
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and replace the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981 ([S.I. 1981/1059](#)).

2. Regulation 3(1) provides that the Regulations apply to and in relation to the carriage of any dangerous substance, either in a road tanker or in a tank container carried on a vehicle, except where specified in Schedule 2.

3. The phrases “dangerous substance”, “road tanker” and “tank container” are, together with other words and phrases used in the Regulations, defined in regulation 2(1); and regulation 3(2) (together with regulation 2(2)) specifies when a road tanker or tank container carried on a vehicle will be considered to be engaged in the carriage of a dangerous substance to which the Regulations apply. Regulation 2(2) also provides that a combination of a motor vehicle and one or more trailers will, for the purposes of the Regulations, be treated as a single vehicle for as long as the constituent parts of that combination remain attached and that dangerous substances contained in different parts of such a vehicle will be considered to be contained in the same vehicle.

4. Regulation 4 describes the contents of the document defined by regulation as 2(1) “the approved list” and enables the Health and Safety Commission to approve revisions of that list.

5. By virtue of sub-paragraph (a) of the definition of “dangerous substance” in regulation 2(1), a substance will be a dangerous substance where it is listed in Column 1 of Part I of the approved list and it possesses certain characteristic properties, other than when it is carried at such dilution that no risk to the health or safety of any person is created by that carriage.

6. The approved list also contains information about the dangerous substances listed therein which, in accordance with regulations 18 to 21 and Schedule 3—

- (a) must be displayed on hazard warning panels and weather-resistant labels when those substances are carried; and
- (b) is relevant in determining which of the signs shown in Parts I and II of Schedule 1 must be shown on those panels or labels in such circumstances.

7. The contents of the approved list are also relevant to the requirements of regulation 11 (see paragraph 15 below).

8. By virtue of sub-paragraph (b) of the definition of “dangerous substance” in regulation 2(1), a substance will be a dangerous substance where, even though it is not listed in Column 1 of Part I of the approved list, it has one or more of the characteristic properties listed in Column 1 of Part I of Schedule 1 and it creates a risk to the health or safety of any person in the course of its carriage which is comparable with a risk created by the carriage of any substance which is listed in Column 1 of Part I of the approved list.

9. The bulk of the requirements and prohibitions imposed by the Regulations are expressed in terms of the operator of a road tanker, the operator of a tank container or the operator of a vehicle carrying a tank container. Regulation 5 defines what is meant by such persons.

10. Regulation 6 prohibits the operator of a road tanker and the operator of a tank container from using the relevant road tanker or tank container for the carriage of a dangerous substance unless the requirements of that regulation (which relate to the design, construction and maintenance of road tankers and tank containers) have been complied with as respects that road tanker or tank container.

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11. Regulation 7 prohibits the operator of a road tanker and the operator of a tank container from carrying a dangerous substance in the carrying tank of the relevant road tanker or in the relevant tank container unless the requirements of that regulation (which relate to such matters as the testing and examination of the carrying tanks of road tankers and of tank containers) have been complied with as respects that carrying tank or tank container.

12. Regulation 8 sets out the circumstances in which regulations 6 and 7 do not apply.

13. Regulation 9 imposes duties on respectively the operator of a road tanker and the operator of a tank container with respect to the keeping of the documents engendered in compliance with regulations 6 and 7.

14. Regulation 10 imposes duties on the consignor of a dangerous substance, and duties and a prohibition on each operator who is to carry it, with respect to the provision, possession and storage of information about the dangerous substance concerned.

15. Regulation 11 imposes duties (by reference to the contents of the approved list) on respectively—

- (a) the operator of a road tanker with respect to the carriage in the road tanker of the dangerous substances specified in that regulation; and
- (b) the operator of a vehicle carrying a tank container and the operator of the tank container with respect to the carriage in that tank container of the dangerous substances specified in that regulation.

16. Regulation 12—

- (a) imposes duties on respectively the operator of a road tanker carrying a dangerous substance and the operator of any other vehicle carrying a dangerous substance in a tank container with respect to the provision of information about the dangerous substance concerned to the driver of the vehicle; and
- (b) imposes duties on the driver with respect to that information.

17. Regulation 13—

- (a) imposes duties on respectively the operator of a road tanker carrying a dangerous substance and the operator of any other vehicle carrying a dangerous substance in a tank container with respect to the provision of fire-fighting equipment as regards the vehicle concerned; and
- (b) imposes duties on respectively the driver of such a vehicle and other persons with respect to fire and explosion prevention.

18. Regulation 14 imposes duties on respectively the operator of a road tanker and the operator of a tank container with respect to the loading of any dangerous substance into that vehicle or container.

19. Regulation 15 imposes duties on respectively the operator of a road tanker and the operator of a tank container with respect to the filling of tanks or compartments in the road tanker or tank container with any dangerous substance.

20. Regulation 16 imposes duties on respectively the driver of a road tanker carrying a dangerous substance and the driver of a vehicle carrying a dangerous substance in a tank container with respect to the closing of openings, valves and caps in or fitted to the carrying tank of that road tanker or to that tank container.

21. Regulation 17 imposes duties on respectively the driver of a road tanker carrying a dangerous substance and the driver of any other vehicle carrying a dangerous substance in a tank container with respect to the parking of the vehicle concerned when it is not being driven.

22. Regulation 18 imposes duties on respectively the operator and driver of a road tanker which is being used for the carriage of a dangerous substance with respect to the provision and display of hazard warning panels as regards that vehicle.

23. Regulation 19 imposes duties on respectively the operator of a tank container which is being used for the carriage of a dangerous substance, the operator of the vehicle carrying that tank container and the driver of that vehicle with respect to the provision and display of hazard warning panels as regards that tank container.

24. Regulation 20 imposes duties on respectively—

- (a) the operator of a road tanker carrying a multi-load and the driver of that vehicle with respect to the provision and display of weather-resistant labels as regards the said vehicle; and
- (b) the operator of a tank container carrying a multi-load, the operator of the vehicle carrying that tank container and the driver of that vehicle with respect to the provision and display of weather-resistant labels as regards that tank container.

25. Regulation 21 specifies the circumstances in which regulations 18 to 20 do not apply.

26. Regulation 22 imposes duties on respectively—

- (a) the operator and driver of a road tanker with respect to—
 - (i) the display of hazard warning panels and weather-resistant labels on that vehicle when no dangerous substance is being carried, and
 - (ii) the display of additional information on the said vehicle; and
- (b) the operator and driver of a vehicle carrying a tank container with respect to—
 - (i) the display of hazard warning panels and weather-resistant labels on that tank container when no dangerous substance is being carried, and
 - (ii) the display of additional information on the said tank container.

27. Regulation 23 imposes duties on respectively the operator and driver of a road tanker which has been emptied of dangerous substances and the operator and driver of any other vehicle carrying a tank container which has been emptied of dangerous substances with respect to the removal, etc., of hazard warning panels and weather-resistant labels from that road tanker or tank container.

28. Regulation 24 imposes duties on respectively the operator and driver of a road tanker carrying a dangerous substance and the operator and driver of a vehicle carrying a dangerous substance in a tank container with respect to the visibility of hazard warning panels and weather-resistant labels.

29. Regulation 25 and Schedule 4 have effect to regulate the unloading of petrol from a road tanker at any petroleum filling station and certain other premises for which a petroleum-spirit licence issued under the Petroleum (Consolidation) Act 1928 (1928 c. 32) is in force.

30. Regulation 26 imposes duties on respectively the operator of a road tanker carrying a dangerous substance and the operator of a vehicle carrying a dangerous substance in a tank container with respect to the provision of instruction and training to the driver of the vehicle concerned.

31. Regulation 27 imposes duties on respectively the driver of a road tanker carrying a dangerous substance and the driver of a vehicle carrying a dangerous substance in a tank container with respect to the production to police constables and goods vehicle examiners of information relevant to the dangerous substance being carried.

32. Regulation 28 enables the Health and Safety Executive to grant exemptions from these Regulations.

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33. Regulation 29 provides a defence in proceedings for an offence under these Regulations where the defendant can prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

34. Regulation 30—

- (a) repeals sections 5 and 18 of the Petroleum (Consolidation) Act 1928 insofar as those sections relate to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container;
- (b) revokes the Regulations specified in Part I of Schedule 5 to the extent specified therein (those Regulations include those already mentioned in paragraph 1 of this note); and
- (c) modifies the Regulations specified in Part II of Schedule 5 to the extent specified therein.

35. The approved list, the current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) [ISBN 0 11 550901 1] and the current edition of the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) [ISBN 0 11 550814 7] may be obtained from Her Majesty’s Stationery Office; the current edition of the International Maritime Dangerous Goods Code (“IMDG”) [Volumes I to IV ISBN 92 801 1055 1, Volume V ISBN 92 801 1125 6] may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR; and British Standard BS 5423: 1987 and British Standard BS 381 C: 1988 may be obtained (by personal callers) from the British Standards Institution, 2 Park Street, London W1A 2BS or (by post) from the British Standards Institution, Linford Wood, Milton Keynes MK14 6LE.