginal Citations

M15 S.I. 2009/1348, as amended by S.I. 2011/1885.

The Control of Explosives Regulations 1991

[F5]**3.** . . . . . .

Textual Amendments

F5 Sch. para. 3 revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(b), **Sch. 14 Pt. 2**

The Placing on the Market and Supervision of Transfers of Explosives Regulations 1993

[F6]**4.** . . . . . .

Textual Amendments

F6 Sch. para. 4 revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(b), **Sch. 14 Pt. 2**

The Marking of Plastic Explosives for Detection Regulations 1996

[F7]**5.** . . . . . .

Textual Amendments

F7 Sch. para. 5 revoked (1.10.2014) by The Explosives Regulations 2014 (S.I. 2014/1638), reg. 1(1), Sch. 13 para. 25(b), **Sch. 14 Pt. 2**

The Dangerous Substances and Explosive Atmospheres Regulations 2002

6. In Schedule 5 to the Dangerous Substances and Explosive Atmospheres Regulations 2002, omit "The Classification and Labelling of Explosives Regulations 1983 (S.I. 1983/1140);".

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

7. In regulation 2(2) of the Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003 [M16] —

(a) in the definition of "classified explosive", for "Classification and Labelling of Explosives Regulations 1983" substitute " UN Recommendations ";

(b) omit "and" at the end of the definition of "sampling body";

(c) at the end of the definition of "unique numbered copy", for "." substitute—

"; and

"UN Recommendations" means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26th April 1957)) [M17] as revised or reissued from time to time.".

Marginal Citations

M16 S.I. 2003/1082.

M17 Current edition: 2011, ISBN 9789211391411.

The Health and Safety (Fees) Regulations 2010

8.—(1) The Health and Safety (Fees) Regulations 2010 [M18] are amended as follows.

(2) In regulation 9 —

(a) in paragraph (7), for ", 6 and 7" substitute " and 6 "; and

(b) in paragraph (8) —

(i) for ", 6 and 7" substitute " and 6 "; and

(ii) omit the words from ", save that where in column 2" to the end of that paragraph.

(3) In Schedule 8 —

(a) omit Part 7; and

(b) in Part 8, omit entry (c).

Marginal Citations

M18 S.I. 2010/579.

The Pyrotechnic Articles (Safety) Regulations 2010

9.—(1) The Pyrotechnic Articles (Safety) Regulations 2010 [M19] are amended as follows.

(2) In regulation 46(5) insert at the end " or the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 [M20] on or after 24th October 2011 ".

(3) For regulation 47(5) substitute—

"(5) A theatrical pyrotechnic article or another pyrotechnic article or a category 4 firework that falls within paragraph (1) benefits from that provision whether it is classified—

(a) for the purposes of the Classification and Labelling of Explosives Regulations 1983 [M21] before 24th October 2011;

(b) for the purposes of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991 [M22] before or after 4th July 2013; or

(c) for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 before or after 4th July 2013.".

Marginal Citations

M19 S.I. 2010/1554.

M20 S.I. 2009/1348, as amended by S.I. 2011/1885.

M21 S.I. 1983/1140 as amended by the following S.I.s: 1996/2093, 1999/303, 2004/568, 2005/1082, 2007/1573 and 2010/1554. It was revoked by S.I. 2011/1885.

M22 S.R. (N.I.) 1991 No 516 as amended by S.R. (N.I.) 2006 No 182 and 2006 No 425.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 ("the 2009 Regulations") in order to implement Directive 2010/35/EU of the European Parliament and of 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 (OJ L165, 30.6.2010, p.1) ("the 2010 Directive").

These Regulations also include provision relating to ADR, RID and ADN. These are terms defined in the Table in regulation 2(5) of the 2009 Regulations and refer to the technical requirements (as revised or reissued) annexed to the international agreements governing the transport of dangerous goods by, respectively, road, rail and inland waterway. In particular these Regulations enable ADR and RID to be interpreted in such a way as to ensure that class 1 goods are classified by the GB competent authority or the competent authority of another party to ADR or RID.

The Regulations also give the Secretary of State for Energy and Climate Change certain responsibilities in relation to class 7 goods, and make the Secretary of State for Defence an enforcing authority. They insert a review clause into the 2009 Regulations and make a number of minor changes.

Regulation 3 amends the Table in regulation 2 of the 2009 Regulations by inserting new defined terms and updating the meaning of the Transportable Pressure Equipment Directive so it refers to the 2010 Directive.
Regulation 4 amends regulation 3 of the 2009 Regulations in respect of the interpretation of ADR, RID and ADN for the purposes of those Regulations. A number of redundant provisions are removed and "EU" is substituted for "Communities" to reflect European institutional reform. References to "competent authority" are inserted in ADR and RID text relating to the classification of class 1 goods. This latter change allows for the revocation of the Classification and Labelling of Explosives Regulations 1983.
Regulation 5 amends regulation 11(3) of the 2009 Regulations to change the name of the document which sets out the exemptions.
Regulation 6 amends regulation 12 of the 2009 Regulations allowing the Secretary of State for Energy and Climate Change to issue authorisations in relation to the national carriage of class 7 goods.
Regulation 7 replaces regulation 19 (conformity assessment) in the 2009 Regulations with regulations 19 to 19F. Regulation 19 sets out the equipment to which the general and specific obligations apply. Regulation 19A sets outs the general obligations that apply where transportable pressure equipment is placed or made available on the market, put into service or used. Regulations 19B to 19F set out specific obligations on manufacturers, importers, distributors, owners and operators respectively.
Regulation 8 replaces regulation 20 (conformity assessment – national carriage), which is no longer allowed under the 2010 Directive, with a new regulation allowing a manufacturer to appoint an authorised representative to carry out some of its obligations and setting out the responsibilities of that authorised representative.
Regulations 9 and 10 amend regulations 21 and 22 of the 2009 Regulations to reflect the changes made by the 2010 Directive to the procedures for reassessment of conformity, and for periodic inspection and repeated use.
Regulation 11 amends regulation 25 of the 2009 Regulations making the Secretary of State for Energy and Climate Change a competent authority in relation to the carriage of class 7 goods, except for the register of driver training certificates.
Regulation 12 amends regulation 29 of the 2009 Regulations to update the procedure for appointing a person to carry out the functions of a notified body.
Regulation 13 amends regulation 32 of the 2009 Regulations to add the Secretaries of State for Defence, and Energy and Climate Change as enforcing authorities.
Regulation 14 inserts a requirement into the 2009 Regulations for the Secretary of State to review the operation and effect of those Regulations, and publish a report within five years after these Regulations come into force, and within every five years thereafter. Following each review, the Secretary of State will decide whether the 2009 Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend the 2009 Regulations.
Regulation 15 amends Schedule 2 (Radiological Emergencies) to make the carrier jointly responsible with the consignor for ensuring an emergency plan is in place and for reviewing and revising that plan when necessary.
Regulations 16, 17 and the Schedule revoke the Classification and Labelling of Explosive Regulations 1983 and make provision for amendments to various legislative instruments as a consequence of their revocation.
An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a transposition note setting out how these Regulations transpose the provisions of Directive 2010/35/EU are available from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR and are annexed to the Explanatory Memorandum which is available alongside this instrument on the website, www.legislation.gov.uk.

A copy of Directive 2010/35/EU may be downloaded without charge from EURLEX, the European Law website (http://eur-lex.europa.eu/en/index.htm). ADR, RID, ADN and the United Nations Recommendations on the Transport of Dangerous Goods (the current edition of each is 2011) are available for purchase. The print versions of the 2011 editions have the following ISBN references; ADR - 9789211391404; RID - 9788086206400; ADN - 9789211391381; the United Nations Recommendations - 9789211391411. The current editions of ADR and ADN may also be downloaded without charge from the dangerous goods section of the United Nations Economic Commission for Europe website (http://live.unece.org/trans/danger/danger.html).

Changes to legislation:
There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011.