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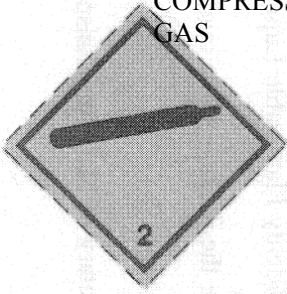
SCHEDULE 1

Regulation 5

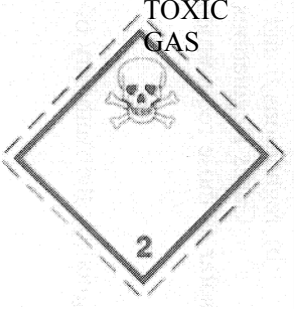

CLASSIFICATION AND ASCERTAINMENT OF OTHER PARTICULARS OF DANGEROUS GOODS

PART I

TABLE OF CLASSIFICATIONS AND OTHER PARTICULARS

(1) <i>Classification</i>	(2) <i>Hazardous properties</i>	(3) <i>Relevant properties</i>	(4) <i>Packing Group</i>	(5) <i>Class number</i>	(6) <i>Danger sign</i>	(7) <i>Optional lettering</i>
Non-flammable, non-toxic gas	A substance which— (a) at 50°C has a vapour pressure greater than 300 kilopascals absolute or is completely gaseous at 20°C at a standard pressure of 101.3 kilopascals; and (b) is carried at an absolute pressure of not less than 280 kilopascals or in liquefied form, other than a toxic gas or	—	—	2.2		COMPRESSED GAS

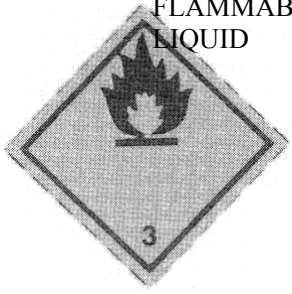
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	a flammable gas.					
Toxic gas	A substance which at 50°C has a vapour pressure greater than 300 kilopascals absolute or is completely gaseous at 20°C at a standard pressure of 101.3 kilopascals and which is toxic.	—	—	2.3		
Flammable gas	A substance which— (a) at 50°C has a vapour pressure greater than 300 kilopascals absolute or is completely gaseous at 20°C at a standard pressure of 101.3 kilopascals and is flammable; or (b) is packed	—	—	2.1		

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	<p>in an aerosol dispenser where that dispenser contains either—</p> <p>(i) more than 45 per cent by mass of a flammable substance,</p> <p>or</p> <p>(ii) more than 250 grammes of a flammable substance,</p> <p>and in this sub-paragraph flammable substances means a flammable gas or flammable liquid having a flash point less than or equal to 100°C.</p>					

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Flammable liquid	<p>A liquid with a flash point—</p> <p>(a) above 61°C and which is carried at a temperature above its flashpoint;</p> <p>or</p> <p>(b) of 61°C or below except—</p> <p>(i) a liquid which has a flashpoint equal to or more than 35°C, and when tested in accordance with the appropriate approved method does not support combustion,</p> <p>(ii) a viscous substance</p>	<p>(a) (in case of any liquid having a flash point of less than 23°C and containing either not more than 5% of toxic or corrosive substances with a packing group of I or II or not more than 5% of flammable liquids with a packing group of I and</p>		3		FLAMMABLE LIQUID

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		which complies with the provisions of Part III of this Schedule and is contained in a receptacle with a capacity of less than 450 litres, or	a subsidiary hazard of toxic or corrosive)–			
	(iii)	a substance which is classified as a flammable gas because it has the hazardous properties specified in sub-paragraph (b) of this column corresponding to	(i) less than 3% of it separates out into a clear solvent layer following a suitable solvent separation test, (ii) the flash point of it is specified in column 1 of the table set out in Part IV of this Schedule, (iii) the kinematic viscosity			

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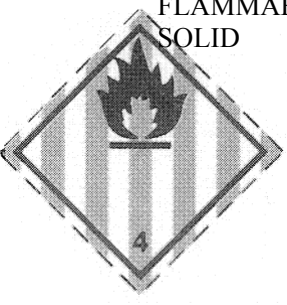
(1) <i>Classification</i>	(2) <i>Hazardous properties</i>	(3) <i>Relevant properties</i>	(4) <i>Packing Group</i>	(5) <i>Class number</i>	(6) <i>Danger sign</i>	(7) <i>Optional lettering</i>
		the entry for a “flammable gas” in column 1 of this Part.	of it is within the range specified in column 2 of the table set out in Part IV of this Schedule which is opposite to the flash point of that liquid referred to in head (ii) of this sub-paragraph, and (iv) is contained in a receptacle with a capacity			

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<i>Classification</i>	<i>Hazardous</i>	<i>Relevant</i>	<i>Packing</i>	<i>Class</i>	<i>Danger</i>	<i>Optional</i>
<i>properties</i>	<i>properties</i>	<i>properties</i>	<i>Group</i>	<i>number</i>	<i>sign</i>	<i>lettering</i>
			of less than 450 litres; or			
		(b) (in(b) the case of any other liquid) it has—				
		(i) an I initial boiling point not greater than 35°C,				
		(ii) an II initial boiling point above 35°C and a flash point of less than 23°C, or				
		(iii) an III initial boiling point above 35°C and a flash point of 23°C				

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		or above.				
Flammable solid	(a) a substance which is— which, under conditions encountered in transport, is readily combustible or may cause or contribute to fire through friction;			4.1		FLAMMABLE SOLID
	(b) a self-reactive or related substance which is liable to undergo a strongly exothermic reaction;					
	(c) a desensitised explosive where the explosive properties have been suppressed.					

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<i>Classification</i>	<i>Hazardous</i>	<i>Relevant</i>	<i>Packing</i>	<i>Class</i>	<i>Danger</i>	<i>Optional</i>
<i>properties</i>	<i>properties</i>	<i>properties</i>	<i>Group</i>	<i>number</i>	<i>sign</i>	<i>lettering</i>
		(water-(d) wetted and (when in a dry state) required to be classified (as defined by				
		2 (regulation of the Classification and Labelling of Explosives Regulations 1983) in pursuance of				
		3 (2) (a) of those Regulations;				
		(b) (i) a self- reactive substance, or (ii) a readily combustible solid which, when ignited, burns very vigorously or				

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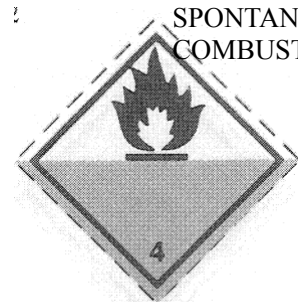
intensely
and
is
difficult
to
extinguish;
or

- (c) a(d)I
readily
combustible
solid
which
when
ignited
burns
vigorously
or
intensely.

SpontaneouslyA substance
combustible which is
substance liable to
spontaneous
heating
under
conditions
encountered
in carriage
or to heating
in contact
with air
being then
liable to
catch fire.

A substance
which is—

4.2



- (a) a(d)
pyrophoric
substance
which
ignites
instantly
on
contact
with
air;

- (b)able(b)
to
ignite
on
contact

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with air within a short space of time, particularly under conditions of spillage; or

(c) any other substance which is liable to ignite on contact with air.

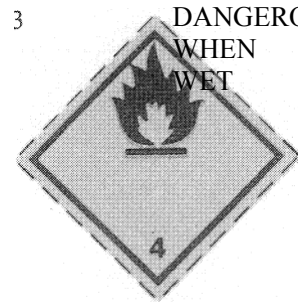
Substance which in contact with water emits flammable gas

A substance which in contact with water is liable to become spontaneously combustible or to give off a flammable gas.

A substance which—

4.3

3



DANGEROUS
WHEN
WET

(d) other (d) reacts vigorously with water at ambient temperatures and demonstrates

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			generally a tendency for the gas produced to ignite spontaneously or reacts readily with water at ambient temperatures so that the rate of evolution of flammable gas is equal to or greater than 10 litres per kilogram of substance over any period of one minute;			
		reacts readily with water				


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at
 ambient
 temperatures
 so
 that
 the
 maximum
 rate
 of
 evolution
 of
 flammable
 gas
 is
 equal
 to
 or
 greater
 than
 20
 litres
 per
 kilogram
 of
 substance
 per
 hour;
 or

(c) acts (d) II
 slowly
 with
 water
 at
 ambient
 temperatures
 so
 that
 the
 maximum
 rate
 of
 evolution
 of
 flammable
 gas
 is
 greater
 than
 1

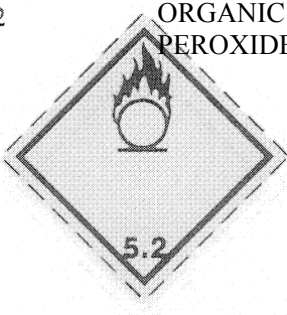
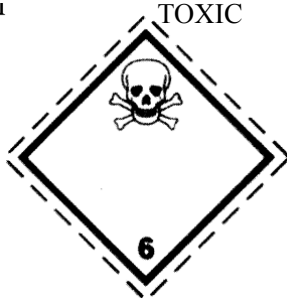
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			litre per kilogram of substance per hour.			
Oxidizing substance	A substance other than an organic peroxide which, although not necessarily combustible, may by yielding oxygen or by a similar process cause or contribute to the combustion or other material.	A solid substance which, when mixed with cellulose in a ratio of either 1:4 or 1:1 by mass, exhibits a burning rate at least as fast as that for a—		5.1	.1	OXIDIZING AGENT 
		(a) 3:2(d) mixture by mass of potassium bromate and cellulose;				
		(b) 2:3(H) mixture by mass of potassium bromate and cellulose; or				
		(c) 3:7(d)II mixture by				


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<i>properties</i>	<i>properties</i>	<i>properties</i>	<i>Group</i>	<i>number</i>	<i>sign</i>	<i>lettering</i>
			mass of potassium bromate and cellulose.			
		A liquid substance which, when mixed with cellulose in a ratio of 1:1 by mass, exhibits a pressure rise at least as fast as that of a 1:1 mixture by mass of—				
			(a) 50% (d) perchloric acid and cellulose;			
			(b) 40% (h) aqueous sodium chlorate solution and cellulose; or			
			(c) 65% (d) aqueous nitric acid and cellulose.			

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Organic peroxide	A substance which is— (a) an organic peroxide and (b) an unstable substance which may undergo exothermic self-accelerating decomposition.	Any substance classified as an organic peroxide.	II	5.2		ORGANIC PEROXIDE
Toxic substance	A substance which is liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.	A substance which has been allocated to—		6.1		TOXIC
		packing (d) group I in accordance with the criteria set out in Part V of this Schedule;				
		packing (II) group II				

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Infectious substance	A substance which either contains viable micro-organisms that are known or reasonably believed to cause disease in animals or humans or genetically-modified micro-organisms and	—	—	6.2	2	INFECTIOUS SUBSTANCE 

in accordance with the criteria set out in Part V of this Schedule; or
 packing (d) group III in accordance with the criteria set out in Part V of this Schedule.

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organisms which are infectious.

Corrosive substance

A substance which by chemical action will—

A substance which—

8



- (a) cause (a) severe damage when in contact with living tissue; or
- (b) materially damage freight or equipment if leakage occurs.
- (a) causes (a) full thickness destruction of skin tissue at the site of contact with an observation period of 60 minutes starting after testing on the intact skin of an animal for a period of 3 minutes

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or
less;

(c) uses (b)

full
thickness
destruction
of
skin
tissue
at
the
site
of
contact
with
an
observation
period
of
14
days
starting
after
testing
on
the
intact
skin
of
an
animal
or
a
period
of
more
than
3
minutes
but
not
more
than
60
minutes;

(c) uses (d)

full
thickness
destruction

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			of skin tissue at the site of contact with an observation period of 14 days starting after testing on the intact skin of an animal for a period of more than 60 minutes but not more than 4 hours; or			
		causes (d)I corrosion in steel or aluminium surfaces at a				

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rate exceeding 6.25 mm a year at a test temperature of 55°C.

Miscellaneous dangerous goods — (a) — 9

is listed in the approved carriage list and which may create a risk to the health or safety of persons in the conditions encountered in carriage whether or not it has any of the hazardous properties of any other classification; or (b) contains a



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		of any other classification, or (iii) constitutes dangerous goods for any other reason.				

PART II

SPECIFICATION OF DANGER SIGNS

1. The danger signs to be used shall be those shown in column 6 of Part I of this Schedule for the classification of the goods shown in the corresponding entry in column 1 of that Part and the signs shall conform in form and colour to those shown in the said column 6, except that in the case of the signs for the classifications “non-flammable non-toxic gas”, “flammable gas”, “flammable liquid” and “substance which in contact with water emits flammable gas”, the symbol may be in white.

2. The words in column 7 of Part I of this Schedule may be included in the lower half of the relevant sign shown in the corresponding entry in column 6 of that Part and where included shall conform in form and colour to those shown in the said column 7, except that—

- (a) in the case of the signs for the classifications “non-flammable non-toxic gas”, “flammable gas”, “flammable liquid”, “spontaneously combustible substance” and “substance which in contact with water emits flammable gas”, any lettering may be in white;
- (b) in the case of the sign for the classification “corrosive substance” the lettering shall be in white;
- (c) in place of the word “toxic”, the word “poison” may be used wherever it occurs; and
- (d) in place of the word “flammable”, the word “inflammable” may be used wherever it occurs.

3. Each danger sign shall be in the form of a square set with its sides at an angle of 45° to the vertical.

4. Danger signs shall have a line of the same colour as the symbol, 5 millimetres inside the edge and running parallel to it. (The broken line which surrounds each sign as depicted in column 6 of Part I of this Schedule delineates the edge of that sign and need not be shown.)

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PART III

VISCOUS SUBSTANCES NOT REQUIRED TO BE CLASSIFIED AS FLAMMABLE LIQUIDS

For the purposes of Part I of this Schedule, a substance shall not be classified as a flammable liquid, if it complies with the following conditions, namely—

- (a) the substance does not have the hazardous properties of a toxic or corrosive substance;
- (b) the substance is a solution or homogeneous mixture which does not contain more than 20% nitro-cellulose containing not more than 12.6% nitrogen by mass;
- (c) the flash point of the substance is equal to or greater than 23°C;
- (d) in a suitable solvent separation test, the solvent which separates is not more than 3% of the volume of the substance; and
- (e) the viscosity of the substance when determined at 23°C in a flow cup conforming to the International Standards Organisation Standard ISO 2431-1984 or British Standard BS EN 535-1991 and having a jet diameter of 6 mm is—
 - (i) in a case where the substance contains not more than 60 per cent. of a flammable liquid with a flash point of 61°C or less, not less than 40 seconds,
 - (ii) in any other case, not less than 60 seconds.

PART IV

TABLES OF FLASH POINTS AND KINEMATIC VISCOSITY RANGES OF GOODS WHICH HAVE BEEN CLASSIFIED AS FLAMMABLE LIQUIDS IN ACCORDANCE WITH REGULATION 5 OF THESE REGULATIONS, WHICH HAVE A FLASH POINT OF LESS THAN 23°C AND CONTAIN EITHER—NOT MORE THAN 5% OF TOXIC OR CORROSIVE SUBSTANCES WITH A PACKING GROUP OF I OR II, OR NOT MORE THAN 5% OF FLAMMABLE LIQUIDS WITH A PACKING GROUP OF I AND A SUBSIDIARY HAZARD OF TOXIC OR CORROSIVE

(1) <i>Flash point</i>	(2) <i>Kinematic viscosity γ (extrapolated at near-zero shear rate) (mm^2/s at 23°C)</i>
Above 17°C	$20 < \gamma \leq 80$
Above 10°C	$80 < \gamma \leq 135$
Above 5°C	$135 < \gamma \leq 220$
Above -1°C	$220 < \gamma \leq 300$
Above -5°C	$300 < \gamma \leq 700$
-5°C and below	$700 < \gamma$

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PART V

CRITERIA FOR ASCERTAINING PACKING GROUPS OF GOODS WHICH HAVE BEEN CLASSIFIED AS TOXIC SUBSTANCES IN ACCORDANCE WITH REGULATION 5 OF THESE REGULATIONS

Toxic substances shall be allocated into packing group I, II or III in accordance with the criteria given in the table below:

(1) <i>Packing group</i>	(2) <i>Oral toxicity LD₅₀ (mg/kg)</i>	(3) <i>Dermal toxicity of LD₅₀ (mg/kg)</i>	(4) <i>Inhalation toxicity of dust or mists LC₅₀ (mg/m³)</i>	(5) <i>Inhalation toxicity of vapours where V is the saturated vapour concentration produced by the substance at 20°C expressed by reference to LC₅₀ (ppm)</i>
to				
I	≤5	≤40	≤500	V≤10 × LC ₅₀ and LC ₅₀ ≤1000
II	>5 to ≤50	>40 to ≤200	>500 to ≤2000	V≥LC ₅₀ and LC ₅₀ ≤3000 but not placed in packing group I
III	solids: >50 to ≤200 liquids: >50 to ≤500	>200 to ≤1000	>2000 to ≤10000	V≥0.2 × LC ₅₀ and LC ₅₀ ≤5000 but not placed in either packing group I or II

The above criteria are based on LC₅₀ data relating to one hour exposure and where such information is available it should be used. However, where only LC₅₀ data relating to 4 hour exposures is available, then:

LC₅₀ (4 hr) × 4 shall be considered equivalent to LC₅₀ (1 hr) for dusts or mists, and LC₅₀ (4 hr) × 2 shall be considered equivalent to LC₅₀ (1 hr) for vapours.

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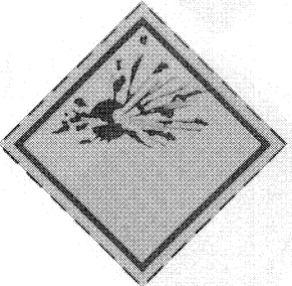



SCHEDULE 2

Regulation 5



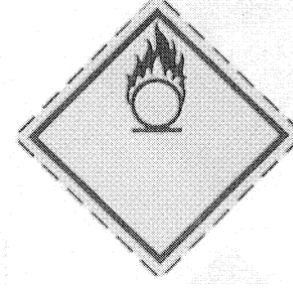

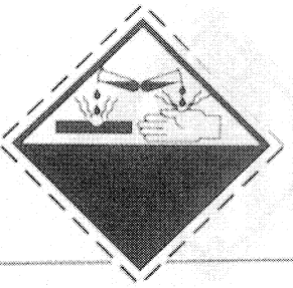
SUBSIDIARY HAZARD SIGNS

PART I

ASCERTAINMENT

(1) <i>Subsidiary hazard</i>	(2) <i>Subsidiary hazard sign</i>	(3) <i>Optional lettering</i>
Liable to explosion		—
Danger of fire (flammable gas)		FLAMMABLE GAS
Danger of fire (flammable liquid)		FLAMMABLE LIQUID
Danger of fire (flammable solid)		FLAMMABLE SOLID

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(1) <i>Subsidiary hazard</i>	(2) <i>Subsidiary hazard sign</i>	(3) <i>Optional lettering</i>
Liable to spontaneous ignition		SPONTANEOUSLY COMBUSTIBLE
Danger of emission of flammable gas on contact with water		DANGEROUS WHEN WET
Fire intensifying hazard		OXIDIZING AGENT
Toxic		TOXIC
Corrosive		CORROSIVE

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PART II

SPECIFICATION

1. The subsidiary hazard signs to be used shall be those shown in column 2 of Part I of this Schedule for the subsidiary hazard of the goods shown in the corresponding entry in column 1 of that Part and the signs shall conform in form and colour to those shown in the said column 2, except that in the case of the signs for the subsidiary hazards “Danger of fire (flammable gas)”, “Danger of fire (flammable liquid)”, or “Danger of emission of flammable gas on contact with water” the symbol may be in white.

2. The words in column 3 of Part I of this Schedule may be included in the lower half of the relevant sign shown in the corresponding entry in column 2 of that Part and where included shall conform in form and colour to those shown in the said column 3, except that—

- (a) in the case of the signs for the subsidiary hazards “danger of fire (flammable gas)”, “danger of fire (flammable liquid)”, “liable to spontaneous combustion” and “danger of emission of flammable gas on contact with water”, any lettering may be in white;
- (b) in the case of the sign for the classification “corrosive substance” the lettering shall be in white;
- (c) in place of the word “toxic”, the word “poison” may be used; and
- (d) in place of the word “flammable”, the word “inflammable” may be used wherever it occurs.

3. Each subsidiary hazard sign shall be in the form of a square set with its sides at an angle of 45° to the vertical.

4. Subsidiary hazard signs shall have a line of the same colour as the symbol, 5 millimetres inside the edge and running parallel to it. (The broken line which surrounds each sign as depicted in column 2 of Part I of this Schedule delineates the edge of that sign and need not be shown.)

SCHEDULE 3

Regulation 6(3)(c) and 8(4)

CIRCUMSTANCES IN WHICH INDIVIDUAL RECEPTACLES NEED NOT COMPLY WITH REGULATION 6(1)(e) AND PARTICULARS NEED NOT BE SHOWN ON PACKAGES IN ACCORDANCE WITH REGULATION 8(1)

(1) <i>Goods/Classification</i>	(2) <i>Packing group</i>	(3) <i>Maximum quantity per receptacle (or maximum receptacle volume, in the case of a gas)</i>
Non-flammable, non-toxic, gas, except one with a fire intensifying subsidiary hazard	—	120 ml (or 1,000 ml in metal or plastic aerosols).
Flammable gas or a non-flammable, non-toxic gas with a fire intensifying subsidiary hazard	—	120 ml in glass aerosols. 1,000 ml in metal or plastic aerosols.
Toxic gas	—	120 ml in aerosols.

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(1) <i>Goods/Classification</i>	(2) <i>Packing group</i>	(3) <i>Maximum quantity per receptacle (or maximum receptacle volume, in the case of a gas)</i>
Flammable liquid	II	1 litre in metal packagings. 500 ml in glass or plastic packagings.
	III	5 litres
Flammable solid	II	500 g
	III	3 kg
Substance (liquid or solid) which in contact with water emits flammable gas	II	500 g
	III	1 kg
Oxidizing substance (liquid or solid)	II	500 g
	III	1 kg
Organic peroxide (solid, of Type B or C as defined in the appropriate approved method, and not requiring temperature control)	II	100 g
Organic peroxide (liquid, of Type B or C as defined in the appropriate approved method, and requiring temperature control)	II	25 ml
Organic peroxide (solid, of Type D, E or F as defined in the appropriate approved method, and not requiring temperature control)	II	500 g
Organic peroxide (liquid, of Type D, E or F as defined in the appropriate approved method, and not requiring temperature control)	II	125 ml
Toxic substance (solid)	II	500 g
Toxic substance (liquid)	II	100 ml
Toxic substance (solid)	III	3 kg
Toxic substance (liquid)	III	1 litre
Corrosive substance (solid)	II	1 kg

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(1) <i>Goods/Classification</i>	(2) <i>Packing group</i>	(3) <i>Maximum quantity per receptacle (or maximum receptacle volume, in the case of a gas)</i>
Corrosive substance (liquid)	II	500 ml. If glass, porcelain or stoneware receptacles are used they must be enclosed in compatible and rigid intermediate packagings.
Corrosive substance (solid)	III	2 kg
Corrosive substance (liquid)	III	1 litre
Diagnostic specimens in Group – (b) (within the meaning of the approved methods)		100 ml packed in accordance with the appropriate approved method.
Dibromodifluoromethane	III	5 litres
Benzaldehyde	III	5 litres
Environmentally hazardous substance (solid), NOS	III	5 kg
Environmentally hazardous substance (liquid), NOS	III	5 litres

SCHEDULE 4

Regulation 15(5)

FEES FOR APPROVALS AND SURVEILLANCE INSPECTIONS

1. On the making of an application to the Executive for the approval of an approved person there shall be payable by such person in connection with the performance by or on behalf of the Executive of its functions in relation to that application a fee or fees to be determined in accordance with paragraphs 2 to 5 of this Schedule.

2. On receipt of an application for approval, the Executive shall prepare and send to the applicant an estimate of the cost to it of the work necessary for the determination of the application, and the amount so estimated shall, subject to paragraph 4 below, be the amount of the initial fee payable and shall be paid forthwith.

3. On determination of the application, the Executive shall prepare and send to the applicant a detailed statement of the work carried out for the determination of the application and of the cost reasonably incurred by it in carrying out that work or in having it carried out on its behalf.

4. If the cost stated under paragraph 3 differs from the amount estimated in accordance with paragraph 2 above—

- (a) if it is greater, the amount of the difference shall be the amount of the final fee payable and shall be payable forthwith; and
- (b) if it is less, the initial fee shall be redetermined accordingly and the amount of the difference shall be paid forthwith to the applicant by the Executive.

5. In estimating or stating the cost of carrying out any work the Executive may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

6. Following a surveillance inspection under regulation 15(3) the Executive shall prepare and send to the person so inspected a statement of the cost of the performance by or on behalf of the Executive of its functions in relation to that inspection, and the amount so stated shall be the fee payable for that inspection and shall be paid forthwith.

SCHEDULE 5

Regulation 21(1)

AMENDMENTS TO THE DANGEROUS SUBSTANCES IN HARBOUR AREAS REGULATIONS 1987

1. The Dangerous Substances in Harbour Areas Regulations 1987 shall be amended in accordance with the following paragraphs of this Schedule.

2. In regulation 2(1)—

(a) for the definition of “approved carriage list” substitute the following definition—

““Approved Carriage List” has the same meaning as in regulation 2(1) of the [Carriage of Dangerous Goods \(Classification, Packaging and Labelling\) and Use of Transportable Pressure Receptacles Regulations 1996 \(S.I. 1996 No. 2092\)](#);”;

(b) in the definition of “classification” for sub-paragraph (a)(ii) substitute the following sub-paragraph—

“(ii) the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 in relation to substances which fall within the definition of “dangerous goods” in regulation 2(1) of those Regulations; or”.

(c) in the definition of “portable tank” there shall be substituted for the words “Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981” the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996”.

3. In regulation 3(2) for sub-paragraph (b) substitute the following sub-paragraph—

“(b) it falls within the definition of “dangerous goods” in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996.”.

4. In regulation 24(a)(ii) for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994.” substitute the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996.”.

5. In regulation 25—

(a) in paragraph (1)(b)(ii) for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994)” substitute the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996)”;

(b) for paragraph (2)(c) substitute the following sub-paragraphs—

“(c) the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996;

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(d) the Radioactive Material (Road Transport) (Great Britain) Regulations 1996(1);”.

6. In Schedule 1—

(a) in note 3 for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994” substitute the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996”; and

(b) for note 4 substitute the following—

“The flash point shall be determined in accordance with the appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996.”.

7. In sub-paragraph (d) of Schedule 3 for the words “the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994” substitute the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996”.

8. For the words “approved carriage list” wherever they occur in the Regulations, substitute the words “Approved Carriage List”.

SCHEDULE 6

Regulation 21(6)

AMENDMENTS TO THE PRESSURE SYSTEMS AND
TRANSPORTABLE GAS CONTAINERS REGULATIONS 1989

1. The Pressure Systems and Transportable Gas Containers Regulations 1989 shall be amended in accordance with the following paragraphs of this Schedule.

2. In regulation 2(1)—

(a) delete the definitions of “approved design standard”, “approved design specification”, “design specification”, “design standard”, “EEC-type cylinder” and “separate Directives”;

(b) in the definition of “examination”, for the first comma substitute the word “or” and delete the words “or transportable gas container” wherever they occur;

(c) in the definition of “owner” delete the words “or transportable gas container” wherever they occur;

(d) in the definition of “pressure system” for the words “transportable gas container”, wherever they occur, substitute “transportable pressure receptacle”;

(e) in the definition of “system failure” delete the words “or transportable gas container”; and

(f) for the definition of “transportable gas container” substitute the following definition—

““transportable pressure receptacle” has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 (S.I. No. 1996/2092).”.

3. In regulation 3—

(a) in paragraph (1), for sub-paragraphs (a), (b) and (c) substitute the words “these Regulations shall apply to or in relation to pressure systems.”; and

(1) S.I. 1996/1350.

- (b) in paragraph (3), delete the words “or transportable gas container” and “container” wherever they occur.
- 4. In regulation 4—
 - (a) in paragraph (1) delete the words “or transportable gas container” wherever they occur;
 - (b) in paragraph (2) delete the first two commas and the words “transportable gas container”;
 - (c) in paragraph (3) delete the first comma and the words “transportable gas containers”;
 - (d) in paragraph (5) delete the words “and transportable gas container”; and
 - (e) in paragraph (6) delete the words “or transportable gas container”.
- 5. Regulations 16 to 22 are revoked.
- 6. In paragraph (1) of regulation 24—
 - (a) at the end of sub-paragraph (a) insert the word “or”;
 - (b) in sub-paragraph (b) delete the word “or” and replace the semi-colon with a comma; and
 - (c) delete sub-paragraph (c).
- 7. Schedules 1 and 2 are revoked insofar as they relate to transportable gas containers.
- 8. In Part I of Schedule 2—
 - (a) for paragraph 9 there shall be substituted the following paragraph—

“9. A tank to which the Carriage of Dangerous Goods Regulations 1996 apply.”;
 - (b) after paragraph 11 there shall be added the following paragraph—

“11A. Any pressure system or transportable gas container being carried in a vehicle if the vehicle is engaged in an international transport operation within the meaning of article 1(c) of ADR, as revised or reissued from time to time, in accordance with regulation 3(1) (c)(ii) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996”.
- 9. In Part II of Schedule 2—
 - (a) in paragraphs 2(a) and 3(a) there shall be substituted for the words “conveyance of a dangerous substance to which the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992 applied, or would have applied but for the application of sub-paragraph (d) or (e) of Schedule 2 thereto;” the words “carriage of dangerous goods to which the Carriage of Dangerous Goods by Road Regulations 1996 applied, or would have applied but for the application of any of sub-paragraphs (a) to (d) of paragraph 1 of Schedule 2 thereto;”;
 - (b) in paragraphs 2(c) there shall be substituted for the word “substance” the word “goods”;
 - (c) in paragraph 3(b) there shall be substituted for the words “substance to be conveyed” the words “goods to be carried”.
- 10. Schedule 5 is revoked.

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SCHEDULE 7

Regulation 21(10)

REVOCATIONS

(1) <i>Title of Instrument</i>	(2) <i>Reference</i>
The Order of Secretary of State Number 9 dated 23 June 1919 relating to Compressed Acetylene Porous Substance.	S.R. & O, 1919/809.
The Compressed Acetylene (Importation) Regulations 1978.	S.I. 1978/1723.

SCHEDULE 8

Regulation 3(5)(b)

REQUIREMENTS FOR TRANSPORTABLE PRESSURE RECEPTACLES
MANUFACTURED BEFORE 1st JANUARY 1999 WHICH
ARE NOT COVERED BY THE APPROVED REQUIREMENTS

1. The requirements referred to in regulation 3(5)(b) are specified in the following paragraphs of this Schedule.

2.—(1) Any person who designs, manufactures, imports or supplies any transportable pressure receptacle or any article which is intended to be a component part thereof shall ensure that sub-paragraph (2) below is complied with.

(2) The transportable pressure receptacle or article, as the case may be, shall be—

- (a) properly designed and properly constructed from suitable material, so as to prevent danger;
- (b) so designed and constructed that all necessary examinations for preventing danger can be carried out; and
- (c) provided with such protective devices as may be necessary for preventing danger; and any such device which is designed to release contents shall do so safely, so far as is practicable.

(3) The employer of a person who modifies or repairs a transportable pressure receptacle at work shall ensure that nothing about the way in which it is modified or repaired gives rise to danger or otherwise impairs the operation of any protective device or inspection facility.

3.—(1) No person shall supply or import a transportable pressure receptacle unless the conditions specified in paragraphs (a) or (b) of sub-paragraph (3) below have been met.

(2) A person who fills a transportable pressure receptacle shall ensure, before doing so, and so far as is reasonably practicable, that the conditions specified in paragraphs (a) or (b) of sub-paragraph (3) below have been met.

(3) The conditions referred to in sub-paragraphs (1) and (2) above are—

- (a) the receptacle has been verified in accordance with sub-paragraph (4) below, (either by a certificate in writing or by means of stamping on the receptacle) as conforming to a design standard or design specification approved by the Executive;
- (b) the receptacle is an EEC-type cylinder.

(4) For the purposes of sub-paragraph (3)(a) above a receptacle shall be verified—

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(a) by a person approved by the Executive under this sub-paragraph (and for this purpose, any approval given under regulation 16(2)(a)(i) of the Pressure Systems and Transportable Gas Containers Regulations 1989, as in force immediately before the coming into force of these Regulations, shall be deemed, subject to sub-paragraph (5) below, to be an approval under this sub-paragraph but shall remain subject to any conditions attached to it, and to the expiry date specified therein); or

(b) in accordance with a quality assurance scheme approved by the Executive.

(5) Any approval under the Regulations referred to in sub-paragraph (4)(a) above which has not expired on 31st December 1998 shall cease to have effect on that date.

(6) The provisions of regulations 15(2) to (5) shall apply in relation to any person approved under sub-paragraph (4)(a) above as if that person were approved under regulation 15(1)(a).

4.—(1) From 1st January 1999, the owner of a transportable pressure receptacle shall, for the purpose of determining whether it is safe, ensure that the receptacle has been examined and tested by an approved person in accordance with the appropriate examination and testing requirements of the Approved Requirements.

(2) Until 1st January 1999, the owner of a transportable pressure receptacle shall ensure, for the purpose of determining whether it is safe, that the receptacle is examined at appropriate intervals by a competent person.

(3) Where an approved or competent person undertakes an examination for the purposes of this paragraph, he shall carry out that examination properly, and if, on completing the examination he is satisfied that the receptacle is safe, he shall ensure that there is affixed to the receptacle a mark showing the date of the examination.

(4) No person, other than an approved person or a competent person, or a person authorised by any such person shall affix to a transportable pressure receptacle the mark referred to in sub-paragraph (3) above or a mark liable to be confused with it.

5.—(1) From the 1st January 1999, the employer of a person who is to fill with a gas a transportable pressure receptacle at work shall ensure, that before it is filled that person—

(a) checks from the marks on the receptacle—

(i) that the receptacle appears to have been examined and tested by an approved person in accordance with the appropriate examination and testing requirements of the Approved Requirements, and

(ii) it is suitable for containing that gas; and

(b) makes all other appropriate safety checks.

(2) Until 1 January 1999, the employer of a person who is to fill with a gas a transportable pressure receptacle at work, shall ensure that before the receptacle is filled, that person—

(a) checks from the marks on the receptacle—

(i) that it appears to have been examined at appropriate intervals by a competent person,

(ii) that it is suitable for gas; and

(b) makes all other appropriate checks.

(3) The employer of a person who fills a transportable pressure receptacle at work shall ensure that that person—

(a) checks that, after filling, it is within its safe operating limits;

(b) checks that it is not overfilled; and

(c) in the event of overfilling, removes any excess gas in a safe manner.

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(4) Every employer shall ensure that no person employed by him refills at work, non-refillable receptacle with a gas.

6. In these 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.

7.—(1) Subject to sub-paragraph (2) below—

- (a) every employer shall ensure that no person employed by him modifies at work the body of a transportable pressure receptacle—
 - (i) of seamless construction, or
 - (ii) which has contained acetylene;
- (b) every employer shall ensure that no person employed by him modifies at work the body of any other type of transportable pressure receptacle if that modification would put the transportable pressure receptacle outside the scope of the design standard or design specification to which it was originally constructed; and
- (c) no person shall supply any modified transportable pressure receptacle for use unless following such modification a person approved under paragraph 3(4)(a) has marked or certified the receptacle as being fit for use or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 13(b)(i) has so marked or certified it.

(2) Sub-paragraph (1) shall not apply any modification constituting the remaking of a thread if such modification is carried out to accordance with a standard approved by the Executive.

8.—(1) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of a transportable pressure receptacle—

- (a) of seamless construction; or
- (b) which has contained acetylene.

(2) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of any other type of transportable pressure receptacle unless he is competent to do so.

(3) No person shall supply a transportable pressure receptacle which has undergone a major repair unless following such work a person approved under paragraph 3(4)(a) has marked or certified it as being fit for use or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 13(b)(i) has so marked or certified it.

(4) In this paragraph “major repair” means any repair involving hot work or welding on the body of a transportable pressure receptacle but (except in relation to sub-paragraph (1)(b) above) it does not mean any repair involving heat treatment applied for the purpose of restoring the metallurgical properties of the receptacle.

9.—(1) This paragraph applies to the re-rating of a transportable pressure receptacle, that is the reassessment of its capability to contain compressed gas safely with a view to improving its capacity by means of an increase in the charging pressure (or, in the case of liquefied gas, the filling ratio) from that originally assessed and marked on the receptacle at the time of the manufacture.

(2) Every employer shall ensure that no person employed by him re-rates a transportable pressure receptacle at work unless he is competent to do so and does so in accordance with suitable written procedures drawn up by the owner of the receptacle.

(3) No person shall supply a transportable pressure receptacle which has been re-rated unless, following the re-rating, a person or body approved under paragraph 3(4)(a) has certified it as being safe for use.

(4) In this paragraph “filling ratio” means the ratio of the volume of the liquid gas in the receptacle to the total volume of the receptacle.

10.—(1) The manufacturer or, if he does not have a place of business in Great Britain, his agent in Great Britain or, if he has no such agent, the importer of a transportable pressure receptacle—

- (a) which is made to an approved design specification, shall keep a copy of the design specification to which the said receptacle was manufactured together with any certificate of conformity issued under paragraph 3(3)(a);
- (b) which is made to an approved design standard shall keep a copy of any certificate of conformity issued under paragraph 3(3)(a);
- (c) which is an EEC-type cylinder, shall keep a copy of the EEC Verification Certificate referred to in regulation 13(b)(i), where one has been issued; and
- (d) which—
 - (i) is a refillable receptacle,
 - (ii) is used solely for containing liquefied petroleum gas, and
 - (iii) has a water capacity up to and including 6.5 litres,

shall keep a copy of the design specification to which the said receptacle was manufactured.

(2) The owner of a transportable pressure receptacle for acetylene shall keep records of the tare weight of the receptacle, including the porous substance and acetone or other solvent, the nature of the solvent and the maximum pressure allowed in the receptacle.

SCHEDULE 9

Regulation 3(5)(b)

EXCEPTIONS TO THE REQUIREMENTS OF SCHEDULE 8 FOR TRANSPORTABLE PRESSURE RECEPTACLES

1. The requirements of Schedule 8 shall not apply to any transportable pressure receptacle which—

- (a) forms part of the equipment of—
 - (i) any ship to which the Merchant Shipping Act 1995(2) applies or would apply if the ship was registered in Great Britain,
 - (ii) any ship or other vessel in the service of the Crown, or
 - (iii) any spacecraft, aircraft, hovercraft or hydrofoil;
- (b) forms part of, or is intended to form part of, a weapons system;
- (c) (i) is the subject of a research experiment, or
 - (ii) comprises temporary apparatus being used in a research experiment, if it is not reasonably practicable to comply with paragraph 2 of Schedule 8;
- (d) is refillable and has an internal volume of less than 0.5 litres or more than 5000 litres; or
- (e) contains a gas at a pressure of less than 0.5 bar above atmospheric pressure.

(2) 1995 c. 21.

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2. The requirements of Schedule 8 (other than paragraph 5(4) thereof) shall not apply to any non-refillable transportable pressure receptacle which has an internal volume of less than 1.4 litres or more than 5 litres.

3. Paragraphs 3, 4, 5(1)(a) and 10(1) of Schedule 8 shall not apply to a transportable pressure receptacle which—

- (a) is a refillable receptacle;
- (b) is used solely for containing liquefied petroleum gas; and
- (c) has a water capacity up to and including 6.5 litres.