
STATUTORY INSTRUMENTS

1994 No. 670

HEALTH AND SAFETY

The Carriage of Dangerous Goods by Rail Regulations 1994

Made - - - - *9th March 1994*
Laid before Parliament *10th March 1994*
Coming into force - - *1st April 1994*

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (4)(b), (5) (b) and (6)(b) and 82(3)(a) of and paragraphs 1(1), (2) and (3), 3, 6, 12, 14 and 16 of Schedule 3 to the Health and Safety at Work etc. Act 1974(1) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods by Rail Regulations 1994 and shall come into force on 1st April 1994.

(2) In these Regulations, unless the context otherwise requires—

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983(2);

“the 1991 Regulations” means the Packaging of Explosives for Carriage Regulations 1991(3);

“the 1994 Regulations” means the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994(4);

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30 September 1957(5), as revised or re-issued from time to time;

(1) 1974 c. 37; sections 15(1) and 50 (3) were amended by the Employment Protection Act 1975 (1975 c. 71), Schedule 15, paragraphs 6 and 16(3) respectively. The general purposes of Part I referred to in section 15(1) were extended by section 117(2) of the Railways Act 1993 (1993 c. 43).

(2) S.I.1983/1140.

(3) S.I.1991/2097.

(4) S.I.1994/669.

(5) Current edition (1993): 0-11-551114-8.

“the approved carriage list” means the list described in regulation 4(1)(a) of the 1994 Regulations as revised in accordance with regulation 4(2) of those Regulations;

“carriage” means carriage by rail and shall be construed in accordance with regulation 2(4), and related words shall be construed accordingly;

“carriage by rail” means carriage on a railway;

“Compatibility Group” and “Compatibility Group letter” have the meanings assigned to them by regulation 2(1) of the 1983 Regulations;

“competent person” means a competent individual person (other than an employee) or a competent body of persons corporate or unincorporate, and any reference in these Regulations to a competent person performing a function includes a reference to his performing it through his employees or through an agent;

“computer” means a; computer system including its software;

“consignor” means any person who consigns dangerous goods and shall be regarded as—

- (a) the person who, having a place of business in Great Britain, consigns (whether as principal or agent for another) those dangerous goods for carriage; or
- (b) if no person satisfies the requirements of sub-paragraph (a) above, the consignee of those dangerous goods insofar as that person has control over the carriage of those goods in Great Britain;

“consignee” means a person to whom dangerous goods are consigned by rail;

“dangerous goods” means any—

- (a) explosives;
- (b) radioactive material;
- (c) goods named individually in the approved carriage list (other than when so diluted or treated that they no longer have the hazardous properties of those goods); or
- (d) any other goods which have one or more of the hazardous properties;

“Division” and “Division number” have the meanings assigned to them by regulation 2(1) of the 1983 Regulations;

“explosives” means explosive articles or explosive substances which—

- (a) have been assigned on classification in accordance with the 1983 Regulations to Class 1; or
- (b) are unclassified;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance; or
- (b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“facility owner” has the meaning assigned to it by section 17(6) of the Railways Act 1993(6);

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961(7);

(6) 1993 c. 43.

(7) 1961 c. 34.

“freight container” means an article of transport equipment which is—

- (a) of a permanent character and accordingly strong enough for repeated use;
- (b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
- (c) designed to be secured or readily handled or both, having corner fittings for these purposes;
- (d) of a size such that the area enclosed by the outer bottom corners is either—
 - (i) if the container is fitted with top corner fittings, at least 7 square metres, or
 - (ii) in any other case, at least 14 square metres,and includes a container when carried on a chassis and a swap body but does not include a vehicle, packaging, or any article of transport equipment designed solely for use in air transport;

“gunpowder” and “smokeless powder” have the meanings assigned to them by regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations 1989⁽⁸⁾;

“harbour area” has the meaning assigned to it by regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987⁽⁹⁾;

“hazardous properties” has the meaning assigned to it by regulation 2(1) of the 1994 Regulations;

“infrastructure controller” has the meaning assigned to it by regulation 2(1) of the Railways (Safety Case) Regulations 1994⁽¹⁰⁾;

“intermediate bulk container” means a rigid, semi-rigid or flexible portable packaging which has a capacity of 3 cubic metres or less, and which is designed for mechanical handling;

“military explosive” has the meaning assigned to it by regulation 2(1) of the 1983 Regulations;

“mine” and “quarry” have the meanings assigned to them by section 180 of the Mines and Quarries Act 1954⁽¹¹⁾;

“motor vehicle” has the meaning assigned to it in the Table contained in regulation 3(2) of the Road vehicles (Construction and Use) Regulations 1986⁽¹²⁾;

“package” means the package in which dangerous goods are carried and which is liable to be individually handled during the course of the carriage, and includes—

- (a) the receptacle containing the goods and any other packagings associated with it; and
- (b) the dangerous goods being carried,

but does not include—

- (c) a freight container (other than one which is also a tank container with a capacity of 3 cubic metres or less);
- (d) a tank container with a capacity of more than 3 cubic metres; or
- (e) a skip, a vehicle or other article of transport equipment;

“packagings” means the receptacle containing dangerous goods and any components, materials or wrappings associated with the receptacle for the purpose of enabling it to perform its containment function;

⁽⁸⁾ S.I.1989/615.

⁽⁹⁾ S.I.1987/37.

⁽¹⁰⁾ S.I.1994/237.

⁽¹¹⁾ 1954 c. 70; section 180 was modified by S.I.1974/2013.

⁽¹²⁾ S.I.1986/1078, to which there are amendments not relevant to these Regulations.

“radioactive material” has the meaning assigned to it by section 1(1) of the Radioactive Material (Road Transport) Act 1991⁽¹³⁾;

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which—

(a) is a tramway within the meaning of section 67(1) of the Transport and Works Act 1992⁽¹⁴⁾; or

(b) is operated wholly within a harbour area, factory, mine or quarry;

“railway facility” has the meaning assigned to it by section 83(1) of the Railways Act 1993;

“receptacle” means a vessel or the innermost layer of packagings which is in contact with any dangerous goods therein and includes any closure or fastener;

“RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail⁽¹⁵⁾; as revised or re-issued from time to time (“COTIF”);

“swap body” means a freight container which is specially designed for carriage by rail and road only and is without stacking capability and top lift facilities;

“tank” means a tank which is—

(a) used for the carriage of a liquid, gaseous, powdery or granular material or a sludge; and

(b) so constructed that it can be securely closed (except for the purpose of relieving excess pressure) during the course of carriage;

“tank container” means a tank, whether or not divided into separate compartments, having a total capacity of more than 450 litres, (other than an intermediate bulk container or the carrying tank of a road tanker or tank wagon) and includes a tube container and a tank swap body;

“tank swap body” means a tank which is specially designed for carriage by rail and road only and is without stacking capability;

“tank wagon” comprises a superstructure, consisting of one or more tanks (including the openings and their closures) and their items of equipment, and an underframe fitted with its own items of equipment (including running gear, suspension, buffing, traction, braking gear and inscriptions);

“train” has the meaning assigned to it by section 83(1) of the Railways Act 1993;

“train operator”, in relation to any train, means any person who has the management of that train for the time being, and related expressions shall be construed accordingly;

“tube container” means a group of gas cylinders connected together with a total capacity of more than 450 litres, fitted into a framework suitable for lifting on or off a vehicle and intended to be used for the carriage of compressed gases;

“UN number” has the meaning assigned to it by regulation 2(1) of the 1994 Regulations;

“wagon” means a railway vehicle (other than a tank wagon) used for the carriage of goods.

(3) For the purposes of these Regulations—

(a) the operator of a freight container, tank container, tank wagon or wagon shall be either—

(i) the owner of the freight container, tank container, tank wagon or wagon if that person has a place of business in Great Britain, or

(13) 1991 c. 27.

(14) 1992 c. 42.

(15) Cmnd.5897.

- (ii) if no person satisfies the requirements set out in head (i) of this sub-paragraph, the agent of the owner of the freight container, tank container, tank wagon or wagon if that agent has a place of business in Great Britain, or
 - (iii) if no person falls within heads (i) or (ii) of this sub-paragraph, the operator of the train on which the freight container or tank container is carried or of which the tank wagon or wagon forms part; and
- (b) the members of the crew of a train shall include the driver, driver's assistant, guard and any other person on board who has responsibilities in connection with the carriage of dangerous goods on that train, and related expressions shall be construed accordingly;
- (4) For the purposes of paragraph (3), a person to whom a freight container, tank container, tank wagon or wagon is leased or hired shall be deemed to be the owner thereof unless the lessor or, as the case may be, the hirer has made a written agreement with the person to whom he has leased or hired the freight container, tank container, tank wagon or wagon to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.
- (5) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered;
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.
- (6) Any reference in these Regulations to a document as revised or re-issued from time to time shall, for a period of 6 months after any such revision or re-issue, be a reference to either the document as it was immediately before that revision or re-issue took effect or the document as revised or re-issued.

Application

- 2.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply to and in relation to the carriage of any dangerous goods in a freight container, package, tank container, tank wagon, or wagon, except where—
- (a) the dangerous goods (other than any liquid nitrogen in the jacket of a tank container or tank wagon which is being carried exclusively for the purpose of insulating any liquid helium or liquid hydrogen) are being carried in a locomotive, freight container, tank container, tank wagon or wagon solely for use in connection with the operation of the locomotive, freight container, tank container, tank wagon or wagon concerned;
 - (b) the dangerous goods being carried is fuel in the fuel tanks of motor vehicles carried on a train;
 - (c) the dangerous goods being carried is commercial butane, commercial propane, or any mixture thereof, in a cylinder either—
 - (i) in a vehicle designed for a purpose which includes the use of such goods and the goods concerned are being carried in connection with the operation of the vehicle concerned, or
 - (ii) as part of the equipment carried on the vehicle concerned,provided that the number of cylinders carried thus (including any spare cylinders) does not exceed two;
 - (d) the dangerous goods being carried is petroleum spirit which is intended for use as fuel in any internal combustion engine and is not wholly or partly for sale, in a receptacle which conforms with the requirements of—

- (i) the Petroleum-spirit (Motor Vehicles, & c.) Regulations 1929⁽¹⁶⁾, or
 - (ii) regulations 3 to 7 of the Petroleum-Spirit (Plastic Containers) Regulations 1982⁽¹⁷⁾;
 - (e) the dangerous goods being carried is pesticide (other than sulphuric acid or wood preservative) and is diluted ready for use or is otherwise in a condition ready for use and in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations 1986⁽¹⁸⁾; and in this sub-paragraph “pesticide” has the same meaning as in section 16(15) of the Food and Environment Protection Act 1985⁽¹⁹⁾ and “wood preservative” means a pesticide used for preserving wood;
 - (f) the dangerous goods are being carried solely for use in connection with the provision of train catering facilities; or
 - (g) the carriage concerned commences and terminates within the same harbour area, factory, mine or quarry.
- (2) Regulation 17 shall not apply to the carriage of dangerous goods where—
- (a) the dangerous goods are being carried for or in connection with the carriage of those goods by sea and the goods are labelled in accordance with the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organization⁽²⁰⁾, as revised or re-issued from time to time;
 - (b) the carriage concerned is part of an international transport operation within the meaning of ADR and conforms with the provisions of Annex A or Annex B (or both) to that agreement; or
 - (c) the carriage concerned is part of an international transport operation which is subject to any special bilateral or multilateral agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to such an agreement.
- (3) Regulations 3 to 6, 8 to 11, 13 to 17, and 21 to 23 shall not apply to the carriage of dangerous goods where—
- (a) the carriage concerned is part of an international transport operation within the meaning of COTIF and conforms in every respect with the provisions of RID; or
 - (b) the carriage concerned is part of an international transport operation which is subject to any special bilateral or multilateral agreement made under the terms of COTIF to which the United Kingdom is a signatory and conforms with any conditions attached to such an agreement.
- (4) For the purposes of paragraph (1), a freight container, package, tank container, tank wagon or wagon shall be deemed to be engaged in the carriage of dangerous goods throughout the period commencing—
- (a) in the case who the relevant freight container, package, tank container, tank wagon or wagon has been loaded with the dangerous goods concerned before being brought to railway, from the time when the freight container, package, tank container tank wagon or wagon is brought onto the railway for the purpose of carrying thou goods; or
 - (b) in the case where the relevant freight container, package, tank container, tank wagon or wagon has been brought onto the railway before the commencement of loading, from the

⁽¹⁶⁾ S.R. & O. 1929/952.

⁽¹⁷⁾ S.I.1982/630.

⁽¹⁸⁾ S.I.1986/1510.

⁽¹⁹⁾ 1985 c. 48.

⁽²⁰⁾ Current edition: Volume I to IV 92 8011243 0; Volume V 92 8011248 1.

commencement of loading the freight container, package, tank container, tank wagon or wagon with the dangerous goods concerned for the purpose of carrying them, until the time when either—

- (c) the freight container, package, tank container, tank wagon or wagon is removed from the railway; or
- (d) the freight container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been emptied, cleaned, purged or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a risk to the health or safety of any person.

Construction of freight containers, tank containers, tank wagons and wagons.

3. No train operator or operator of any freight container, tank container, tank wagon or wagon shall cause or permit to be carried any dangerous goods in such freight container, tank container, tank wagon or wagon unless—

- (a) it is properly designed, of adequate strength and of good construction from sound and suitable materials;
- (b) it is suitable for the purpose for which it is to be used, having regard to—
 - (i) the nature and circumstances of the journey to be undertaken, and
 - (ii) the hazardous properties and quantity of both the dangerous goods and any other substance being carried;
- (c) it is designed, constructed and maintained so as to prevent any of the contents escaping (except that this requirement shall not prevent the fitting of a suitable safety device); and
- (d) insofar as it is likely to come into contact with the dangerous goods, it is made of materials which are liable neither to be adversely affected by the goods nor, in conjunction with them, to form any substance which creates a hazard to the health or safety of any person.

Testing, examination and maintenance of tank containers and tank wagons

4.—(1) No train operator or operator of any tank container or tank wagon shall cause or permit to be carried any dangerous goods in such tank container or tank wagon unless—

- (a) for the purpose of ensuring that it is properly maintained, there has been prepared and there is carried into effect (in each case by or on behalf of the operator of the tank container or tank wagon concerned) a suitable written scheme for—
 - (i) the initial and periodic examination, and
 - (ii) the initial and, where appropriate, periodic testing, of that tank container or tank wagon by a competent person;
- (b) prior to being used for the first time for the carriage of dangerous goods, a competent person acting on behalf of the operator of the tank container or tank wagon concerned has issued a certificate stating that the said tank container or tank wagon is suitable for the purposes specified therein;
- (c) there is in the possession of the operator of the tank container or tank wagon concerned a current report signed by the competent person who carried out the most recent examination and test in accordance with this paragraph, stating—
 - (i) the date or dates on which the said examination and test were carried out and the results thereof,

- (ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in sub-paragraph (a) of this paragraph or such longer interval as the competent person may specify, and
- (iii) that the tank container or tank wagon concerned remains suitable for the purposes specified in the certificate for that tank container or tank wagon issued under sub-paragraph (b) of this paragraph or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable.

(2) Subject to paragraph (3), no train operator or operator of any tank container or tank wagon shall cause or permit to be carried any dangerous goods in such tank container or tank wagon if the tank container or tank wagon concerned or any fittings attached thereto are in a state of disrepair or have been modified or repaired in such a way as might affect their safety since the report referred to in paragraph (1)(c) was issued.

(3) A train operator may carry dangerous goods in a tank container or tank wagon which is in a state of disrepair for the sole purpose of transporting such tank container or tank wagon to a place for repair, provided it is safe to do so.

(4) It shall be sufficient compliance with paragraph (1)(c) if—

- (a) the competent person referred to in that sub-paragraph first enters his report in a computer under the control of the operator of the tank container or tank wagon concerned and then duly authenticates it; or
- (b) in the case where the competent person does not enter it in a computer under the control of the operator of the tank container or tank wagon concerned, the report is transferred to such a computer by or on the instructions of the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.

(5) The relevant procedure referred to in paragraph (4) may only be used if the report—

- (a) is capable of being reproduced in written form;
- (b) is secure from unauthorised interference; and
- (c) can be authenticated only by the competent person.

(6) Where, since the report referred to in paragraph (1)(c) was issued, a tank container or tank wagon or any fittings attached thereto have fallen into a state of disrepair, or have been modified or repaired in such a way as might affect the safety of the tank container or tank wagon concerned, the provisions of paragraph (1) shall apply in respect of any such tank container or tank wagon as if it had not previously been used for the carriage of dangerous goods.

Certification of testing, examination and maintenance of tank containers and tank wagons

5. No operator of any tank container or tank wagon shall cause or permit to be carried any dangerous goods in such tank container or tank wagon unless he certifies to the operator of the train on which that tank container is to be carried or of which that tank wagon is to form part that he has complied with regulation 4 in respect of the said tank container or tank wagon.

Keeping of documents

6.—(1) The operator of any tank container or tank wagon shall ensure that all the documents referred to in regulation 4 are kept throughout the period that they remain valid at the address within Great Britain from which the deployment of the tank container or tank wagon concerned is controlled.

(2) It shall be sufficient compliance with paragraph (1) in circumstances where (by virtue of the fact that he does not have a place of business in Great Britain) the operator of the tank container or tank wagon is not its owner, if—

- (a) photocopies of the documents concerned are kept at the operator's place of business; or
- (b) the documents concerned are readily available from the owner of the tank container or tank wagon.

Information relating to dangerous goods to be received by operators

7.—(1) The consignor of any dangerous goods intended for carriage in a freight container, tank container, tank wagon or wagon shall ensure that the operator of the freight container, tank container, tank wagon or wagon concerned receives the information referred to in paragraph (2).

(2) The information referred to in paragraph (1) is as follows—

- (a) a description of the dangerous goods which shall include information relating to those goods contained in the approved carriage list comprising the proper shipping name, the code for the classification for carriage, the UN number, and the emergency action code, if any;
- (b) the name and address of the person in Great Britain from whom other information concerning the dangerous goods may be obtained;
- (c) the name and address of the consignor;
- (d) the name and address of the consignee;
- (e) the quantity of the dangerous goods;
- (f) in the case of all explosives, the Compatibility Group and Division of each type of explosives carried; and
- (g) in the case of explosives within a Compatibility Group whose Compatibility Group letter is C, D or G, whether the explosives are explosive articles or explosive substances.

(3) Any operator who has received information in accordance with paragraph (1) shall ensure that it is received by each train operator who is to carry the dangerous goods concerned.

(4) The consignor of any dangerous goods intended for carriage other than in a freight container, tank container, tank wagon or wagon shall ensure that each train operator who is to carry the dangerous goods concerned receives the information referred to in paragraph (2).

(5) Any train operator who has received information in accordance with paragraph (3) or (4) shall ensure that it is received by each infrastructure controller on whose tracks the dangerous goods concerned are to be carried.

Classification, packaging and labelling of dangerous goods

8. No train operator shall cause or permit to be carried any dangerous goods (other than radioactive material)—

- (a) to which the 1983 Regulations apply, unless they have been classified and labelled in accordance with those Regulations;
- (b) to which the 1991 Regulations apply, unless they have been packaged in accordance with those Regulations;
- (c) to which the 1994 Regulations apply, unless they have been classified, packaged and labelled in accordance with those Regulations.

Prohibition against overfilling tank containers and tank wagons

9. The consignor of any dangerous goods intended for carriage in a tank container or tank wagon and the operator of the tank container or tank wagon concerned shall ensure that no tank or compartment in the tank container or tank wagon concerned is filled beyond its safe level with any dangerous goods.

Openings, valves and caps to be securely closed before commencement of journey

10.—(1) Subject to paragraph (2), the consignor of any dangerous goods intended for carriage in a tank container or tank wagon and the operator of the tank container or tank wagon concerned shall ensure that—

- (a) all openings in the tank (container or tank wagon concerned; and
- (b) in the case where any discharge or filling opening in that tank container or tank wagon is fitted with more than one valve or is fitted with a cap, all such valves and that cap,

are securely closed before any journey on the railway is commenced.

(2) Nothing in paragraph (1) shall be taken as permitting the proper functioning of any safety device to be compromised.

Segregation of dangerous goods

11. No train operator shall cause or permit to be carried any dangerous goods unless they are adequately segregated from any other dangerous goods carried with them in such a way as to prevent the creation of a greater hazard than each of the consignments of dangerous goods is liable to create separately.

Safe carriage and security

12. Every person engaged in the carriage of dangerous goods shall take all reasonable steps to ensure that—

- (a) nothing is done during that carriage to create a hazard to the health or safety of any person; and
- (b) unauthorised access to the dangerous goods concerned is prevented.

Prevention of fire, explosion and leakage

13. Every person inspecting, maintaining, repairing or otherwise dealing with a freight container, package, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods shall take all necessary precautions to prevent fire or explosion and to prevent the dangerous goods concerned from leaking.

Loading

14. The operator of any freight container, tank container, tank wagon or wagon which is to be loaded with dangerous goods shall take all necessary precautions to ensure that those dangerous goods will not, in conjunction with any product remaining in the freight container, tank container, tank wagon or wagon concerned, significantly increase the existing risk to the health or safety of any person which arises out of the presence of that remaining product.

Packages

15. No train operator shall cause or permit to be carried any package containing dangerous goods unless, having regard to the dangerous goods concerned, such package is suitable and has been adequately maintained.

Marshalling and formation of trains

16. Every train operator shall ensure that, during the marshalling or formation of any train provided by him which is to be used for the carriage of dangerous goods, all necessary precautions to prevent the creation of hazards to the health or safety of any person are taken.

Labelling and marking of freight containers, tank containers, tank wagons and wagons

17.—(1) No operator of any freight container, tank container, tank wagon or wagon shall cause or permit to be carried in such freight container, tank container, tank wagon or wagon any dangerous goods unless the requirements of regulations 16, 17, 18 and 20 of the General Regulations set out in the List of Dangerous Goods and Conditions of Acceptance by Rail on Freight Services and Parcels Services published by the British Railways Board on 1st January 1990 and amended on 1st January 1994⁽²¹⁾ have been complied with in respect of the freight container, tank container, tank wagon or wagon concerned.

(2) The operator of any freight container, tank container, tank wagon or wagon shall ensure that any labels required to be displayed on the freight container, tank container, tank wagon or wagon concerned in accordance with paragraph (1) are—

- (a) kept clean and free from obstruction whilst the said freight container, tank container, tank wagon or wagon is being used for the carriage of dangerous goods; and
- (b) removed or covered when the said freight container, tank container, tank wagon or wagon has been emptied, cleaned, purged or decontaminated provided that if any dangerous goods or their vapours remain they are not sufficient to create a risk to the health or safety of any person.

Information, instruction and dining for train crews and other persons connected with the carriage of dangerous goods

18.—(1) The operator of any train carrying dangerous goods shall ensure, where appropriate, that those members of the crew of that train who have responsibilities in connection with the carriage of the dangerous goods concerned have received adequate information, instruction and training to enable them to understand—

- (a) the nature of the dangers to which the goods being carried may give rise and the action they should take in an emergency concerning them; and
- (b) their duties under these Regulations and sections 7 and 8 of the Health and Safety at Work etc. Act 1974.

(2) Each train operator shall keep a record of any training received by members of a train crew pursuant to paragraph (1) whilst in his employment and shall make available a copy of that record to the crew members concerned.

(3) The infrastructure controller shall ensure, where appropriate, that those of his employees who have responsibilities in connection with the carriage of dangerous goods on his tracks have received adequate information, instruction and training to enable them to understand—

(21) Current edition: B.R.22426 including amendments made on 1st January 1994.

- (a) the nature of the dangers to which the goods being carried may give rise and the action they should take in an emergency concerning them; and
 - (b) their duties under these Regulations and sections 7 and 8 of the Health and Safety at Work etc. Act 1974.
- (4) Each infrastructure controller shall keep a record of any training received by employees pursuant to paragraph (3), and shall make available a copy of that record to the employees concerned.

Restrictions on the carriage of explosives

- 19.—(1) No person shall cause or permit to be carried unclassified explosives.
- (2) No train operator shall cause or permit to be carried any explosives within a Compatibility Group whose Compatibility Group letter is K.
- (3) No person shall cause or permit to be carried in any freight container or wagon explosives with a net mass exceeding 20 tonnes unless such explosives are within a Division whose Division number is 1.4.
- (4) No person shall carry explosives in a train which carries passengers except in accordance with the conditions specified in paragraph (5).
- (5) The conditions referred to in paragraph (4) are—
- (a) the only explosives carried by the person concerned—
 - (i) are gunpowder or smokeless powder or any mixture thereof, or
 - (ii) are within a Compatibility Group whose Compatibility Group letter is S;
 - (b) the net mass of explosives carried by the person concerned does not exceed 2 kilograms;
 - (c) subject to paragraph (6), the explosives are kept with the person concerned and are kept property packed;
 - (d) all reasonable precautions are taken by the person concerned to prevent accidents arising from the explosives being carried; and
 - (e) subject to paragraph (6), the person concerned has obtained the approval of the train operator.
- (6) Nothing in sub-paragraphs (c) and (e) of paragraph (5) shall apply to the carriage of railway fog signals.
- (7) For the purposes of this regulation, where explosives are being carried by a passenger the members of the crew of the train on which they are being carried shall not be treated as carrying them as well.
- (8) No person shall cause or permit to be carried any explosives in an open freight container or wagon, unless by reason of their packaged weight or dimension, it is not possible to carry the explosives concerned in a covered freight container or wagon.
- (9) Any person who causes or permits to be carried any explosives in an open freight container or wagon in accordance with paragraph (8) shall ensure that such explosives are completely covered by sheeting and that the sheeting is securely fixed to the open freight container or wagon concerned except where it would not be reasonably practicable to cover the explosives with such sheeting and it would not be necessary for their protection.
- (10) Any person engaged in the carriage of explosives shall take all reasonable steps to prevent unauthorised access to or theft of those explosives.
- (11) The consignor of any explosives for carriage in a covered freight container or wagon and the operator of that freight container or wagon shall ensure that it is sealed to prevent unauthorised access.

(12) The train operator shall ensure that the security of any freight container or wagon carrying explosives is maintained whenever the train is stationary.

(13) The train operator and the consignee of explosives shall ensure—

- (a) that the carriage of the explosives is completed within a reasonable length of time having regard to the distance involved; and
- (b) that the explosives are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

(14) Subject to paragraph (15), no consignor, train operator or operator of a freight container or wagon shall cause or permit to be carried explosives within different Compatibility Groups (other than those within a Division whose Division number is 1.4) in the same freight container or wagon unless effective measures are taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives within any one of the Compatibility Groups in the load would be.

(15) Nothing in paragraph (14) shall apply to the carriage of explosives within different Compatibility Groups mixed in accordance with the Schedule to these Regulations.

(16) In this regulation—

“unclassified” shall be construed by reference to the definition of “classified” in regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations 1989;

“net mass” has the same meaning as in regulation 2(1) of the 1991 Regulations;

“railway fog signal” means a railway track signals explosive within a Division whose Division number is 1.4, within a Compatibility Group whose Compatibility Group Letter is S and with UN number 0193.

Emergency arrangements

20. The operator of any train, each facility owner and each infrastructure controller shall draw up and, where appropriate, give effect to such safety systems and procedures as will adequately deal with any emergency involving dangerous goods—

- (a) being carried by that train;
- (b) present at the relevant railway facility; or
- (c) present on the relevant railway track.

Provisions relating exclusively to the safe carriage of radioactive material

21.—(1) No train operator shall cause or permit to be carried any radioactive material unless the General Requirements, Class 7 of the Special Requirements and Appendix VII of RID have been complied with in relation to that material.

(2) In any proceedings for an offence consisting of a contravention of paragraph (1) it shall, subject to paragraphs (3) and (4), be a defence for the train operator to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called “the other person”); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) The train operator charged shall not, without leave of the court, be entitled to rely on the defence referred to in paragraph (2) unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(4) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the Health and Safety at Work etc. Act 1974, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

(5) For the purposes of this regulation, any reference to the competent authority in the General Requirements, Class 7 of the Special Requirements or Appendix VII of RID shall be construed as a reference to the Secretary of State.

Defence in criminal proceedings for contravening these Regulations

22. In any proceedings for an offence consisting of a contravention of these Regulations, except regulation 21, it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Exemption certificates

23.—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt any person from any requirement or prohibition imposed upon him by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the Executive at any time by a further certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

(a) any conditions which it proposes to attach to the exemption; and

(b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that neither the health or safety of persons who are likely to be affected by the exemption nor the security of dangerous goods will be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any person from any requirement or prohibition imposed upon him by these Regulations insofar as that person is engaged in the carriage of any military explosive and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State at any time by a further certificate in writing.

Signed by the Authority of the Secretary of State for Transport.

9th March 1994

Roger Freeman
Minister of State,
Department of Transport

THE SCHEDULE

Regulation 19(15)

PERMITTED MIXED LOADS OF EXPLOSIVES WITHIN DIFFERENT COMPATIBILITY GROUPS

The following mixed loads of explosives are permitted to be carried for the purposes of regulation 19(15)—

- (a) detonating fuses within a Compatibility Group whose Compatibility Group Letter is B (with UN number 0106 or 0167) may be carried with explosive articles within a Compatibility Group whose Compatibility Group Letter is D, E or F of which the fuses are components provided the aggregate is treated as falling within a Compatibility Group whose Compatibility Group Letter is F;
- (b) explosive substances within a Compatibility Group whose Compatibility Group Letter is C or D may be carried—
 - (i) together;
 - (ii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is C, D or E provided appropriate precautions are taken against harmful physical interactions including impact or friction by exposed metal; or
 - (iii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is G;
- (c) explosive articles within a Compatibility Group whose Compatibility Group Letter is C, D or E may be carried—
 - (i) together,
 - (ii) with explosives within a Compatibility Group whose Compatibility Group Letter is F, or
 - (iii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is G.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by rail in freight containers, packages, tank containers, tank wagons or wagons (as defined in regulation 1).

The Regulations—

- (a) prohibit a train operator or operator of any freight container, tank container, tank wagon or wagon from causing or permitting dangerous goods to be carried therein unless specified requirements relating to the design, construction, suitability and maintenance thereof have been complied with (*regulation 3*);
- (b) prohibit a train operator or operator of any tank container or tank wagon from causing or permitting dangerous goods to be carried therein—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) unless specified requirements relating to the preparation and issue of specified documents concerning the examination, testing, and suitability of the tank container or tank wagon have been complied with,
 - (ii) if the tank container or tank wagon or any fittings attached thereto are in a state of disrepair, except in specified circumstances (*regulation 4*);
- (c) prohibit an operator of a tank container or a tank wagon from causing or permitting dangerous goods to be carried therein unless he certifies to the train operator on whose train the dangerous goods are to be carried that he has complied with regulation 4 (*regulation 5*);
- (d) impose requirements with respect to the keeping of the documents referred to in regulation 4 (*regulation 6*);
- (e) require specified information to be received by—
 - (i) the relevant operator of a freight container, tank container, tank wagon or wagon, unless the goods are intended for carriage by some other means,
 - (ii) the relevant train operator, and
 - (iii) the relevant infrastructure controller (*regulation 7*);
- (f) prohibit a train operator from causing or permitting to be carried any dangerous goods (other than radioactive material) to which specified Regulations apply unless they have been classified, packaged and labelled in accordance with those Regulations (*regulation 8*);
- (g) require—
 - (i) that no tank or compartment in the tank container or tank wagon is filled beyond its safe level (*regulation 9*), and
 - (ii) that all openings, valves and caps are securely closed before any journey on the railway is commenced (*regulation 10*);
- (h) prohibit a train operator from causing or permitting to be carried dangerous goods unless they are adequately segregated from other dangerous goods carried with them (*regulation 11*);
- (i) require all reasonable steps to be taken to ensure that hazards to the health or safety of any person are not created and unauthorised access to the goods is prevented (*regulation 12*);
- (j) require all necessary precautions to be taken to prevent fire, explosion, and leakage of the goods from a freight container, package, tank container, tank wagon or wagon (*regulation 13*);
- (k) require all necessary precautions to be taken to ensure that when dangerous goods are loaded onto or into a freight container, tank container, tank wagon or wagon they will not, in conjunction with any product remaining therein, significantly increase the existing risk to the health or safety of any person (*regulation 14*);
- (l) prohibit a train operator from causing or permitting to be carried any package containing dangerous goods unless that package is suitable for the purpose and has been adequately maintained (*regulation 15*);
- (m) require all necessary precautions to be taken during the marshalling or formation of a train to prevent the creation of hazards to the health or safety of any person (*regulation 16*);
- (n)
 - (i) prohibit an operator of a freight container, tank container, tank wagon or wagon from causing or permitting dangerous goods to be carried therein unless the requirements of specified regulations have been complied with (*regulation 17(1)*), and

- (ii) require specified labels to be kept clean and free from obstruction whilst the container or wagon is being used and to be removed or covered when not being used (*regulation 17(2)*);
- (o) require, where appropriate—
 - (i) specified persons to receive adequate information, instruction and training concerning their responsibilities (*regulation 18(1) and (3)*), and
 - (ii) a record of any training received to be kept and a copy to be made available to the person who has received the training (*regulation 18(2) and (4)*);
- (p) impose prohibitions and restrictions in relation to the carriage of explosives (*regulation 19 and the Schedule*);
- (q) require safety systems and procedures to be drawn up and, where appropriate, given effect to in order to deal with any emergency on a train, at a railway facility or on a railway track (*regulation 20*);
- (r) prohibit the carriage of radioactive material unless specified requirements have been complied with and provide for a specified defence for contravention of the prohibition (*regulation 21*);
- (s) provide for a defence for a contravention of the Regulations (with the exception of regulation 21) (*regulation 22*);
- (t) provide for the granting of exemptions from the Regulations by the Health and Safety Executive (*regulation 23*).

The approved carriage list, the current edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) [ISBN 0 11 551114 8] and the current edition of the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) [ISBN 0 11 551122 9] may be obtained from Her Majesty’s Stationery Office; the current edition of the International Maritime Dangerous Goods Code [Volumes I to IV 92 8011243 0, Volume V 92 8011248 1] may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR and the current edition of the List of Dangerous Goods and Conditions of Acceptance by Rail on Freight Services and Parcels Services [B. R.22426] may be obtained from the Director of Operational Standards, British Railways Board, Macmillan House, Paddington Station, London W2 1FT.