
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 Directive [2008/68/EC](#) of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (O.J. L260, 30.9.2008, p. 13). 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: 2009), 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: 2009) and the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (“ADN”) (Current edition: 2009). These Regulations only apply the provisions of ADN in respect of safety adviser qualifications.

Secondly, 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).

Thirdly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27th 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 (O.J. 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.

The implementation of 1999/36/EC, 89/618/Euratom and 96/29/Euratom replaces the implementation of the same Directives (or parts of Directives) made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (the 2007 Regulations) (S.I. 2007/1573).

Part 1 of the Regulations contains introductory provisions. *Regulations 2 and 3* contain interpretation provisions. *Regulation 4* sets out the manner in which the Regulations apply.

Part 2 of the Regulations provides for prohibitions and requirements to apply in relation to the carriage of dangerous goods. *Regulation 5* prohibits carriage other than in accordance with ADR and RID. *Regulation 6* imposes, by reference to *Schedule 1*, different placarding requirements to those in ADR and RID in respect of national carriage by certain vehicles. *Regulation 7* deems certain security requirements relating to class 1 goods to be requirements of ADR for the purposes of *regulation 5*. *Regulation 8* deems a requirement relating to access to goods to be a requirement of ADR and RID for the purposes of *regulation 5*. *Regulation 9* imposes the prohibitions and requirements of ADR on carriage by private individuals for the purposes of *regulation 5* unless certain conditions are met. *Regulation 10* imposes certain requirements of ADR (including deemed requirements) on carriage by certain enterprises for the purposes of *regulation 5*.

Part 3 of the Regulations provides for exemptions from *Part 2*. *Regulation 11* allows the Secretary of State for Transport to exempt carriage where such an exemption is permitted as a derogation or a transitional provision under the Dangerous Goods Directive or where the exemption provides for carriage consistent with a derogation or transitional provision. *Regulation 12* provides that, in certain circumstances, the Secretary of State for Transport, the Secretary of State for Defence and the Health and Safety Executive may issue authorisations permitting carriage which would

Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

otherwise contravene *Part 2* of the Regulations. Other regulations provide for exemptions relating to reference temperatures and standards (*regulation 13*), old pressure receptacles (*regulation 14*), enclosed areas (*regulation 15*), carriage other than by vehicles (*regulation 16*), instruments of war (*regulation 17*) and nuclear material (*regulation 18*).

Part 4 of the Regulations applies the provisions of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market (*regulations 19 and 20*), reassessing the conformity of existing transportable pressure equipment (*regulation 21*), inspections (*regulation 22*) and the restriction on the use of misleading markings (*regulation 23*).

Part 5 of the Regulations (*regulation 24*), by the introduction of Schedule 2, 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.

Part 6 of the Regulations sets out provisions and obligations in relation to competent authority functions. *Regulation 25* determines who the competent authority in Great Britain is. *Regulation 26* provides that the competent authority in Great Britain is to perform the functions of a competent authority set out in ADR, RID and ADN (as applied by the Regulations). *Regulation 27* provides that fees may be charged in connection with the performance of competent authority functions arising under *regulation 26*. *Regulation 28* provides for a competent authority function in respect of reference temperatures and standards. *Regulation 29* allows for the appointment of people to approve equipment used in connection with the carriage of dangerous goods. *Regulation 30* deems certain functions done under the 2007 Regulations to be done under these Regulations. *Part 7* of the Regulations contains miscellaneous provisions concerning the keeping and provision of information (*regulation 31*), enforcement (*regulation 32*) and the revocation of the 2007 Regulations (*regulation 33*).

ADR and ADN (both the agreements and the Annexes) may be downloaded without charge from the relevant parts of the United Nations Economic Commission for Europe website which is:

for ADR: http://www.unece.org/trans/danger/publi/adr/adr_e.html

for ADN: <http://www.unece.org/trans/danger/adn-agree.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/>

Print copies of the 2009 editions of ADR, RID (including the text of the Annex to Appendix C) and ADN are available for purchase, including from the Stationery Office:

<http://www.tsoshop.co.uk/bookstore.asp>

The European Directives referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

A document issued by the Secretary of State for Transport pursuant to regulation 11(3) of these Regulations will be published by the Stationery Office. It will also be available to be downloaded from the Department for Transport website which is:

<http://www.dft.gov.uk/>

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a Transposition Note may be obtained from the Dangerous Goods Division of the Department for Transport, Zone 2/24, Great Minster House, 76 Marsham Street, London, SW1P 4DR. The telephone number is 020 7944 5706 and the e-mail address is dangerousgoods@dft.gsi.gov.uk. Both documents may also be downloaded from the Department for Transport website and are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

Changes to legislation:

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.