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STATUTORY INSTRUMENTS

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**2007 No. 1573**

**HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of  
Transportable Pressure Equipment Regulations 2007**

<i>Made</i>	- - - -	<i>6th June 2007</i>
<i>Laid before Parliament</i>		<i>7th June 2007</i>
<i>Coming into force</i>	- -	<i>1st July 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by—

- (a) sections 15(1) to (5), (6)(a) and (b) and (8), 43(2) to (6), 80 and 82(3)(a) of, and paragraphs 1, 2(1), 3, 4(1), 6 to 9, 11 to 16 and 20 of Schedule 3 to, the Health and Safety at Work etc Act 1974<sup>(1)</sup>; and
- (b) to the extent necessary to revoke regulations made under section 2 of the Radioactive Material (Road Transport) Act 1991<sup>(2)</sup>, that section.

In accordance with section 50(1) of the Health and Safety at Work etc Act 1974<sup>(3)</sup> he has consulted the Health and Safety Commission and such other bodies as appear to him to be appropriate.

In accordance with paragraph 2(7) of Schedule 3 to the Railways Act 2005<sup>(4)</sup> he has consulted the Office of Rail Regulation.

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- (1) 1974 c. 37; section 1(1)(c) was modified by the Health and Safety at Work etc. Act (Application to Environmentally Hazardous Substances) Regulations 2002 (S.I. 2002/282) to which relevant amendments have been made by S.I. 2004/463, 2005/1308 and 2007/1332. Section 15(1) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6.
- (2) 1991 c. 27; section 2 was amended by the Road Safety Act 2006 (c. 49), section 57.
- (3) Section 50(1) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 16. The extent of the requirement to consult pursuant to section 50(1) has been narrowed by the insertion of section 50(1A) into the 1974 Act by the Railways Act 2005 (c. 14), Schedule 3, paragraph 13.
- (4) The meaning of “railway safety purposes” under Schedule 3 of the 2005 Act which is relevant to the obligation to consult has been amended by the Railways Act 2005 (Amendment) Regulations 2006 (S.I. 2006/556).

## PART 1

### INTRODUCTORY PROVISIONS

#### *Introductory*

#### **Citation and commencement**

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 and shall come into force on 1st July 2007.

#### **Interpretation—General**

2.—(1) In these Regulations, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly.

(2) In these Regulations, any reference to a “Part”, “Chapter”, “Section” or “Sub-section” shall, unless the context requires otherwise, be construed—

- (a) in relation to the carriage of goods by road or by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADR; and
- (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID.

(3) For the purposes of these Regulations in so far as they relate to carriage by inland waterway, the provisions of ADR apply as if they related to carriage by inland waterway rather than carriage by road and, for this purpose, a reference in ADR to “transport unit” shall be read as a reference to “vessel”.

(4) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of Chapter 3.2 and “UN number” shall be construed accordingly.

(5) Where a term is defined in ADR or in RID and is not defined for the purposes of these Regulations, it bears the meaning as defined in—

- (a) ADR in relation to carriage by road or by inland waterway; and
- (b) RID in relation to carriage by rail.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“ADR”	<p>The provisions which came into effect on 1st January 2007 which—</p> <ul style="list-style-type: none"> <li>(a) form Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2007)(5); and</li> <li>(b) are contained in Annexes A and B to Council Directive 94/55/EC of 21st November 1994 on the approximation of the laws of member States with regard</li> </ul>

Column 1	Column 2
	to the transport of dangerous goods by road <sup>(6)</sup> .
	But—
	(a) for the purposes of regulations 35, 40, 72(5) and Schedule 2, means the provisions which form Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road, as revised or reissued from time to time; or
	(b) to the extent that the reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 <sup>(7)</sup> (with the omission of “(except for the purposes of regulations 4 and 36(3) and Schedule 1)”).
“airport”	The aggregate of the buildings and works comprised in an aerodrome within the meaning of section 105 of the Civil Aviation Act 1982 <sup>(8)</sup> .
“approved body”	Shall be construed in accordance with regulation 78.
“carriage”	Has the same meaning as in Section 1.2.1.
	But—
	(a) for the purposes of Schedule 2, shall be construed in accordance with paragraph 2(4) and (5) of that Schedule; and
	(b) for the purposes of Schedule 3, shall be construed in accordance with paragraph 2(1) of that Schedule.
“class 1 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.1.1.1.
“class 2 goods”	Shall be construed in accordance with Subsections 2.1.1.1 and 2.2.2.1.1.

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(6) O.J. No. L319, 12.12.94, p. 7; the most recent amending directive is Commission Directive [2006/89/EC](#) of 3 November 2006 (O.J. No. L305, 4.11.2006, p. 4).

(7) [S.I. 2004/568](#); amended by [S.I. 2005/1082](#), [2005/1732](#), [2005/2929](#), [2006/557](#) and S.S.I [2005/344](#).

(8) [1982 c. 16](#).

<i>Column 1</i>	<i>Column 2</i>
“class 3 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1 and 2.2.3.1.1.
“class 4 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1, 2.2.41.1.1, 2.2.42.1.1 and 2.2.43.1.1.
“class 5 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1, 2.2.51.1.1 and 2.2.52.1.1.
“class 6 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1, 2.2.61.1.1 and 2.2.62.1.1.
“class 7 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1, 2.2.7.1.1 and 2.2.7.1.2.
“class 8 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1 and 2.2.8.1.1.
“class 9 goods”	Shall be construed in accordance with Sub-sections 2.1.1.1 and 2.2.9.1.1.
“compatibility group”	Shall be construed in accordance with Sub-section 2.2.1.1.6.
“COTIF”	The Convention concerning International Carriage by Rail, as revised or re-issued from time to time <sup>(9)</sup> .
“dangerous goods”	Has the same meaning as in Section 1.2.1.
“division 1.1” and “division 1.4”	Shall be construed in accordance with Sub-section 2.2.1.1.5.
“EEC-type cylinder”	<p>Either—</p> <ul style="list-style-type: none"> <li>(a) transportable pressure equipment— <ul style="list-style-type: none"> <li>(i) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State of the Communities, was authorised to grant such a certificate for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; and</li> <li>(ii) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder, or</li> </ul> </li> <li>(b) transportable pressure equipment—</li> </ul>

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(9) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).

Column 1	Column 2
	(i) not subject to EEC verification under any of the separate Directives but which conforms to the requirements of the Directives referred to in paragraph (a)(i); and
	(ii) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder.
“emergency action code”	The emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List, as revised or reissued from time to time <sup>(10)</sup>
“explosive article”	Shall be construed in accordance with Sub-section 2.2.1.1.1(b).
“explosive substance”	Shall be construed in accordance with Sub-section 2.2.1.1.1(a).
“exposure”	The process of being exposed to ionising radiation.
“factory”	Has the same meaning as in section 175 of the Factories Act 1961 <sup>(11)</sup> .
“fire and rescue authority”	The fire and rescue authority under the Fire and Rescue Services Act 2004 <sup>(12)</sup> .
“GB competent authority”	The competent authority for Great Britain in accordance with regulation 6(1) to (5).  But when used in the phrase “2004 GB Competent Authority” means the GB competent authority for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004.
“harbour area”	Has the same meaning as in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987 <sup>(13)</sup> .
“hazard identification number”	Shall be construed in accordance with Sub-section 5.3.2.3.

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<sup>(10)</sup> Current edition (2005): ISBN 9780113413041; it is expected that a new edition will be published on 1st July 2007 (ISBN 9780113413157).

<sup>(11)</sup> 1961 c. 34; section 175(2)(n) of the Factories Act 1961 was amended by the Factories Act 1961 etc. (Metrication) Regulations 1983 (S.I. 1983/978), regulation 3(1) and Schedule 1.

<sup>(12)</sup> 2004 c. 21; section 1(2)(d) was amended by the Civil Contingencies Act 2004, Schedule 2, Part 1, paragraph 10(1) and (2).

<sup>(13)</sup> S.I. 1987/37; amended by S.I. 1996/2092, 1996/2095, 1997/2367, 2003/1431 and 2004/568 and to which there are other amendments not relevant to these Regulations.

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

Column 1	Column 2
“IMDG Code”	The International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization <sup>(14)</sup> .
“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 of the Communities other than the United Kingdom.
“international transport operation”	The carriage of goods, including carriage by more than one mode of transport, from consignor to consignee where that carriage takes place in more than one State.
“ionising radiation”	The transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of $3 \times 10^{15}$ hertz or more, capable of producing ions directly or indirectly.
“maximum total quantity”	Shall be construed in accordance with Sub-sections 1.1.3.6.3 to 1.1.3.6.5.
“member of a vehicle crew”	A driver or any other person accompanying the driver for safety, security, training or operational reasons.
“military establishment”	An establishment intended for use for naval, military or air force purposes or the purposes of the Secretary of State for Defence.
“mine”	Has the same meaning as in section 180(1) of the Mines and Quarries Act 1954 <sup>(15)</sup> and those things deemed to be part of a mine for the purposes of that Act by sub-sections (2) to (6) of section 180 shall be deemed to be part of a mine for the purposes of these Regulations.
“motor vehicle”	A mechanically propelled vehicle intended or adapted for use on the roads.
“notified body”	Shall be construed in accordance with regulation 77.
“old pressure receptacle”	A pressure receptacle, including any of its permanent fittings, that is used, or intended to be used for the carriage of any class 2 goods or any of the substances listed in Table 3 of

(14) Current edition (2006): ISBN 9280142143.

(15) 1954 c. 70; section 180 was amended by the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993/1897), regulation 41(2) and Schedule 3, Part 2 and by the Quarries Regulations 1999 (S.I. 1999/2024), regulation 47(2) and Schedule 2, Part 2. The words “the Health and Safety Executive” were substituted by the Mines and Quarries Act 1954 to 1971 (Repeals and Modifications) Regulations 1974 (S.I. 1974/2013), regulation 2(1)(b) and Schedule 2, paragraph 3.

<i>Column 1</i>	<i>Column 2</i>
	<p>Packaging Instruction P200 in Section 4.1.4 and which was constructed—</p> <ul style="list-style-type: none"> <li>(a) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and</li> <li>(b) in the case of other pressure receptacles, on or before 9th May 2004,</li> </ul> <p>and for this purpose,</p> <ul style="list-style-type: none"> <li>(i) the definition of pressure drum in Section 1.2.1 shall apply as if it specified no minimum water capacity;</li> <li>(ii) the definition of tube in Section 1.2.1 shall apply as if it specified no minimum water capacity and a maximum water capacity of 5,000 litres; and</li> <li>(iii) the definition of “bundle of cylinders” in Section 1.2.1 shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1,000 litres or 5,000 litres for an assembly comprised of seamless cylinders.</li> </ul>
“old tank”	<p>Means—</p> <ul style="list-style-type: none"> <li>(a) a tank;</li> <li>(b) pressure receptacles forming elements of a battery-vehicle or battery-wagon; or</li> <li>(c) pressure receptacles forming elements of a MEGC or UN MEGC which has a total volume of 1,000 litres or more,</li> </ul> <p>used for the carriage of a liquid, gaseous, powdery or granular material and constructed on or before 9th May 2004.</p>
“operator”	<p>An enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN MEGC, tank or bulk container is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in Section 1.2.1.</p>
	<p>But—</p> <ul style="list-style-type: none"> <li>(a) for the purposes of Schedule 2, has the meaning given in paragraph 2(1) and (2) of that Schedule; and</li> <li>(b) if used in the phrase “train operator”, shall be construed in accordance with the definition of that phrase in this Table.</li> </ul>
“owner”	<p>In relation to transportable pressure equipment, an IBC or an old pressure receptacle means the employer or the self-</p>

Column 1	Column 2
	employed person who owns it, except for a person who buys it solely to use the goods in it before selling it back to the supplier.
	But—
	(a) if the transportable pressure equipment, IBC or old pressure receptacle is leased, it means the lessee; or
	(b) if the employer, self-employed person or lessee does not have a place of business in Great Britain it means—
	(i) the agent of that person in Great Britain; or
	(ii) if there is no such agent, the user.
“placing on the market”	In relation to transportable pressure equipment, means supplying such equipment or making it available to another person in the Communities and includes importation of such equipment.
“pressure receptacle”	A cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders.
“Pressure Vessels Framework Directive”	Council Directive <a href="#">76/767/EEC</a> of 27th July 1976 <sup>(16)</sup> concerning the approximation of the laws of the member States relating to common provision for pressure vessels and methods for inspecting them.
“quarry”	Has the same meaning as in regulation 3 of the Quarries Regulations 1999 <sup>(17)</sup> .
“radiological emergency”	A situation arising during the course of the carriage of a consignment that requires urgent action in order to protect workers, members of the public or the population (either partially or as a whole) from exposure.
“railway”	A system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is—
	(a) a tramway within the meaning of section 67(1) of the Transport and Works Act 1992 <sup>(18)</sup> ; or
	(b) operated wholly within a factory, harbour area, military establishment, mine or quarry.

<sup>(16)</sup> O.J. No. L262, 27.9.1976, p153; the most recent amendment was made by Council Regulation [\(EC\) No 807/2003](#) of 14 April 2003 (O.J. No. L122, 16.5.2003, p. 36).

<sup>(17)</sup> [S.I. 1999/2024](#), to which there are amendments not relevant to these Regulations.

<sup>(18)</sup> [1992 c. 42](#).



Column 1	Column 2
“reassessment of conformity”	Shall be construed in accordance with regulation 75.
“receptacle”	Has the meaning given by the definition of “receptacle” in Section 1.2.1.  But when used in relation to receptacles for class 1 goods it also includes the items listed in the definition of ““receptacle” (class 1)” in that Section.
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF(19) which— <ul style="list-style-type: none"> <li>(a) came into effect on 1st January 2007; and</li> <li>(b) is contained in the Annex to Council Directive 96/49/EC of 23rd July 1996 on the approximation of the laws of member States with regard to the transport of dangerous goods by rail(20).</li> </ul> <p>But—</p> <ul style="list-style-type: none"> <li>(a) for the purposes of regulations 35, 40, 72(5) and Schedule 2, means the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail which forms Appendix C to COTIF, as revised or reissued from time to time; or</li> <li>(b) to the extent that the reference in these Regulations to RID is a reference to RID as it applied for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(21) (with the omission of “(except for the purposes of regulations 4 and 36(3) and Schedule 1)”).</li> </ul>
“road”	In relation to— <ul style="list-style-type: none"> <li>(a) England and Wales, any highway and any other road to which the public has</li> </ul>

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(19) The ISBN of the 2007 edition of Appendix C to COTIF (including the Annex) is 9788086206288.

(20) O.J. L235, 17.9.1996, p. 25; the most recent amending directive is Commission Directive 2006/90/EC of 3rd November 2006 (O.J. L305, 4.11.2006, p. 6).

(21) S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

Column 1	Column 2
	access, and includes bridges over which a road passes; and
	(b) Scotland, a road within the meaning of the Roads (Scotland) Act 1984 <sup>(22)</sup> and any other way to which the public has access, and includes bridges over which a road passes.
“safe and secure place”	<p>A safe and secure place within a site—</p> <p>(a) in relation to which a person—</p> <p>(i) is licensed to manufacture or store explosives under regulation 13 of the Manufacture and Storage of Explosives Regulations 2005<sup>(23)</sup>; or</p> <p>(ii) is registered in respect of such storage under regulation 11 of those Regulations; or</p> <p>(b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemption) Regulations 1979<sup>(24)</sup>.</p>
“separate Directives”	<p>Council Directives—</p> <p>84/525/EEC of 17th September 1984;</p> <p>84/526/ EEC of 17th September 1984;</p> <p>and</p> <p>84/527/ EEC of 17th September 1984<sup>(25)</sup>;</p> <p>concerning the approximation of the laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively.</p>
“special arrangement”	Shall be construed in accordance with Section 1.7.4.
“special form radioactive material”	<p>Material which—</p> <p>(a) falls within Sub-section 2.2.7.4.1; and</p> <p>(b) complies with Sub-sections 2.2.7.4.2 to 2.2.7.4.8.</p>
“standard”	<p>A—</p> <p>(a) nationally or internationally agreed standard; or</p> <p>(b) document which is a technical code within the meaning of that term in—</p> <p>(i) in relation to carriage by road, ADR; or</p>

(22) 1984 c. 54.

(23) S.I. 2005/1082.

(24) S.I. 1979/1378.

(25) O.J. No. L300, 19.11.1984, pp. 1, 20 and 48 respectively.

Column 1	Column 2
	(ii) in relation to carriage by rail, RID.
	But if used in the phrase “design standard” shall be construed in accordance with the definition of that phrase in the Table in paragraph 1 of Schedule 3.
“trailer”	A vehicle drawn by a motor vehicle.
“train”	Has the same meaning as in section 83(1) of the Railways Act 1993(26).
“train operator”	In relation to any train, means any person who has the management of the train for the time being.
“transportable pressure equipment”	<p>A pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN MEGC or tank which is used or intended to be used for carriage by road or by rail or storage of—</p> <ul style="list-style-type: none"> <li>(a) class 2 goods;</li> <li>(b) UN 1051 HYDROGEN CYANIDE, STABILIZED;</li> <li>(c) UN 1052 HYDROGEN FLUORIDE, ANHYDROUS; or</li> <li>(d) UN 1790 HYDROFLUORIC ACID with more than 85% hydrogen fluoride.</li> </ul> <p>It includes any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment. But it does not include—</p> <ul style="list-style-type: none"> <li>(a) an aerosol dispenser; or</li> <li>(b) a cylinder used to contain class 2 goods and forming a component part of a breathing appliance.</li> </ul>
“transport category”	A category to which goods are assigned for the purposes of Sub-section 1.1.3.6.
“transport document”	The document containing the information set out in Section 5.4.1.
“used at work(27)”	In relation to old tanks, old pressure receptacles and transportable pressure equipment, includes the filling, emptying, refilling and storage of that equipment at work and an intention to conduct any of those activities.
“vehicle”	Any conveyance used for the carriage of goods by road.

(26) 1993 c. 43.

(27) In relation to “at work” see section 52 of the Health and Safety at Work etc Act 1974 (c. 37).

<i>Column 1</i>	<i>Column 2</i>
	But this definition does not apply in relation to the use of the word “vehicles” in the definition of “railway” in this Table.

### **Interpretation matters relating to the armed forces**

**3.—**(1) In these Regulations a vehicle or a train shall be regarded as being owned by the armed forces when it is owned by—

- (a) the Secretary of State for Defence and is used by Her Majesty’s Forces;
- (b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(28)</sup>; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(29)</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.

(2) In these Regulations a vehicle or a train is under the control of the armed forces when—

- (a) a member of the crew on board is—
  - (i) a member of—
    - (aa) Her Majesty’s Forces; or
    - (bb) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952, acting in the course of his duties; or
  - (ii) a member of the Ministry of Defence Police acting under the direction and control of the Chief Constable of the Ministry of Defence Police; or
- (b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within sub-paragraph (a).

(3) In this regulation, “member of the Ministry of Defence Police” and “Chief Constable of the Ministry of Defence Police” shall be construed in accordance with section 1 of the Ministry of Defence Police Act 1987<sup>(30)</sup>.

### **The sending etc of documents**

**4.** Any document which is—

- (a) required to be sent, submitted or otherwise delivered; or
- (b) issued,

pursuant to these Regulations may be sent to the recipient by fax or other means of electronic communication.

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<sup>(28)</sup> 1952 c. 67.

<sup>(29)</sup> 1964 c. 5.

<sup>(30)</sup> 1987 c. 4; section 1(2)(a) was amended by the Police Act 1996 (c. 16), Schedule 7, paragraph 41; section 1(2)(c) was amended by the Police (Northern Ireland) Act 1998 (c. 32), Schedule 4, paragraph 16; pursuant to the Police (Northern Ireland) Act 2000 (c. 32), section 78(2)(c), the reference in section 1(2)(c) to “a member of the Royal Ulster Constabulary” is to be construed as a reference to “a member of the Police Service of Northern Ireland”; the current section 1(5) was inserted by the Police Reform Act 2002 (c. 30), section 79(3).

## **Member States of the Communities which are not Contracting Parties to ADR or Member States of COTIF**

5.—(1) For the purposes of these Regulations a member State of the Communities which is not a Contracting Party to ADR shall be deemed to be a Contracting Party to ADR.

(2) For the purposes of these Regulations a member State of the Communities which is not a Member State of COTIF shall be deemed to be a Member State of COTIF.

## **Competent authority**

6.—(1) The competent authority in Great Britain is the Secretary of State for Transport.

(2) Paragraph (1) is subject to paragraphs (3) to (5).

(3) The competent authority is the Health and Safety Executive for the functions in relation to—

- (a) the classification of class 1 goods pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271, and 645 of Chapter 3.3, in relation to class 1 goods;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18, in relation to class 1 goods; and
- (d) the design approval of containers or compartments for the carriage of class 1 goods, in accordance with note a to Sub-section 7.5.2.2.

(4) But paragraph (3) does not apply to the functions to the extent they relate to military explosives.

(5) The competent authority is the Secretary of State for Defence for the functions in relation to—

- (a) the classification of military explosives pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271 and 645 of Chapter 3.3, in relation to military explosives;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18, in relation to military explosives;
- (d) special provision W2 of Section 7.2.4; and
- (e) the design approval of containers or compartments for the carriage of military explosives, in accordance with note a to Sub-section 7.5.2.2.

(6) The competent authority for a competent authority function referred to in ADR or RID in a State other than the United Kingdom is the authority designated as the competent authority in that State for that function.

(7) The competent authority for a competent authority function referred to in ADR or RID in Northern Ireland is the authority designated as the competent authority in Northern Ireland for that function.

(8) For the purposes of these Regulations a reference in—

- (a) ADR or RID to “competent military authority”;
- (b) ADR to “Contracting Party”; and
- (c) RID to “Member State”,

shall be treated as a reference to “competent authority”.

(9) In this regulation, “military explosives” has the same meaning as in regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983(31).

## Appointments

7. Schedule 1 has effect in relation to appointments pursuant to regulations 69(2), 79(1), paragraph 9 of Schedule 2 and paragraph 10 of Schedule 3.

## *Application*

### Application

8.—(1) These Regulations apply to, and in relation to, the carriage of dangerous goods by road and by rail.

(2) These Regulations apply to, and in relation to, the carriage of dangerous goods by inland waterway to the extent that they relate to the requirements of Section 1.8.3 in relation to safety advisers.

## *Exceptions*

### **The issuing of authorisations to carry dangerous goods in circumstances where carriage would otherwise contravene the Regulations**

9.—(1) This regulation does not apply in relation to prohibitions or requirements arising under Part 4 of these Regulations.

(2) In relation to carriage that takes place wholly within Great Britain—

- (a) the Secretary of State for Transport in relation to all classes of dangerous goods; or
- (b) the Health and Safety Executive in relation to class 1 goods,

may authorise in writing a person or class of persons to carry for a limited time dangerous goods contrary to the prohibitions or requirements arising under these Regulations.

(3) An authorisation issued pursuant to paragraph (2) shall set out—

- (a) the carriage that is covered by the authorisation;
- (b) the reason that the authorisation is being issued; and
- (c) the period of time in relation to which the authorisation is to be valid.

(4) An authorisation issued pursuant to paragraph (2) may be—

- (a) made subject to conditions; and
- (b) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and such a notice may provide that the withdrawal of the authorisation shall have effect from a date specified in that notice.

(5) Any exemption or authorisation granted pursuant to regulation 36(1), (5), (6) or (8) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 that was in force immediately before the coming into force of these Regulations shall be deemed to be an authorisation issued pursuant to—

- (a) if granted by the Secretary of State, paragraph (2)(a); or
- (b) if granted by the Health and Safety Executive, paragraph (2)(b),

of this regulation and be subject to the same conditions as were in force immediately before the coming into force of these Regulations.

## Armed forces

10.—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of—

- (a) class 6.2 goods of a type falling within subdivision I2 Infectious substances affecting animals only; or
- (b) class 9 goods of a type falling within subdivisions—
  - (i) M6 Pollutant to the aquatic environment, liquid;
  - (ii) M7 Pollutant to the aquatic environment, solid; or
  - (iii) M8 Genetically modified micro-organisms and organisms,

if those goods are carried on a vehicle or a train which is owned by, or under the control of, the armed forces.

(2) The requirements in Chapter 5.3, Sections 5.4.0 to 5.4.2 and Sub-sections 5.4.3.4 and 8.1.2.3 do not apply to, or in relation to, the carriage of dangerous goods by road in a vehicle owned by the armed forces in the circumstances specified in paragraph (3) or (4).

(3) The vehicle is being used in connection with training—

- (a) which has been certified to be training on a special occasion in accordance with regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989<sup>(32)</sup>; and
- (b) in respect of which at least 48 hours notice has been given to—
  - (i) the chief officer of police of each police area; and
  - (ii) as respects—
    - (aa) England and Wales, the fire and rescue authority; and
    - (bb) Scotland, the chief officer of the relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005<sup>(33)</sup>)

for each area,

in which the place selected for training is situated.

(4) The vehicle is being used in connection with manoeuvres within such limits and during such periods as may from time to time be specified by an Order in Council made under section 1 of the Manoeuvres Act 1958<sup>(34)</sup>.

(5) If dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 which applies to the vehicle in question pursuant to regulation 65 shall be deemed to be satisfied to the extent that it is not reasonably practicable for the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

(6) If—

- (a) a vehicle is owned by, or under the control of, the armed forces;
- (b) a certificate of ADR approval of the type referred to in Sub-section 9.1.3 has been issued in relation to that vehicle pursuant to regulation 65; and
- (c) that certificate has expired,

the vehicle shall still be permitted to carry tanks where those tanks are empty but uncleaned if the conditions in paragraph (7) are satisfied.

<sup>(32)</sup> [S.I. 1989/1796](#), to which there are amendments not relevant to these Regulations.

<sup>(33)</sup> [2005 asp 5](#).

<sup>(34)</sup> [1958 c. 7](#); section 1(3)(a)(i) was substituted by the Water Act [1989 \(c. 15\)](#), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words “Environment Agency” were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 ([S.I. 1996/593](#)), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words “Natural England” were substituted by the Natural Environment and Rural Communities Act 2006, Schedule 11, Part 1, paragraph 26(a).

(7) The conditions are—

- (a) the vehicle carrying the tanks is being driven—
  - (i) to a place for the purpose of—
    - (aa) submitting the vehicle to an annual technical inspection of the type referred to in Sub-section 9.1.2.3 that is required to be undertaken in relation to that vehicle by virtue of regulation 65;
    - (bb) cleaning the tanks and the place to which the vehicle is being driven is suitable for this purpose; or
    - (cc) repairing the vehicle or tank; or
  - (ii) the vehicle carrying the tanks is being driven from a place to which it had been taken for a purpose mentioned in (i); and
- (b) it was not reasonably practicable for the vehicle to have been submitted for the annual technical inspection before the expiry of the certificate of ADR approval because—
  - (i) the vehicle was being used for operational duties; or
  - (ii) a member of the vehicle crew was based on operational duties, outside the United Kingdom.

(8) If dangerous goods are being carried in a vehicle or a train owned by, or under the control of, the armed forces, the requirements in regulation 91 do not apply.

(9) But paragraphs (1) to (8) do not apply to, or in relation to, carriage on behalf of a person who is not a member of—

- (a) Her Majesty's Forces; or
- (b) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(35)</sup>.

(10) Paragraphs (11) and (12) apply to, and in relation to, carriage in a vehicle or train owned by, or under the control of, the armed forces.

(11) Parts 2 and 5 of these Regulations do not apply to, or in relation to, carriage of class 7 goods which—

- (a) are, or form part of, an instrument of war;
- (b) are required for research into, or the development or production of, any such instrument or part of such instrument; or
- (c) are produced in the course of, or in connection with, such research, development or production,

if that carriage is undertaken on behalf of a Department of the Government of the United Kingdom or if the carriage is undertaken in connection with the execution of a contract with any such Department.

(12) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of class 7 goods which are, or form part of, an instrument of war if that carriage is undertaken on behalf of a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952 or if the carriage is undertaken in connection with the execution of a contract with such a visiting force.

(13) The Secretary of State for Defence may, in the interests of national security, authorise in writing the exemption of any—

- (a) military explosive or any vehicle or train intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations; or

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(35) 1952 c. 67.



- (b) person from all or any of the requirements or prohibitions imposed by these Regulations, to the extent that they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces.
- (14) An authorisation issued pursuant to paragraph (13) may be—
  - (a) made subject to conditions;
  - (b) limited in time; and
  - (c) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and such a notice may provide that the withdrawal of the authorisation shall have effect from a date specified in that notice.
- (15) An exemption granted pursuant to regulation 36(9) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(36)</sup> that was in force immediately before the coming into force of these Regulations shall be deemed to be an authorisation issued pursuant to paragraph (13) of this regulation and be subject to the same conditions as were in force immediately before the coming into force of these Regulations.
- (16) In this regulation—
  - (a) “I2 Infectious substances affecting animals only” shall be construed in accordance with Sub-section 2.2.62.1.2; and
  - (b) “M6 Pollutant to the aquatic environment, liquid”, “M7 Pollutant to the aquatic environment, solid” and “M8 Genetically modified micro-organisms and organisms” shall be construed in accordance with Sub-section 2.2.9.1.2.

### **The Channel Tunnel**

**11.**—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods on any part of the Channel Tunnel system.

(2) In this regulation “the Channel Tunnel system” has the meaning given to “the tunnel system” by section 1(7) of the Channel Tunnel Act 1987<sup>(37)</sup> except that the words “to be” which come before the word “constructed” shall be omitted.

### **Carriage by road in or on certain vehicles**

**12.**—(1) This regulation applies to, and in relation to, carriage by road.

(2) Paragraphs (3) and (4) apply to a vehicle which is not a trailer.

(3) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a vehicle which is not a motor vehicle (complete or incomplete).

(4) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a vehicle which—

- (a) runs on rails;
- (b) is an agricultural or forestry tractor; or
- (c) is mobile machinery.

(5) Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods by a trailer which is a trailer being towed by a vehicle to which these Regulations do not apply pursuant to paragraph (4).

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<sup>(36)</sup> S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

<sup>(37)</sup> 1987 c. 53.

### **Carriage wholly within an enclosed area**

**13.** Parts 2 and 5 of these Regulations do not apply to, or in relation to, the carriage of dangerous goods if the carriage is wholly within the perimeter of an enclosed area.

### *Derogations*

### **The crossing of public roads**

**14.—**(1) Parts 2 and 5 of these Regulations do not apply to the carriage of class 2 to 6, 8 or 9 goods by road in a vehicle which is used for—

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of a private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person even if those parts are separated by a road.

(2) Paragraph (3) applies to the carriage of class 1 or 7 goods by road.

(3) If the class 1 or 7 goods are being carried in a vehicle which is used for the purposes described in paragraph (1), regulations—

- (a) 43;
- (b) 51, except to the extent it relates to the requirements of Section 4.1.9;
- (c) 53(4), to the extent that it relates to the requirements in Chapter 5.3;
- (d) 53(6), to the extent that it relates to the requirements in Chapter 5.4;
- (e) 63(5) and 63(7), to the extent that they relate to the requirements in Sections 8.1.2 and 8.1.3;
- (f) 63(8); and
- (g) 64, to the extent that it relates to the requirements in Section 8.2.1,

do not apply.

### **Old tanks**

**15.—**(1) This regulation applies to old tanks which are intended to be used for the carriage of goods wholly within Great Britain.

(2) Regulations—

- (a) 52; and
- (b) 60,

do not apply to old tanks.

(3) But regulation—

- (a) 52(1), to the extent it requires compliance with the condition in regulation 52(2); and
- (b) 52(6), to the extent it requires compliance with the condition in regulation 52(7),

shall apply to old tanks.

(4) Schedule 2 applies to an old tank.

(5) But Schedule 2 does not apply to an old tank if it—

- (a) is transportable pressure equipment to which Part 4 applies;
- (b)

- (i) is being used for the carriage of gas oil, diesel or heating oil with a flash point of more than 60°C and not more than 100°C (UN 1202); and
  - (ii) remains safe and suitable for that purpose; or
  - (c) is not being used at work<sup>(38)</sup>.
- (6) An old tank which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail shall be deemed to have satisfied the requirements of Schedule 2.

### Old pressure receptacles

**16.—**(1) This regulation applies to old pressure receptacles which are intended to be used for the carriage of goods wholly within Great Britain.

(2) Regulations 51 and 55 do not apply to old pressure receptacles.

(3) Schedule 3 applies to a pressure receptacle specified in paragraph (4) if that receptacle is being used at work.

(4) The pressure receptacles are—

(a) cylinders, tubes or cryogenic receptacles which—

(i) were manufactured on or before 30th June 2003; and

(ii) are not transportable pressure equipment to which Part 4 applies;

(b) pressure drums or bundles of cylinders manufactured on or before 9th May 2004; and

(c) UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas which comply with the provisions of special provision 594 of Chapter 3.3.

(5) But Schedule 3 does not apply to an old pressure receptacle—

(a) which is a two-part beer keg, one part of which is intended to contain a gas or a mixture of gases under pressure;

(b) used for the conveyance or storage of beer or carbonated drinks, the capacity of which does not exceed 0.252 cubic metres and the maximum working pressure of which is not greater than 12 bar above atmospheric pressure;

(c) which is a portable fire extinguisher with a working pressure below 25 bar at 60°C and having a total mass not exceeding 23 kilograms;

(d) which forms part of equipment of any—

(i) ship to which the Merchant Shipping Act 1995<sup>(39)</sup> applies or would apply if the ship were registered in Great Britain;

(ii) ship or other vessel in the service of the Crown; or

(iii) spacecraft, aircraft, hovercraft or hydrofoil;

(e) which forms part of, or is intended to form part of, a weapons system;

(f) which is the subject of a research experiment;

(g) which comprises temporary apparatus being used in a research experiment, where it is not reasonably practicable to comply with paragraph 3 of Schedule 3;

(h) which is refillable and has an internal volume of less than 0.5 litres or more than 5,000 litres; or

(i) which contains dangerous goods at a pressure of less than 0.5 bar above atmospheric pressure.

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<sup>(38)</sup> In relation to “at work” see section 52 of the Health and Safety at Work etc Act 1974 (c. 37).

<sup>(39)</sup> 1995 c. 21.

(6) The requirements of Schedule 3, other than paragraph 6(3), do 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.

(7) The requirements of paragraphs 4, 5 and 6(1)(a) of Schedule 3 do not apply to an old pressure receptacle which—

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

(8) An old pressure receptacle, other than one which is a UN 1044 FIRE EXTINGUISHER with compressed or liquefied gas, which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail, shall be deemed to have satisfied the requirements of Schedule 3.

(9) A cylinder—

- (a) used to contain class 2 goods;
- (b) which—
  - (i) forms a part of a breathing appliance; or
  - (ii) is a portable fire extinguisher; and

(c) which complies with the requirements of the Pressure Equipment Regulations 1999<sup>(40)</sup>, shall be deemed to meet the requirements of paragraphs 3, 4 and 7 of Schedule 3.

### **Carriage of liquefied gas**

**17.—**(1) Regulations 51(3)(b), 52 and 60 and Part 4 of these Regulations do not apply to the extent provided for in this regulation.

(2) The GB competent authority may recognise different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of Section 4.1.4; or
- (b) Sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

in relation to the filling of pressure receptacles and tanks intended for the carriage of liquefied gas wholly within Great Britain.

(3) The GB competent authority may recognise standards for the construction of the shell of a tank intended to be used for the carriage of liquefied gas wholly within Great Britain which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or
- (b) a different test pressure for the shell of the tank from that set out in Sub-sections 4.3.3.2.2 and 4.3.3.2.3,

provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

(4) If the GB competent authority has recognised a different reference temperature in accordance with paragraph (2), a person may comply with that reference temperature in relation to the filling of the pressure receptacle or tank for the carriage of liquefied gas wholly within Great Britain.

(5) If the GB competent authority has recognised a standard in accordance with paragraph (3), a person may comply with that standard in relation to the construction of the shell of a tank if that tank is intended to be used for the carriage of liquefied gas wholly within Great Britain.

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(40) S.I. 1999/2001, amended by S.I. 2002/1267.

(6) If a pressure receptacle or tank has been filled in compliance with the reference temperature recognised by the GB competent authority in accordance with paragraph (2), it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 80.

(7) If a tank has been constructed in conformity with the standard recognised by the GB competent authority in accordance with paragraph (3), it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 80.

### **Certain commercial products containing radioactive material**

**18.** Parts 2 and 5 of these Regulations do not apply to the carriage in a vehicle of no more than—

- (a) 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
- (b) five gaseous tritium light devices with an individual activity not exceeding 10 GBq.

### **Load threshold for class 1 goods**

**19.**—(1) For the purposes of these Regulations, Section 1.1.3 applies with the modifications specified in paragraphs (2) and (3).

(2) In the table in Sub-section 1.1.3.6.3—

- (a) in the second row omit the entry for class 1;
- (b) after the second row insert a new row—

“1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50”
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- (c) in the third row omit the entry for class 1;
- (d) after the third row insert a new row—

“2A	Class 1: 1.4B to 1.4G and 1.6N	500”
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and;

- (e) at the end, in the note omit “0081, 0082, 0084, 0241, 0331, 0332, 0482,”.

(3) In Sub-section 1.1.3.6.4—

- (a) after “the table in 1.1.3.6.3 multiplied by “20”,” insert the following item—
  - “the quantity of substances and articles of transport category 1A multiplied by “20””;
  - and
- (b) after “multiplied by “3”,” omit “and” and insert the following item—
  - “the quantity of substances and articles of transport category 2A multiplied by “2”,” and”.

### **The carriage of UN 0335 FIREWORKS by road**

**20.** For the purposes of these Regulations, Table A of Chapter 3.2 applies as if column (6) of the row relating to UN 0335 includes the entry “651”.

### **Exemption from certain requirements for certain metal drums and metal IBCs**

- 21.**—(1) This regulation applies to metal drums and metal IBCs that—
- (a) exceed 50 litres in capacity; and
  - (b) were manufactured—
    - (i) less than 15 years before consignment; and
    - (ii) before 1st July 1995.
- (2) Regulation 39 does not apply to the extent that it requires metal drums and metal IBCs to—
- (a) be approved for carriage; and
  - (b) bear the markings required by—
    - (i) in relation to metal drums, Section 6.1.3; or
    - (ii) in relation to metal IBCs, Section 6.5.2,
- in accordance with Sub-section 1.4.2.1.1(c).

### **The carriage of alcohol in wooden casks**

**22.**—(1) This regulation applies to the carriage by road of wooden casks containing UN 3065 of Packing Group III.

- (2) If—
- (a) the wooden casks have a capacity of not more than 1,000 litres;
  - (b) the packages are carried in a closed vehicle;
  - (c) no other goods are carried on the transport unit; and
  - (d) the transport unit complies with the requirements of—
    - (i) regulation 91; and
    - (ii) Part 1 of Schedule 7 (other than paragraph 2(b)),
 that apply in relation to the carriage of goods in a tank,
- the regulations listed in paragraph (3) do not apply to the extent specified.
- (3) The regulations are—
- (a) regulation 39, to the extent that it relates to—
    - (i) the use of approved wooden casks bearing the marks prescribed by ADR as required by Sub-section 1.4.2.1.1(c); and
    - (ii) compliance with packaging conditions as required by Sub-section 1.4.3.2(a);
  - (b) regulation 51, to the extent that it relates to the design type and testing of wooden casks as required by Sub-sections 4.1.1.3 and 4.1.1.9;
  - (c) regulation 53(1), to the extent that it relates to the requirements of Sections 5.2.1 and 5.2.2; and
  - (d) regulation 53(4), to the extent that it relates to the requirements of Sections 5.3.1 and 5.3.2.

### **Alternative to the requirement to comply with Section 5.3.2 of ADR relating to orange-coloured plates etc pursuant to regulation 53(4)**

- 23.**—(1) This regulation applies to the carriage of class 7 goods by road.
- (2) If—

- (a) the transport unit used for carrying the goods has a maximum permissible mass which does not exceed 3.5 tonnes;
- (b) the packages being carried contain only class 7 goods that are—
  - (i) fissile excepted;
  - (ii) not fissile; or
  - (iii) a combination of class 7 goods that are fissile excepted or not fissile;
- (c) the number of packages does not exceed 10; and
- (d) the sum of the transport indexes of the packages does not exceed 3,

a notice complying with the conditions in paragraph (3) may be displayed instead of complying with the requirements of Section 5.3.2 that would otherwise need to be complied with pursuant to regulation 53(4).

(3) The conditions are—

- (a) the notice shall include the words (using capital letters as indicated)—
  - (i) “This vehicle is carrying RADIOACTIVE MATERIAL”; and
  - (ii) “In case of accident get in touch at once with THE POLICE”;
- (b) the capital letters in the word “RADIOACTIVE” shall be not less than 12mm high and all other capital letters in the notice shall be not less than 5mm high;
- (c) the notice shall state the name, address and telephone number of a person capable of providing advice that would be of assistance in an emergency;
- (d) all lettering on the notice shall be black, bold and legible;
- (e) all lettering on the notice shall be embossed or stamped; and
- (f) the notice shall be—
  - (i) not less than 12 cm square;
  - (ii) fireproof to the extent that the words on the notice shall remain legible after exposure to a fire involving the vehicle;
  - (iii) securely posted in the vehicle in a position where it is plainly visible to the driver, but does not obstruct his view of the road; and
  - (iv) displayed only when the vehicle is carrying radioactive material.

(4) In this regulation, “fissile excepted” shall be construed in accordance with Sub-section 6.4.11.2.

### **Display of information during piggyback carriage**

**24.—**(1) This regulation applies to, and in relation to, carriage by rail.

(2) If a vehicle being carried on a wagon by means of piggyback transport displays in a clearly visible manner—

- (a) the placards, marks, labels, plate markings and hazard identification number required to be displayed pursuant to the obligation imposed by regulation 53(4) to comply with Chapter 5.3; or
- (b) the hazard warning panels referred to in paragraph 5 of Schedule 7 in accordance with regulation 91,

the requirements set out in Sub-section 1.1.4.4 do not apply for the purposes of regulation 37(4) to the extent they relate to placarding and marking.

### **Shunting labels**

**25.** The requirement of regulation 53(4) to comply with Section 5.3.4 does not apply to, or in relation to, the carriage of goods by rail.

### **Retail distribution by road**

**26.—(1)** This regulation does not apply to, or in relation to, the carriage of class 1, 4.2, 6.2 or 7 goods.

(2) Paragraph (6) applies to, and in relation to, the carriage of dangerous goods by road if the conditions specified in paragraphs (3) to (5) are satisfied.

(3) The goods for carriage by road are packaged in—

- (a) limited quantities in accordance with Chapter 3.4; or
- (b) combination packagings in accordance with Chapter 4.1.

(4) The quantity of the goods on the transport unit does not exceed—

- (a) 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article; and
- (b) a total of 333 kilograms or litres per transport unit.

(5) The goods have been removed from their outer packaging for the final stages of the carriage operation between—

- (a) a distribution centre and a retailer or end-user; or
- (b) a retailer and an end-user.

(6) Regulations 53(1) and 54 do not apply to the extent that they require compliance with the provisions of Chapter 5.2 and Section 6.1.3 requiring markings to be affixed for the final stages of the carriage operation.

### **Exemption from the requirement to fit sheet steel spark-guards**

**27.** Regulation 62(2) does not apply to the extent it would require a wagon constructed before 1st January 1997 to be fitted with regulation sheet steel spark-guards in accordance with special provisions W2 and W8 of Chapter 7.2.

### **Mixing rules for vehicles and wagons carrying class 1 goods**

**28.—(1)** This regulation modifies the requirements of Section 7.5.2 for the purposes of regulation 62(6).

(2) Any of the class 1 goods specified in a sub-paragraph of paragraph (3) may be carried with any other class 1 goods specified in that sub-paragraph.

(3) The class 1 goods are—

- (a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B and explosive articles in compatibility group D, E or F of which the fuzes are component parts; and
- (b) class 1 goods in compatibility group F and explosive articles in compatibility group C, D or E.

(4) Paragraphs (5) to (13) apply to the carriage of class 1 goods by road.

(5) The class 1 goods specified in paragraph (6) may be carried by road with AMMONIUM NITRATE (UN 1942).

(6) The goods are—



- (a) detonating cord (UN 0065, 0104, 0289 and 0290);
  - (b) boosters (UN 0042 and 0283);
  - (c) detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361); and
  - (d) blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332).
- (7) Note d to the Table in Sub-section 7.5.2.1 applies to the carriage of goods carried in accordance with paragraph (5).
- (8) The dangerous goods listed in paragraph (9) may be carried with dangerous goods in—
- (a) transport category 2 (except for flammable gases, class 6.1 or 6.2 goods); and
  - (b) transport category 3.
- (9) The goods are—
- (a) signals (UN 0191 and 0197);
  - (b) fireworks (UN 0336);
  - (c) aerial flares (UN 0403);
  - (d) pyrotechnic articles (UN 0431); and
  - (e) line-throwing rockets (UN 0453).
- (10) But paragraph (8) only applies if—
- (a) the maximum total quantity of goods in transport category 2 does not exceed—
    - (i) 500 kilograms or litres; or
    - (ii) a combined total of 500 kilograms and litres; and
  - (b) the maximum total quantity of class 1 goods does not exceed 500 kilograms.
- (11) Paragraph (12) applies to class 1 goods which are in—
- (a) compatibility group G; and
  - (b) division 1.4.
- (12) The class 1 goods may be carried with—
- (a) class 3 goods and flammable gases in transport category 2; and
  - (b) non-flammable, non-toxic gases that are—
    - (i) of group A or O as referred to in Sub-section 2.2.2.1.3; and
    - (ii) in transport category 3.
- (13) But paragraph (12) only applies if the maximum total quantity of dangerous goods per transport unit does not exceed—
- (a) 200 kilograms or litres; or
  - (b) a combined total of 200 kilograms and litres,
- of which the class 1 goods does not exceed 20 kilograms.
- (14) Paragraphs (5), (8) and (12) only apply if all measures that are reasonably practicable have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods.
- (15) In this regulation, “flammable gases” shall be construed in accordance with Sub-section 2.2.2.1.5.

#### **Quantities of class 1 explosive articles**

- 29.—**(1) This regulation applies to, and in relation to, the carriage of goods by road.

(2) This regulation modifies the table in Sub-section 7.5.5.2.1 for the purposes of regulation 62(6).

(3) The total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.

#### **Exemptions from the need to carry transport documents**

**30.**—(1) This regulation applies to, and in relation to, the carriage of goods by road.

(2) Paragraph (3) applies to class 2 to 6, 8 and 9 goods.

(3) For the purposes of these Regulations, the documents required to be carried on the transport unit by Sub-section 8.1.2.1(a) need not be carried where the quantity of dangerous goods being carried on the transport unit does not exceed the maximum total quantity for those goods calculated in accordance with the provisions of Sub-section 1.1.3.6.

(4) Paragraph (5) applies to class 1 goods.

(5) For the purposes of these Regulations, the documents required to be carried on the transport unit by Sub-section 8.1.2.1(a) need not be carried where the goods being carried are listed in a Table in Schedule 4.

(6) But paragraph (5) only applies—

- (a) in relation to goods specified in Table 2 or 3, if the net mass of explosive material is not more than 50 kilograms; or
- (b) in relation to goods specified in Table 4, if the net mass of explosive material is not more than 5 kilograms.

#### **Exemption from the requirements relating to fire-fighting equipment for the carriage of certain class 7 goods by road**

**31.**—(1) This regulation applies to, and in relation to, the carriage of class 7 goods by road.

(2) If—

- (a) the dangerous goods being carried are UN 2908, 2909, 2910 or 2911 or any combination of such goods;
- (b) the number of packages being carried in the transport unit does not exceed 10;
- (c) the sum of the transport indexes of the packages does not exceed 3; and
- (d) no other dangerous goods are being carried in or on the transport unit,

the requirements of Section 8.1.4 that would otherwise apply pursuant to regulation 63(5) do not apply.

#### **Exemption from the prohibition on opening packages**

**32.**—(1) This regulation does not apply to, or in relation to, the carriage of class 7 goods.

(2) If the carrier has authorised the driver or driver's assistant to open a package, the requirement of Sub-section 8.3.3 that would otherwise apply pursuant to regulation 63(7) does not apply.

#### **Supervision requirements for vehicles carrying class 1 goods**

**33.**—(1) Paragraph (2) applies to, and in relation to, the carriage of class 1 goods.

(2) If the circumstances specified in paragraph (3) or (4) apply, compliance with Chapter 8.4 and special provision S1:(6) of Chapter 8.5 pursuant to regulation 63(5) and (7) is not required.

(3) The vehicle is at a stop within—

- (a) a safe and secure place; or
  - (b) premises which are under the control of the Secretary of State for Defence,
- and any class 1 goods being carried are listed in Table 1, 2 or 3 of Schedule 4.
- (4) The conditions specified in paragraphs (5) to (8) are satisfied.
  - (5) The load consists of—
    - (a) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;
    - (b) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or
    - (c) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456 and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number,
- or any combination of the goods mentioned at (a), (b) and (c) provided that a weight or quantity specified in (a), (b) or (c) is not exceeded.
- (6) The dangerous goods or any of them are to be used on the day of carriage.
  - (7) Adequate measures for the security of the goods in relation to the vehicle in question have been taken.
  - (8) The vehicle is parked on a site.

#### **The application of Part 9 to vehicles constructed before 1997 and FL, OX and AT vehicles**

**34.**—(1) If a vehicle was constructed before 1st January 1997, compliance with Part 9 pursuant to regulation 65 is not required.

(2) But paragraph (1) does not apply unless the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.

(3) If a FL, OX or AT vehicle—

- (a) is used, or intended to be used, to carry only old tanks which comply with the requirements of Schedule 2; and
- (b) does not meet all of the requirements in Sections 9.7.2 and 9.7.3 applicable to old tanks and fastenings attaching old tanks to vehicles,

the requirement for that vehicle to be subject to an annual technical inspection in accordance with Sub-section 9.1.2.3 pursuant to regulation 65 does not apply.

(4) In paragraph (3), “FL, OX or AT vehicle” shall be construed in accordance with Sub-section 9.1.1.2.

#### *Exceptions arising from or connected to the application of ADR and RID*

#### **International carriage**

**35.**—(1) This regulation applies if the carriage is part of an international transport operation.

(2) Regulations 14 to 34 and 91 do not apply.

(3) But regulations 19, 20, 23, 29, 31, 33 and 34 apply to such parts of an international transport operation as are undertaken for the purpose of—

- (a) delivering goods to an airport for their onward carriage by air;
- (b) delivering goods to a harbour area for their onward carriage by sea;

- (c) carrying goods from an airport where those goods have arrived at that airport by air (and the goods have not been carried from the airport since their arrival); or
  - (d) carrying goods from a harbour area where those goods have arrived at that harbour area by sea (and the goods have not been carried from the harbour area since their arrival),
- provided that that part of the international transport operation takes place entirely within Great Britain.

### **Non-application arising from the provisions of Section 1.1.3**

**36.**—(1) Parts 2 and 5 of these Regulations do not apply to, or in relation to, carriage in the circumstances and to the extent that Section 1.1.3 provides that the provisions of ADR or RID do not apply to carriage.

(2) But Parts 2 and 5 of these Regulations do apply to the extent that regulation 89 provides that they apply.

### **Applicability of other regulations relating to the carriage of dangerous goods and the applicability of ADR and the provisions of these Regulations relating to carriage by road to piggyback transport**

**37.**—(1) Parts 2 and 5 of these Regulations do not apply to the extent that they would otherwise prevent the acceptance for carriage of packages, containers, portable tanks and tank-containers which do not meet—

- (a) the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply in consequence of Part 2 of these Regulations; or
  - (b) the modified placarding, marking and plate marking requirements of regulation 91,
- but which comply with the requirements of Sub-section 1.1.4.2.

(2) Parts 2 and 5 of these Regulations do not apply to the extent that they would otherwise prevent the use of portable tanks which comply with the requirements of Sub-section 1.1.4.3.

(3) Paragraph (4) applies to, and in relation to, carriage by rail.

(4) Parts 2 and 5 of these Regulations do not apply to the extent they would otherwise prevent the carriage of dangerous goods by piggyback transport where that carriage complies with the requirements of Sub-section 1.1.4.4.

(5) But paragraph (4) does not apply to, or in relation to, the carriage of—

- (a) explosives of class 1, compatibility group A (UN 0074, 0113, 0114, 0129, 0130, 0135, 0224 and 0473);
- (b) self-reactive substances of class 4.1 requiring temperature control (UN 3231 to 3240);
- (c) organic peroxides of class 5.2 requiring temperature control (UN 3111 to 3120); and
- (d) sulphur trioxide at least 99.95% pure, without inhibitor, carried in tanks (UN 1829).

(6) Parts 2 and 5 of these Regulations do not apply to the extent, and in the circumstances, that Sub-section 1.1.4.5 provides that the provisions of ADR or RID do not apply.

(7) For the purposes of this regulation, Sub-section 1.1.4.4 applies as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 in so far as they relate to carriage by road” were included after the words “provisions of ADR”.

## PART 2

### REQUIREMENTS OF ADR AND RID

#### Training

**38.—**(1) A person involved in the carriage of dangerous goods shall ensure that he and those of his employees whose responsibilities are concerned with such carriage—

- (a) in the case of carriage by road, receive training which complies with, and is documented in accordance with, the requirements in Chapter 1.3 and Section 8.2.3; or
- (b) in the case of carriage by rail, receive training which complies with, and is documented in accordance with, the requirements in Chapter 1.3.

(2) But paragraph (1) does not apply to drivers who are required to receive training in accordance with regulation 64.

#### Safety obligations

**39.—**(1) A person involved in carriage shall comply with—

- (a) the general safety measures in Chapter 1.4; and
- (b) any particular safety obligations in Chapter 1.4 applying to him.

(2) But a consignor carrying goods by road on his own behalf is not required to comply with Sub-section 1.4.2.1.1(b) pursuant to sub-paragraph (1)(b) if the quantity of goods being carried does not exceed the maximum total quantity per transport unit specified in the table in Sub-section 1.1.3.6.3.

#### Temporary derogations under Section 1.5.1

**40.—**(1) In relation to carriage that takes place wholly within Great Britain it shall not be a contravention of these Regulations to carry dangerous goods in compliance with a temporary derogation agreed pursuant to Sub-section 1.5.1.1 to which the United Kingdom is a party.

(2) In this regulation, “temporary derogation” shall be construed in accordance with Section 1.5.1.

#### Transitional measures

**41.—**(1) The provisions of Chapter 1.6 shall apply.

(2) To the extent that any other requirement of ADR or RID which applies pursuant to these Regulations conflicts with a provision of Chapter 1.6, the provision of Chapter 1.6 shall prevail to the extent of the conflict.

#### Requirements relating to the carriage of class 7 goods

**42.—**(1) This regulation applies to, and in relation to, the carriage of class 7 goods.

(2) A person involved in the carriage of class 7 goods shall ensure that the requirements of Sub-section 1.7.2 in relation to the establishment and implementation of a radiation protection programme are fulfilled by him or on his behalf.

(3) To the extent that Sub-section 1.7.2 requires a consignor, carrier or consignee to include in a radiation protection programme measures relating to the exposure of his employees, agents or others involved in the carriage of goods to radiation, he shall be regarded as meeting his obligations

under paragraph (2) if he complies with regulations 7 to 12 of the Ionising Radiations Regulations 1999<sup>(41)</sup>.

(4) But paragraph (3) does not apply in relation to—

- (a) measures relating to a radiological emergency; or
- (b) the requirement of Sub-section 1.7.2 to incorporate the requirements of—
  - (i) in ADR, CV33 (1.1); or
  - (ii) in RID, CW33 (1.1),
 of Sub-section 7.5.11.

(5) The requirements of Schedule 5 shall be complied with in relation to radiological emergencies.

(6) A person who complies with the requirements of Schedule 5 shall be regarded as meeting the requirements of paragraph (2) to the extent they relate to a radiological emergency.

(7) A—

- (a) manufacturer of packaging, special form radioactive material or low dispersible radioactive material; and
- (b) consignor, packer, loader, filler and carrier of class 7 goods,

shall ensure that the requirements of Sub-section 1.7.3 in relation to the establishment and implementation of a quality assurance programme are fulfilled by him or on his behalf.

(8) A—

- (a) manufacturer of packaging, special form radioactive material or low dispersible radioactive material; and
- (b) consignor, packer, loader, filler and carrier of class 7 goods,

shall provide the documentation, information and facilities for inspection referred to in, and demonstrate the matters set out in sub-paragraphs (a) and (b) of, Section 1.7.3 to the GB competent authority when requested to do so.

(9) To the extent that this regulation places obligations on the consignor, carrier or consignee of class 7 goods by reference to Sub-section 1.7.2 or 1.7.3, the packer and filler of those goods shall ensure that the consignor, carrier or consignee is provided with such information as is within the knowledge of the packer or filler as would assist the consignor, carrier or consignee to comply with the obligations placed on him by this regulation.

(10) A consignor shall not consign, and a carrier shall not carry, class 7 goods if it is impractical to ensure that the consignment complies with any requirement of this Part of these Regulations which is applicable to the consignment in question.

(11) But paragraph (10) does not apply if the goods are being consigned by special arrangement and the consignment complies with the requirements of Sub-section 1.7.4.2 for carriage by special arrangement.

(12) A consignor, packer, filler, loader and carrier shall ensure that the requirements of Sub-section 1.7.5 in relation to subsidiary risk are satisfied.

(13) In the event of non-compliance with any limit which is applicable to radiation levels or contamination, the consignor, carrier and consignee shall comply with the requirements of Section 1.7.6.

(14) In this regulation, “subsidiary risk” shall be construed in accordance with Section 1.7.5.

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(41) [S.I. 1999/3232](#).

### Safety advisers

**43.**—(1) This regulation does not apply to a person if—

- (a) his main or secondary activity is not the carriage or the related loading of dangerous goods by road, rail or inland waterway; and
- (b) he only engages in the carriage, or the related loading, of dangerous goods within Great Britain occasionally and that carriage poses little or no danger or risk of pollution.

(2) This regulation does not apply to a person whose activities only concern the carriage by road, rail or inland waterway of dangerous goods where the quantity of dangerous goods in each—

- (a) transport unit, in relation to carriage by road;
- (b) wagon or large container, in relation to carriage by rail; or
- (c) vessel, in relation to carriage by inland waterway,

is less than that specified for the goods in question in Sub-section 1.1.3.6 or Chapters 3.3 and 3.4.

(3) A carrier, filler and loader shall comply with the requirements relating to the appointment and duties of safety advisers in Sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9.

(4) When requested to do so by the GB competent authority or an enforcing authority, a person required by paragraph (3) to appoint a safety adviser shall provide to the requesting authority—

- (a) a copy of the annual report prepared in accordance with Sub-section 1.8.3.3;
- (b) the identity of the safety adviser in accordance with Sub-section 1.8.3.5; and
- (c) a copy of any accident report prepared in compliance with Sub-section 1.8.3.6.

(5) In this regulation, “enforcing authority” shall be construed in accordance with regulation 92.

### Reports on accidents or incidents

**44.** Where a serious accident or incident takes place during the carriage of dangerous goods as described in Sub-sections 1.8.5.1 and 1.8.5.3, the loader, filler, carrier and consignee shall comply with the reporting requirements in Sub-section 1.8.5.1.

### Security provisions

**45.**—(1) Paragraph (2) does not apply to, or in relation to, the carriage of Category I/II nuclear material or Category III nuclear material.

(2) Any person involved in the carriage of dangerous goods shall comply with—

- (a) the general security measures in Chapter 1.10; and
- (b) any particular security obligations in Chapter 1.10 applying to him.

(3) In this regulation—

- (a) “Category I/II nuclear material” has the meaning given in regulation 3(3) of the Nuclear Industries Security Regulations 2003<sup>(42)</sup>; and
- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

### Emergency plans for marshalling yards

**46.**—(1) This regulation applies to, and in relation to, carriage by rail.

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(42) S.I. 2003/403.

(2) The railway infrastructure manager shall comply with the requirements of Chapter 1.11, relating to the preparation of internal emergency plans for marshalling yards.

### **Classification of goods**

**47.**—(1) A consignor shall not consign dangerous goods for carriage unless the goods have been classified—

- (a) in accordance with any general requirements applicable to the goods in question in Chapter 2.1;
- (b) in accordance with any class specific requirements applicable to the goods in question in Chapter 2.2, as indicated in columns (3a) and (3b) of Table A of Chapter 3.2; and
- (c) using the test methods applicable to the goods in question required by Chapters 2.2 and 2.3.

(2) A consignor complying with sub-paragraph (1)(a) shall allocate a—

- (a) UN number as indicated in column (1) of Table A of Chapter 3.2;
- (b) name and description for the goods, as indicated in column (2) of Table A of Chapter 3.2; and
- (c) packing group for the goods, as indicated in column (4) of Table A of Chapter 3.2,

that is appropriate to the goods in question.

### **Prohibition from carriage**

**48.** A carrier shall not—

- (a) accept for carriage any dangerous goods which Chapter 2.2 provides shall not be carried; and
- (b) carry dangerous goods in a manner contrary to any requirements of Chapter 2.2 relating to the goods in question.

### **Dangerous goods list and special provisions**

**49.**—(1) If a person is required to comply with a special provision indicated in column (6), (9a), (11), (13) or (16) to (19) of Table A of Chapter 3.2 and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part of these Regulations then that special provision shall prevail to the extent of the conflict.

(2) For the purposes of this Part of these Regulations, a column of Table A of Chapter 3.2 is to be construed in accordance with Section 3.2.1.

(3) If any person complies, pursuant to this Part of these Regulations, with any requirement of Parts 2, 5 or 6 of ADR or of RID which relates to the use of a proper shipping name, then that person is to comply with any requirements in Section 3.1.2 that are applicable to the goods in question.

(4) Any person involved in the carriage of dangerous goods shall ensure, in relation to matters within his control, that any special provisions in Chapter 3.3 which relate to the goods in question, as indicated in column (6) of Table A of Chapter 3.2, are complied with to the extent that they impose requirements relating to those goods.

(5) In this regulation, “proper shipping name” shall be construed in accordance with Section 3.1.2.

### **Goods packed in limited quantities**

**50.**—(1) This regulation applies to, and in relation to, the carriage of goods packed in limited quantities.



(2) A consignor, packer and carrier shall comply with the provisions of Chapter 3.4 applicable to the carriage.

(3) To the extent that any requirement of ADR or RID which applies pursuant to this Part of these Regulations conflicts with a provision of Chapter 3.4, the provision of Chapter 3.4 shall prevail to the extent of the conflict.

(4) In this regulation, “limited quantities” shall be construed in accordance with column (7) of Table A of Chapter 3.2 and the table in Section 3.4.6.

### **Use of packaging and packages**

**51.**—(1) A packer and a consignor shall ensure that a package or packaging is constructed, tested, inspected, maintained, repaired, reconditioned and approved in accordance with the provisions specified in paragraph (3).

(2) A packer and a consignor shall ensure that dangerous goods for carriage are packed in accordance with the provisions specified in paragraph (3).

(3) The provisions are—

- (a) any general packing provisions in Sections 4.1.1 to 4.1.3 applicable to the goods and packaging in question;
- (b) any packing instruction in Section 4.1.4 applicable to the goods in question, as indicated in column (8) of Table A of Chapter 3.2;
- (c) any special packing provisions in Sections 4.1.5 to 4.1.9 applicable to the goods in question;
- (d) any special packing provisions in Section 4.1.4 applicable to the goods in question, as indicated in column (9a) of Table A of Chapter 3.2; and
- (e) any special provisions for mixed packing in Section 4.1.10 applicable to the goods in question, as indicated in column (9b) of Table A of Chapter 3.2.

### **Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN MEGCs**

**52.**—(1) A consignor shall not consign dangerous goods in a portable tank, and a filler shall not fill a portable tank with dangerous goods, unless the conditions in paragraph (2) and (3) are satisfied.

(2) There is a portable tank instruction in column (10) of Table A of Chapter 3.2 in relation to the goods in question.

(3) The tank is used in accordance with any—

- (a) general and additional provisions in Chapter 4.2;
- (b) requirements referred to in the portable tank instruction in Sub-section 4.2.5.2, as indicated in column (10) of Table A of Chapter 3.2; and
- (c) special provisions in Sub-section 4.2.5.3, as indicated in column (11) of Table A of Chapter 3.2,

which are applicable to the goods in question.

(4) An owner of a portable tank shall comply with the requirements of Sub-section 4.2.1.7 to retain the documents specified in that Sub-section and to produce them, or any of them, to the GB competent authority upon request.

(5) A consignor of dangerous goods using, and a filler filling, a UN MEGC for carriage of dangerous goods shall ensure—

- (a) the goods are not consigned and the UN MEGC is not filled unless there is an “(M)” in column (10) of Table A of Chapter 3.2 in relation to such goods; and

(b) the UN MEGC is used in accordance with Section 4.2.4.

(6) A consignor of dangerous goods using, and a filler filling, any battery-vehicle, battery-wagon, MEGC or tank for carriage of dangerous goods shall ensure that those goods are not carried in the equipment in question unless the conditions in paragraphs (7) and (8) are satisfied.

(7) There is a tank code in column (12) of Table A of Chapter 3.2 in relation to the goods in question.

(8) The equipment is used in accordance with—

- (a) the requirements referred to in the tank code in Sub-section 4.3.3.1.1 (for class 2 goods) or 4.3.4.1.1 (for class 3 to 9 goods) indicated in column (12) of Table A of Chapter 3.2;
- (b) any provisions of Chapters 4.3 to 4.5 which are applicable to the equipment and dangerous goods in question; and
- (c) any special provisions applicable to the equipment and the dangerous goods in question in Section 4.3.5, as indicated in column (13) of Table A.

(9) An owner and an operator of a tank shall comply with the requirements of Sub-section 4.3.2.1.7 relating to tank records.

### **Consignment**

**53.**—(1) A packer and a consignor of dangerous goods shall ensure that packages are—

- (a) marked; and
- (b) labelled, as indicated in column (5) of Table A of Chapter 3.2,

in accordance with the requirements of Sections 5.1.1, 5.1.3 and 5.1.4, Chapter 5.2 and Section 5.5.1 which are applicable to the goods in question.

(2) A person using an overpack shall comply with the requirements of Section 5.1.2 and Sub-sections 5.2.2.1.11 and 5.4.1.2.5.

(3) A packer and a consignor of class 7 goods for carriage shall ensure that the requirements of Section 5.1.5 relating to shipment, approval, notification and certification are met.

(4) A loader, consignor, carrier and a filler shall ensure that any container, MEGC, UN MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the—

- (a) placards which correspond to the labels required in accordance with paragraph (1), as indicated in column (5) of Table A of Chapter 3.2;
- (b) marks, labels and plate markings; and
- (c) hazard identification number indicated in column (20) of Table A of Chapter 3.2,

required by Chapters 5.3 and 5.5 which are applicable to the goods in question.

(5) But paragraph (4) is subject to regulation 91(4).

(6) A consignor and a carrier shall ensure that the consignment is accompanied by the documentation required by Chapters 5.4 and 5.5.

(7) But paragraph (6) is, to the extent it relates to carriage by rail, subject to regulation 91(6).

### **Construction and testing of packaging**

**54.**—(1) This regulation applies to packaging which is intended to be used for the carriage of dangerous goods.

(2) But this regulation does not apply in relation to an item mentioned in Sub-section 6.1.1.1 in the circumstances that Sub-section 6.1.1.1 provides that the requirements of Chapter 6.1 do not apply to that item.

(3) A manufacturer of a packaging shall ensure that it is manufactured, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(4) A person reconditioning a packaging shall ensure that it is reconditioned, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(5) A person remanufacturing a packaging shall ensure that it is remanufactured, tested and marked in accordance with the requirements of Chapter 6.1 which are applicable to the packaging.

(6) A manufacturer and a subsequent distributor of a packaging shall ensure that the information referred to in Sub-section 6.1.1.5 which is applicable to the packaging is given to the consignor and the packer before the packaging is presented for carriage.

(7) A manufacturer and a subsequent distributor of a packaging shall ensure that the test report referred to in Sub-section 6.1.5.8.1 which is applicable to the packaging is made available to the consignor and the packer before the packaging is presented for carriage.

### **Construction and testing of pressure receptacles, aerosol dispensers and gas cartridges**

**55.**—(1) This regulation applies in relation to pressure receptacles, aerosol dispensers and gas cartridges intended to be used for the carriage of dangerous goods.

(2) A manufacturer of—

- (a) a pressure receptacle, other than a UN pressure receptacle, shall ensure that the pressure receptacle and its service equipment are designed, calculated, manufactured, equipped, approved, inspected, tested and marked in accordance with Sub-sections 6.2.1 to 6.2.3; and
- (b) a UN pressure receptacle shall ensure that the pressure receptacle and its service equipment are designed, calculated, manufactured, equipped, approved, inspected, tested and marked in accordance with Sub-sections 6.2.1 and 6.2.5.

(3) An owner and a packer of—

- (a) a pressure receptacle, other than a UN pressure receptacle, shall ensure that the pressure receptacle and its service equipment are periodically inspected, tested and marked in accordance with Sub-sections 6.2.1 to 6.2.3; and
- (b) a UN pressure receptacle shall ensure that the pressure receptacle and its service equipment are periodically inspected, tested and marked in accordance with Sub-sections 6.2.1 and 6.2.5.

(4) A manufacturer, consignor and a packer of an aerosol dispenser or gas cartridge shall ensure that the gas cartridge or aerosol dispenser is manufactured, tested and marked in accordance with Section 6.2.4.

(5) In this regulation, “UN pressure receptacle” means a pressure receptacle that is constructed in accordance with the provisions of Chapter 6.2 of the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, as revised or reissued from time to time<sup>(43)</sup>.

### **Construction and testing of packaging for class 6.2 goods**

**56.**—(1) This regulation applies in relation to packaging which is intended to be used for the carriage of class 6.2 goods.

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<sup>(43)</sup> Current edition (2005): ISBN 9211391067.

(2) But if the packaging is for carrying UN 3291 and is identified as being authorized in packaging instruction P621 in Sub-section 4.1.4.1, this regulation does not apply if the packaging meets the requirements of P621 that apply in relation to it.

(3) A manufacturer shall ensure that packaging is constructed, manufactured, tested and marked in accordance with Chapter 6.3.

(4) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.3.1.3 and 6.3.3.1 are fulfilled before the packaging is presented for carriage.

### **Construction, testing and approval of special form radioactive material, low dispersible radioactive material, packages and packaging for class 7 goods**

**57.**—(1) This regulation applies to, and in relation to, the carriage of class 7 goods.

(2) A designer responsible for the design of a package shall ensure that it is designed so that the requirements of Sections 6.4.1 to 6.4.11 are met and is tested in accordance with Sections 6.4.12 to 6.4.20.

(3) If design approval in relation to a package is required in accordance with Section 6.4.22, a designer shall apply for and obtain that approval in accordance with Sub-sections 6.4.23.4 to 6.4.23.8 before commissioning the manufacture and distribution of that package.

(4) A designer of a package shall provide a manufacturer with sufficient instructions as will allow the manufacturer to comply with the construction requirements of Chapter 6.4 in relation to the packaging of that package.

(5) A designer of a package shall supply the information required to be supplied by Sub-section 6.4.23.15.

(6) A manufacturer shall ensure that packaging is manufactured in accordance with—

- (a) if design approval is required pursuant to paragraph (3) in relation to that packaging, the design approved pursuant to that approval; or
- (b) otherwise, the instructions provided by the designer in relation to the construction of that packaging.

(7) A manufacturer and a subsequent distributor shall ensure that the information requirements referred to in Sub-section 6.4.2.12 are fulfilled before a package is presented for carriage.

(8) A consignor and a packer shall ensure that a package is inspected and marked in accordance with Section 6.4.21.

(9) If, pursuant to regulation 53(3), a consignor is required to obtain—

- (a) shipment approval in accordance with Sub-section 5.1.5.2.2; or
- (b) shipment approval by special arrangement in accordance with Sub-section 5.1.5.2.3,

he shall comply with paragraph (10).

(10) Before consigning the dangerous goods the consignor shall—

- (a) make an application for shipment approval; and
- (b) ensure that he has obtained an approval certificate,

in accordance with Sub-sections 6.4.23.2 and 6.4.23.3 in relation to that consignment.

(11) In this regulation, a reference to “package” includes a reference to—

- (a) packaging;
- (b) special form radioactive material; and
- (c) low dispersible radioactive material.

### **Construction and testing of IBCs**

**58.**—(1) A manufacturer shall ensure that an IBC and its service equipment is constructed, tested, inspected and marked in accordance with Chapter 6.5.

(2) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.5.1.1.4 and 6.5.6.13 are fulfilled before the packaging is presented for carriage.

(3) An owner shall ensure that an IBC and its service equipment is tested, inspected, marked, repaired and routinely maintained in accordance with Chapter 6.5.

(4) An owner shall keep the inspection and test reports in accordance with Sub-section 6.5.4.4.3.

### **Construction and testing of large packaging**

**59.**—(1) This regulation applies to large packaging.

(2) But this regulation does not apply to large packaging to the extent that Sub-section 6.6.1.1 provides that the provisions of Chapter 6.6 do not apply to large packaging.

(3) A manufacturer shall ensure that large packaging is constructed, tested and marked in accordance with Chapter 6.6.

(4) A manufacturer and a subsequent distributor shall ensure that the information and test report requirements referred to in Sub-sections 6.6.1.4 and 6.6.5.4.2 are fulfilled before the large packaging is presented for carriage.

### **Construction and testing of tanks etc.**

**60.**—(1) A manufacturer of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that it and its equipment are designed, constructed, manufactured, inspected, tested, approved and marked in accordance with Chapters 6.7 to 6.10.

(2) An owner, filler and operator of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that it and its equipment are periodically tested and inspected in accordance with Chapters 6.7 to 6.10.

(3) An expert or body approved to perform an initial or periodic inspection, test or approval of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC or its equipment shall ensure that the inspection, test or approval is carried out in accordance with Chapters 6.7 to 6.10.

(4) An owner or operator of a tank, battery-vehicle, battery-wagon, MEGC or UN MEGC shall ensure that any certificate issued following an inspection, test or approval, pursuant to paragraph (3), is attached to the tank record.

### **Construction and testing of bulk containers**

**61.** A manufacturer, owner, operator and a filler shall ensure that a bulk container and its service and structural equipment is designed, constructed, inspected, tested, approved and marked in accordance with Chapter 6.11.

### **Carriage, loading, unloading and handling**

**62.**—(1) A carrier, loader and a filler of dangerous goods for carriage in a large container, portable tank or tank-container shall ensure that the requirements in Chapter 7.1 that are applicable to the type of equipment or the goods in question are met.

(2) A carrier and a loader of dangerous goods for carriage in packages, shall ensure that—

- (a) any special provisions of Section 7.2.4, where indicated in column (16) of Table A of Chapter 3.2; and
  - (b) any other requirements of Chapter 7.2,
- that are applicable to the type of packages or the goods in question are met.
- (3) A carrier and a filler shall ensure that the dangerous goods are not carried in bulk in bulk containers, containers, vehicles or wagons—
- (a) unless the carriage is authorised by Section 7.3.1 or columns (10) or (17) of Table A of Chapter 3.2; and
  - (b) any requirements specified in those columns and in Chapter 7.3, which are applicable to the goods, bulk containers, container, vehicle or wagon in question, are met.
- (4) A carrier and a filler of a tank shall ensure that dangerous goods are not carried unless—
- (a) the carriage is authorised by Chapter 7.4 and—
    - (i) column (10) of Table A of Chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank in accordance with paragraph 6.7.1.3; or
    - (ii) column (12) of Table A of Chapter 3.2; and
  - (b) the requirements relating to carriage in tanks in Section 7.4.1, in relation to carriage by road, or of Chapter 7.4, in relation to carriage by rail, which are applicable to the tank or the vehicle in question are met.
- (5) A carrier and a filler of a tank for carriage by road shall ensure that dangerous goods are not carried unless the requirements relating to the type of vehicle to be used in Section 7.4.2, as indicated in column (14) of Table A of Chapter 3.2, are met.
- (6) A carrier, loader and a filler of equipment, a wagon, vehicle or a transport unit shall ensure that the requirements in Sections—
- (a) 7.5.1 to 7.5.7, 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of Chapter 3.2), in relation to carriage by road; or
  - (b) 7.5.1 to 7.5.4 and 7.5.11 (as indicated in column (18) of Table A of Chapter 3.2), in relation to carriage by rail,
- relating to the loading, unloading and handling of the goods which are applicable to the load in question, are met.
- (7) A carrier shall ensure that the requirements in Section 7.5.8 are met.
- (8) A carrier and a filler of equipment or a vehicle for carriage by road shall ensure that the requirements of Section 7.5.10 are met.
- (9) The operations referred to in special provision CV1(1) of Section 7.5.11 may be carried out without permission from, or prior notice being given to, the GB competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.
- (10) A consignor, carrier and a packer of dangerous goods for carriage by rail shall ensure that the dangerous goods are not carried as express goods unless—
- (a) the carriage is authorised as indicated in column (19) of Table A of Chapter 3.2; and
  - (b) any special provisions in Chapter 7.6 indicated in that column for the goods in question are met.
- (11) In this regulation, “express goods” shall be construed in accordance with the Regulations concerning the International Carriage of Express Parcels by Rail which form Annex IV to Appendix B to COTIF(44).

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(44) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).

## **Vehicle crews (other than training), equipment, operation and documentation**

**63.**—(1) This regulation applies to carriage by road.

(2) But this regulation does not apply to the extent that, but for this paragraph, it would impose requirements in relation to the training of members of a vehicle crew.

(3) If either of the conditions in paragraph (4) is satisfied, this regulation does not apply to the extent that, but for this paragraph, it would require a vehicle to be equipped with the fire fighting equipment specified in Section 8.1.4.

(4) The conditions are—

- (a) the vehicle is being loaded or unloaded; and
- (b) the vehicle is a trailer that is not attached to a motor vehicle.

(5) A carrier shall ensure that a transport unit carrying dangerous goods complies with—

- (a) the requirements of Sections 8.1.1 and 8.1.3 to 8.1.5; and
- (b) any additional requirements specified in Chapter 8.5 that are applicable to the goods in question.

(6) Paragraph (7) does not apply in relation to any requirements that are to be complied with pursuant to paragraph (5).

(7) The carrier and each member of the vehicle crew shall ensure that the requirements of Section 8.1.2 and Chapters 8.3 to 8.5 which are applicable to the goods in question, are met.

(8) In the event of an accident or emergency involving carriage, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing, required to be carried on the transport unit pursuant to the requirement of paragraph (7) to meet the requirements of Sub-section 8.1.2.1(b), are complied with.

(9) For the purposes of paragraphs (5)(b) and (7), the requirements of Chapter 8.5 which are applicable to the goods in question are indicated in column (19) of Table A of Chapter 3.2.

(10) The requirements in special provisions S1:(4)(d) and (5)(a) of Chapter 8.5 which apply pursuant to this regulation apply to the extent that it is practicable for the carrier or the vehicle crew to comply with those requirements.

(11) Paragraph (12) applies to carriage through a road tunnel.

(12) The carrier and each member of the vehicle crew shall comply with any restriction specified in Sections 8.6.3 and 8.6.4 relevant to the goods being carried.

(13) In this regulation, “restriction” shall be construed in accordance with Section 1.9.5.

## **Training of the vehicle crew**

**64.**—(1) This regulation applies to carriage by road.

(2) A carrier shall ensure that a driver required to be trained in accordance with Sub-section 8.2.1.1—

- (a) has received training which complies with Section 8.2.1 which is relevant to the goods, person and type of vehicle in question;
- (b) has received any special training required by Chapter 8.5 in relation to the goods in question; and
- (c) holds a certificate, issued by the competent authority, stating that the driver has participated in a training course, and passed an examination in accordance with the requirements of Chapter 8.2, in relation to the carriage of the goods in question.

(3) For the purposes of paragraphs (2)(b), the requirements of Chapter 8.5 which are applicable to the goods in question are indicated in column (19) of Table A of Chapter 3.2.

(4) The person carrying out any training provided for by Chapter 8.2 shall ensure that that training complies with Sub-sections 8.2.2.1 to 8.2.2.6.

(5) Paragraphs (6) and (7) apply to, and in relation to, the carriage of class 7 goods.

(6) To the extent that S12 of Chapter 8.5 provides that the requirements of S11 of that Chapter shall not apply to, or in relation to, carriage, the carrier need not comply with his obligations under paragraph (2).

(7) To the extent that a carrier does not comply with paragraph (2) pursuant to paragraph (6), he shall ensure that the driver—

- (a) has received the awareness training mentioned in S12 of Chapter 8.5; and
- (b) holds a certificate confirming that the driver has received the training referred to in sub-paragraph (a).

### **Construction and approval of vehicles**

**65.**—(1) This regulation applies to carriage by road.

(2) A carrier shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.

## **PART 3**

### **GB COMPETENT AUTHORITY FUNCTIONS**

#### **Functions of the GB competent authority arising from requirements in ADR and RID**

**66.**—(1) The GB competent authority shall perform those functions that are identified in ADR and RID as being the functions of a competent authority.

(2) The GB competent authority shall perform any function it is required to perform pursuant to paragraph (1) in accordance with any requirement relating to the performance of that function contained in ADR or RID.

#### **The appointment of persons to perform the functions of the GB competent authority**

**67.**—(1) The GB competent authority may appoint a person to perform a function which is a function of the GB competent authority by virtue of regulation 66(1).

(2) A person appointed to perform a function pursuant to paragraph (1) shall perform that function in accordance with the requirements of regulation 66(2).

(3) In relation to any function of the GB competent authority being performed by a person appointed to perform that function pursuant to paragraph (1), a reference in these Regulations to the performance of a function by the GB competent authority shall be a reference to the performance of the function by the person appointed pursuant to paragraph (1) unless the context requires otherwise.

(4) Paragraph (5) applies if the 2004 GB competent authority delegated a function set out in a provision of ADR or RID to another body pursuant to regulation 26(4) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(45)</sup> and that delegation had effect immediately before the coming into force of these Regulations.

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<sup>(45)</sup> S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.



(5) The body to whom the function was delegated shall be deemed to be a person appointed pursuant to paragraph (1) to perform the equivalent function contained in the version of ADR or RID applicable from 1st January 2007.

#### **Fees in relation to functions of the GB competent authority**

- 68.**—(1) This regulation applies where a person has asked—
- (a) the GB competent authority; or
  - (b) a person who has been appointed to perform a function pursuant to regulation 67(1), to perform a function of the GB competent authority.
- (2) The—
- (a) GB competent authority; or
  - (b) person who has been appointed to perform a function pursuant to regulation 67(1), may charge a fee in connection with the performance of the function.
- (3) The fee shall be payable by the applicant.
- (4) Any fee charged shall be reasonable for the work performed in connection with the performance of the function.
- (5) The power in paragraph (2) includes the power to require payment of fees (or a reasonable estimate) in advance of carrying out the work requested by the applicant.

#### **Appointment of persons as a body or expert**

- 69.**—(1) This regulation applies where, by virtue of regulation 66(1), it is a function of the GB competent authority to approve or authorise a body or expert to carry out, witness, supervise or waive an inspection, examination, test or approval.
- (2) The approval or authorisation shall be by appointment.
- (3) A person appointed as a body or expert pursuant to regulation 29 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 whose appointment is in force immediately before the coming into force of these Regulations shall be deemed to have been appointed as a body or expert pursuant to paragraph (2) on the same terms as applied to the appointment pursuant to regulation 29.

#### **Certain functions to be deemed to have been performed by the GB competent authority pursuant to regulation 66(1)**

- 70.**—(1) Paragraph (3) applies—
- (a) if the 2004 GB competent authority or a person to whom a function had been delegated by the 2004 GB competent authority pursuant to regulation 26(4) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 carried out a function set out in a provision of ADR or RID that was conferred on the GB competent authority by regulation—
    - (i) 27;
    - (ii) 28;
    - (iii) 30;
    - (iv) 31;
    - (v) 35(1);
    - (vi) 35(2);

- (vii) 35(3);
  - (viii) 35(7); or
  - (ix) 35(9),
- of, and Schedule 3 to, the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004; or
- (b) if the Secretary of State issued a certificate pursuant to regulation 62 of the Radioactive Material (Road Transport) Regulations 2002<sup>(46)</sup>.
- (2) But paragraph (3) only applies—
- (a) in relation to the regulations and Schedule mentioned in paragraph (1)(a), if—
    - (i) the approval granted or validated;
    - (ii) the matter recognised;
    - (iii) the requirement or provision imposed;
    - (iv) the packing group assigned; or
    - (v) the certificate issued,
 pursuant to the regulation and Schedule, and in consequence of the performance of a function set out in a provision of ADR or RID, had effect immediately before the coming into force of these Regulations; or
  - (b) in relation to the regulation mentioned in paragraph (1)(b), the certificate issued had effect immediately before the coming into force of these Regulations.
- (3) The GB competent authority shall be deemed to have performed the function pursuant to regulation 66(1).
- (4) In relation to—
- (a) a function conferred by the regulations and Schedule mentioned in paragraph (1)(a), the function shall be deemed to have been performed under the same provision of ADR or RID as it was performed under pursuant to those regulations and Schedule; or
  - (b) the regulation mentioned in paragraph (1)(b), the Table in Schedule 6 shall have effect for determining in relation to which function in ADR the function is to be deemed to be performed.
- (5) If there is more than one option as to the function to be deemed performed pursuant to paragraph (4)(b) and Schedule 6, the function deemed performed shall be that function which would have been performed if the person who requested that the Secretary of State issue the certificate had instead requested that the GB Competent Authority perform a function pursuant to regulation 66(1) in relation to the same matter.
- (6) If there is more than one option as to the ADR reference in which the function to be deemed performed pursuant to paragraph (4)(b) and Schedule 6 is to be deemed set out, the reference shall be that reference in which the function deemed performed would have been set out if the person who requested that the Secretary of State issue the certificate had instead requested that the GB Competent Authority perform a function pursuant to regulation 66(1) in relation to the same matter.
- (7) An approval granted pursuant to—
- (a) sub-paragraph (e)(ii) of Schedule 9 to the Carriage of Dangerous Goods by Rail Regulations 1996<sup>(47)</sup>; or

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<sup>(46)</sup> [S.I. 2002/1093](#); amended by [S.I. 2003/1867](#).

<sup>(47)</sup> [S.I. 1996/2089](#); all regulations, except regulations 3 and 4, were revoked by [S.I. 2004/568](#), Schedule 14; there are amendments not relevant to these Regulations.

- (b) paragraph 6(f)(ii) of Schedule 4 to the Carriage of Dangerous Goods by Road Regulations 1996~~(48)~~,

shall be deemed to be an approval granted pursuant to regulation 66(1) of these Regulations by the GB competent authority in exercise of the function set out in note a of Sub-section 7.5.2.2.

- (8) A vocational training certificate issued pursuant to—

- (a) regulation 7(1) of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999~~(49)~~; or

- (b) regulation 32(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004,

shall be deemed to be a certificate issued pursuant to regulation 66(1) of these Regulations by the GB competent authority in exercise of the function in Sub-section 1.8.3.7.

- (9) A driver training certificate issued pursuant to—

- (a) regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996~~(50)~~; or

- (b) regulation 33(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004,

shall be deemed to be a certificate issued pursuant to regulation 66(1) of these Regulations by the GB competent authority in exercise of the function in Sub-section 8.2.1.1.

- (10) A packaging which has been registered with the—

- (a) Health and Safety Executive; or

- (b) Secretary of State for Defence,

pursuant to regulation 11(1)(a)(ii) of the Packaging of Explosives for Carriage Regulations 1991~~(51)~~ shall be deemed to have had a certificate and mark issued in relation to it by the GB competent authority pursuant to regulation 66(1) of these Regulations in exercise of the function in Sub-section 6.6.5.4.1.

## PART 4

### TRANSPORTABLE PRESSURE EQUIPMENT

#### Interpretation of Part 4

**71.** In this Part of these Regulations, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“CE marking”	The marking referred to in regulation 16 of the Pressure Equipment Regulations 1999 <del>(52)</del> .

~~(48)~~ S.I. 1996/2095; all regulations, except regulations 5, 6 and 20, were revoked by S.I. 2004/568, Schedule 14; there are amendments not relevant to these Regulations.

~~(49)~~ S.I. 1999/257; revoked by S.I. 2004/568, Schedule 14.

~~(50)~~ S.I. 1996/2094; revoked by S.I. 2004/568, Schedule 14.

~~(51)~~ S.I. 1991/2097; revoked by S.I. 2004/568, Schedule 14.

~~(52)~~ S.I. 1999/2001, amended by S.I. 2002/1267.

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

Column 1	Column 2
“conformity assessment procedures”	The procedures set out in Part I of Annex IV to the Transportable Pressure Equipment Directive, except that references to “national authorities” shall be treated as if they were references to “competent authority”.
“conformity marking”	The marking referred to in regulation 80 as set out in Annex VII to the Transportable Pressure Equipment Directive.
“conformity reassessment procedures”	The procedures set out in Part II of Annex IV to the Transportable Pressure Equipment Directive except that references to— (a) “Directive <a href="#">94/55/EC</a> and <a href="#">96/49/EC</a> ” and “Article 3 of this Directive” shall be treated as if they were references to “Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007”; and (b) “user” shall be treated as if they were references to “owner”.
“periodic inspection procedures”	The procedures set out in Part III of Annex IV to the Transportable Pressure Equipment Directive except that references to— (a) “holder” shall be omitted; (b) “this Directive” and “the Annexes to Directives <a href="#">94/55/EC</a> and <a href="#">96/49/EC</a> ” shall be treated as if they were references to “Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007”; and (c) “inspection body” shall be treated as if they were references to “notified or approved bodies”.
“the Transportable Pressure Equipment Directive”	Council Directive <a href="#">1999/36/EC</a> of 29th April 1999 <sup>(53)</sup> concerning the approximation of laws of member States relating to common provision for transportable pressure equipment and methods for inspection.

### Transportable pressure equipment

**72.—(1)** This Part of these Regulations applies to any equipment used at work<sup>(54)</sup> and manufactured—

- (a) on or after 1st July 2001, in the case of transportable pressure equipment which is a cylinder, tube or cryogenic receptacle and is not an old pressure receptacle to which Schedule 3 applies;

<sup>(53)</sup> O.J. No. L138, 1.6.1999, p. 20; last amended by Commission Directive [2002/50/EC](#) of 6th June 2002 (O.J. No. L149, 7.6.2002, p. 28).

<sup>(54)</sup> in relation to “at work” *see* section 52 of the Health and Safety at Work etc Act [1974 \(c. 37\)](#).

- (b) on or after 1st July 2005, in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC or a tank;
  - (c) on or before 30th June 2003, in the case of equipment which is—
    - (i) a cylinder, tube or cryogenic receptacle which is subject to a reassessment of conformity; or
    - (ii) an EEC-type cylinder; and
  - (d) on or before 30th June 2007, in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC or a tank which is subject to a reassessment of conformity.
- (2) But this Part of these Regulations does not apply to any—
- (a) pressure equipment to which the Pressure Equipment Regulations 1999 apply; and
  - (b) transportable pressure equipment which is used exclusively for the transport of—
    - (i) a gas;
    - (ii) UN 1051 HYDROGEN CYANIDE, STABILIZED;
    - (iii) UN 1052 HYDROGEN FLUORIDE, ANHYDROUS; or
    - (iv) UN 1790 HYDROFLUORIC ACID with more than 85% hydrogen fluoride,between the territory of a member State of the Communities and the territory of a State that is not a member State of the Communities if paragraph (3), (4) or (5) is satisfied.
- (3) The goods are being carried in connection with the transport of those goods by sea and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the IMDG Code<sup>(55)</sup>, as revised or re-issued from time to time.
- (4) The goods are being carried in connection with the transport of those goods by air and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation<sup>(56)</sup>, as revised or re-issued from time to time.
- (5) The transport forms part of an international transport operation which—
- (a) in relation to carriage by road, complies with the provisions of ADR; and
  - (b) in relation to carriage by rail, complies with the provisions of RID.
- (6) Regulations 73 and 75 do not apply to an EEC-type cylinder made on or before 30th June 2003.
- (7) Any cylinder, tube or cryogenic receptacle to which this Part of these Regulations applies shall be deemed to comply with regulations 73 to 75 if the cylinder, tube or cryogenic receptacle complied with the requirements relating to that equipment contained in—
- (a) regulations 4 to 6 of the Transportable Pressure Vessels Regulations 2001<sup>(57)</sup> immediately before the coming into force of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(58)</sup>; or
  - (b) regulations 38 to 40 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 immediately before the coming into force of these Regulations.

<sup>(55)</sup> Current edition (2006): ISBN 9280142143.

<sup>(56)</sup> Current edition (2007-2008): ISBN 9291947822.

<sup>(57)</sup> S.I. 2001/1426; revoked by S.I. 2004/568, Schedule 14.

<sup>(58)</sup> S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

(8) Order in Council No.30(59) does not apply to the importation or use at work of acetylene in transportable pressure equipment which complies with the provisions of Part 4 of these Regulations.

### **Placing on the market and use at work of transportable pressure equipment**

**73.**—(1) No person shall place on the market or use at work any transportable pressure equipment unless the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure equipment—

- (a) has been designed, manufactured and tested in accordance with the requirements referred to in regulations 55 and 60 which are applicable to the equipment in question;
- (b) has been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Annex V of the Transportable Pressure Equipment Directive, to be in conformity with sub-paragraph (a); and
- (c) bears the conformity marking, the identification number of the notified body and any marking required pursuant to regulations 55 and 60.

(3) If the transportable pressure equipment includes valves, those valves—

- (a) have been designed, manufactured and tested—
  - (i) in accordance with the requirements referred to in regulations 55 and 60 which are applicable to the valves in question; or
  - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 55 and 60, in accordance with the requirements of the Pressure Equipment Regulations 1999; and
- (b) meet the requirements of paragraph (5).

(4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories—

- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 55 and 60 which are applicable to the accessories in question; and
- (b) meet the requirements of paragraph (5).

(5) The requirements referred to in paragraphs (3) and (4) are that the valves or accessories—

- (a) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Annex V of the Transportable Pressure Equipment Directive, to be in conformity with—
  - (i) in the case of valves, the requirements referred to in paragraph 3(a); or
  - (ii) in the case of accessories, the requirements referred to in paragraph 4(a); and
- (b) bear the conformity marking or the CE marking as appropriate.

(6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

(7) In this regulation, in Annex V of the Transportable Pressure Equipment Directive, “notified body” shall be construed in accordance with regulation 77.

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(59) [S.R. & O. 1937/54](#), to which there are amendments not relevant to these Regulations.

## **Transportable pressure equipment placed on the market and used at work exclusively in Great Britain**

74.—(1) But regulation 73 does not apply in respect of any transportable pressure equipment which is a pressure receptacle and is placed on the market or used at work exclusively within Great Britain, if the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure equipment—

- (a) has been designed, manufactured and tested in accordance with the requirements referred to in regulations 55 and 60 which are applicable to the equipment in question;
- (b) where relevant, has been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G, to be in conformity with the requirements referred to in regulations 55 and 60 which are applicable to the equipment in question;
- (c) bears the identification number of the relevant notified or approved body and any marking required by the requirements referred to in regulations 55 and 60; and
- (d) does not bear the conformity marking.

(3) If the transportable pressure equipment includes valves, those valves—

- (a) have been designed, manufactured and tested in accordance with—
  - (i) the requirements referred to in regulations 55 and 60 which are applicable to the valves in question; or
  - (ii) if there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 55 and 60, in accordance with the requirements for the Pressure Equipment Regulations 1999; and
- (b) meet the requirements of—
  - (i) paragraph (5); or
  - (ii) regulation 73(3) and (5).

(4) If the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories—

- (a) have been designed, manufactured and tested to be in compliance with the requirements referred to in regulations 55 and 60 which are applicable to the accessories in question; and
- (b) meet the requirements of—
  - (i) paragraph (5); or
  - (ii) regulation 73(4) and (5).

(5) The requirements referred to in paragraphs (3)(b) and (4)(b) are that the valves or accessories—

- (a) if relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G to be in conformity with the standards or requirements identified pursuant to paragraph (3)(a), in the case of valves, or (4)(a) in the case of accessories;
- (b) bear the identification mark of the relevant notified or approved body; and
- (c) do not bear the conformity marking.

(6) For the purposes of paragraphs (2)(b) and (5)(a) references in the conformity assessment procedures to “notified body” are to be treated as if they were references to “approved body”.

(7) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

**Reassessment of conformity**

- 75.—(1) Transportable pressure equipment which is a—
- (a) cylinder tube or cryogenic receptacle which was manufactured before 1st July 2003 and does not bear the conformity marking; or
  - (b) pressure drum, bundle of cylinders or a tank which was manufactured before 1st July 2007 and does not bear the conformity marking that was required on or after 1st July 2005,
- may be reassessed for conformity in accordance with paragraphs (2) to (4).
- (2) The transportable pressure equipment shall—
- (a) comply with the requirements of regulations 55 and 60 which are applicable to the equipment in question;
  - (b) have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the relevant requirements referred to in regulations 55 and 60 which are applicable to the equipment in question; and
  - (c) bear the conformity marking and identification number of the notified body.
- (3) If the transportable pressure equipment includes valves, those valves shall—
- (a) comply with—
    - (i) the requirements of regulations 55 and 60 which are applicable to the valves in question; or
    - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 55 and 60, the relevant requirements of the Pressure Equipment Regulations 1999; and
  - (b) meet the requirements of paragraph (5).
- (4) If the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) comply with the requirements of regulations 55 and 60 which are applicable to the accessories in question; and
  - (b) meet the requirements of paragraph (5).
- (5) The requirements referred to in paragraphs (3) and (4) are that the valves or the accessories shall—
- (a) if relevant, have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories; and
  - (b) bear the conformity marking.
- (6) But if the transportable pressure equipment, valve or accessory has been manufactured in series to a design type which has been reassessed by a notified body in accordance with the conformity reassessment procedure to be in conformity with the requirements—
- (a) referred to in regulations 55 and 60 which are applicable to the equipment in question; or
  - (b) where relevant, of the Pressure Equipment Regulations 1999,
- the reassessment procedure referred to in paragraphs (2)(b) and (5)(a) may be conducted by an approved body.
- (7) For the purposes of paragraph (6) the references in Part II of Annex IV of the Transportable Pressure Equipment Directive to “notified body” shall be treated as references to “approved body”, and “approved body” has the meaning given in regulation 78.



## Periodic inspection and repeated use

76.—(1) The owner of transportable pressure equipment shall ensure that the equipment is—

- (a) periodically inspected in accordance with all relevant procedures in Part III of Annex IV to the Transportable Pressure Equipment Directive to ensure that that equipment continues to meet the relevant requirements in regulations 55 and 60 and of the Pressure Equipment Regulations 1999(60) in relation to which they have been assessed or reassessed for conformity in accordance with this Part of the Regulations; and
- (b) used at work in accordance with the relevant requirements of regulations 51 and 52.

(2) Any approved body or notified body who carries out a periodic inspection of transportable pressure equipment shall ensure that—

- (a) the inspection complies with the relevant requirements of Part III of Annex IV to the Transportable Pressure Equipment Directive; and
- (b) at the end of the inspection, the equipment is marked with—
  - (i) the identification number of the relevant notified body or approved body;
  - (ii) where required by Part III of Annex IV to the Transportable Pressure Equipment Directive, the date of the inspection; and
  - (iii) in the case of EEC-type cylinders undergoing their first periodic inspection, the conformity marking.

(3) Any technical documentation or other information required to be retained under a periodic inspection procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

(4) A periodic inspection done in accordance with—

- (a) Regulation 7 of the Transportable Pressure Vessels Regulations 2001; or
- (b) Regulation 41 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004,

shall be deemed to be a periodic inspection pursuant to this regulation.

(5) For the purposes of this regulation, references in Part III of Annex IV of the Transportable Pressure Equipment Directive to “inspection body” are to be construed as references to “approved or notified bodies”.

## Notified bodies

77.—(1) For the purposes of these Regulations, a notified body is a person who satisfies paragraphs (2) and (4).

(2) The person has been appointed to carry out one or more of the procedures specified in paragraph (3).

(3) The procedures are—

- (a) one or more of the conformity assessment procedures;
- (b) the conformity reassessment procedure; and
- (c) either or both periodic inspection procedures in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 1 in relation to transportable pressure equipment which is a tank.

(4) The person has been appointed as a notified body—

- (a) in accordance with—

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(60) S.I. 1999/2001, amended by S.I. 2002/1267.

- (i) regulation 79; or
- (ii) legislation giving effect to the Transportable Pressure Equipment Directive in relation to Northern Ireland; or
- (b) by another member State of the Communities, and the appointment has been communicated by that member State to the Commission and the other member States of the Communities in accordance with article 8 of the Transportable Pressure Equipment Directive.

### **Approved bodies**

**78.**—(1) For the purposes of these Regulations, an approved body is a person who satisfies paragraphs (2) and (4).

(2) The person has been appointed to carry out one or more of the procedures specified in paragraph (3).

(3) The procedures are—

- (a) one or more conformity assessment procedures;
- (b) the conformity reassessment procedure; and
- (c) in relation to transportable pressure equipment—
  - (i) which is a pressure receptacle, periodic inspection procedure module 1; or
  - (ii) which is a tank under the supervision of a notified body as provided for in module 2, periodic inspection procedure module 2.

(4) The person has been appointed as an approved body—

- (a) in accordance with—
  - (i) regulation 79; or
  - (ii) legislation giving effect to the Transportable Pressure Equipment Directive in relation to Northern Ireland; or
- (b) by another member State of the Communities, and whose appointment has been communicated by that member State to the Commission and the other member States of the Communities in accordance with article 9 of the Transportable Pressure Equipment Directive.

(5) In respect of any conformity assessment undertaken in accordance with regulation 74, an approved body shall work exclusively for the group of which it is a member.

(6) In paragraph (5), “group” has the same meaning as in the Transportable Pressure Equipment Directive.

### **Appointment of notified bodies and approved bodies by the GB competent authority**

**79.**—(1) The GB competent authority may appoint such persons as it thinks fit to be notified bodies or approved bodies for the purpose of this Part of the Regulations.

(2) A person appointed as a notified or an approved body pursuant to—

- (a) regulation 10 of the Transportable Pressure Vessels Regulations 2001; or
- (b) regulation 44 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004,

whose appointment is in force immediately before the coming into force of these Regulations shall be deemed to have been appointed as a notified or approved body pursuant to paragraph (1) on the same terms as applied to the appointment pursuant to regulation 10 or 44.

### Conformity marking

**80.**—(1) If a notified body or an approved body—

- (a) has carried out a conformity assessment, a reassessment of conformity or a periodic inspection; and
- (b) requires the conformity marking to be affixed to transportable pressure equipment, a valve or an accessory which is complete or is in a state permitting final assessment, that body shall ensure that the conformity marking is affixed in a visible, easily legible and indelible fashion.

(2) No person is to affix any marking to transportable pressure equipment, a valve or an accessory which is likely to render the meaning or form of the conformity marking misleading.

(3) Any other marking may be affixed to transportable pressure equipment, a valve or an accessory provided that the visibility and legibility of the conformity marking is not reduced.

## PART 5

### REQUIREMENTS IN ADDITION TO RID AND ADR

#### Attendant for carriage of class 1 goods by road

**81.**—(1) If a carrier is carrying any class 1 goods by road in a transport unit he shall ensure that the driver of the transport unit is accompanied by an attendant when the transport unit is not parked.

(2) The carrier shall ensure that the attendant—

- (a) is a person who is competent to ensure the security of the class 1 goods in question;
- (b) has received written instructions as to the steps that he is required to take to ensure the security of the class 1 goods; and
- (c) has received training appropriate to his responsibility for the security of the class 1 goods in accordance with Chapter 1.3 and Section 8.2.3.

(3) But paragraph (1) does not apply if—

- (a)
  - (i) the quantity of the class 1 goods does not exceed the maximum total quantity per transport unit calculated in accordance with Sub-section 1.1.3.6; and
  - (ii) the goods are carried in packages;
- (b) the only class 1 goods being carried are those set out in Schedule 1 to the Control of Explosives Regulations 1991<sup>(61)</sup>;
- (c)
  - (i) the carrier has taken adequate alternative measures to ensure the security of the class 1 goods carried on the transport unit; and
  - (ii) such measures have been agreed in writing with the Health and Safety Executive; or
- (d) the transport unit is in a convoy of more than two transport units, unless it is the first or the last transport unit in the convoy.

#### Duration of carriage and delivery of class 1 goods by road

**82.**—(1) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods shall ensure that—

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<sup>(61)</sup> S.I. 1991/1531, amended by S.I. 2005/1082.

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the class 1 goods 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 class 1 goods for onward despatch, if they are delivered to—
    - (aa) a safe and secure place or premises under the control of the Secretary of State for Defence; or
    - (bb) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area,
 and, if the consignee has compelling reasons not to accept the goods in accordance with Sub-section 1.4.2.3, the consignee shall make arrangements for the goods to be delivered to an alternative safe and secure place; and
- (c) any trailer or container containing class 1 goods is not detached from the vehicle unless it is in either a safe and secure place or a designated parking area in an airport, a railway transshipment depot or siding, or a harbour or harbour area.

(2) But paragraph (1)(c) does not apply in an emergency.

(3) The carrier, driver and any attendant within the meaning of regulation 81(1) of a vehicle which is being used for the carriage of class 1 goods shall ensure that any class 1 goods 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.

(4) The carrier of a vehicle used for the carriage of class 1 goods shall not remove any class 1 goods from the consignor's premises unless he is ready immediately to despatch them to the consignee or a person authorised by the consignee to accept custody in the circumstances referred to in paragraph (1)(b)(ii).

(5) In this regulation, “designated parking area” means—

- (a) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and
- (b) 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<sup>(62)</sup>.

### **Miscellaneous security requirements for carriage of class 1 goods by road**

**83.**—(1) Any consignor or carrier of class 1 goods by road in a transport unit or container shall ensure that the transport unit or container is suitable for the security of the class 1 goods being carried.

(2) If—

- (a) class 1 goods are being carried by road; and
- (b) any accident or emergency occurs,

the carrier and each member of the vehicle crew shall ensure that all proper precautions are taken for the security of those goods.

(3) If—

- (a) class 1 goods are being carried by road; and
- (b) any accident or emergency occurs which cannot be brought under immediate control,

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<sup>(62)</sup> S.I. 1987/37; amended by S.I. 1996/2092, 1996/2095, 1997/2367, 2003/1431 and 2004/568 and to which there are other amendments not relevant to these Regulations.

the driver and any attendant within the meaning of regulation 81(1) shall ensure that the carrier is notified by the quickest practical means.

(4) On being informed of the accident or emergency pursuant to paragraph (3), the carrier shall inform the Health and Safety Executive of the occurrence of that accident or emergency by the quickest practical means.

(5) Paragraph (7) applies in relation to a transport unit used for the carriage by road of more than 5 tonnes of class 1 goods which fall into division 1.1.

(6) For the avoidance of doubt, Sub-section 7.5.5.2.2 does not apply in relation to the calculation of the amount of class 1 goods being carried for the purposes of paragraph (5).

(7) The carrier and the driver shall ensure that the route followed is a route which has been agreed with the chief officer of police for each police area through which the carriage passes.

### **Miscellaneous security requirements for carriage of class 1 goods by rail**

**84.**—(1) The train operator and the railway infrastructure manager shall ensure that the security of any container or wagon, which is being used for the carriage of class 1 goods by rail, is maintained whenever the train is stationary.

(2) The train operator shall ensure that the carriage of class 1 goods by rail is completed within a reasonable length of time, having regard to the distance involved.

(3) If class 1 goods have been carried on a train, the consignee shall ensure that the class 1 goods in question are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

(4) In paragraph (3), “railway facility” has the meaning in section 83(1) of the Railways Act 1993(63).

### **Security requirement**

**85.** Any person involved in the carriage of class 1 or class 7 goods shall take all reasonable steps to ensure that unauthorised access to those goods is prevented.

### **Carriage of class 1 goods in vehicles used to carry passengers for hire or reward**

**86.**—(1) Any person carrying class 1 goods in a vehicle being used to carry passengers for hire or reward shall comply with the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are—

- (a) the only class 1 goods carried by that person are listed in Table 1, 2 or 4 of Schedule 4;
- (b) the net mass of explosive substances carried by that person does not exceed 2 kilograms;
- (c) the class 1 goods are kept with that person and are kept properly packed; and
- (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the class 1 goods.

(3) For the purposes of this regulation, if class 1 goods are being carried by a passenger, the driver and carrier are not to be treated as carrying them.

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(63) 1993, c. 43.

### **Carriage of class 1 goods by road in motor vehicles**

**87.**—(1) Any person carrying class 1 goods by road in a vehicle shall ensure that those goods are segregated from any person travelling in the vehicle by being placed in a suitable container or in a separate load compartment of the vehicle.

(2) But paragraph (1) does not apply in relation to goods carried in or on—

- (a) an EX/II vehicle or EX/III vehicle to which regulation 62(6) applies; or
- (b) a vehicle which is being used for hire or reward to which regulation 86 applies.

### **Marshalling and formation of trains**

**88.** If dangerous goods are being carried by train, the train operator shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

### **Application of regulations for the carriage of class 1 goods in the circumstances set out in Sub-section 1.1.3.1 (a) and (c)**

**89.**—(1) This regulation applies to, and in relation to, the carriage of class 1 goods.

(2) These Regulations apply to, and in relation to, the carriage of goods by private individuals in the circumstances set out in Sub-section 1.1.3.1(a).

(3) But paragraph (2) does not apply if the conditions specified in paragraphs (4), (5) and (6) are satisfied.

(4) The net mass of explosive substance in or on a transport unit does not exceed—

- (a) in the case of fireworks, 50 kilograms; and
- (b) in the case of other explosives or a combination of fireworks and other explosives, 30 kilograms.

(5) The individual has taken all reasonable steps to ensure that—

- (a) the manner in which the class 1 goods are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) there is no unauthorised access to the class 1 goods.

(6) If the goods are being carried in or on a vehicle used to carry passengers for hire or reward, any condition imposed by regulation 86 is complied with.

(7) The regulations specified in paragraph (8), to the extent specified, apply to, and in relation to, the carriage of goods in the circumstances set out in Sub-section 1.1.3.1(c).

(8) The regulations are—

- (a) 62(6)(a), to the extent it relates to the requirements in Section 7.5.2 in relation to carriage by road;
- (b) 63(5)(b), to the extent it relates to the requirements in special provisions S1:(3) and S1:(6) of Chapter 8.5 in relation to carriage by road;
- (c) 63(7), to the extent it relates to the requirements in Section 8.3.5 in relation to carriage by road;
- (d) 82; and
- (e) 85 to 87.

### Keeping of information

**90.** If a carrier is required to ensure that a transport document accompanies a consignment of dangerous goods pursuant to regulation 53(6), he shall keep a written record of all the information contained within the transport document for a period of three months after the completion of the journey in question.

### Placards, marks and plate markings for carriage within Great Britain

**91.—**(1) This regulation applies if dangerous goods are being carried—

- (a) by road—
  - (i) in tanks; or
  - (ii) in bulk,on a transport unit registered in Great Britain; or
- (b) by rail—
  - (i) in tanks;
  - (ii) in bulk; or
  - (iii) in piggyback transport,on a transport unit registered in Great Britain,

and the whole of that carriage is within Great Britain.

(2) But this regulation does not apply to, or in relation to, the carriage of class 7 goods.

(3) In addition to complying with the requirements of regulation 53(4) relating to placards, marks or plate markings, the loader, filler, consignor and carrier shall comply with the requirements of—

- (a) in relation to carriage by road, Part 1 of Schedule 7; or
- (b) in relation to carriage by rail, Part 2 of Schedule 7.

(4) To the extent of any conflict between the requirements of regulation 53(4) and paragraph (3) of this regulation, the requirements of paragraph (3) shall prevail.

(5) Paragraph (6) applies in relation to carriage by rail.

(6) If the loader, filler, consignor and carrier comply with the requirements in Part 2 of Schedule 7, the reference in Sub-section 5.4.1.1.1(j) of RID to “hazard identification number” shall, for the purposes of regulation 53(4), be construed as a reference to the emergency action code.

## PART 6

### MISCELLANEOUS

#### Enforcement

**92.—**(1) The enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive in relation to road and rail;
- (b) the Secretary of State for Transport in relation to road and inland waterways; and
- (c) the chief officer of police of each area in relation to road.

(2) But the Health and Safety Executive is not the enforcing authority in relation to rail to the extent that the Office of Rail Regulation is the enforcing authority pursuant to regulation 3(1) of

the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006<sup>(64)</sup>.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) The Secretary of State for Transport is the only enforcing authority in relation to regulation 45.

### Defence

**93.**—(1) In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations, it is a defence for the person charged to prove that—

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

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the—

- (a) hearing to determine the mode of trial, where the proceedings are in England or Wales;
- (b) intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) first diet, where the proceedings are solemn proceedings 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) If a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person is guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

### Amendments

**94.** The enactments specified in the Table in Schedule 8 are amended in accordance with the provisions of that Table.

### Revocations

**95.** The Regulations specified in the Table in Schedule 9 are revoked.

Signed by the authority of the Secretary of State

6th June 2007

*S.J. Ladyman*  
Minister of State  
Department for Transport

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<sup>(64)</sup> [S.I. 2006/557](#); to which there are amendments not relevant to these Regulations.



## SCHEDULE 1

Regulation 7

### APPOINTMENTS

#### Applications for appointment

**1.—**(1) An application for appointment shall be made in a form approved by the GB competent authority.

(2) Sub-paragraph (3) applies in relation to a person seeking appointment pursuant to regulation 69(2).

(3) The application shall be by reference to one or more of the following sub-paragraphs—

- (a) a testing and certifying body for the purposes of Sub-Section 6.2.1.4;
- (b) a body for the purposes of Sub-section 6.2.1.6;
- (c) an inspection body for the purposes of Sub-section 6.2.5.6;
- (d) a periodic inspection and test body for the purposes of Sub-section 6.2.5.7;
- (e) an authorized body for the purposes of Chapter 6.7;
- (f) an expert for the purposes of Chapter 6.7;
- (g) an expert for the purposes of Chapter 6.8; and
- (h) an expert for the purposes of Chapter 6.9.

(4) A person seeking appointment as a notified body or an approved body pursuant to regulation 79 shall in making the application—

- (a) state that appointment is sought in relation to all transportable pressure equipment; or
- (b) give details of the transportable pressure equipment in relation to which appointment is sought.

(5) A person seeking appointment as an inspection body pursuant to paragraph 9 of Schedule 2 shall in making the application—

- (a) state that appointment is sought in relation to all descriptions of old tank-vehicles, old tank wagons and old tank-containers; or
- (b) give details of the descriptions of the old tank-vehicles, old tank wagons and old tank-containers in relation to which appointment is sought.

(6) A person seeking appointment as an approved person or an inspection body pursuant to paragraph 10 of Schedule 3 shall in making the application—

- (a) state that appointment is sought in relation to all descriptions of old pressure receptacles; or
- (b) provide details of the descriptions of the old pressure receptacles to which the application relates.

#### Appointment by the GB competent authority

**2.—**(1) The GB competent authority shall make any appointment in writing.

(2) An appointment may relate to such equipment as the GB competent authority considers appropriate.

(3) An appointment may be made subject to such conditions as the GB competent authority considers appropriate and such conditions may include conditions which apply upon or following termination of the appointment.

(4) An appointment may be for the time being or for such period as may be specified in the appointment.

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

- (5) If for any reason an appointment is terminated, the GB competent authority may—
- (a) give such directions—
    - (i) to the person whose appointment has been terminated; or
    - (ii) to another person who has been appointed pursuant to these Regulations, for the purpose of making such arrangements for the determination of outstanding applications as it considers appropriate and the person to whom the directions are given shall comply with them; and
  - (b) authorise another person to take over the functions of the appointee whose appointment has been terminated in respect of such cases as it may specify.

### **Fees that may be charged by appointees**

**3.—**(1) An appointee may charge a fee in connection with the carrying out of a function for which he has been appointed.

- (2) The fee is payable by the person who asks the appointee to carry out the function.
- (3) The fee shall not exceed—
  - (a) the costs incurred or to be incurred by the appointee in performing the function; and
  - (b) an amount on account of profit which is reasonable in the circumstances having regard to—
    - (i) the character and extent of the work done or to be done by the appointee; and
    - (ii) the commercial rate normally charged on account of profit for that work or similar work.

### **The inspection of appointees**

**4.—**(1) An appointee is to be subject to such inspection by or on behalf of the GB competent authority as is necessary to ensure compliance with any condition specified in the appointment.

(2) The inspection referred to in sub-paragraph (1) may include the examination of premises, equipment and documents and the appointee shall provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.

(3) A fee which is reasonable for the work performed is to be payable by the appointee in respect of any inspection undertaken by or on behalf of the GB competent authority in accordance with sub-paragraph (1).

## **SCHEDULE 2**

Regulation 15(4)

### **OLD TANKS**

### **Interpretation**

**1.** In this Schedule, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“an assembly of old pressure receptacles”	An assembly of old pressure receptacles—

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

<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> <li>(a) held firmly together and interconnected by a manifold; and</li> <li>(b) where each receptacle has a volume not exceeding 150 litres.</li> </ul>
“examination”	<p>In respect of an old tank, a careful and critical scrutiny of that old tank in or out of service, as appropriate, and using suitable techniques, including testing, where appropriate, to assess—</p> <ul style="list-style-type: none"> <li>(a) its actual condition; and</li> <li>(b) whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance is carried out.</li> </ul>
“inspection body”	A person appointed pursuant to paragraph 9 of this Schedule.
“old tank-vehicle”	<p>A tank-vehicle including—</p> <ul style="list-style-type: none"> <li>(a) any demountable tank which is attached to it; and</li> <li>(b) an assembly of old pressure receptacles if— <ul style="list-style-type: none"> <li>(i) they are mounted on a frame where the frame is permanently fixed to the vehicle; and</li> <li>(ii) the total volume of the assembly is at least 1,000 litres.</li> </ul> </li> </ul>
“old tank wagon”	<p>A tank wagon including—</p> <ul style="list-style-type: none"> <li>(a) any demountable tank which is attached to it; and</li> <li>(b) an assembly of old pressure receptacles if— <ul style="list-style-type: none"> <li>(i) they are mounted on a frame where the frame is permanently fixed to the wagon; and</li> <li>(ii) the total volume of the assembly is at least 1,000 litres.</li> </ul> </li> </ul>
“pressure vessel”	<p>A tank-container or the fixed or demountable tank of an old tank-vehicle which is—</p> <ul style="list-style-type: none"> <li>(a) used or intended to be used for the carriage of dangerous goods— <ul style="list-style-type: none"> <li>(i) at a pressure of 500 millibar or more above or below atmospheric pressure; or</li> <li>(ii) at a pressure of 500 millibar or less above atmospheric pressure— <ul style="list-style-type: none"> <li>(aa) if that pressure is maintained by artificial means; and</li> </ul> </li> </ul> </li> </ul>

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

Column 1	Column 2
	(bb) would rise above that pressure if such means were no longer employed; or
	(b) filled or discharged at a pressure of 500 millibar or more above or below atmospheric pressure.
“tube-container”	A group of old pressure receptacles connected together— (a) with a total capacity greater than 3 cubic metres; and (b) fitted into a framework suitable for lifting on and off a vehicle, and intended to be used for the carriage of gases.
“tube trailer”	A trailer which has— (a) more than one old pressure receptacle, structurally attached to, or forming part of, the trailer; and (b) which is intended to be used for the carriage of gases.

### Further matters relating to interpretation

#### 2.—(1) For the purpose of this Schedule the operator of—

- (a) a vehicle, in relation to carriage by road, shall be—
  - (i) the person who, having a place of business in Great Britain, has the management of the container or vehicle for the time being; or
  - (ii) if no person satisfies the requirements of paragraph (i), the driver of the vehicle; and
- (b) an old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle), in relation to carriage by road, or of a tank-container or old tank wagon, in relation to carriage by rail, shall be—
  - (i) the person who, having a place of business in Great Britain, owns the old tank, tank-container or old tank wagon concerned;
  - (ii) if no person falls within paragraph (i), the person who, having a place of business in Great Britain, acts as agent for the owner of the old tank, tank-container or old tank wagon concerned;
  - (iii) if no person falls within paragraphs (i) or (ii) in relation to carriage by rail, then the operator of the train on which the tank-container is carried or of which the old tank wagon forms part;
  - (iv) if no person falls within paragraphs (i) or (ii) in relation to carriage in an old tank by road, the person who, having a place of business in Great Britain, has the management of that old tank; or
  - (v) if no person falls within paragraphs (i), (ii) or (iv) in relation to carriage in an old tank by road, the driver of the vehicle on which the old tank is carried.

#### (2) A person is not to be regarded as the operator of a vehicle solely because—

- (a) he has the management of it during filling or discharging; or
- (b) the vehicle is on premises which are under his control.

(3) For the purposes of this Schedule a person to whom an old tank (other than the fixed old tank or demountable old tank of a old tank-vehicle), tank-container or old tank wagon is leased or hired shall be deemed to own it unless—

- (a) the lessor or the hirer has made a written agreement with the person to whom he has leased or hired it; and
- (b) that agreement is to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under this Schedule.

(4) For the purposes of this Schedule an old tank-vehicle shall be deemed to be engaged in the carriage of dangerous goods—

- (a) from the commencement of filling it with dangerous goods for the purpose of carrying those goods by road;
- (b) until the vehicle and, where relevant, any compartment of it, has been discharged and, where necessary, cleaned or purged so that any of the goods or their vapours which remain in it are not sufficient to create a significant risk to the health or safety of any person,

whether or not the old tank-vehicle concerned is on the road at the material time.

(5) For the purposes of this Schedule an old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle) shall be deemed to be engaged in the carriage of dangerous goods—

- (a) from the commencement of filling of the old tank with dangerous goods for the purpose of carrying those goods by road; and
- (b) until either the old tank is removed from the relevant vehicle or the old tank and any compartment of it has been discharged and, where necessary, cleaned or purged so that any of the dangerous goods or their vapours which remain in it are not sufficient to create a significant risk to the health or safety of any person,

whether or not the old tank concerned is on the road at the material time.

### **Construction of tanks of old tank-vehicles, tank-containers and old tank wagons for carriage by road or rail**

**3.—**(1) An operator of an old tank-vehicle, old tank wagon or tank-container shall ensure that it is not used for the carriage of dangerous goods unless the fixed or demountable old tank of the tank-vehicle, tank wagon or of the tank-container—

- (a) is properly designed, of adequate strength and well constructed from sound and suitable material;
- (b) is suitable for the purpose for which it is being used, having regard to—
  - (i) the nature and circumstances of the journey being undertaken; and
  - (ii) the properties and quantity of the dangerous goods and of any other goods being carried with the dangerous goods;
- (c) is designed, constructed and maintained to prevent any of its contents escaping, except that this does not prevent the fitting of a suitable safety device; and
- (d) is made of materials which are not liable—
  - (i) to be adversely affected by the dangerous goods; and
  - (ii) in conjunction with the dangerous goods, to significantly increase the risk to the health or safety of any person,

if the materials are likely to come into contact with the dangerous goods.

(2) Sub-paragraph (3) applies in relation to an old tank of an old tank-vehicle or tank-container used for the first time for the carriage of dangerous goods on or after 1st June 1992.

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(3) An operator shall ensure that the old tank is not used for the carriage of dangerous goods unless he has the information in writing concerning—

- (a) the design, construction, examination, and maintenance of; and
- (b) repairs or modifications made to,

the old tank as may reasonably foreseeably be needed to enable him to comply with this Schedule.

#### **Testing, examination and maintenance for carriage by road or rail**

4.—(1) A train operator or the operator of an old tank-vehicle, tank-container or old tank wagon shall ensure that dangerous goods are not carried in it unless—

- (a) for the purpose of ensuring that it is properly maintained, the operator has prepared and carried into effect a suitable written scheme for the initial and periodic examination and the initial and, where appropriate, periodic testing by or under the control of an inspection body of the old tank of a tank-container or the fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon;
- (b) before it is used for the first time for the carriage of dangerous goods, the fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon or the old tank of the tank-container in question has been certified by an inspection body as suitable for its intended purposes and those purposes are set out in the certificate; and
- (c) the operator of an old tank-vehicle, tank-container or old tank wagon has in his possession the report referred to in sub-paragraph (2).

(2) The operator of an old tank-vehicle, tank-container or old tank wagon shall ensure that he has in his possession the report of the most recent examination and test held in accordance with the written scheme which states—

- (a) the date and the result of the examination and test;
- (b) the date before which any further examination and, where appropriate, test, shall be carried out, the interval to which shall be—
  - (i) as specified in the written scheme; or
  - (ii) such other period as the inspection body may specify;
- (c) that the relevant old tank of the tank-container, fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon remains suitable for the purposes set out in—
  - (i) the certificate issued pursuant to sub-paragraph (1)(b); or
  - (ii) a further certificate issued under paragraph 5(6),
 or if it is no longer suitable for any of these purposes, then stating the purposes for which it is suitable; and
- (d) in the case of a pressure vessel for carriage by road, the maximum working pressure to which the vessel may be subjected.

(3) A train operator shall ensure that the operator of an old tank-vehicle, tank-container or old tank wagon has in his possession the report referred to in sub-paragraph (2).

(4) Dangerous goods shall not be carried by road in a fixed or demountable old tank of an old tank-vehicle or in the old tank of a tank-container or by rail in a fixed or demountable old tank of an old tank wagon or in the old tank of a tank-container if—

- (a) the fixed old tank, demountable old tank or old tank or old tank wagon concerned has been damaged, modified or repaired in such a way as might affect its safety since—
  - (i) the report referred to in sub-paragraph (2) was issued; or

- (ii) where the old tank, fixed old tank or demountable old tank or old tank wagon is specified in sub-paragraph (9), the old tank was last inspected and tested in accordance with—
      - (aa) ADR;
      - (bb) RID; or
      - (cc) the IMDG Code<sup>(65)</sup>; or
    - (b) in the case of a pressure vessel for carriage by road, the pressure in the vessel exceeds the maximum working pressure specified in the report referred to in sub-paragraph (2).
  - (5) It is sufficient compliance with sub-paragraph (1)(c) if—
    - (a) the inspection body first enters his report in a computer under the operator's control and then authenticates it; or
    - (b) the report is transferred to such a computer by, or on the instructions of, the inspection body as soon as practicable after he first enters it in a computer and authenticates it.
  - (6) But the procedure in sub-paragraph (5) may only be used if the report—
    - (a) can be reproduced as a hard copy at the place where documents are required to be kept pursuant to paragraph 8;
    - (b) is secure from unauthorised interference; and
    - (c) can be authenticated only by the inspection body.
  - (7) If the fixed old tank or demountable old tank of an old tank-vehicle, the old tank of a tank-container or old tank wagon has fallen into a state of disrepair, been damaged, modified or repaired in such a way as might affect its safety since—
    - (a) the report referred to in sub-paragraph (2) was issued; or
    - (b) in the case of a fixed old tank or demountable old tank of an old tank-vehicle, the old tank of a tank-container or old tank wagon specified in sub-paragraph (9), the old tank was last examined and tested in accordance with—
      - (i) ADR;
      - (ii) RID; or
      - (iii) the IMDG Code,
- then the provisions of sub-paragraph (1), or, as the case may be, ADR, RID or the IMDG Code, apply in respect of any such old tank as if the old tank had not previously been used for the carriage of dangerous goods.
- (8) The operator may transport uncleaned old tanks by rail or by road, in respect of which the relevant certificate has expired, for the sole purpose of undergoing the inspection and tests with a view to renewing that certificate.
  - (9) Sub-paragraph (1) and paragraphs 5(2) and 5(6) do not apply to—
    - (a) the fixed old tank or demountable old tank of an old tank-vehicle; or
    - (b) the old tank of a—
      - (i) tank-container; or
      - (ii) old tank wagon,
- used for the carriage of dangerous goods if the old tank has been inspected, tested, certified and marked in accordance with the requirements of ADR, RID or the IMDG Code.

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<sup>(65)</sup> Current edition (2006): ISBN 9280142143.

### Testing, examination and maintenance for carriage by road

5.—(1) If, before 1st June 1992, there was in existence in respect of the fixed old tank or demountable old tank of an old tank-vehicle or a tank-container a suitable written scheme drawn up in accordance with regulation 7(2)(a) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank-containers) Regulations 1981<sup>(66)</sup>, that scheme shall be deemed to be a suitable written scheme in respect of that old tank or tank-container in accordance with paragraph 4(1)(a).

(2) Every fixed old tank or demountable old tank of an old tank-vehicle and every tank-container to be used for carriage by road, shall have securely fastened to it, or to any support which is welded to that fixed old tank, demountable old tank or tank-container, in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked—

- (a) the name or identifying mark of the manufacturer of the fixed old tank, demountable old tank or tank-container;
- (b) the serial number of the fixed old tank, demountable old tank or tank-container by which it can be identified;
- (c) the date of the most recent examination and test carried out in accordance with paragraph 4(1)(a); and
- (d) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(3) But sub-paragraph (2) does not apply to any tube trailer or tube-container where the information specified in that sub-paragraph is indelibly marked on each old pressure receptacle.

(4) If compliance with sub-paragraph (2)(c) is impossible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be—

- (a) securely fastened to the relevant fixed old tank, demountable old tank or tank-container, or to any support welded to it; and
- (b) in a readily accessible position,

and that additional plate shall also be marked in accordance with sub-paragraphs (2)(a) and (b) and, where appropriate, (2)(d).

(5) If a corrosion-resistant plate referred to in sub-paragraph (2) or (4) is covered by an insulating layer and that layer surrounds the fixed old tank, demountable old tank or tank-container to which the plate is fastened—

- (a) a duplicate corrosion-resistant plate shall be securely fastened to the exterior of the insulating layer; and
- (b) that duplicate plate shall be indelibly marked with the same information as is marked on the covered plate.

(6) If the inspection body is satisfied that the fixed tank or demountable tank of an old tank-vehicle or a tank-container is suitable for purposes other than those specified in the certificate referred to in paragraph 4(1)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

### Testing, examination and maintenance for carriage by rail

6.—(1) A train operator may carry dangerous goods by rail in a tank-container or old tank wagon where the old tank of the tank-container or old tank wagon concerned is in a state of disrepair, for the sole purpose of transporting such an old tank to a place for repair, providing that it is safe to do so.

<sup>(66)</sup> S.I. 1981/1089; revoked by S.I. 1992/743.



(2) An operator of a tank-container or old tank wagon shall not cause or permit dangerous goods to be carried in a tank-container or an old tank wagon by rail unless he certifies to the operator of the train—

- (a) on which the tank-container is to be carried; or
- (b) of which the old tank wagon is to form a part,

that he has complied with paragraph 4 in respect of the old tank of the tank-container or old tank wagon concerned.

#### **Use of old tank-vehicles, old tank wagons or tank-containers for carriage by road or rail**

7.—(1) The operator of an old tank-vehicle, old tank wagon or tank-container engaged in the carriage of dangerous goods by road or by rail shall take such steps as it is reasonable for him to take to ensure that nothing in the manner in which the old tank of the tank-vehicle, old tank wagon or tank-container in question is used is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person.

(2) The operator of an old tank-vehicle, old tank wagon or tank-container engaged in the carriage of dangerous goods by road or by rail shall ensure that the old tank in question is not filled with dangerous goods beyond a safe level.

#### **Keeping of documents**

8.—(1) The documents referred to in paragraphs 3 to 6 shall be capable of being reproduced as a hard copy by the operator of any—

- (a) tank-container or old tank wagon, at the address within Great Britain from which the deployment of that tank-container or old tank wagon is controlled; and
- (b) old tank-vehicle, at the premises from which the old tank-vehicle operates or at the operator's principal place of business in Great Britain.

(2) But if the operator of a tank-container or old tank wagon does not own it, he need only comply with sub-paragraph (1)(a) if—

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

(3) If the operator of an old tank-vehicle, tank-container or old tank wagon changes, the previous operator shall, to the extent he is required to keep any document at an address in Great Britain in accordance with sub-paragraph (1), give any such document to the new operator.

(4) If either of the procedures referred to in paragraph 4(5) has been used—

- (a) the operator shall be regarded as complying with sub-paragraph (1) in respect of the report referred to in paragraph 4(2) if the report is accessible from a computer kept by the operator at the place specified in sub-paragraph (1); and
- (b) if the operator has changed and the report is accessible from the previous operator's computer, then the previous operator shall provide the new operator with the information contained in that report.

#### **Appointment of inspection bodies by the GB competent authority**

9.—(1) The GB competent authority may appoint such persons as it thinks fit to be inspection bodies for the purpose of this Schedule.

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(2) A person appointed as an inspection body pursuant to paragraph 8 of Schedule 1 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(67)</sup> whose appointment is in force immediately before the coming into force of these Regulations shall be deemed to have been appointed as an inspection body pursuant to sub-paragraph (1) on the same terms as applied to the appointment under paragraph 8.

### SCHEDULE 3

Regulation 16(3)

#### OLD PRESSURE RECEPTACLES

##### Interpretation

1. In this Schedule, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly.

**Table**

<i>Column 1</i>	<i>Column 2</i>
“approved person”	A person approved pursuant to paragraph 10 of this Schedule for the purposes of carrying out the tasks of an approved person under paragraphs 4 and 8 of this Schedule.
“design standard”	A standard for the design of more than one type of old pressure receptacle.
“examination”	In respect of an old pressure receptacle, a careful and critical scrutiny of that receptacle in or out of service, as appropriate, using suitable techniques, including testing where appropriate, to assess its actual condition and whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance is carried out.
“filling ratio”	The ratio of the volume of the liquid gas in the old pressure receptacle to the total volume of the old pressure receptacle.
“inspection body”	A person approved pursuant to paragraph 10 of this Schedule for the purposes of carrying out the tasks under paragraphs 5 and 6 of this Schedule.
“major repair”	Any repair involving hot work or welding on the body of an old pressure receptacle and, except in relation to paragraph 8(1)(a)(ii), does not include any repair involving heat treatment applied for the purpose of restoring the metallurgical properties of the old pressure receptacle.

(67) S.I. 2004/568; amended by S.I. 2005/ 1082, 2005/1732, 2005/2929, 2006/557 and S.S.I 2005/344.

<i>Column 1</i>	<i>Column 2</i>
“normal maintenance”	Such maintenance as is reasonable to expect the owner of an old pressure receptacle to ensure is carried out independently of any advice from the inspection body making the examination.
“re-rating”	Reassessing the capability of an old pressure receptacle to contain compressed gas safely with a view to improving its capacity by means of an increase in— (a) the charging pressure; or (b) in the case of liquefied gas, the filling ratio, from that originally assessed and marked on the old pressure receptacle at the time of manufacture.

### **Further matters relating to interpretation**

#### **2.—(1) For the purposes of this Schedule—**

- (a) dangerous goods shall be deemed to be carried from the time when they are placed on a vehicle or on a wagon for the purpose of carrying them by road or by rail until either—
  - (i) they are removed from the vehicle or wagon; or
  - (ii) any old pressure receptacle containing the goods which is on the vehicle or wagon has been cleaned or purged so that any of the goods or their vapour which remain in the old pressure receptacle is 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 wagon is on the road or railway at the material time; and
- (b) the carriage of dangerous goods and the consignment of dangerous goods in old pressure receptacles shall be deemed to include the carriage or consignment of uncleaned, empty old pressure receptacles which have contained dangerous goods where those old pressure receptacles still contain sufficient of those dangerous goods, or vapours from them, to create a significant risk to the health or safety of any person.

(2) Any requirement or prohibition imposed in this Schedule on a person who designs an old pressure receptacle or any article which is intended to be a component part of that receptacle, shall extend only to—

- (a) such old pressure receptacle or article designed in the course of a trade, business or some other undertaking carried on by him (whether for profit or not); and
- (b) matters within his control.

(3) This Schedule applies to a self-employed person as it applies to an employer and an employee as if that self-employed person were both an employer and an employee.

### **Duties on those designing, manufacturing, importing, supplying, modifying or repairing old pressure receptacles**

**3.—(1)** Any person who designs, manufactures, imports or supplies any old pressure receptacle or any component part of an old pressure receptacle shall ensure that he complies with subparagraph (2).

(2) The old pressure receptacle or component part shall be—

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- (a) properly designed and constructed from suitable material, so as to prevent danger;
  - (b) designed and constructed so 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 to the extent that it is reasonably practicable to do so.
- (3) The employer of a person who modifies or repairs an old pressure receptacle at work<sup>(68)</sup> shall ensure that nothing about the way in which it is modified or repaired—
- (a) gives rise to any danger; or
  - (b) in any other way impairs the operation of any protective device or inspection facility.

#### **Conformity to approved design standard or specification**

- 4.—(1) No person is to—
- (a) supply or import; or
  - (b) to the extent it is reasonably practicable, fill,

an old pressure receptacle unless the old pressure receptacle has been verified, either by a certificate in writing or by means of stamping on the old pressure receptacle in accordance with sub-paragraph (2), as conforming to a design standard or design specification approved by the GB competent authority.

- (2) An old pressure receptacle shall be verified—
- (a) by an approved person; or
  - (b) in accordance with a quality assurance scheme approved by the GB competent authority.

#### **Examination of old pressure receptacles**

5.—(1) The owner of an old pressure receptacle shall ensure, for the purpose of determining whether it is safe, that the old pressure receptacle is examined by or under the control of an inspection body, at the intervals specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4.

(2) If an examination of an old pressure receptacle has not taken place by the end of the interval determined in accordance with sub-paragraph (1), that old pressure receptacle shall not be filled.

(3) If an examination of an old pressure receptacle has not taken place by the end of the interval determined in accordance with sub-paragraph (1), that old pressure receptacle shall only be carried—

- (a) if it is being carried to the place of examination in order to be examined;
- (b) if it is being carried to a place where it will be stored for onward carriage to the place of examination in order to be examined;
- (c) for the purpose of carrying out that examination; or
- (d) for the purpose of disposing of the old pressure receptacle.

(4) Where an inspection body undertakes a proper examination for the purposes of sub-paragraph (1) then that inspection body shall, if satisfied that the old pressure receptacle is safe on completing that examination, ensure that marks are affixed to it showing the date of the examination and the identity of the inspection body that carried out the examination.

- (5) No person other than—
- (a) an inspection body; or

<sup>(68)</sup> See section 52 of the Health and Safety at Work etc Act 1974 (c. 37).

(b) a body under the control of an inspection body,  
is to affix to an old pressure receptacle the mark referred to in sub-paragraph (4).

(6) The mark referred to in sub-paragraph (4) showing the date of the examination shall indicate the date by using two or four digits representing the year followed by two digits representing the month, separated by a forward slash ("/").

### **Filling of old pressure receptacles**

6.—(1) The employer of a person who is to fill an old pressure receptacle at work, shall ensure that the old pressure receptacle is not filled unless the marks on the old pressure receptacle indicate that it—

- (a) has been examined in accordance with paragraph 5(1); and
- (b) is suitable for containing the goods,

and all other appropriate safety checks have been made.

(2) The employer of a person who fills an old pressure receptacle at work shall ensure that—

- (a) that person checks that—
  - (i) after filling, it is within its safe operating limits; and
  - (ii) any valves do not leak;
- (b) in the event of overfilling, any excess dangerous goods are removed in a safe manner; and
- (c) any old pressure receptacle that leaks after filling is not offered for carriage.

(3) An employer shall ensure that no person employed by him refills at work a non-refillable old pressure receptacle with dangerous goods.

### **Approved design specification**

7.—(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 agent, the importer of an old pressure receptacle which is made to an approved design specification, shall keep a copy of—

- (a) the design specification to which the old pressure receptacle was manufactured; and
- (b) any certificate of conformity issued under paragraph 4(1).

(2) 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 agent, the importer of an old pressure receptacle which is—

- (a) refillable;
- (b) used solely for containing liquefied petroleum gas; and
- (c) has a water capacity no greater than 6.5 litres,

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

(3) The owner of an old pressure receptacle used or intended to be used for acetylene shall keep records of the—

- (a) tare weight of the old pressure receptacle, including the porous substance and, where relevant, acetone or other solvent;
- (b) nature of the solvent; and
- (c) maximum pressure allowed in the old pressure receptacle.

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### **Modification, repair and re-rating of old pressure receptacles**

8.—(1) Every employer shall ensure that no person employed by him modifies at work the body of—

- (a) an old pressure receptacle, which is used or intended to be used for carriage by road or by rail, and which—
  - (i) is of seamless construction; or
  - (ii) has contained acetylene; and
- (b) any type of old pressure receptacle not referred to in paragraph (a), if that modification would put it outside the scope of the design standard or design specification to which it was originally constructed.

(2) No person is to supply any modified old pressure receptacle for use unless following such modification an approved person has marked or certified it as being fit for use.

(3) But sub-paragraphs (1) and (2) do not apply in relation to any modification constituting the remaking of a thread if that modification is carried out in accordance with a standard approved by the GB competent authority.

(4) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of an old pressure receptacle—

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

(5) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of any old pressure receptacle not referred to in sub-paragraph (4) unless he is competent to do so.

(6) No person is to supply an old pressure receptacle which has undergone a major repair unless following such work an approved person has marked or certified it as being fit for use.

(7) Every employer shall ensure that no person employed by him re-rates an old 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 old pressure receptacle.

(8) No person is to supply an old pressure receptacle which has been re-rated unless, following the re-rating, an approved person has certified it as being safe for use.

### **Additional requirements for old pressure receptacles containing certain dangerous goods not classified as class 2 goods**

9.—(1) If an old pressure receptacle is used for the carriage of a substance listed in Table 3 of Packaging Instruction P200 in Section 4.1.4, the requirements of that Table are to apply in addition to the requirements of this Schedule.

(2) For the purposes of this paragraph, special packing provision 10(k) of Table 3 of Packaging Instruction P200 in Section 4.1.4 does not apply to the extent that it limits the capacity of cylinders to a capacity of not more than 85 litres.

### **Appointment of approved persons or inspection bodies by the GB competent authority**

10.—(1) The GB competent authority may appoint such persons as it thinks fit to be—

- (a) an approved person; or
- (b) an inspection body,

for the purpose of this Schedule.

(2) A person approved as—

- (a) an approved person pursuant to paragraph 2(4)(a) of Schedule 8 to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996<sup>(69)</sup>; or
- (b) (i) an approved person pursuant to paragraph 3(2); or  
(ii) an inspection body pursuant to paragraph 9(1),  
of Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004,

whose approval is in force immediately before the coming into force of these Regulations shall be deemed to have been appointed as an approved person or inspection body on the same terms as applied to the appointment under paragraph 2(4)(a), 3(2) or 9(1).

## SCHEDULE 4

Regulations 30(5), 33(3) and 86(2)

## Certain class 1 goods

**Table 1**

<i>Goods</i>	<i>UN number</i>
Cable cutters	0070
Cap primers	0044
Cartridge cases	0055
Cartridges	0012, 0014, 0323, 0405
Fireworks	0337
Flares	0404
Fuse	0105
Fuse lighters	0131
Igniters	0454
Pyrotechnic articles	0432
Signals	0193, 0373

**Table 2**

<i>Goods</i>	<i>UN number</i>
Cartridge cases	0379
Cartridges	0327, 0328, 0338, 0339
Fireworks	0333, 0334, 0335, 0336
Signals	0191, 0195

(69) [S.I. 1996/2092](#); revoked by [S.I. 2004/568](#), Schedule 14.

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**Table 3**

<i>Goods</i>	<i>UN number</i>
Cartridge cases	0446, 0447
Cartridges	0054, 0275, 0276, 0277, 0278, 0312, 0381
Flares	0092, 0093, 0403
Flash powder	0094, 0305
Fuse	0101
Igniter cord and igniters	0066, 0121, 0314, 0315, 0325
Primers	0377, 0378
Pyrotechnic articles	0428, 0429, 0430, 0431
Rockets	0238, 0240, 0453
Signals	0192, 0194, 0196, 0197
5-mercaptotetrazole-1-acetic acid	0448
Dinitrosobenzene	0406
Sodium dinitro-o-cresolate	0234
Sodium picramate	0235
Tetrazol-1-acetic acid	0407
Zirconium picramate	0236

**Table 4**

<i>Goods</i>	<i>UN number</i>
Black powder	0027, 0028
Smokeless powder	0160, 0161

**SCHEDULE 5**

Regulation 42(5)

**Radiological Emergencies****Interpretation**

1. In this Schedule, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly—

**Table**

<i>Column 1</i>	<i>Column 2</i>
“assist in the intervention”	The taking of such steps, as it is reasonable and practicable in the prevailing circumstances to take, in order to prevent or decrease exposure.



Column 1	Column 2
	The circumstances to be taken into account include—
	(a) the weather conditions;
	(b) the time of the occurrence of the emergency;
	(c) the distribution of the local population;
	(d) the nature and content of the package involved;
	(e) the stability of the class 7 goods involved;
	(f) the nature of the local geography and ecology;
	(g) any other prevailing hazards; and
	(h) the relative importance of the emergency in relation to other calls that are being made upon the emergency services.
“intervention”	A human activity that prevents or decreases the exposure of persons to radiation from a radiation emergency or from an event which could lead to a radiation emergency, by acting on the sources of radiation, the paths by which such radiation may be transmitted to persons and on persons themselves.

### Information to the public about health protection measures

2.—(1) Every consignor, carrier and consignee carrying out the transport of a consignment shall—

- (a) ensure that any members of the public who are in an area in which, in the opinion of the GB competent authority, they are likely to be affected by a radiological emergency arising from the undertaking of that carrier, consignor or consignee are supplied, in the appropriate manner approved by the GB competent authority and without their having to request it, with at least the information set out in sub-paragraph (2); and
- (b) make that information publicly available, which includes endeavouring to enter into an agreement or arrangement with the local authority in the area referred to in sub-paragraph (a) for the dissemination by that authority of the information required to be supplied to members of the public in accordance with that sub-paragraph.

(2) The following is the information that is to be supplied and made available under this regulation—

- (a) the basic facts about the radioactivity and its effects on persons and on the environment;
- (b) the various types of radiological emergency possible and their consequences for the general public and the environment;
- (c) the emergency measures envisaged to alert, protect and assist the general public in the event of the occurrence of a radiological emergency;
- (d) appropriate information on action to be taken by the general public in the event of the occurrence of a radiological emergency; and
- (e) the appropriate local authority responsible for implementing the emergency measures and action referred to in (c) and (d) above.

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(3) In preparing the information to be supplied and made available under this paragraph, the carrier, consignor or consignee shall—

- (a) consult the GB competent authority, but shall remain responsible for the accuracy, completeness and form of the information supplied; and
- (b) endeavour to enter into an agreement or arrangement with the local authority in whose area his undertaking is situated with respect to the dissemination by that authority of the information to members of the public.

(4) The information supplied and made available under this paragraph shall be updated—

- (a) at regular intervals;
- (b) whenever significant changes to any of the matters mentioned in sub-paragraph (2) take place; and
- (c) in any event, at least every 3 years.

(5) When information is updated in accordance with sub-paragraph (4) it shall be supplied again in accordance with paragraph (2) and made publicly available.

#### **Duties with respect to the monitoring of particular persons**

3.—(1) Any—

- (a) employee or agent of a consignor, carrier or consignee, or
- (b) any person of whose services a consignor, carrier or consignee makes use in the carriage of dangerous goods,

who assists in an intervention and is liable to be subjected to emergency exposure shall be treated as being a person classified pursuant to regulation 20 of the Ionising Radiations Regulations 1999<sup>(70)</sup> (“the 1999 Regulations”) and, accordingly, the consignor, carrier or consignee (as the case may be) shall have the same duties with regard to the monitoring of such persons as are imposed upon an “employer” by regulations 21 to 26 of the 1999 Regulations.

(2) To the extent it is necessary in order to save human lives, an emergency exposure is permitted as a result of which the dose limit specified in paragraph 1, 2, 6, 7 or 8 of Schedule 4 (Dose Limits) to the 1999 Regulations will be exceeded, provided that the person who it is proposed is subjected to a dose in excess of the limit provided for in the relevant paragraph is a volunteer and has been informed of the risks involved in the intervention.

(3) In this paragraph, “emergency exposure” means an exposure of a person engaged in an activity of, or associated with, the response to a radiation emergency or potential emergency in order to bring help to endangered persons, prevent exposure of a large number of persons or save a valuable installation or goods where one of the individual dose limits referred to in paragraphs 1 or 2 of Part 1 of Schedule 4 to the 1999 Regulations could be exceeded.

#### **Duties of consignor and carrier with regard to the preparation of emergency arrangements**

4.—(1) Before the carriage of a package begins, the consignor of that package shall ensure that there is a plan in writing which sets out the emergency arrangements for that package.

(2) The plan shall set out such emergency arrangements as are appropriate for the carriage of the package.

(3) The plan shall be prepared having regard to—

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(70) [S.I. 1999/3232](#).

- (a) the principle that intervention is to be undertaken only if the damage due to the radiation resulting from the radiation emergency is sufficient to justify the potential harm and the potential cost (including the social cost) of that intervention;
  - (b) the principle that the form, scale and duration of the intervention should ensure that the benefit to health will be greater than any harm that might be associated with the intervention itself;
  - (c) the dose limits provided for in Schedule 4 of the Ionising Radiations Regulations 1999; and
  - (d)
    - (i) if the Health Protection Agency has specified levels of radiation dose applicable in an emergency pursuant to its functions under section 3 of the Health Protection Agency Act 2004<sup>(71)</sup>, those levels; or
    - (ii) otherwise, the Emergency Reference Levels specified by the former National Radiological Protection Board pursuant to a direction under section 1(7) of the Radiological Protection Act 1970<sup>(72)</sup>.
- (4) To the extent that the plan is used in relation to carriage on more than one occasion, the consignor shall review and, whenever necessary, revise his emergency arrangements and shall ensure that at suitable intervals they are tested.

#### **Duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency**

**5.—**(1) The driver of a vehicle or train carrying class 7 goods who discovers, or has reason to believe, that a notifiable event has occurred in relation to the transport unit or train he is driving shall—

- (a) immediately notify—
  - (i) the police
  - (ii) (where appropriate), as respects England and Wales, the fire and rescue authority and, as respects Scotland, the chief officer of the relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005<sup>(73)</sup>); and
  - (iii) the consignor,of that event;
- (b) initiate the emergency arrangements in respect of any radiological emergency; and
- (c) assist in the intervention that is made in connection with that radiological emergency.

(2) A carrier of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to the material he is carrying shall—

- (a) immediately notify—
  - (i) the police (unless the driver of the transport unit or train has already done so); and
  - (ii) the GB competent authority,of that event;
- (b) assist in the intervention that is made in connection with any radiological emergency; and

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<sup>(71)</sup> 2004 c. 17.

<sup>(72)</sup> 1970 c. 46. By section 3(2) of the Health Protection Agency Act 2004 and article 2(1)(c) of the Health Protection Agency Act 2004 (Commencement) Order 2005 (S.I. 2005/121), those functions of the National Radiological Protection Board that were exercisable on direction on 31st January 2005 became exercisable by the Health Protection Agency on that date. By Schedule 3 to the 2004 Act and article 2(2) of the Order, the 1970 Act under which the Board was established, ceased to have effect on 1st April 2005.

<sup>(73)</sup> 2005 asp 5.

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- (c) as soon as is reasonably practicable, arrange for the examination of the load that is carried in or on the vehicle so as to determine whether contamination has arisen and, if it has, to arrange for the safe disposal of any part of the load that has been contaminated and for the decontamination of the transport unit or train.
- (3) A consignor of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to his consignment shall—
  - (a) immediately notify—
    - (i) the police; and
    - (ii) the GB competent authority,
 of that event (unless either the driver or the carrier has already done so);
  - (b) assist in the intervention that is made in connection with any radiological emergency; and
  - (c) provide the GB competent authority with details of the incident that gave rise to that emergency.
- (4) Whenever a consignor becomes aware that emergency arrangements have been initiated in relation to his consignment he shall notify the GB competent authority of the initiation of those arrangements even if, in the event, no intervention was made pursuant to those arrangements.
- (5) If a notifiable event occurs the carrier shall ensure that a report is made forthwith to the GB competent authority.
- (6) The report required under paragraph (5) shall be in a form which has been approved by the GB competent authority and shall contain all relevant information which the GB competent authority has communicated to the carrier that it considers necessary.
- (7) In this paragraph—
  - (a) “notifiable event” means
    - (i) a radiological emergency,
    - (ii) the theft or losing of the class 7 goods being carried; or
    - (iii) an occurrence subject to report as construed in accordance with Sub-section 1.8.5.3; and
  - (b) “initiate the emergency arrangements” means the taking of such steps as it is reasonable and practicable to take in order to put into effect the actions that have been planned for in the emergency arrangements.

#### **Packages involved in a radiological emergency**

6. A package that has been involved in a radiological emergency shall not be carried or caused to be carried unless the consignor or his agent has examined it and the consignor is satisfied that it complies with the requirements of these Regulations and he issues a certificate to that effect.

#### **Power of the competent authority to require documents and require testing, rehearsal and revision of the emergency arrangements**

7.—(1) The consignor and carrier shall provide to the GB competent authority, within such reasonable period as the GB competent authority may specify, such documents relating to the emergency arrangements as may have been requested by the GB competent authority.

(2) To the extent required by a notice in writing served on the consignor or carrier by the GB competent authority, the consignor or carrier shall test, rehearse and revise the emergency arrangements.

## SCHEDULE 6

Regulation 70(4)(b)

## CERTAIN ADR FUNCTIONS DEEMED PERFORMED PURSUANT TO REGULATION 66(1)

Table

<i>Certificate issued under regulation 62 of the Radioactive Material (Road Transport) Regulations 2002(74)</i>	<i>Regulation in the Radioactive Material (Road Transport) Regulations 2002</i>	<i>Function</i>	<i>ADR Sub-section in which the function that is to be deemed to have been performed is set out</i>
A special form radioactive material approval certificate	62(a)	Unilateral approval	6.4.22.5
A low dispersible radioactive material approval certificate	62(b)	Unilateral or Multilateral approval as appropriate	6.4.22.2
		Multilateral approval	6.4.22.3
		Multilateral approval	6.4.22.5
A special arrangement approval certificate	62(c)	Multilateral approval	1.7.4.2
		Special arrangement approval	5.1.5.2.3
A shipment approval certificate	62(d)	Multilateral approval	5.1.5.2.2
A package design approval certificate	62(e)	Unilateral approval	5.1.5.1.2(d)
		Multilateral approval	5.1.5.2.2
		Multilateral approval	6.4.21.5
		Unilateral or Multilateral approval as appropriate	6.4.22.1
		Unilateral or Multilateral approval as appropriate	6.4.22.2
		Multilateral approval	6.4.22.3
		Multilateral approval	6.4.22.4
		Unilateral approval	6.4.22.6
A basic radionuclide values certificate	62(f)	Multilateral approval	2.2.7.7.2.2

(74) S.I. 2002/1093; amended by S.I. 2003/1867.

## SCHEDULE 7

Regulation 91(3)

PLACARDS, MARKS AND PLATE MARKINGS  
FOR CARRIAGE WITHIN GREAT BRITAIN

## PART 1

## CARRIAGE OF GOODS BY ROAD

**Hazard Identification Numbers to be replaced by Emergency Action Codes (road)**

1. If orange-coloured plates bearing a hazard identification number are required to be displayed pursuant to the requirement in regulation 53(4) to comply with Sub-sections 5.3.2.1.2 and 5.3.2.1.4, then the hazard identification number shall be replaced by the appropriate emergency action code for the substance in question.

**Display of the orange coloured-plate if one type of dangerous good is being carried (road)**

2. If one type of dangerous good is being carried in a battery-vehicle, tank-vehicle or transport unit or in a container in bulk—

- (a) the orange-coloured plate referred to in paragraph 1, shall be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
- (b) an identical orange-coloured plate shall be affixed to the rear of the transport unit, in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to Sub-section 5.3.2.1.1.

**Display of the orange-coloured plate if more than one type of dangerous good is being carried (road)**

3.—(1) If more than one type of dangerous good is being carried in a tank or in bulk in a transport-unit or a battery-vehicle or a tank-vehicle with more than one tank, element or container—

- (a) the orange-coloured plates referred to in paragraph 1, shall be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question except that—
  - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, shall bear the emergency action code; and
  - (ii) the remaining plates shall bear only the UN number and shall be 150mm in height; and
- (b) an orange-coloured plate shall be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which shall be identical to the plates referred to in paragraph (a), except that it shall display the emergency action code only in the top half of the plate.

(2) But if more than one type of dangerous good is being carried in a transport unit or a tank-vehicle with more than one tank and those goods are—

- (a) UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT;
- (b) UN 1203 PETROL or MOTOR SPIRIT or GASOLINE; or
- (c) UN 1223 KEROSENE,

then the requirements of paragraph 2 shall be met, except that the orange-coloured plates need only bear the emergency action code and UN number for the most hazardous of the dangerous goods being carried.

#### **Telephone number to be used to obtain specialist advice to be displayed (road)**

4.—(1) If dangerous goods are being carried in tanks a telephone number where specialist advice concerning the dangerous goods in question can be obtained in English at any time during carriage shall be displayed—

- (a) at the rear of the transport unit;
- (b) on both sides of—
  - (i) any tank;
  - (ii) the frame of any tank; or
  - (iii) the transport unit; and
- (c) in the immediate vicinity of the orange-coloured plates displaying the emergency action codes,

and shall be in black digits of not less than 30mm in height against an orange-coloured background.

(2) The phrase “consult local depot” or “contact local depot” may be substituted for the telephone number if—

- (a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;
- (b) as regards England and Wales, the fire and rescue authority or, as regards Scotland, the chief officer of the relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005<sup>(75)</sup>) of each area through which the transport unit will carry the dangerous goods has been notified in writing of the address and telephone number of the relevant local depot; and
- (c) each fire and rescue authority or chief officer, as referred to in paragraph (b), has indicated in writing that it or he is satisfied with the arrangements.

#### **Use of hazard warning panels (road)**

5.—(1) The information required to be displayed on placards and orange-coloured plates pursuant to Section 5.3.1 and paragraphs 1 to 3 and the information required to be displayed pursuant to paragraph 4 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2) and, if relevant, sub-paragraph (3).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—

- (a) it shall be displayed in accordance with paragraphs 1 to 4 as if it were an orange-coloured plate;
- (b) it shall be orange-coloured, except the part incorporating the placard which shall be white;
- (c) the placard shall be not less than 200mm by 200mm, with a line of the same colour as the relevant symbol not more than 12.5mm inside the edge and running parallel to it;
- (d) if more than one placard is to be incorporated in the panel, those placards shall be adjacent in the same horizontal plane;
- (e) it shall conform to the figure in sub-paragraph (4); and
- (f) it shall be clearly visible.

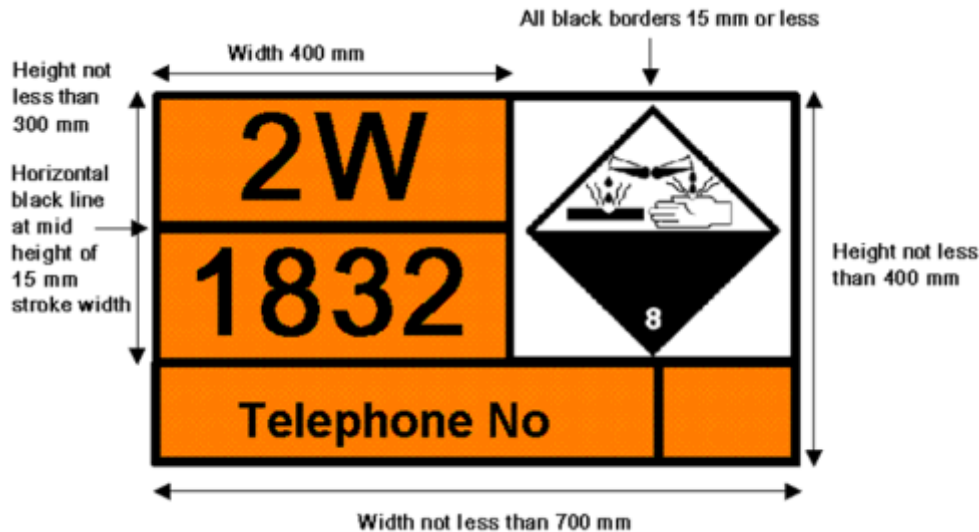
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(75) 2005 asp 5.

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(3) If dangerous goods are carried in a tank which was constructed on or after 1st January 2005, the orange-coloured plate shall be indelible and remain legible after it has been engulfed in fire for 15 minutes.

(4) The figure is—



## PART 2

### CARRIAGE OF GOODS BY RAIL

#### Hazard Identification Numbers to be replaced by Emergency Action Codes (rail)

6. If orange-coloured plates bearing a hazard identification number are required to be displayed pursuant to the requirement in regulation 53(4) to comply with Section 5.3.2, then the hazard identification number shall be replaced by the appropriate emergency action code for the substance in question.

#### Telephone number to be used to obtain specialist advice to be displayed (rail)

7. If dangerous goods are being carried in tanks, a telephone number where specialist advice concerning the dangerous goods in question may be obtained in English at any time during carriage shall be displayed—

- (a) in the immediate vicinity of each orange-coloured plate; and
- (b) against an orange-coloured background in black digits of not less than 30mm in height.

#### Use of hazard warning panels (rail)

8.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with Section 5.3.1 and paragraph 6 and the telephone number required to be displayed pursuant to paragraph 7 may all be shown on hazard warning panels provided that the panel meets the conditions set out in sub-paragraph (2).

- (2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that it shall—
  - (a) be displayed in accordance with paragraph 7 as if it were an orange-coloured plate; and



(b) comply with the requirements of paragraphs 5(2)(b) to (f).

## SCHEDULE 8

Regulation 94

### AMENDMENTS

<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
Petroleum (Consolidation) Act 1928( <b>76</b> )	Section 18(4)(b)	For “2004” substitute “2007”
Compressed Acetylene (Importation) Regulations 1978( <b>77</b> )	Regulation 1A	For “2004” substitute “2007( <b>78</b> )”
Classification and Labelling of Explosives Regulations 1983( <b>79</b> )	Regulation 2(1), definition (a) of “classified”	For “regulation 15” substitute “regulation 47” and for “2004” substitute “2007( <b>80</b> )”
Dangerous Substances in Harbour Areas Regulations 1987( <b>81</b> )	Regulation 2(1), definition of “the Carriage Regulations”	For ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004” substitute ““CDG 2007” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007( <b>82</b> )”
	Regulation 2(1), paragraph (a) (ii) of the definition of “classification”	For “the Carriage Regulations 2004” substitute “CDG 2007”
	Regulation 2(1), paragraph (b) of the definition of “portable tank”	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 3(2)(b)	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 6(4)(a)	For “Part II of the Radioactive Substances (Carriage by Road)

- (76) 1928, c. 32; section 18 was amended by S.I. 1974/1942, Schedule 2, paragraph 8, by S.I. 1986/1951, Schedule 4, Part 2, paragraph 1, by S.I. 2002/2776, Schedule 6, Part 1, paragraph 2(4) and by S.I. 2004/568, Schedule 13, paragraph 1; section 18 was repealed in relation to the carriage of petroleum mixtures and liquid methane in a road tanker or tank-container by S.I. 1992/743, regulation 30(1); there are other amendments to the Act not relevant to these Regulations.
- (77) S.I. 1978/1723; amended by S.I. 2001/1426 and 2004/568 and to which there are other amendments not relevant to these Regulations.
- (78) S.I. 2007/1573.
- (79) S.I. 1983/1140, amended by S.I. 1987/605, 1996/2093, 1999/303 and 2004/568.
- (80) S.I. 2007/1573.
- (81) S.I. 1987/37; amended by S.I. 1996/2092, 1996/2095, 1997/2367, 2003/1431 and 2004/568 and to which there are other amendments not relevant to these Regulations.
- (82) S.I. 2007/1573.

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		(Great Britain) Regulations 1974 by virtue of regulation 20 of those Regulations” substitute “CDG 2007”
	Regulation 24(a)	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 25(1)(b)(ii)	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 25(2)	For “the Carriage Regulations” substitute “CDG 2007” and omit “(d) the Radioactive Material (Road Transport) Regulations 2002;”
Dangerous Substances (Notification and Marking of Sites) Regulations 1990 <sup>(83)</sup>	Regulation 2(1), definition of “the Carriage Regulations”	For ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004” substitute ““CDG 2007” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 <sup>(84)</sup> ”
	Regulation 2(1), definition of “classification”	For “regulation 15 of the Carriage Regulations” substitute “regulation 47 of CDG 2007”
	Regulation 2(1), definition of “dangerous substance”	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 2(1A)	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 1(c)(i) of Schedule 1	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 1(d) of Schedule 1	For “the Carriage Regulations” substitute “CDG 2007”
Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993 <sup>(85)</sup>	Regulation 5(10)	For “2004” substitute “2007 <sup>(86)</sup> ”

<sup>(83)</sup> S.I. 1990/304, amended by S.I. 1993/1746, 1994/669, 1996/2092 and 2004/568 and to which there are other amendments not relevant to these Regulations.

<sup>(84)</sup> S.I. 2007/1573.

<sup>(85)</sup> S.I. 1993/208, as amended by S.I. 1996/2093 and 2004/568 and to which there are other amendments not relevant to these Regulations.

<sup>(86)</sup> S.I. 2007/1573.

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
Notification of New Substances Regulations 1993 <sup>(87)</sup>	Part A of Schedule 2 (7.3(g))	For “2004” substitute “2007 <sup>(88)</sup> ”
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 <sup>(89)</sup>	Regulation 2(1), definition of “the Carriage Regulations”	For ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004” substitute ““CDG 2007” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations <sup>(90)</sup> ”
	Paragraph 17A in Part 1 of Schedule 2	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 59(2) in Part 4 of Schedule 2	For “the Carriage Regulations” substitute “CDG 2007”
Health and Safety (Safety Signs and Signals) Regulations 1996 <sup>(91)</sup>	Regulation 2(1), definition of “dangerous goods”	For “2004” substitute “2007 <sup>(92)</sup> ”
Pressure Systems Safety Regulations 2000 <sup>(93)</sup>	Regulation 2(1), definition of “the Carriage Regulations”	For ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004” substitute ““CDG 2007” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 <sup>(94)</sup> ”
	Regulation 2(1), definition of “old pressure receptacle”	For “the Carriage Regulations” substitute “CDG 2007”
	Regulation 2(1), definition of “pressure receptacle”	For “the Carriage Regulations” substitute “CDG 2007”

(87) [S.I. 1993/3050](#), amended by [S.I. 2002/2176](#) and [2004/568](#) and to which there are other amendments not relevant to these Regulations.

(88) [S.I. 2007/1573](#).

(89) [S.I. 1995/3163](#), amended by [S.I. 1996/2089](#), [1996/2092](#) and [2004/568](#) and to which there are other amendments not relevant to these Regulations.

(90) [S.I. 2007/1573](#).

(91) [S.I. 1996/341](#), amended by [S.I. 1996/2092](#) and [2004/568](#) and to which there are other amendments not relevant to these Regulations.

(92) [S.I. 2007/1573](#).

(93) [S.I. 2000/128](#), amended by [S.I. 2001/1426](#) and [2004/568](#).

(94) [S.I. 2007/1573](#).

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
Radiation (Emergency Preparedness and Public Information) Regulations 2001(95)	Regulation 2(1), definition of “transportable pressure equipment”	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 9 in Part 1 of Schedule 1	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 13(b) in Part 1 of Schedule 1	For “the Carriage Regulations” substitute “CDG 2007”
	Paragraph 3(a) in Part 2 of Schedule 1	For “the Carriage Regulations” substitute “CDG 2007” and for “4(1)” substitute “35”
	Regulation 2(1), definitions of “the Carriage Regulations”, “consignor” and “vehicle”	Omit “the Carriage Regulations”, “consignor” and “vehicle” and the definitions of those words
	Regulation 2(1), definition of “transport”	Omit definition (a)
	Regulation 2(1), definition of “work with ionising radiation”	Omit “, transport by rail”
	Regulation 2(2)(a) and the “and” which follows regulation 2(2)(a)	Omit
	Regulation 3(1)(b)	Omit
	Regulation 3(1)(c)	For “of a quantity or mass referred to in sub-paragraph (b) above” substitute “containing more than the quantity of radionuclides specified in Schedule 4 or, in the case of fissile material, more than the mass of that material specified in Schedule 3”
	Regulation 3(3)	For “paragraph (1)(b)” substitute “paragraph (1)(c)”
	Regulation 3(4)(c)	For the sub-paragraph substitute— “(c) any radioactive substance conforming to the specifications for special form radioactive material set out in sub-

(95) [S.I. 2001/2975](#), amended by [S.I. 2002/2099](#) and [2004/568](#) and to which there are other amendments not relevant to these Regulations.

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		<p>section 2.7.2.3.3 of the UN Model Regulations—</p> <p>(i) which has received unilateral or multilateral approval pursuant to the law of any State implementing section 6.4.23 of the UN Model Regulations;</p> <p>or</p> <p>(ii) where the transport in question forms part of an international transport operation;”</p>
	Regulation 3(4)(d)	<p>For the sub-paragraph substitute—</p> <p>“(d) any radioactive substance contained in a package which complies in every respect as to its design with the requirements for—</p> <p>(i) a Type B(U) package, a Type B(M) package or a Type C package as set out in subsections 6.4.8, 6.4.9 or 6.4.10 of the UN Model Regulations respectively;</p> <p>or</p>

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		(ii) a consignment carried under special arrangement within the meaning of sections 1.5.4 and 6.4.23 of the UN Model Regulations which provides an equivalent level of safety to a type B(U) package, Type B(M) package or a Type C package complying with the requirements referred to in Paragraph (i), and, in each case, the package has received unilateral or multilateral approval pursuant to the law of any State implementing section 6.4.23 of the UN Model Regulations or the transport in question forms part of an international transport operation;”
	Regulation 3(4)(e)	For the sub-paragraph substitute— “(e) the transport of any radioactive substance in the form of a low specific activity material

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		conforming to the specifications for LSA-I, LSA-II or LSA-III set out in 2.7.2.3.1 of the UN Model Regulations including cases where the transport forms part of an international transport operation;”
	Regulation 3(4)(f)	For the sub-paragraph substitute— “(f) the transport of any radioactive substance in the form of a surface contaminated object conforming to the specifications for SCO-I or SCO-II set out in sub-section 2.7.2.3.2 of the UN Model Regulations including cases where the transport forms part of an international transport operation;”
	Regulation 3(6)	For the paragraph substitute— “(6) In paragraph (4)(c) to (f)— (a) “UN Model Regulations” means the United Nations Recommendations on the Transport of Dangerous Goods: Model Regulations, as revised or reissued from time to time(96); and

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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		(b) “international transport operation” means the carriage of radioactive substances, including carriage by more than one mode of transport, where that carriage takes place in more than one country.”
	Regulation 8(4)	Omit
	Regulation 8(7)(a)	Omit “, (where not also the carrier) the consignor”
	Regulation 13(3)(a)(ii)	Omit “the consignor,”
	Paragraph (h) of Schedule 5	Omit “, the type of vehicle and the means of securing the load within or on the vehicle”
Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(97)	Regulation 7(3)(a)	For “2004” substitute “2007(98)”
	Regulation 8A(4)	For “2004” substitute “2007”
Control of Lead at Work Regulations 2002(99)	The list in Schedule 2	Omit “The Radioactive Material (Road Transport) Regulations 2002 (SI 2002/1093);” and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (SI 2004/568)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (SI 2007/1573)”
Control of Substances Hazardous to Health Regulations 2002(100)	The list in Schedule 7	Omit “The Radioactive Material (Road Transport) Regulations 2002 (SI 2002/1093);” and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment

(98) S.I. 2007/1573.

(97) S.I. 2002/1689; amended by S.I. 2004/568.

(99) S.I. 2002/2676; amended by S.I. 2004/568, there are other amendments not relevant to these Regulations.

(100) S.I. 2002/2677; amended by S.I. 2004/568 and to which there are amendments not relevant to these Regulations.



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<i>Enactments to be amended</i>	<i>Section, Regulations and Schedules to be amended</i>	<i>Amendments to be made</i>
		Regulations 2004 (SI 2004/568)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (SI 2007/1573)”
Dangerous Substances and Explosive Atmospheres Regulations 2002(101)	The list in Schedule 5	Omit “The Radioactive Material (Road Transport) Regulations 2002 (SI 2002/1093);” and for “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (SI 2004/568)” substitute “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (SI 2007/1573)”
Manufacture and Storage of Explosives Regulations 2005(102)	Regulation 2(6)	For “2004” substitute “2007(103)”
	Regulation 3(2)(b)	For “2004” substitute “2007”
Railways (Accident Investigation and Reporting) Regulations 2005(104)	Regulation 2(1), definition of “dangerous goods”	For “2004” substitute “2007(105)”
	Paragraph 12 of Schedule 5	For “2004” substitute “2007”
Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(106)	Regulation 3(5)	For “58(5)” substitute “93(4)” and for “2004” substitute “2007(107)”
Control of Asbestos Regulations 2006(108)	Regulation 24(3)(a)	For “2004” substitute “2007(109)”
	Paragraph 1(1)(a) of Schedule 2	(110)For “2004” substitute “2007”

(101) S.I. 2002/2776; amended by S.I. 2004/568.

(103) S.I. 2007/1573.

(102) S.I. 2005/1082.

(105) S.I. 2007/1573.

(104) S.I. 2005/1992; to which there are amendments not relevant to these Regulations.

(107) S.I. 2007/1573.

(106) S.I. 2006/557; to which there are amendments not relevant to these Regulations.

(108) S.I. 2006/2739.

(109) S.I. 2007/1573.

(110) S.I. 2007/1573.

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## SCHEDULE 9

Regulation 95

## REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of Revocation</i>
The Radioactive Material (Road Transport) Regulations 2002	<a href="#">S.I. 2002/1093</a>	The whole Regulations
The Radioactive Material (Road Transport) (Amendment) Regulations 2003	<a href="#">S.I. 2003/1867</a>	The whole Regulations
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004	<a href="#">S.I. 2004/568</a>	The whole Regulations
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005	<a href="#">S.I. 2005/1732</a>	The whole Regulations

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Great Britain.

First, the Regulations implement Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p. 7) on the approximation of the laws of Member States with regard to the transport of dangerous goods by road (as last amended by Commission Directive [2006/89/EC](#) adapting for the sixth time to technical progress Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (O.J. No. L305, 4.11.2006, p. 4.)). This Directive applies the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2007).

Secondly, the Regulations implement Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p. 25) on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail (as last amended by Commission Directive [2006/90/EC](#) adapting for the seventh time to technical progress Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L305, 4.11.2006, p. 6.)). This Directive applies the Annex to the Regulation concerning the International Carriage of Dangerous Goods by

Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current Edition: 2007).

Thirdly, the Regulations implement Council Directive [96/35/EC](#) of 3rd June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (O.J. No. L145, 19.6.1996, p. 10) and the connected Directive [2000/18/EC](#) of the European Parliament and of the Council of 17th April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway (O.J. No. L118, 19.5.2000, p. 41.)

Fourthly, the Regulations implement Council Directive [1999/36/EC](#) of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive [2002/50/EC](#) of 6 June 2002 (O.J. No. L149, 7.6.2002, p. 28).

Fifthly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (OJ No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

Except in so far as these Regulations implement the amendments to Directive [94/55/EC](#) made by Directive [2006/89/EC](#) and the amendments made to Directive [96/49/EC](#) by Directive [2006/90/EC](#), the Directives implemented by these Regulations have previously been implemented by earlier Regulations. The most recent implementation of Directives [94/55/EC](#), [96/49/EC](#), [96/35/EC](#), [2000/18/EC](#) and [1999/36/EC](#) was by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568) as amended by S.I. 2005/1732 (“the old carriage Regulations”) except in relation to certain aspects of the carriage of radioactive material by road, in relation to which the most recent implementation was by the Radioactive Material (Road Transport) Regulations 2002 (S.I. 2002/1093) (“the old road Regulations”), as amended by S.I. 2003/1867. The implementation of Directives [94/55/EC](#) and [96/49/EC](#) (to the extent they relate to safety advisers), [96/35/EC](#) and [2000/18/EC](#) was achieved by the 2004 Regulations requiring compliance with the provisions of Section 1.8.3 of ADR, in relation to carriage by road and by inland waterway, or of RID in relation to carriage by rail. The most recent implementation of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom was, in relation to carriage by road, by the old road Regulations and in relation to carriage by rail by the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (S.I. 2001/2975), as amended by S.I. 2002/2099. Both the old carriage Regulations and the old road Regulations are revoked by these Regulations.

Part 1 of the Regulations contains introductory provisions. Regulation 2 defines terms used in the Regulations. Regulations 3 to 7 contain other introductory provisions, including, in regulation 6, setting out who the competent authority for Great Britain is under these Regulations. Regulations 8 to 37 define the scope of the Regulations.

Part 2 of the Regulations imposes requirements contained within ADR and RID concerning general requirements (regulations 38 to 46), classification (regulations 47 and 48), the dangerous goods list, special provisions and goods packed in limited quantities (regulations 49 and 50), packing and tank provisions (regulations 51 and 52), consignment procedures (regulation 53), construction and testing (regulations 54 to 61), carriage, loading, unloading and handling (regulation 62), vehicle crews, equipment, operation and documentation (regulations 63 and 64) and the construction and approval of vehicles (regulation 65.) By the imposition of the requirements of ADR and of RID in relation to safety advisers, Directives [96/35/EC](#) and [2000/18/EC](#) are implemented. Part 2 also, by the introduction of Schedule 5, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

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Part 3 of the Regulations sets out obligations in relation to the competent authority functions contained in ADR and RID. Regulation 66 sets out the functions of the competent authority for Great Britain. Regulation 67 provides for the appointment of people by the competent authority to carry out competent authority functions. Regulation 68 provides that fees may be charged in connection with the performance of competent authority functions. Regulation 69 contains provision relating to the appointment of bodies and experts to carry out tasks set out in ADR and RID. Regulation 70 deems certain things done under previous legislation to have been a function performed under regulation 66.

Part 4 of the Regulations imposes the requirements of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market and using it at work (regulations 73 and 74), reassessing the conformity of existing transportable pressure equipment (regulation 75), inspections (regulation 76), notified and approved bodies for inspecting transportable pressure equipment (regulations 77 to 79) and the use of a conformity mark (regulation 80).

Part 5 of the Regulations imposes requirements which are additional to or alternatives to the requirements of RID and ADR. These concern requirements for the carriage of explosives (and, in the case of regulation 85, class 7 goods) by road and rail (regulations 81 to 87 and 89), the marshalling and formation of trains (regulation 88), the keeping of information (regulation 90) and placarding requirements for carriage within Great Britain (regulation 91).

Part 6 of the Regulations contains miscellaneous provisions concerning enforcement (regulation 92), a defence (regulation 93), amendments (regulation 94) and revocations (regulation 95).

ADR (both the agreement and the Annexes) may be downloaded without charge from the relevant part of the United Nations Economic Commission for Europe website which is:

<http://www.unece.org/trans/danger/publi/adr/adr2007/07ContentsE.html>

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

[http://www.otif.org/html/e/pub\\_cotif\\_03\\_06\\_1999.php](http://www.otif.org/html/e/pub_cotif_03_06_1999.php)

The 2007 edition of RID (including the text of the Annex to Appendix C) may be purchased (including as an electronic version) from the Stationery Office (including its online bookshop.) The relevant link to the online bookshop is:

<http://www.tsoshop.co.uk/bookstore.asp?Action=Book&ProductId=8086206289>

Documents describing the differences between the 2005 and 2007 editions of ADR and RID may be downloaded from the following part of the Department for Transport website:

<http://www.dft.gov.uk/pgr/freight/dgt1/overview/international/>

A full regulatory impact assessment (“RIA”) of the effect that this instrument will have on the costs of business and the voluntary sector may be obtained from the Dangerous Goods Division of the Department for Transport, Zone 2/24, Great Minster House, Marsham Street, London, SW1P 4DR. The telephone number is 020 7944 2755 and the e-mail address is [dangerousgoods@dft.gsi.gov.uk](mailto:dangerousgoods@dft.gsi.gov.uk). The RIA may also be downloaded from the Department for Transport website which is:

<http://www.dft.gov.uk/>

and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).