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## STATUTORY INSTRUMENTS

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# 2009 No. 1348

## The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

### PART 7

#### MISCELLANEOUS

##### Keeping and provision of information

**31.**—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 is to be provided to the GB competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 is to be kept for a period of three months after the completion of the carriage in question.

##### Enforcement

**[<sup>F1</sup>32.**—(1) The enforcing authorities for these Regulations are—

- (a) the Secretary of State for Defence in relation to road, rail and inland waterways but only in connection with those functions for which the Secretary of State for Defence is the GB competent authority;
- (b) in so far as they apply to carriage of dangerous goods other than civil carriage of class 7 goods, the persons specified in paragraph (2).

(2) The enforcing authorities are—

- (a) the Health and Safety Executive in relation to road and, subject to paragraph (3), rail,
- (b) the Secretary of State for Transport in relation to road and inland waterways,
- (c) the chief of police of each area in relation to road.

(3) The Health and Safety Executive is not an enforcing authority in relation to rail to the extent that [<sup>F2</sup>the Office of Rail and Road] is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.

(4) Despite paragraphs (1) to (3), the Secretary of State for Transport is the only enforcing authority in relation to the carriage of all classes of goods, except civil carriage of class 7 goods, to the extent that these Regulations require compliance with the security provisions.]

**F1** Reg. 32 substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(5)** (with Sch. 4)

**F2** Words in reg. 32 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(v)**

**Modifications etc. (not altering text)**

- C1** Reg. 32 applied (4.8.2023) by [The A303 \(Amesbury to Berwick Down\) Development Consent Order 2023 \(S.I. 2023/834\)](#), arts. 1, **43** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

**[<sup>F3</sup>Offences in connection with the civil carriage of class 7 goods**

**32A.—(1)** It is an offence for a person to contravene—

- (a) any provision of these Regulations as they apply to the civil carriage of class 7 goods, or
- (b) any requirement or prohibition imposed under any provision of these Regulations as they apply to such carriage (including any requirement or prohibition to which that person is subject by virtue of the terms of or any condition or restriction attached to any approval, exemption or other authority issued, given or granted under them).

(2) A person who commits an offence under this regulation is liable—

- (a) on summary conviction to—
  - (i) imprisonment for a term not exceeding [<sup>F4</sup>12 months][<sup>F4</sup>the general limit in a magistrates' court] , or
  - (ii) a fine, or
  - (iii) both;
- (b) on conviction on indictment to—
  - (i) imprisonment for a term not exceeding two years, or
  - (ii) a fine, or
  - (iii) both.

(3) Paragraphs (4) and (5) make transitional modifications to paragraph (2) as it applies to England and Wales.

(4) In relation to an offence committed before [<sup>F5</sup>2nd May 2022], the reference in paragraph (2)(a)(i) to imprisonment for a term not exceeding [<sup>F6</sup>12 months][<sup>F6</sup>the general limit in a magistrates' court] is to be read as reference to imprisonment for a term not exceeding six months.

(5) In relation to an offence committed before the commencement of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) the reference to a fine in paragraph (2)(a)(ii) is to be read as a reference to a fine not exceeding £20,000.]

**F3** Reg. 32A inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(6)** (with Sch. 4)

**F4** Words in [reg. 32A\(2\)\(a\)\(i\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), **Sch. Pt. 2**

**F5** Words in [reg. 32A\(4\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(2), **Sch. Pt. 2**

**F6** Words in [reg. 32A\(4\)](#) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(2), **Sch. Pt. 2**

## Revocation

33. The 2007 Regulations are revoked.

## [<sup>F7</sup>Duty to Review

34.—(1) The Secretary of State must—

- (a) conduct a review of the operation and effect of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directives are implemented in other member States of the EU.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of five years beginning with the day on which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 come into force; and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.]

**F7** Reg. 34 inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, 14

**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, PART 7.