
STATUTORY INSTRUMENTS

1999 No. 257

**The Transport of Dangerous Goods
(Safety Advisers) Regulations 1999**

Citation and commencement

1. These Regulations may be cited as the Transport of Dangerous Goods (Safety Advisers) Regulations 1999 and shall come into force—

- (a) for the purposes of regulation 4 on 31st December 1999; and
- (b) for all other purposes on 1st March 1999.

Interpretation

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

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

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(1);

“the CDG Road Regulations” means the Carriage of Dangerous Goods by Road Regulations 1996(2);

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

“the Directive” means Council Directive [96/35/EC](#) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway(3);

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

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961(4);

“harbour area” has the meaning assigned to it in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(5);

“inland waterway” includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State;

“member State” means a State (other than the United Kingdom) which is a member of the Communities;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for Defence;

(1) S.I. 1996/2092.

(2) S.I. 1996/2095.

(3) OJNo. L 145, 19.6.96, p.10.

(4) 1961 c. 34.

(5) S.I. 1987/37.

“mine” and “quarry” have the meanings assigned to them by section 180 of the Mines and Quarries Act 1954⁽⁶⁾;

“radioactive material” has the meaning assigned to it by section 1(1) of the Radioactive Material (Road Transport) Act 1991⁽⁷⁾;

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

(a) is a tramway within the meaning of section 67(1) of the Transport and Works Act 1992⁽⁸⁾;
or

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

“railway vehicle” means any conveyance which is used for the transport of dangerous goods on a railway;

“road” means—

(a) in relation to England and Wales, a road within the meaning of section 192(1) of the Road Traffic Act 1988⁽⁹⁾; and

(b) in relation to Scotland, a road within the meaning of the Roads (Scotland) Act 1984⁽¹⁰⁾;

“road vehicle” means any conveyance used for the transport of dangerous goods by road;

“safety adviser” means an individual appointed for the purposes of these Regulations and holding a valid vocational training certificate;

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

“UN number” means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and specified in the Approved Carriage List as a means of identification for dangerous goods, and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

“vehicle” means a road vehicle or a railway vehicle;

“vehicle owned by the armed forces” means a vehicle which is owned by—

(a) Her Majesty’s Forces;

(b) a visiting force within the meaning of Part I of the Visiting Forces Act 1952⁽¹¹⁾; or

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽¹²⁾, and includes a vehicle which has been provided to the armed forces under any 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;

“vehicle under the control of the armed forces” means—

(a) a vehicle on board which there is, as a member of its crew—

(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, or

⁽⁶⁾ 1954 c. 70; section 180 was modified by S.I. 1974/2013, and S.I. 1993/1897.

⁽⁷⁾ 1991 c. 27.

⁽⁸⁾ 1992 c. 42.

⁽⁹⁾ 1988 c. 52.

⁽¹⁰⁾ 1984 c. 54; the definition of “road” in section 151(1) was amended by the New Roads and Street Works Act 1991 (c. 22), s. 168(1) and Sch. 8.

⁽¹¹⁾ 1952 c. 67.

⁽¹²⁾ 1964 c. 5.

- (iii) a civilian who is an employee of Her Majesty's Forces, acting in the course of his duties; or
- (b) a vehicle in a convoy escorted by a vehicle of the type referred to in sub-paragraph (a) of this definition;

“vocational training certificate” has the meaning assigned to it by regulation 7(1).

(2) For the purposes of these Regulations—

- (a) 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 of such a combination remain attached; and
- (b) dangerous goods contained in different constituent parts of such a vehicle shall accordingly be considered to be contained in the same vehicle,

and in this paragraph “motor vehicle” shall have the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(13).

(3) Any reference in these Regulations to the transport of dangerous goods is a reference to—

- (a) the transport;
- (b) the related loading; or
- (c) the related unloading,

of dangerous goods.

(4) 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 the reference appears.

Application

3.—(1) These Regulations shall apply to a self-employed person as they apply to an employer.

(2) Subject to the provisions of Schedule 1, these Regulations shall apply to and in relation to the transport of dangerous goods by road, railway and inland waterway.

Duty to appoint safety advisers

4.—(1) No employer shall transport dangerous goods by road, railway or inland waterway unless—

- (a) he has appointed an individual as a safety adviser for the purpose of advising him as to health, safety and environmental matters in connection with the transport of those dangerous goods by the mode or modes of transport concerned; and
- (b) that safety adviser has functions and duties which relate to that mode of transport and those goods.

(2) A self-employed person may appoint himself as a safety adviser under paragraph (1).

(3) Where an employer appoints more than one individual in accordance with paragraph (1), he shall make arrangements for ensuring adequate co-operation between them.

(4) The employer shall ensure that the number of individuals appointed under paragraph (1) is sufficient to ensure that their functions and duties can be carried out effectively.

(5) The employer shall ensure that the time available for any safety adviser whom he appoints and the means at his disposal to fulfil his functions and duties are adequate having regard to those functions and duties.

(6) The employer shall provide any safety adviser whom he appoints with adequate information and facilities for the performance of his functions and duties.

(7) Where two or more individuals are together carrying on business in partnership, it shall be sufficient compliance with paragraph (1) if one of those individuals complies with paragraph (1) and each partner shall ensure that a safety adviser has been appointed by one of those individuals in accordance with paragraph (1).

Functions and duties of safety advisers

5.—(1) Subject to regulation 7(10), a safety adviser shall, for the period of his appointment, have such functions as are necessary to enable him to achieve the purpose referred to in regulation 4(1), including those functions set out in Schedule 2, in connection with the transport of dangerous goods by the employer who has appointed him.

(2) A safety adviser shall ensure the preparation of a report on any accident which affects the health or safety of any person or causes damage to the environment or to property and which occurs during the transport of dangerous goods by the employer who has appointed him.

(3) The safety adviser shall provide a copy of the report referred to in paragraph (2) to the employer who has appointed him.

Keeping of reports

6. The reports referred to in regulation 5(2) and paragraph (c) of Schedule 2 shall be kept by the employer for a minimum of 5 years.

Vocational training certificates

7.—(1) No employer shall appoint or continue the appointment of an individual to be a safety adviser unless that individual holds a valid certificate (in these Regulations referred to as a “vocational training certificate”) issued by the Secretary of State or by a person designated by the Secretary of State for the purpose of issuing vocational training certificates.

(2) An individual may only be issued with a vocational training certificate in accordance with paragraph (1) where he has—

(a) completed training; and

(b) passed an examination which has been approved in writing by the Secretary of State.

(3) Each vocational training certificate issued in accordance with paragraph (1) shall be in the form set out in Schedule 3.

(4) Each vocational training certificate issued in accordance with paragraph (1) shall be valid for a period of 5 years from the date of issue.

(5) Where, within the period of 12 months which precede the expiry of the certificate referred to in paragraph (4) or of any extension of it granted in accordance with this paragraph, the holder can show to the satisfaction of the Secretary of State that he has passed an examination which has been approved in writing by the Secretary of State, the validity of that certificate shall be extended by the Secretary of State for a period of 5 years.

(6) The training referred to in paragraph (2)(a) shall include the risks inherent in the transport of dangerous goods, the requirements of the relevant statutory provisions insofar as they relate to the transport of dangerous goods, the duties of a safety adviser pursuant to regulation 5(2) and (3), and the functions of a safety adviser as set out in Schedule 2.

(7) The examinations referred to in paragraphs (2)(b) and (5) shall include the subjects specified in Schedule 4.

(8) The training and examination referred to in paragraph (2) and the examination referred to in paragraph (5) shall relate to—

- (a) one or more of the following modes of transport—
 - (i) road,
 - (ii) railway,
 - (iii) inland waterway; and—
- (b) the transport of—
 - (i) all dangerous goods, or
 - (ii) one or more of the following groups of dangerous goods, namely—
 - (aa) explosives,
 - (bb) gases,
 - (cc) radioactive material,
 - (dd) UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT, flash point $\leq 61^{\circ}\text{C}$
UN 1203 PETROL or MOTOR SPIRIT or GASOLINE
UN 1223 KEROSENE includes aviation jet A1 fuel,
 - (ee) all dangerous goods except those goods listed in paragraphs (aa) to (cc) above.

(9) Where the training and examination are limited to one or more of the modes of transport or groups of dangerous goods referred to in paragraph (8)(a) and (b)(ii) respectively, that limitation shall be clearly indicated on the vocational training certificate issued in accordance with paragraph (1).

(10) Where the vocational training certificate held by a safety adviser in accordance with paragraph (1) indicates that it has been limited, in accordance with paragraph (9), to one or more of the specified modes of transport or to one or more of the specified groups of dangerous goods, the functions and duties of that safety adviser shall be limited to—

- (a) the mode or modes of transport indicated on that certificate;
- (b) the group or groups of dangerous goods indicated on that certificate; and
- (c) goods which appear in or have a classification which is specified in column 1 of Schedule 3 to the CDGCPL Regulations insofar as those goods are—
 - (i) within the packing group, if any, specified in the corresponding entry in column 2 of that Schedule, and
 - (ii) contained in individual receptacles containing quantities not exceeding those specified in the corresponding entry in column 3 of that Schedule (or, in the case of a gas, contained in individual receptacles not exceeding the volumes specified in that column),

provided that the total gross mass of any package containing any receptacles such as are referred to above shall not exceed 30 kilogrammes, and in this paragraph “classification”, “package”, “packing group” and “receptacle” shall have the meanings assigned to them in regulation 2(1) of the CDGCPL Regulations.

Mutual recognition of vocational training certificates

8. Any current certificate in the form set out in Schedule 3 which is held by a safety adviser and which was issued to him by a competent authority under national provisions giving effect to the Directive shall be deemed to be a vocational training certificate issued in accordance with regulation 7 and, where that certificate indicates that it is limited to one or more modes of transport or to one or more groups of dangerous goods or to both, shall be so limited, and in this regulation “competent authority” means the authority appointed or body designated, in a member State or in Northern Ireland, for the purposes of issuing vocational training certificates in accordance with Article 5 of the Directive.

Information to be provided to the Secretary of State or goods vehicle examiners

9.—(1) Any employer who is required by these Regulations to appoint a safety adviser shall when requested to do so by the Secretary of State or by any goods vehicle examiner inform him of the name of that adviser.

(2) Every employer shall when requested to do so by the Secretary of State or by any goods vehicle examiner provide him with a copy of any accident and annual reports which have been prepared in accordance with regulation 5(2) or paragraph (c) of Schedule 2 respectively.

(3) A safety adviser shall on request produce to any goods vehicle examiner the relevant certificate he holds in accordance with regulation 7.

(4) In this regulation, “goods vehicle examiner” has the meaning assigned to it by section 66A of the Road Traffic Act 1988(14).

Exemptions

10.—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons from all or any of the 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 by the Health and Safety Executive at any time by a further certificate in writing.

(2) The Health and Safety Executive shall not grant any exemption under paragraph (1) 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 enactments 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 environment will be prejudiced in consequence of it.

(3) The Secretary of State having responsibility for Defence may, in the interests of national security, by a certificate in writing, exempt any person from all or any of the requirements or prohibitions imposed by these Regulations insofar as they relate to the transport of any dangerous goods in or on—

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

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.

(14) 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).

Amendments to the CDGCPL Regulations

11. In the CDGCPL Regulations—

- (a) in paragraph (4) of regulation 3, after the words “at work,” insert “or carried or intended to be carried at work,”;
- (b) at the end of sub-paragraph (c) of regulation 4(1), insert the words “and of aerosols”;
- (c) at the end of regulation 14, add the words “and for the purposes of this regulation, in determining whether a further periodic examination is overdue, no account shall be taken of any period when the transportable pressure receptacle is being carried for the sole purpose of such examination”; and
- (d) in regulation 19(5), for sub-paragraph (b) substitute the following sub-paragraph—
 - “(b) paragraphs 3(2), 4(1), (2) and (4), 5 and 10(2) of Schedule 8; and”.

Amendments to the CDG Road Regulations

12. In the CDG Road Regulations—

- (a) in sub-paragraph (f) of regulation 2(3), at the end add the words “other than a liquid in which a compressed gas is dissolved”;
- (b) in sub-paragraph (a) of regulation 2(4), for the words “each package whose” substitute “dangerous goods in each receptacle where that” and for the words “package concerned” substitute “receptacle concerned”;
- (c) for the Note to Table 1 of Schedule 1, substitute the following paragraph—

“The transport categories in column 2 appear in descending order from 0 (highest) to 4 (lowest).;”
- (d) in the heading to column 2 of Table 2 of Schedule 1, for the words “*Individual package mass or volume*” substitute “*Mass or volume of individual article or receptacle*”;
- (e) for the Notes to Table 2 of Schedule 1, substitute the following paragraphs—

“1. The numbers in—

- (a) column 2 relate to the mass or volume of dangerous goods, determined in accordance with regulation 2(3);
- (b) column 3 relate to the total mass or volume of packaged dangerous goods, determined in accordance with regulation 2(4)(a), as applied in accordance with regulation 2(5);
- (c) column 4 relate to the total mass or volume of dangerous goods, determined in accordance with regulation 2(4)(b), as applied in accordance with regulation 2(5),

measured in units represented by—

- (d) the gross mass, measured in kg, of articles;
- (e) the net mass, measured in kg, of compressed gases dissolved in a solvent or the solvent in which compressed gases are dissolved, solids and liquefied gases; and
- (f) the nominal capacity, measured in litres, of any receptacle containing compressed gases (other than those dissolved in a solvent) and any receptacle containing liquids (other than those in which a compressed gas is dissolved).

2. For the purpose of calculating the total mass or volume of packaged dangerous goods or the total mass or volume of dangerous goods where the load comprises a mixture of liquids and solids, 1 kg gross or net mass shall equate to 1 litre.; and”

- (f) for paragraph 8 of Schedule 2, substitute the following paragraph—

“**8.**—(1) Subject to sub-paragraph (2), regulations 12(1) and 13 shall only apply to and in relation to the carriage of dangerous goods in a receptacle in any package where the mass or volume of dangerous goods in that receptacle exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of those goods.

(2) Where the dangerous goods are being carried in a receptacle which is a package, regulations 12(1) and 13 shall only apply to and in relation to the carriage of dangerous goods in any package where the mass or volume of that package exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of those goods.”

Amendment to the Carriage of Explosives by Road Regulations 1996

13. In paragraph 7 of Schedule 4 to the Carriage of Explosives by Road Regulations 1996⁽¹⁵⁾, after the words “Carriage of Dangerous Goods by Road Regulations 1996” insert “(as amended by the Transport of Dangerous Goods (Safety Advisers) Regulations 1999⁽¹⁶⁾)”.

Amendments to the Health and Safety (Fees) Regulations 1997

14. In the Health and Safety (Fees) Regulations 1997⁽¹⁷⁾—

- (a) after regulation 13 insert the following regulation—

“Vocational training certificates under the Transport of Dangerous Goods (Safety Advisers) Regulations 1999

13A.—(1) An individual may only be issued with a vocational training certificate in accordance with paragraph (1) of regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999⁽¹⁸⁾ where a fee of the sum specified in Schedule 11A has been paid to the Secretary of State or the person designated by the Secretary of State for the purpose of issuing vocational training certificates.

(2) The validity of a vocational training certificate may only be extended in accordance with paragraph (5) of regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999 where, within the period of 12 months which precede the expiry of the original certificate or any extension of it granted in accordance with that paragraph, a fee of the sum specified in Schedule 11A has been paid to the Secretary of State or the person designated by the Secretary of State for the purpose of issuing vocational training certificates.

(3) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in section 43(4) of the 1974 Act.” and

- (b) after Schedule 11 insert Schedule 5 to these Regulations.

⁽¹⁵⁾ S.I. 1996/2093.

⁽¹⁶⁾ S.I. 1999/257.

⁽¹⁷⁾ S.I. 1997/2505.

⁽¹⁸⁾ S.I. 1999/257.

Signed by authority of the Secretary of State.

4th February 1999

Larry Whitty
Parliamentary Under Secretary of
State Department of the Environment, Transport
and the Regions