

---

STATUTORY INSTRUMENTS

---

**1996 No. 2093**

**The Carriage of Explosives by Road Regulations 1996**

**PART I**

**INTERPRETATION AND APPLICATION**

**Citation and commencement**

1. These Regulations may be cited as the Carriage of Explosives by Road Regulations 1996 and shall come into force on 1st September 1996.

**Interpretation**

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

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983(1);

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(2);

“the 1989 Regulations” means the Road Traffic (Carriage of Explosives) Regulations 1989(3);

“the 1991 Regulations” means the Packaging of Explosives for Carriage Regulations 1991(4);

“the 1996 Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(5);

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(6), as revised or re-issued from time to time;

“agricultural or forestry tractor” has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations 1996(7);

“Approved Explosives Vehicle Requirements” shall be construed in accordance with regulation 11(3);

“Approved Carriage List” means the list described in regulation 4(1)(a) of the 1996 Regulations as revised in accordance with regulation 4(2) of those Regulations;

“attendant” means the person nominated to act as the attendant in accordance with regulation 20(1)(a);

“blasting explosive” means the explosive substance allocated on classification the UN Number 0048, 0081, 0082, 0083, 0084, 0241, 0331 or 0332;

---

(1) S.I. 1983/1140.

(2) S.I. 1986/1078.

(3) S.I. 1989/615.

(4) S.I. 1991/2097.

(5) S.I. 1996/2092.

(6) Current edition 1995, ISBN 9211390435.

(7) S.I. 1996/2095.

“carriage” means carriage by road and shall be construed in accordance with paragraph (8) and related words shall be construed accordingly;

“Class 1” and “Class 2” mean Class 1 and Class 2, respectively, in respect of explosives or the classification of dangerous goods set out in the United Nations Recommendations;

“classified” means classified under the 1983 Regulations, and “classification” and “unclassified” shall be construed accordingly;

“closed vehicle” means a vehicle having a body capable of being closed;

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

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of recognising standards for fire extinguishers, and for Great Britain the competent authority means the Secretary of State;

“consignor” means—

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

“consignor’s declaration” has the meaning assigned to it by paragraph 1(b)(v) of Part I of Schedule 6;

“container” has the meaning assigned to it in regulation 2(1) of the 1996 Regulations;

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the 1996 Regulations;

“danger sign” means any of the signs referred to and described in paragraph 9, 10 or 11 of Schedule 5;

“designation” in relation to a classified explosive means the name given for that explosive in the List of Classified and Authorised Explosives 1994(8) or the Ministry of Defence’s List of Temporary and Permanent Classification for Military Legislation (b), as revised or re-issued from time to time;

“detonating cord” means the explosive article allocated on classification the UN Number 0065 or 0289;

“detonating fuze” means the explosive article allocated on classification the UN Number 0106, 0107, 0257 or 0367;

“detonator” means the explosive article allocated on classification the UN Number 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 or 0500;

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

“emergency information” has the meaning assigned to it by paragraph 2 of Part II of Schedule 6;

“explosives” means explosive articles or substances which—

- (a) have been assigned on classification 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;
- “fire authority” has the meaning assigned to it by section 38(1) of the Fire Services Act 1947<sup>(9)</sup>;
- “goods vehicle examiner” has the meaning assigned to it by section 66A of the Road Traffic Act 1988<sup>(10)</sup>;
- “gunpowder” means the explosive substance allocated on classification the UN Number 0027 or 0028;
- “large container” means a container having an internal volume of more than 3 cubic metres;
- “military explosive” has the meaning assigned to it in regulation 2(1) of the 1983 Regulations;
- “motor vehicle” has the same meaning as in the Table contained in regulation 3(2) of the 1986 Regulations;
- “operator” is to be construed in accordance with regulation 6;
- “orange-coloured” means the colour which has the colour and luminance properties specified in marginal 10 500(1) of ADR in relation to orange-coloured plates;
- “orange-coloured panel” means the reflectorised panel referred to and described in paragraph 1(a) of Schedule 5;
- “package” has the meaning assigned to it in regulation 2(1) of the 1996 Regulations;
- “packaging” has the meaning assigned to it in regulation 2(1) of the 1996 Regulations;
- “permissible maximum weight” in relation to any vehicle, has the same meaning as it does in section 108(1) of the Road Traffic Act 1988 in relation to a goods vehicle as defined by section 192(1) of that Act;
- “road” means—
- (a) in relation to England and Wales, a road within the meaning of section 192(1) of the Road Traffic Act 1988;
  - (b) in relation to Scotland, a road within the meaning of the Roads (Scotland) Act 1984<sup>(11)</sup>;
- “semi-trailer” has the same meaning as in the Table contained in regulation 3(2) of the 1986 Regulations;
- “sheeted vehicle” means an open vehicle provided with a sheet to protect the load;
- “small container” means a container having an internal volume of not more than 3 cubic metres;
- “smokeless powder” means (except in paragraph 15(c)(ii) of Part II of Schedule 5) the explosive substance allocated on classification the UN Number 0160 or 0161;
- “subsidiary hazard sign” means any of the signs which are referred to and described in paragraph 12 or 13 of Part I Schedule 5;
- “trailer” has the same meaning as in the Table contained in regulation 3(2) of the 1986 Regulations;

---

<sup>(9)</sup> MOD ESTC Leaflet Nos. 3 and 4, June 1996.

<sup>(10)</sup> 1947 10 10 F11 Geo 6 c.41.

<sup>(11)</sup> 1988 c. 52, section 66A was inserted by section 9(1) of the Road Traffic Act 1991 (c. 40) and amended by paragraph 11 of Schedule 7 to the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23).

“transport category” has the meaning assigned to it in regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations 1996;

“Transport Documentation” means the documentation specified in Part II of Schedule 6;

“the United Nations Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Council at its twenty-third session (Resolution 645 G(XXIII) of 26th April 1957))(12), as revised or re-issued from time to time;

“UN Number” means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and, in the case of explosives, allocated by the Health and Safety Executive or the Secretary of State for Defence to an explosive article or explosive substance as a means of identification and in the case of other dangerous goods, specified in the Approved Carriage List as a means of identification for dangerous goods;

“vehicle” means any conveyance used for the carriage of explosives by road;

“vehicle crew” means those persons authorised by the operator to be on board the vehicle.

- (2) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
  - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.
- (3) Any reference in these Regulations to an explosive specified in Part I, Part II or Part III of Schedule 1 is a reference to an explosive of the description specified in column 1 of the said Part I, Part II or Part III, as the case may be, allocated on classification the UN Number specified opposite thereto in column 2 of that Part.
- (4) Any reference in these Regulations to the quantity of any explosive shall be construed as a reference to the net mass of explosive substance.
- (5) Any reference in these Regulations to the carriage of explosives in bulk shall be a reference to the carriage of explosives without packaging.
- (6) Any reference in these Regulations to explosives being carried in a vehicle or large container under sole use shall be a reference to the carriage of a load of explosives which originates from one consignor in respect of which—
- (a) the use of the vehicle or large container is exclusively reserved; and
  - (b) all operations for loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.
- (7) For the purposes of these Regulations—
- (a) any reference to a motor vehicle which is registered outside the United Kingdom is a reference to a motor vehicle which is not registered in the United Kingdom but is registered in another country in accordance with that country’s rules governing the registration of such vehicles; and
  - (b)
    - (i) a combination of a motor vehicle and a trailer or semi-trailer shall be deemed to be a single vehicle for as long as the constituent parts remain attached,
    - (ii) explosives contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle, and
    - (iii) explosive articles or explosive substances or both of them carried in one vehicle shall be deemed to be carried together.

(8) For the purposes of these Regulations a vehicle or container shall be deemed to be engaged in the carriage of explosives throughout the period—

(a) in the case of a vehicle, from the commencement of loading it with the explosives concerned for the purpose of carrying those explosives by road until the said vehicle and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned so that any of the explosives which remain therein are not sufficient to create a significant risk to the health or safety of any person; or

(b) in the case of a container—

(i) where the container concerned has been loaded with the explosives before being placed on the vehicle which is to be used to carry that container, from the time when the said container is placed on the vehicle for the purpose of carrying the explosives by road, or

(ii) where the container concerned has been placed on the vehicle which is to be used to carry that container before the commencement of loading, from the commencement of loading the said container with the explosives for the purpose of carrying those goods by road,

until the time when either,

(iii) the container is removed from the relevant vehicle, or

(iv) the container and, where appropriate, any compartment thereof has been unloaded and, where necessary, cleaned so that any of the explosives which remain therein are not sufficient to create a significant risk to the health or safety of any person,

and in either case, whether or not the vehicle or container concerned is on a road at the material time.

### **General application**

3.—(1) These Regulations shall apply to and in relation to the carriage of explosives.

(2) Regulations 10 to 28 shall not apply to the carriage of explosives in a vehicle being used to carry passengers for hire or reward.

(3) Regulations 15 to 18 shall not apply where—

(a) the vehicle carrying the explosives has been exempted from excise duty by the Secretary of State under paragraph 21 of Schedule 2 of the Vehicle Excise and Registration Act 1994(13);

(b) the vehicle carrying the explosives is one which is only used—

(i) on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises, or

(ii) in passing from one part of such premises to another in the immediate vicinity, notwithstanding that those parts may be separated by a road.

(4) Regulations 17(2) to (4) and 18 shall not apply to the carriage of—

(a) any explosives specified in Part I of Schedule 1;

(b) gunpowder or smokeless powder, or a mixture of them, if the total quantity of such explosives does not exceed 5 kilograms;

(c) any explosives specified in Parts II or III of Schedule 1 if—

(i) throughout the carriage the explosives are accompanied by a person who has knowledge of the information specified in the Transport Documentation, and

(ii) the quantity of such explosives does not exceed 50 kilograms, except that if other explosives are being carried pursuant to sub-paragraph (b) above in the same vehicle, the total quantity of explosives carried pursuant to that sub-paragraph and this sub-paragraph shall not exceed 50 kilograms.

(5) These Regulations shall not apply to any explosive nuclear device.

(6) These Regulations shall not apply to or in relation to the carriage of any of the following dangerous goods—

UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS\* only

UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.\*

UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.\*

UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,

where the goods or explosives, as the case may be, are being carried in—

- (a) an agricultural or forestry tractor;
- (b) mobile machinery;
- (c) a vehicle with less than 4 wheels;
- (d) a vehicle with a maximum design speed of 25km/h or less; or
- (e) a vehicle owned by the armed forces or under the control of the armed forces.

#### **Armed forces etc.**

4.—(1) These Regulations shall not apply to or in relation to the carriage of explosives where the carriage forms part of an international transport operation within the meaning of article 1(c) of ADR and the explosives being carried are in a vehicle—

- (a) which is under the control of the armed forces; or
- (b) which is owned by the armed forces,

of a country which is a contracting party to ADR.

(2) Regulations 7(1) and (3), 9, 12 to 15(1), (3) and (4), 16, 17(2) to (4), 18, 20(6), 27 and 28 shall not apply to a vehicle under the control of the armed forces.

(3) Regulations 15(1), (3) and (4), 17(2) to (4) (except insofar as it imposes requirements with regard to the emergency information) and 18 shall not apply to the carriage of explosives in a vehicle which is owned by the armed forces, insofar as the vehicle concerned is being used in connection with—

- (a) training—
  - (i) which has been certified in writing for the purposes of regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989<sup>(14)</sup> by a person duly authorised in that behalf to be training on a special occasion, and
  - (ii) in respect of which not less than 48 hours notice has been given to—
    - (aa) the chief officer of police of every police area, and
    - (bb) as respects England and Wales, the chief fire officer, or, as respects Scotland, the firemaster, of the fire brigade maintained by the fire authority for every area,
 in which the place selected for training is wholly or partly situated, or

---

(14) 1994 c. 22.

(b) on manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958<sup>(15)</sup>.

(4) Regulations 7, 9, 10(2), 12 to 15(1), (3) and (4), 17(2) to (4), 18, 20(6), 27 and 28 shall not apply to the carriage of explosives for the purpose of explosives ordnance disposal (other than in connection with dumping at sea) under the direction of a member of Her Majesty's Forces, a police constable, or a person authorised by the Secretary of State for Defence.

(5) Where explosives are being carried in a vehicle which is owned by the armed forces the vehicle shall be deemed to satisfy a particular requirement of the Approved Explosives Vehicle Requirements to the extent that it is not reasonably practicable for the vehicle to meet that requirement because of design constraints made necessary by its intended operational use.

(a) (6) (a) In these Regulations "a vehicle under the control of the armed forces" means—

(i) a vehicle on board which there is, as a member of its crew, a member of the armed forces acting in the course of his duties, or

(ii) a vehicle in a convoy escorted by a vehicle of the type referred to in sub-paragraph (i) above, and

(b) in this paragraph "a member of the armed forces" means—

(i) a member of Her Majesty's Forces,

(ii) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952<sup>(16)</sup>, or

(iii) a civilian who is an employee of Her Majesty's Forces.

(7) In these Regulations "a vehicle which is owned by the armed forces" means a vehicle which is owned by—

(a) Her Majesty's Forces;

(b) visiting forces within the meaning of Part I of the Visiting Forces Act 1952; or

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(17)</sup>,

and includes a vehicle which has been provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

### **International provision**

5.—(1) Regulations 7 to 21, 23 to 26 and 28, shall not apply, where—

(a) the motor vehicle concerned is registered outside the United Kingdom and the carriage is confined to Great Britain but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;

(b) the carriage concerned forms part of an international transport operation within the meaning of article 1(c) of ADR and conforms with the provisions of that agreement;

(c) the carriage concerned forms part of an international transport operation which is subject to any bilateral or special multilateral agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a contracting party and conforms with any conditions attached to the agreement.

(2) Where, in relation to the carriage of any explosives, any provision of regulation 7 to 21, 23 to 26 or 28 applies to a matter to which any specified international provision applies, it shall be

---

<sup>(15)</sup> S.I. 1989/1796.

<sup>(16)</sup> 1958 c. 7.

<sup>(17)</sup> 1952 c. 67.

sufficient compliance, in relation to that matter, with the provision of the particular regulation if the specified international provision is satisfied in respect of that matter.

- (3) For the purposes of paragraph (2) the specified international provision is any provision of—
- (a) the Convention concerning International Carriage by Rail as revised or re-issued from time to time<sup>(18)</sup> or any Regulations made under it;
  - (b) the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization<sup>(19)</sup>;
  - (c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as revised or re-issued from time to time by the International Civil Aviation Organisation<sup>(20)</sup>.

### **Meaning of “operator”**

6.—(1) For the purposes of these Regulations, subject to paragraph (2), the operator of a vehicle or container shall be—

- (a) the person who, having a place of business in Great Britain, has the management thereof for the time being; or
- (b) if no person satisfies the requirements of sub-paragraph (a) above, the driver of the vehicle or, in the case of a container, the driver of the vehicle on which the container is carried.

(2) Notwithstanding paragraph (1), a person shall not be regarded as being the operator of a vehicle or container solely because—

- (a) he has the management thereof during loading or unloading; or
- (b) the vehicle or container is on premises which are under his control.

## **PART II**

### **MODE OF CARRIAGE**

#### **Prohibition of the carriage of certain explosives**

7.—(1) No person shall carry explosives of Compatibility Group K in a vehicle.

(2) No person shall carry unclassified explosives in a vehicle except—

- (a) solely in connection with an application for their classification; and
- (b) in accordance with such conditions as are approved in writing for the time being by the Health and Safety Executive or, in the case of military explosives, by the Secretary of State for Defence, for the purposes of this regulation.

(3) No person shall carry explosives—

- (a) in Compatibility Group L; or
- (b) in Divisions 1.1, 1.2 or 1.5 in large containers,

in a vehicle other than in a load which is under sole use.

---

<sup>(18)</sup> 1964 c. 5.

<sup>(19)</sup> Cmnd 5397. ISBN 0 11 5506810.

<sup>(20)</sup> Volumes I to IV ISBN 92 801 1314 3: supplement ISBN 92 801 1316 X.



### **Carriage of explosives in vehicles used to carry passengers for hire or reward**

8.—(1) No person shall carry explosives in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The said conditions are—

- (a) the only explosives carried by that person are any of the explosives specified in Parts I or II of Schedule 1, gunpowder or smokeless powder, or any mixture of them;
- (b) the maximum total quantity of explosives carried by that person does not exceed 2 kilograms;
- (c) the explosives are kept with that person and are kept properly packed;
- (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the explosives.

(3) For the purposes of this regulation, where explosives are being carried by a passenger, the driver and operator of the vehicle shall not be treated as carrying them as well.

### **Carriage in bulk**

9. No person shall cause or permit the carriage in bulk of explosives which are explosive substances.

### **Suitability of vehicles and containers**

10.—(1) The operator of a vehicle or container which is intended to be, or is being used, for the carriage of explosives shall ensure that such a vehicle or container is suitable for the safety and security of the explosives being carried.

(2) Without prejudice to the generality of paragraph (1), the operator of a vehicle which was constructed on or after 1st January 1997 or a container, whether constructed before or after that date, which is intended to be, or is being used, for the carriage of explosives, shall ensure that the requirements of Schedule 2 are complied with.

### **The Approved Explosives Vehicle Requirements**

11.—(1) The Health and Safety Commission shall approve and publish for the purposes of these Regulations a document entitled “Approved Requirements for the Construction of Vehicles Intended for the Carriage of Explosives by Road” which shall contain—

- (a) the requirements for the construction of different types of vehicles for the carriage of explosives for the purposes of regulations 10, 12 and 13 and Schedules 2 and 3; and
- (b) explanatory notes and other material requisite for the use of the document.

(2) The Health and Safety Commission may approve a revision of the approved document referred to in paragraph (1) and, when it does so, the Commission shall within 3 months of the date of that approval publish, in such manner as it considers appropriate, a notice specifying the revision, the date on which it was approved and the date on which it takes effect, which last-mentioned date shall not be less than 6 months after the date of the approval of the revision.

(3) In these Regulations “the Approved Explosives Vehicle Requirements” means the document referred to in paragraph (1) or where there has been a revision of that document under paragraph (2), the document as so revised.

### **Types of vehicle**

12. In these Regulations—

- (a) any reference to a type of vehicle is a reference to a vehicle of type I, II or III;
- (b) any reference to a vehicle of type I is a reference to a vehicle other than one of type II or type III;
- (c) any reference to a vehicle of type II or type III is a reference to a vehicle which satisfies the requirements for a type II or type III vehicle, respectively, in the Approved Explosives Vehicle Requirements.

### **Limits on quantities**

13.—(1) Subject to Part I of Schedule 3, the operator of a vehicle which was constructed—

- (a) on or after 1st January 1997 and which is of a type specified in column 1 of the Table in Part II of Schedule 3, shall ensure that there is not carried therein explosives in any of the Divisions specified in columns 2 to 7 of the Table in excess of the quantity specified for that type of vehicle and the Division of the explosives concerned in the corresponding entry thereof;
- (b) before 1st January 1997, shall ensure that there is not carried therein, explosives of the type specified in column 1 of the Table in Part III of that Schedule in excess of the quantity specified for that type of explosive in the corresponding entry in column 2 thereof.

(2) It shall be sufficient compliance with paragraph (1)(b) if paragraph (1)(a) is complied with as if the vehicle was constructed on or after 1st January 1997.

(3) Nothing in this regulation or Schedule 3 shall be construed as allowing a greater quantity of explosives to be carried than that for which the vehicle and any container in which the explosives are carried, are suitable as described in regulation 10.

(4) Where explosives are being carried in—

- (a) a container in or on a vehicle; or
- (b) a trailer, other than a semi-trailer, attached to a vehicle,

and in order to comply with paragraph (1)(a) the vehicle needs to satisfy a particular requirement of the Approved Explosives Vehicle Requirements as to the construction of the body of the vehicle, it shall be sufficient compliance with that requirement if it is satisfied by the container or trailer, as the case may be, as if it were a vehicle.

### **Mixed loads**

14.—(1) The operator of a vehicle or container which is being used for the carriage of explosives shall ensure that—

- (a) explosives in different Compatibility Groups are not carried together unless—
  - (i) such carriage is permitted by paragraph 6 of Schedule 4, or
  - (ii) subject to paragraph (2)(a), effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in any one of the Compatibility Groups carried;
- (b) explosive substances and explosive articles in the same Compatibility Group are not carried together unless effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives in the form of explosive substances or explosive articles alone; and
- (c) explosives in Compatibility Group L are not carried with a different type of explosive in the same Compatibility Group.

(2) The operator of a vehicle or container which is being used for the carriage of explosives shall ensure that—

- (a) notwithstanding paragraph (1)(a)(ii)—
    - (i) explosives in—
      - (aa) Compatibility Group A,
      - (bb) Compatibility Group L,are not carried with each other or with explosives in any other Compatibility Group,
    - (ii) explosives in Compatibility Group H are not carried with explosives in any other Compatibility Group other than explosives in Division 1.4 and Compatibility Group S;
  - (b) unclassified explosives are not carried with classified explosives except those in Compatibility Group S.
- (3) The operator of a vehicle or container which is being used for the carriage of explosives shall ensure that explosives are not carried with any other dangerous goods unless—
- (a) such carriage is permitted by paragraph 7 of Schedule 4; and
  - (b) all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods.

## PART III

### INFORMATION

#### **Information to be displayed on vehicles and containers**

**15.**—(1) The operator of a vehicle or container which is being used for the carriage of explosives shall, subject to the exceptions specified in Part II of Schedule 5, ensure that the requirements in Part I of that Schedule are complied with.

(2) The driver and any attendant of a vehicle used for the carriage of explosives shall, subject to the exceptions specified in Part II of Schedule 5, ensure that paragraph 8 of Part I of that Schedule is complied with.

(3) In a case where explosives in different Compatibility Groups are being carried together, Schedule 5 shall be applied in accordance with the provision of paragraph 2 of Schedule 4.

(4) In a case where explosives in different Divisions are being carried together, Schedule 5 shall be applied in accordance with the provisions of paragraphs 3, 4 and 5 of Schedule 4.

(5) No person shall cause or permit any orange-coloured panel, danger sign or subsidiary hazard sign to be affixed or displayed on a vehicle or container which is not being used for the carriage of explosives.

(6) No person shall cause or permit any information to be displayed on a vehicle or container which would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 5.

(7) No person shall—

- (a) remove any orange-coloured panel, danger sign or subsidiary hazard sign affixed or displayed in accordance with Schedule 5, from a vehicle or container which is being used for the carriage of explosives except, in the case of a danger sign or subsidiary hazard sign, for the purposes of updating the information thereon;
- (b) falsify any of the information on such a danger or subsidiary hazard sign.

### **Information to be provided by consignors**

16.—(1) Subject to paragraph (2), any consignor of explosives shall ensure that prior to carriage any operator engaged by him to carry those explosives is provided with the information specified in Part I of Schedule 6, in documentary form.

(2) Subject to regulation 17(2), paragraph (1) shall not apply in circumstances where the consignor is also the operator, provided he is carrying those explosives on his own behalf.

(3) No consignor or anyone acting on his behalf shall provide false or misleading information to any operator engaged by him, concerning the explosives to be carried.

### **Documentation to be provided by operators**

17.—(1) Any operator who engages another operator to carry explosives shall ensure that prior to carriage that operator is provided with the information referred to in regulation 16(1).

(2) Notwithstanding regulation 16(2), prior to the commencement of the journey, the operator of a vehicle which is to be used for the carriage of explosives shall ensure that the driver of that vehicle or any attendant is in possession of the information specified in Part II of Schedule 6, in documentary form, in these Regulations referred to as the “Transport Documentation.”

(3) No operator or anyone acting on his behalf shall provide false or misleading information to any other operator engaged by him or to any driver concerning the explosives to be carried.

(4) The operator shall keep a record of the information contained within the Transport Documentation, other than the emergency information, in respect of each journey undertaken by the vehicle for a period of at least three months after the completion of the relevant journey.

### **Documentation to be available during carriage**

18.—(1) The driver and any attendant of a vehicle which is being used for the carriage of explosives shall ensure that the Transport Documentation is—

- (a) subject to paragraph (4), kept readily available on the vehicle at all times while the explosives are being carried; and
- (b) produced on request to any police constable or goods vehicle examiner.

(2) Where a trailer which is being used for the carriage of explosives becomes detached from the motor vehicle—

- (a) (i) the driver of the vehicle shall give the Transport Documentation (or an authenticated copy thereof) to the occupier of any premises on which the trailer is parked, and  
(ii) in such a case, the occupier shall ensure that such documentation is kept readily available at those premises; or
- (b) the driver of the vehicle shall attach the Transport Documentation (or an authenticated copy thereof) to the trailer in a readily visible position.

(3) The driver of a vehicle which has been used for the carriage of explosives shall ensure that any documentation relating solely to explosives which are not then being carried is either removed from the vehicle or placed in a securely closed container clearly marked to show that it does not relate to any explosives which are being carried.

(4) Nothing in paragraph (1)(a) shall prevent the removal from the vehicle of the Transport Documentation for the purpose of showing it, or otherwise communicating it, to a police constable, the fire brigade, a goods vehicle examiner or an inspector.

## PART IV

### SAFETY AND SECURITY DURING CARRIAGE

#### **Loading, stowage, unloading and cleaning of vehicles and containers**

**19.**—(1) The operator and any other person engaged in the carriage of explosives shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which explosives are loaded, stowed or unloaded from a vehicle or container is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person, arising out of the presence of those explosives.

(2) Without prejudice to the generality of paragraph (1), the operator, driver and any attendant shall ensure that the requirements of Schedule 7 are complied with.

(3) The driver and the operator of a vehicle which—

- (a) is being used for the carriage of explosives which require labelling in accordance with regulation 6(5) of the 1983 Regulations; or
- (b) is empty, uncleaned having been used for the carriage of such explosives,

shall ensure that no food is carried in that vehicle unless it is effectively separated from any such explosives or is otherwise adequately protected from the risk of contamination by those explosives.

(4) No driver or member of the crew of a vehicle which is being used for the carriage of explosives shall open a package containing any explosives unless authorised to do so by the operator of that vehicle.

#### **Attendance**

**20.**—(1) The operator of a vehicle which is being used for the carriage of explosives and any person engaged in the carriage, or having custody or control of the explosives during the carriage, shall take such steps as it is reasonable for them respectively to take to ensure that—

- (a) subject to paragraph (2) and (3), when the vehicle is not parked, a person who has been nominated by the operator to act as an attendant (in these Regulations known as the “attendant”) accompanies the driver of the vehicle; and
- (b) subject to paragraph (3) and (4), when the vehicle is parked and the driver is not present, a person who is competent to ensure the security of the explosives is constantly with the vehicle.

(2) Paragraph (1)(a) shall not apply—

- (a) to the carriage of explosives to which the exemptions under paragraph 15 of Schedule 5 apply;
- (b) to the carriage of explosives where the only explosives being carried are those allocated on classification the UN Number 0336 and in a quantity at or below 5,000 kilograms;
- (c) to any vehicle in a convoy of more than two vehicles other than the first and last such vehicle.

(3) Paragraph (1)(a) and (b) shall not apply where—

- (a) adequate measures for the security of the explosives, in relation to the vehicle have been taken;
- (b) (i) the vehicle is parked on a site, or  
(ii) the vehicle is only being used on roads for delivering goods between private premises and a vehicle in the immediate vicinity of those premises or in passing from one

- part of such premises to another notwithstanding that those parts may be separated by a road,
- and some or all of the explosives are to be used that day; and
- (c) the only explosives in the vehicle consist of one or more of the following—
- (i) blasting explosives not exceeding 50 kilograms in quantity,
  - (ii) detonating cord not exceeding 10 kilograms in quantity,
  - (iii) detonators not exceeding 100 grams in quantity or 100 in number.
- (4) Paragraph (1)(b) shall not apply—
- (a) to the carriage of any explosives specified in Part I, II or III of Schedule 1;
  - (b) during stops in a safe and secure place.
- (5) In paragraph (4)(b) “a safe and secure place” means a safe and secure place—
- (a) within a factory or magazine licensed under the Explosives Act 1875<sup>(21)</sup> or lawfully existing under that Act or by virtue of a certificate of exemption granted pursuant to the Explosives Act 1875 (Exemptions) Regulations 1979<sup>(22)</sup>; or
  - (b) within premises under the control of the Ministry of Defence.
- (6) No driver or attendant of a vehicle which is being used for the carriage of explosives shall cause or permit to be carried therein any person, other than a member of the vehicle crew, for the sole purpose of transporting that person.

### **Route of carriage and parking**

**21.**—(1) The operator and driver of a vehicle used for the carriage of more than 5 tonnes of explosives in Division 1.1 shall ensure that the route followed is the route, or one of the routes, agreed with the chief officer of police of the relevant police area.

(2) Where any vehicle which is being used for the carriage of explosives is part of a convoy of such vehicles, where practicable, the driver of the vehicle shall ensure that there is a distance of more than 50 metres between that vehicle and any other vehicle in the convoy.

(3) When a driver parks a vehicle which is being used for the carriage of explosives he shall apply the parking brake.

(4) Other than where the only explosives being carried are those specified in Part I and II of Schedule 1, where any vehicle which is being used for the carriage of explosives has stopped for the purpose of loading or unloading the explosives in a public place, the driver of the vehicle shall ensure, where practicable, that there is a distance of not less than 50 metres between the vehicle and any other stationary vehicle, whether or not that vehicle is being used for the carriage of explosives.

### **Duty to ensure safe and secure carriage**

**22.** The operator of a vehicle which is being used for the carriage of explosives and any person engaged in the carriage, or having custody or control of the explosives during the carriage, shall take such steps as it is reasonable for them respectively to take to—

- (a) prevent accidents and minimise the harmful effects of any accident which may occur; and
- (b) prevent unauthorised access to, or removal of, all or part of the load.

---

<sup>(21)</sup> Current edition and supplement (1995—1996) Doc 9284-AN/905.

<sup>(22)</sup> 1875 c. 17; the relevant amending instrument is S.I. 1974/1885.

### **Smoking and open flames**

**23.**—(1) No person shall smoke or produce an open flame—

- (a) on a vehicle which is being used for the carriage of explosives;
- (b) in the vicinity of such a vehicle during the loading and unloading of the explosives.

(2) No person shall bring portable lighting apparatus onto a vehicle if such apparatus comprises a flame or has any metal surface liable to produce sparks.

### **Equipment**

**24.**—(1) The operator of a vehicle which is being used for the carriage of explosives shall ensure that it is equipped so that the driver can take the measures detailed in the emergency information.

(2) Paragraph (1) shall not apply in relation to any trailer which is being used for the carriage of explosives where that trailer is detached from the motor vehicle.

### **Precautions against fire or explosion**

**25.**—(1) No person shall cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst explosives are being carried in any vehicle or container.

(2) Without prejudice to the generality of paragraph (1)—

- (a) the operator of a vehicle which is being used for the carriage of explosives shall ensure that Schedule 8, except paragraph 7, is complied with;
- (b) the driver of such a vehicle shall ensure that paragraphs 3 and 7 of that Schedule are complied with;
- (c) any attendant of such a vehicle shall ensure that paragraph 3 of that Schedule is complied with.

(3) Paragraphs 1(b), 2 and 3 of Schedule 8 shall not apply where the only explosives being carried are in Division 1.4 and Compatibility Group S.

### **Accidents and emergencies**

**26.**—(1) In the event of an emergency involving a vehicle which is being used for the carriage of explosives which cannot be brought under immediate control—

- (a) the driver and any attendant, or where neither is present, any person attending the vehicle in accordance with regulation 20(1)(b), shall ensure that the appropriate emergency services are notified by the quickest practical means;
- (b) the driver and any attendant shall ensure that the operator of that vehicle is notified by the quickest practical means.

(2) On being informed of the occurrence of any emergency under paragraph (1), the operator of the vehicle shall inform the Health and Safety Executive by the quickest practical means of the occurrence of that emergency.

(3) In the event of any accident or emergency the operator, driver and any attendant shall ensure that all proper precautions are taken for—

- (a) the safety of persons likely to be affected by ignition or initiation of the explosives; and
- (b) the security of the explosives.

(4) Without prejudice to the generality of paragraph (3), in the event of any accident or emergency, the driver of the vehicle shall take all reasonable steps to ensure that any instructions contained

within the emergency information relating to those explosives concerning the measures to be taken by him are complied with.

## PART V

### MISCELLANEOUS & GENERAL

#### Duration of carriage and delivery

**27.**—(1) The operator and the driver of a vehicle which is being used for the carriage of explosives shall ensure—

- (a) that the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) that the explosives are delivered to—
  - (i) the consignee or his agent, or
  - (ii) any other person who is authorised by the consignee to accept custody of the explosives for onward despatch, provided that they are delivered to either a safe and secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, and, that if they cannot be so delivered, they are returned to the consignor or his agent; and
- (c) that any trailer, semi-trailer or container containing explosives is not detached from the vehicle except—
  - (i) in either a safe and secure place (within the meaning of regulation 20(5)) or a designated parking area in an airport, a railway transshipment depot or siding, a harbour or a harbour area, or
  - (ii) in an emergency.

(2) The operator, driver and any attendant of a vehicle which is being used for the carriage of explosives shall ensure that any explosives intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) In this regulation—

- (a) “harbour” and “harbour area” have the meanings assigned to them in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(23);
- (b) “designated parking area” means—
  - (i) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying explosives,
  - (ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 32 of the Dangerous Substances in Harbour Areas Regulations 1987.

(4) The operator of a vehicle used for the carriage of explosives shall not remove any explosives from the consignor’s premises unless he is ready immediately to despatch them to the consignee or other person referred to in paragraph (1)(b)(ii).

#### Minimum age limits for persons engaged in the carriage of explosives

**28.**—(1) Subject to paragraph (2) no person under the age of 18 years shall—

- (a) use any vehicle for the carriage of explosives;



- (b) be employed as the driver or attendant of such a vehicle;
  - (c) be made responsible for the security of the explosives;
  - (d) be allowed to go on or in such a vehicle except in the presence and under the supervision of a competent person who is at least 18 years of age.
- (2) Paragraph (1) shall not apply to the carriage of—
- (a) any explosives specified in Part I of Schedule 1; or
  - (b) any explosives specified in Part II of Schedule 1, if the total quantity of such explosives does not exceed 50 kilograms.

### **Exemption certificates**

**29.**—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the transport of explosives by road, the Health and Safety Executive may, by a certificate in writing, exempt any—

- (a) person or class of person;
- (b) any explosive or class of explosive;
- (c) any vehicle or container or class thereof,

from all or any requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time, by a further certificate in writing by the Health and Safety Executive.

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

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

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

(3) The Secretary of State for Defence may in the interests of national security exempt by a certificate in writing from all or any requirements or prohibitions imposed by these Regulations any particular, or class of—

- (a) military explosive;
- (b) person engaged in the carriage of military explosive;
- (c) vehicle used for the carriage of military explosive,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

### **Enforcement**

**30.** Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1989(24), the enforcing authority for these Regulations shall be the Health and Safety Executive.

### **Defence**

**31.**—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

---

(24) S.I. 1987/37.

- (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.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence referred to in paragraph (1) above unless, within a period ending seven clear days—

- (a) before the hearing to determine mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

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.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36(1) 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.

### **Transitional provision**

**32.** Until 1st January 1997 it shall be sufficient compliance with the requirements of these Regulations if the requirements of the 1989 Regulations are complied with as if they had been in force.

### **Miscellaneous amendments**

**33.—**(1) The 1983 Regulations shall be amended in accordance with Schedule 9.

(2) In regulation 5(10) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993<sup>(25)</sup> for the words “Road Traffic (Carriage of Explosives) Regulations 1989” there shall be substituted the words “Carriage of Explosives by Road Regulations 1996”.

### **Revocations**

**34.** The 1989 Regulations are hereby revoked.

Signed by authority of the Secretary of State

Department of Transport.  
8th August 1996

*John Bowis*  
Parliamentary Under Secretary of State,