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STATUTORY INSTRUMENTS

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**1992 No. 742**

**The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1992**

**Citation and commencement**

1. These Regulations may be cited as the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1992 and shall come into force on 1st June 1992.

**Interpretation**

2. –

(1) In these Regulations, unless the context otherwise requires–

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

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

“the 1984 Regulations” means the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(2);

“the 1992 Regulations” means the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992(3);

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land or nursery grounds or for market gardening and the preparation of land for agricultural purposes;

“approved list” has the same meaning as in regulation 4 of the 1984 Regulations;

“carriage” means carriage arising out of or in connection with work and shall be construed in accordance with regulations 2(2)(a)(ii) and 3(3); and related words shall be construed accordingly

“carrying tank” means a tank which is referred to thus in the 1992 Regulations by virtue of the definition of “road tanker” contained in regulation 2(1) thereof;

“Class 1” has the same meaning as in regulation 2(1) of the 1983 Regulations;

“computer” means a computer system including its software;

“the consignor” of a dangerous substance shall be regarded as–

(a) the person who, having a place of business in Great Britain, consigns (whether as principal or as agent for another) that dangerous substance for carriage; or

(b) if no person satisfies the requirements of sub-paragraph (a) above, the consignee of that dangerous substance;

“dangerous substance” (whether or not a preparation or other mixture) means–

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(1) S.I. 1983/1140, to which there are amendments not relevant to these Regulations.

(2) S.I. 1984/1244, amended by S.I. 1986/1922, S.I. 1988/766, S.I. 1989/2208 and S.I. 1990/1255.

(3) S.I. 1992/743.

- (a) any substance listed as dangerous for conveyance by road in column 1 of Part IA2 of the approved list, other than when the substance has been so diluted or treated that it no longer has any of the characteristic properties specified in column 1 of Part I of Schedule 2 to the 1984 Regulations;
- (b) any substance which falls within one of the groups of substances listed as dangerous for conveyance by road in column 1 of Part IB of the approved list, other than when the substance has been so diluted or treated that it no longer has any of the characteristic properties specified in column 1 of Part I of Schedule 2 to the 1984 Regulations;
- (c) any substance classified as a flammable gas, a toxic gas or an organic peroxide in accordance with regulation 6(4) of the 1984 Regulations;
- (d) any controlled waste (as defined by section 30 of the Control of Pollution Act 1974)(4); consisting of or containing asbestos not falling within sub-paragraph (a) of this definition which is designated as “special waste” by regulation 2(1)(a)(i) of the Control of Pollution (Special Waste) Regulations 1980(5); or
- (e) any other substance which is classified as dangerous for conveyance in accordance with regulation 6(4) of the 1984 Regulations and possesses the properties relevant to the classification concerned which are specified in column 1 of Part I of the Schedule hereto;

“fire authority” has the same meaning as in section 38(1) of the Fire Services Act 1947(6);

“flammable gas” means a gas so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1984 Regulations;

“flammable solid” means a solid so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1984 Regulations;

“flash point” has the same meaning as in regulation 2(1) of the 1984 Regulations;

“freight container” means a container as defined in regulation 2(1) of the Freight Containers (Safety Convention) Regulations 1984(7);

“goods vehicle examiner” has the same meaning as in section 68(2) of the Road Traffic Act 1988(8);

“motor vehicle” has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(9);

“operator” shall be construed in accordance with regulation 4;

“organic peroxide” means a substance so classified in accordance with regulation 6(4) of the 1984 Regulations;

“receptacle” means—

- (a) a vessel (other than a carrying tank, tank container, freight container, transformer or capacitor); or
  - (b) the innermost layer of packagings,
- which is in contact with a dangerous substance and which is liable to be individually handled when the substance is used or disposed of;

“road” means—

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(4) 1974 c. 40.  
 (5) S.I. 1980/1709.  
 (6) 1947 c. 41.  
 (7) S.I. 1984/1890.  
 (8) 1988 c. 52.  
 (9) S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

- (a) as respects England and Wales, a road within the meaning of section 192(1) of the Road Traffic Act 1988; and
- (b) as respects Scotland, a road within the meaning of the Roads (Scotland) Act 1984<sup>(10)</sup>;  
“road tanker” has the same meaning as in regulation 2(1) of the 1992 Regulations;  
“semi-trailer” has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;  
“tank” has the same meaning as in regulation 2(1) of the 1992 Regulations;  
“tank container” has the same meaning as in regulation 2(1) of the 1992 Regulations;  
“toxic gas” means a gas so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1984 Regulations;  
“trailer” has the same meaning as in regulation 2(1) of the Road Traffic (Carriage of Explosives) Regulations 1989<sup>(11)</sup>.

For the purposes of these Regulations–

- (a) a combination of a motor vehicle and one or more trailers or semi-trailers shall be deemed to be a single vehicle for so long as the constituent parts of that combination remain attached; and–
    - (i) dangerous substances contained in different parts of such a vehicle shall accordingly be considered to be contained in the same vehicle, and
    - (ii) without prejudice to the generality of regulation 3(3), a trailer or semi-trailer containing any dangerous substance shall not be considered to be engaged in any carriage to which these Regulations apply unless it forms part of such a combination;
  - (b) any reference to the carriage of a dangerous substance in bulk shall (unless the context otherwise requires) include a reference to the unconfined carriage of that substance in a freight container, but shall exclude a reference to the carriage of that substance–
    - (i) in a receptacle (whether or not the receptacle is carried in a freight container),
    - (ii) in a road tanker,
    - (iii) in a tank container, or
    - (iv) in a transformer or capacitor; and
  - (c) a vehicle will be deemed to be registered in the United Kingdom where the relevant motor vehicle is registered under the Vehicles (Excise) Act 1971<sup>(12)</sup> or any enactment repealed thereby.
- (3) Unless the context otherwise requires, any reference in these Regulations to–
- (a) a numbered regulation is a reference to the regulation in these Regulations so numbered;
  - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears;
  - (c) the “packing group” of a dangerous substance shall be construed–
    - (i) in the case of a dangerous substance listed as dangerous for conveyance by road in column 1 of Part IA2 of the approved list or which falls within one of the groups of substances listed as dangerous for conveyance by road in column 1 of Part IB of the approved list, as a reference to the packing group (if any) which is specified

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<sup>(10)</sup> 1984 c. 54.

<sup>(11)</sup> S.I. 1989/615

<sup>(12)</sup> 1971 c. 10.

- in the corresponding entry in column 7 of the Part in which it is listed or grouped as aforesaid,
- (ii) in the case of a dangerous substance not listed or grouped as aforesaid but which is classified as dangerous for conveyance in accordance with regulation 6(4) of the 1984 Regulations and possesses the properties relevant to the classification concerned (which classification is that neither of a toxic nor a harmful substance) which are specified in column 1 of Part I of the Schedule hereto, as a reference to the packing group listed in column 2 of that Part which corresponds with the properties thus specified, or
  - (iii) in the case of a dangerous substance not listed or grouped as aforesaid but which is classified as dangerous for conveyance in accordance with regulation 6(4) of the 1984 Regulations and possesses the properties relevant to the classification concerned (which classification is that of a toxic or a harmful substance) which are specified in column 1 of Part I of the Schedule hereto, as a reference to the relevant packing group referred to in the properties thus specified; and
- (d) the colour orange shall be construed as a reference to a shade of orange which, so far as is practicable, matches the colour No. 557 Light Orange identified in Table 1 to the British Standard BS 381C: 1988.

### **Application of these Regulations**

#### **3. –**

- (1) Subject to paragraph (2)–
- (a) regulation 15(2) shall apply to the carriage on a vehicle–
    - (i) (in a receptacle with a capacity of less than 5 litres) of any dangerous substance such as is specified in sub-paragraph (c)(iv) to (vi) of this paragraph, or
    - (ii) (in a receptacle with a capacity of less than 200 litres) of any dangerous substance such as is specified in sub-paragraph (c)(vii) of this paragraph;
  - (b) regulation 16 shall apply to the carriage in or, as the case may be, on a vehicle of any dangerous substance such as is specified in paragraph (1) thereof in bulk or in a receptacle (regardless of the capacity of that receptacle); and
  - (c) the remainder of these Regulations shall apply to or, where appropriate, in relation to the carriage on or, as the case may be, on a vehicle–
    - (i) of any dangerous substance in bulk,
    - (ii) (in a receptacle, regardless of its capacity) of any organic peroxide which is subject to regulation 11(2),
    - (iii) (in a receptacle, regardless of its capacity) of any flammable solid which is subject to regulation 11(3),
    - (iv) (in a receptacle with a capacity of 5 litres or more) of any organic peroxide (other than one which is subject to regulation 11(2)), any flammable or toxic gas or any other dangerous substance being with packing group I,
    - (v) (in a receptacle with a capacity of 5 litres or more) of any asbestos falling within sub-paragraph (a) of the definition of “dangerous substance” in regulation 2(1) or any substance such as is specified in sub-paragraph (d) of that definition,
    - (vi) (in a receptacle with a capacity of 5 litres or more) of any dangerous substance both listed in column 1 of the approved list as “hazardous waste” and designated as “special waste” by regulation 2(1)(a)(i) of the Control of Pollution (Special Waste) Regulations 1980,

- (vii) (in a receptacle with a capacity of 200 litres or more) of any dangerous substance not specified in heads (ii) to (vi) of this sub-paragraph, or
  - (viii) (in a transformer or capacitor, regardless of its capacity) of any dangerous substance not specified in heads (ii) to (v) of this sub-paragraph.
- (2) These Regulations shall not apply to the carriage of a dangerous substance—
- (a) in so far as the dangerous substance being carried is being used solely in connection with the operation of a vehicle;
  - (b) where the dangerous substance being carried is a radioactive substance within the meaning of regulation 2(1) of the Ionising Radiations Regulations 1985(13);
  - (c) where the dangerous substance being carried has been classified (as defined by regulation 2(1) of the 1983 Regulations) in pursuance of regulation 3(2)(a) of those Regulations and assigned to Class 1;
  - (d) (other than for the purposes of regulations 7 and 8) where—
    - (i) the vehicle which is being used for the carriage of the dangerous substance is engaged in an international transport operation within the meaning of the Convention concerning International Carriage by Rail(14), as revised or re-issued from time to time, and
    - (ii) such carriage conforms in every respect with the provisions of the Regulations concerning the International Carriage of Dangerous Goods by Rail which are specified in Annex I to the Uniform Rules concerning the Contract for International Carriage of Goods by Rail, which Rules form Appendix B to the above Convention;
  - (e) where—
    - (i) the vehicle which is being used for the carriage of the dangerous substance is engaged in international transport within the meaning of article 1(c) of the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time (“ADR”), and
    - (ii) such carriage conforms in every respect with the provisions of ADR;
  - (f) where the transport of the dangerous substance concerned is subject to a special bilateral or multilateral agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to the agreement;
  - (g) where the vehicle which is being used for the carriage of the dangerous substance is not, for the time being, subject to the provisions of ADR by reason only that it is a vehicle belonging to or under the orders of the armed forces of a country which is a signatory to ADR;
  - (h) where the vehicle which is being used for the carriage of the dangerous substance is delivering that substance—
    - (i) between private premises and another vehicle situated in the immediate vicinity of those premises, or
    - (ii) between one part of private premises and another part of those premises situated in the immediate vicinity of that first part;
  - (i) where the vehicle which is being used for the carriage of the dangerous substance is passing from one part of an agricultural unit to another part of that unit and the dangerous substance is diluted ready for use or is otherwise in a condition ready for use; and in this

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(13) S.I. 1985/1333

(14) Cmnd 8535

head “agricultural unit” means a self-contained parcel of land which is occupied (whether or not by a single occupier) for agriculture;

- (j) where the dangerous substance being carried is specified in sub-paragraphs (c) to (i) of regulation 3(1) of the 1984 Regulations;
- (k) where the dangerous substance being carried is commercial butane, commercial propane or any mixture thereof in a cylinder and–
  - (i) the vehicle concerned has been designed for a purpose which includes the use of any such substance and the substance concerned is being carried in connection with the operation of the vehicle, or
  - (ii) the cylinder is part of equipment carried on the vehicle concerned,
 provided that the number of cylinders carried thus (including any spare cylinders) does not exceed two;
- (l) (for the purposes of regulations 7, 10(1) and 12 only)–
  - (i) where one or more dangerous substances which are listed in column 1 of Part IA2 of the approved list under the name “ammonium nitrate fertiliser” are being carried in or on a vehicle from one piece of land occupied by a single occupier for the purpose of agriculture to another piece of land occupied by that occupier alone for the purpose of agriculture,
  - (ii) where–
    - (aa) the vehicle carrying the ammonium nitrate fertiliser as aforesaid is exempted from excise duty under section 7(1) of the Vehicles (Excise) Act 1971<sup>(15)</sup> (“the 1971 Act”) or is liable to excise duty as a “special machine” in accordance with section 1 of and Schedule 3 to the 1971 Act, and
    - (bb) (in either case) the address specified in the vehicle registration document for the vehicle is that of the occupier of the pieces of land between which it is carrying the ammonium nitrate fertiliser as aforesaid and that address is within 12 kilometres of either of those pieces of land,
  - (iii) where the total mass of the ammonium nitrate fertilisers being carried as aforesaid does not exceed 10 tonnes,
  - (iv) where–
    - (aa) the vehicle carrying the ammonium nitrate fertiliser as aforesaid displays a single rectangular reflectorised orange-coloured plate of 400 millimetres base and 300 millimetres high which has a black border not more than 15 millimetres wide, is affixed to the rear of the vehicle in a substantially vertical plane and is clean, clearly visible and free from obstruction (except that the plate need not be clearly visible or free from obstruction when the vehicle is being loaded or unloaded), or
    - (bb) (when the ammonium nitrate fertiliser is being carried as aforesaid in receptacles only) those receptacles are labelled in accordance with regulation 13 of the 1984 Regulations and those labels are clearly visible from outside the vehicle carrying them, and
  - (v) where the driver of the vehicle carrying the ammonium nitrate fertiliser as aforesaid has in his possession (or there is otherwise available on the vehicle) adequate written information about the nature of the hazards created by the particular ammonium nitrate fertiliser being carried and the action to be taken in an emergency concerning it.

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(15) 1971 c. 10; Schedule 3 was amended by Schedule 2 and Part II of Schedule 17 to the Finance Act 1989 (c. 26).

(3) For the purposes of these Regulations, a vehicle shall be deemed to be engaged in the carriage of a dangerous substance throughout the period—

- (a) in the case of a vehicle carrying a dangerous substance in bulk other than in a freight container, from the commencement of loading the relevant vehicle with the dangerous substance concerned for the purpose of carrying that substance on a road until the vehicle has been unloaded (and where necessary cleaned or purged) so that any of the substance or its vapour which remains in the vehicle is not sufficient to create a risk to the health or safety of any person; or
- (b) in the case of a vehicle carrying a dangerous substance in a freight container, receptacle, transformer or capacitor—
  - (i) (if the relevant freight container, receptacle, transformer or capacitor has been loaded with the dangerous substance concerned before being placed on the vehicle) from the time when the freight container, receptacle, transformer or capacitor is placed on the vehicle for the purpose of carrying the dangerous substance on a road, or
  - (ii) (if the relevant freight container, receptacle, transformer or capacitor has been placed on the vehicle before the commencement of loading) from the commencement of loading the freight container, receptacle, transformer or capacitor with the dangerous substance concerned for the purpose of carrying it by road,

until either—

- (aa) the freight container, receptacle, transformer or capacitor is removed from the vehicle, or
- (bb) the freight container, receptacle, transformer or capacitor (and, where necessary, the vehicle carrying same) have been emptied (and where necessary cleaned or purged) so that any of the substance or its vapour which remains therein is not sufficient to create a risk to the health or safety of any person;

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

### **Meaning of operator**

4. —

- (1) For the purposes of these Regulations, the operator of a vehicle shall be—
  - (a) the person who holds an operator’s licence (granted under Part V of the Transport Act 1968<sup>(16)</sup> for the use of that vehicle for the carriage of goods on a road; except that where by virtue of regulation 32(1) to (3) of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984<sup>(17)</sup> the vehicle is included in a licence held by a holding company and that company is not operating the vehicle at the relevant time, the “operator” shall be the subsidiary company specified in the application made under the said regulation 32(1) or, if more than one subsidiary company is so specified, whichever one is operating the vehicle at the relevant time, and in this sub-paragraph “holding company” and “subsidiary company” have the same meanings as in the said Regulations of 1984; or
  - (b) where no such licence is held—
    - (i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle, or
    - (ii) (in the case of any other vehicle, but subject to paragraph (2)) the keeper of the vehicle; and, for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper.

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<sup>(16)</sup> 1968 c. 73; section 60(1) was modified by S.I. 1980/637.

<sup>(17)</sup> S.I. 1984/176; relevant amending instrument is S.I. 1987/841.

(2) Where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (b)(ii) of paragraph (1) uses that vehicle for the carriage of any dangerous substance on behalf of his employer, that employer shall (notwithstanding that sub-paragraph) be regarded as the operator of the vehicle for the purposes of these Regulations.

### **Construction of vehicles and freight containers**

5. The operator of any vehicle which is being used for the carriage of a dangerous substance shall ensure that—

- (a) that vehicle and (in the case where the dangerous substance is contained in a freight container which is carried on the vehicle) that freight container—
  - (i) are properly designed, of adequate strength, of good construction from sound and suitable materials and adequately maintained,
  - (ii) are suitable for the purpose for which they are being used, having regard to—
    - (aa) the nature and circumstances of the journey being undertaken, and
    - (bb) the characteristic properties and quantity of both the dangerous substance and any other substance being carried; and
- (b) (in the case where the dangerous substance is being carried in bulk) any parts of the vehicle or freight container containing the substance, and any fittings attached thereto, which are likely to come into contact with that substance are made of materials which are liable neither to be affected by the substance nor, in conjunction with it, to form any other substance which creates a hazard to the health or safety of any person.

### **Information relating to dangerous substances to be received by operators**

6. —

(1) The consignor of a dangerous substance shall ensure that the operator of the vehicle which is to carry it receives such information as will enable that operator—

- (a) to comply with his duties under these Regulations; and
- (b) to be aware of the hazards created by the substance to the health or safety of any person.

(2) An operator shall not use a vehicle for the carriage of a dangerous substance unless he is in possession of the information referred to in paragraph (1).

(3) The consignor shall ensure that the information referred to in paragraph (1) is—

- (a) so far as is reasonably practicable, provided in written form;
- (b) accurate; and
- (c) sufficient for the purposes specified in that paragraph.

(4) The operator shall keep the information referred to in paragraph (1) for a period of at least two weeks after the completion of the relevant journey, either in written form or in a computer under his control.

(5) Information may only be kept in a computer in accordance with paragraph (4) where the information concerned—

- (a) has been entered in the relevant computer by a competent person;
- (b) is capable of being reproduced in written form when required;
- (c) is secure from unauthorised interference; and
- (d) can be authenticated only by the person who entered it.



## **Information in writing about dangerous substances to be given to drivers**

### **7. –**

(1) The operator of any vehicle which is being used for the carriage of a dangerous substance shall ensure that the driver of the vehicle has received adequate information in writing about–

- (a) the identity of the substance;
- (b) the quantity to be carried; and
- (c) the nature of the hazards created by the substance and the action to be taken in an emergency concerning it.

(2) The driver of any vehicle which is being used for the carriage of a dangerous substance shall ensure that–

- (a) the information in writing relating to that substance received by him in accordance with paragraph (1) is (subject to paragraphs (4) and (5) and regulation 15(1)) both kept on the vehicle and readily available at all times while the substance is being carried; and
- (b) (subject to paragraph (3)) any information in writing in his possession received by him in accordance with paragraph (1) and which relates to any dangerous substance which is not being carried is destroyed, removed from the vehicle, or placed in a securely closed container clearly marked to show that the information does not relate to a dangerous substance which is being carried.

(3) Nothing in paragraph (2)(b) shall require the destruction, removal or placing in a securely closed container of information in writing received by a driver in accordance with paragraph (1) which relates to any dangerous substance which is not being carried where that information in writing relates also to a dangerous substance which is being carried, and the nature of the hazards created by those dangerous substances is such that the action to be taken in an emergency concerning them is identical.

(4) Notwithstanding paragraph (2)(a), where the tractor unit of any articulated vehicle which is being used for the carriage of a dangerous substance is detached from the trailer of that vehicle on a road or in premises, the driver of the vehicle shall attach the information in writing relating to that substance received by him in accordance with paragraph (1) to the trailer in a readily visible position or (in the case where the tractor unit is detached as aforesaid in premises) give that information to the occupier of the premises; and in such a case, the occupier shall ensure that said information is readily available at the premises.

(5) Notwithstanding paragraph (2)(a), the driver of any vehicle which is being used for the carriage of a dangerous substance shall, when so requested by any police constable or any member of the fire or ambulance services in an emergency, produce the information in writing relating to that substance received by him in accordance with paragraph (1) to that constable or other person.

## **Instruction and training for drivers**

### **8. –**

(1) Subject to paragraph (3), the operator of any vehicle which is being used for the carriage of a dangerous substance shall ensure that the driver of the vehicle has received adequate instruction and training to enable him to understand–

- (a) the nature of the hazards created by the substance being carried and the action to be taken in an emergency; and
- (b) his duties under these Regulations and sections 7 and 8 of the 1974 Act.

(2) The operator of any vehicle which is being used–

- (a) for any carriage to which this regulation applies by virtue of regulation 3(1)(c)(i), (iv), (v), (vi), (vii) or (viii) in circumstances where the total mass of dangerous substances being carried is at least 3 tonnes; or
- (b) for any carriage to which this regulation applies by virtue of regulation 3(1)(c)(ii) or (iii), shall keep a record of any training received by the driver of the vehicle pursuant to paragraph (1) whilst in his employment, and shall make a copy of that record available to the driver.

(3) Nothing in paragraph (1) shall apply to the operator of any vehicle used for the carriage of a dangerous substance which—

- (a) is being towed or otherwise moved by a break-down or recovery vehicle, insofar as—
  - (i) both vehicles are being escorted by a vehicle used for police or fire brigade purposes, and
  - (ii) the vehicle being towed or otherwise moved as aforesaid is being driven to the nearest suitable safe place or depot with a view to it (or any receptacle or other vessel which it is carrying) being repaired, cleaned or purged prior to its safe removal;
- (b) is being towed or otherwise moved by a break-down or recovery vehicle, insofar as the driver of the break-down or recovery vehicle is accompanied by—
  - (i) the driver of the vehicle which is being towed or otherwise moved as aforesaid, or
  - (ii) some other person who has received—
    - (aa) such training as is referred to in paragraph (1)(a), and
    - (bb) adequate training to enable him to understand a driver’s duties under these Regulations and his own duties under sections 7 and 8 of the 1974 Act;
- (c) is being driven by a person undergoing training under the supervision of an instructor and the instructor has received—
  - (i) such training as is referred to in paragraph (1)(a), and
  - (ii) adequate training to enable him to understand a driver’s duties under these Regulations and his own duties under sections 7 and 8 of the 1974 Act;
- (d) is being driven for the purposes of testing the vehicle by a fitter, vehicle tester or other similar person, and that fitter, vehicle tester or other person—
  - (i) has received—
    - (aa) such instruction as is referred to in paragraph (1)(a), and
    - (bb) adequate instruction to enable him to understand his duties under sections 7 and 8 of the 1974 Act, or
  - (ii) is accompanied by a person who has received—
    - (aa) such instruction as is referred to in paragraph (1)(a), and
    - (bb) adequate instruction to enable him to understand his duties under sections 7 and 8 of the 1974 Act; or
- (e) is being driven by a police constable in an emergency, and that constable has received such instruction as is referred to in paragraph (1)(a).

(4) In this regulation, “break-down vehicle” has the same meaning as in regulation 3(1) of the Goods Vehicles (Plating and Testing) Regulations 1988(18)

### **Loading, stowage and unloading of dangerous substances**

9. The operator of any vehicle which is being used for the carriage of a dangerous substance and every person engaged in that carriage shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which the dangerous substance is loaded onto, stowed on or unloaded from the vehicle is liable to create a hazard to the health or safety of any person.

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

10. –

(1) The operator of any vehicle which is being used for the carriage of a dangerous substance shall ensure that that vehicle also carries adequate fire-fighting equipment.

(2) Every driver of, and every person repairing, maintaining, examining, inspecting, loading, unloading or otherwise dealing with, a vehicle which is being used for the carriage of a dangerous substance shall observe all the precautions necessary for preventing fire or explosion.

### **Limitation on the carriage of certain dangerous substances**

11. –

(1) The operator of any vehicle which is being used for the carriage of a dangerous substance in respect of which a maximum concentration or other condition is specified in column 1 of the approved list shall ensure that during the whole of the carriage that concentration is not exceeded or, as the case may be, that condition is satisfied.

(2) Subject to paragraph (4), the operator and driver of any vehicle which is being used for the carriage of an organic peroxide which has a self-accelerating decomposition temperature of 50°C or below as packaged shall ensure that during the whole of the carriage the organic peroxide concerned is kept at a temperature which does not exceed its control temperature.

(3) The operator and driver of any vehicle which is being used for the carriage of a flammable solid which has a self-accelerating decomposition temperature of 55°C or below as packaged shall ensure that during the whole of the carriage the flammable solid concerned is kept at a temperature which does not exceed its control temperature.

(4) Nothing in paragraph (2) shall apply to any organic peroxide which has a self-accelerating decomposition temperature of greater than 45°C as packaged and which shows no effect or a negligible effect when heated under confinement.

(5) For the purposes of paragraphs (2) to (4), the self-accelerating decomposition temperature of an organic peroxide or, as the case may be, of a flammable solid is the lowest temperature at which self-accelerating decomposition may occur in the package during carriage.

(6) For the purposes of paragraphs (2) and (3), the control temperature of an organic peroxide or, as the case may be, of a flammable solid is (where its self-accelerating decomposition temperature is 20°C or less) 20°C less than that self-accelerating decomposition temperature; (where its self-accelerating decomposition temperature is greater than 20°C but less than or equal to 35°C) 15°C less than that self-accelerating decomposition temperature; and (where its self-accelerating decomposition temperature is greater than 35°C) 10°C less than that self-accelerating decomposition temperature.

### **Marking of vehicles carrying dangerous substances**

12.—(1) The operator of any vehicle which is being used for the carriage of at least 500 kilograms of one or more dangerous substances shall ensure that the vehicle displays two rectangular reflectorised orange-coloured plates of 400 millimetres base and 300 millimetres high in conformity with the conditions specified in paragraph (3).

(2) Nothing in paragraph (1) shall prevent the operator of any vehicle which is being used for the carriage of less than 500 kilograms of one or more dangerous substances from displaying on the vehicle the orange-coloured plates referred to in that paragraph; but where this occurs, the operator concerned shall ensure that the vehicle displays those plates in conformity with the conditions specified in paragraph (3).

(3) The orange-coloured plates referred to in paragraph (1) shall—

- (a) have a black border not more than 15 millimetres wide;
- (b) be affixed one at the front and the other at the rear of the vehicle in a substantially vertical plane; and
- (c) be kept clean, clearly visible and free from obstruction (except that the rear plate need not be kept clearly visible and free from obstruction when the vehicle is being loaded or unloaded).

(4) It shall be the duty of the driver of any vehicle being used for the carriage of a dangerous substance which is displaying the orange-coloured plates referred to in paragraph (1) to ensure that they are displayed in conformity with the conditions specified in sub-paragraphs (b) and (c) of paragraph (3).

(5) When any vehicle displaying the orange-coloured plates referred to in paragraph (1) is emptied of all the dangerous substances being carried by it, the operator and driver of the vehicle shall ensure that those plates are completely covered or completely removed from the vehicle.

(6) Paragraphs (1) to (5) shall not apply—

- (a) to the carriage of a dangerous substance to a port for carriage by sea, or from a port to which it has been carried by sea, if the vehicle or (in the case where the dangerous substance is contained in a freight container which is carried on the vehicle) the freight container is placarded in accordance with the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organization as revised or re-issued from time to time;
- (b) where the vehicle is being used solely for the carriage of a dangerous substance from—
  - (i) another road vehicle which has been damaged as the result of an accident on a road or has broken down on a road, or
  - (ii) a rail vehicle which has been damaged or derailed or has broken down on a railway other than a siding on which it was loaded; or
- (c) where a trailer has been separated from the motor vehicle or trailer to which it was attached, except that (where the trailer thus separated is carrying at least 500 kilograms of one or more dangerous substances) the persons who were respectively regarded as the operator and driver of the combination of motor vehicle and trailer or trailers of which the separated trailer formed part shall ensure that—
  - (i) a single reflectorised orange-coloured plate of 400 millimetres base and 300 millimetres high, and having a black border not more than 15 millimetres wide, is affixed to the rear of that trailer in a substantially vertical plane, and
  - (ii) nothing is displayed on that trailer which would be likely to confuse the emergency services when read in conjunction with that plate.

(7) Paragraphs (1) to (5) shall not apply to the carriage of a dangerous substance in a vehicle which is in the service of home forces (as defined by regulation 3(2) of the Road Vehicles Lighting Regulations 1989<sup>(19)</sup> (“the 1989 Regulations”)) or of a visiting force (having the same meaning

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<sup>(19)</sup> S.I. 1989/1796.

in this paragraph as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952<sup>(20)</sup> insofar as the vehicle concerned is being used—

- (a) in connection with training—
  - (i) which has been certified in writing for the purposes of regulation 7(1)(a) of the 1989 Regulations by a person duly authorised in that behalf to be training on a special occasion, and
  - (ii) of which not less than 48 hours' notice has been given by that person to—
    - (aa) the chief officer of police of every police area, and
    - (bb) (as respects England and Wales) the chief officer or (as respects Scotland) the firemaster of the fire brigade maintained by the fire authority for any area,
- in which the place selected for training is wholly or partially situated; or
- (b) on manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council under the Manoeuvres Act 1958<sup>(21)</sup>.

### **Prohibition on provision and display of orange-coloured plates and additional information**

#### **13. –**

(1) The operator and driver of any vehicle which is not being used for the carriage of a dangerous substance shall ensure that it does not at any time display the orange-coloured plates referred to in regulation 12(1).

(2) The operator and driver of any vehicle which is displaying the orange-coloured plates referred to in regulation 12(1) shall ensure that nothing is displayed on that vehicle which would be likely to confuse the emergency services when read in conjunction with those plates.

### **Supervision of vehicles containing dangerous substances**

#### **14. The driver of any vehicle which is being used—**

- (a) for any carriage to which this regulation applies by virtue of regulation 3(1)(c)(i), (iv), (v), (vi), (vii) or (viii) in circumstances where the total mass of dangerous substances being carried is at least 3 tonnes; or
  - (b) for any carriage to which this regulation applies by virtue of regulation 3(1)(c)(ii) or (iii),
- shall ensure that the vehicle is parked in a safe place when it is not being driven, except—
- (c) when supervised at all times by him or by a competent person over the age of 18 years; or
  - (d) (in circumstances where no such competent person is present) when the vehicle has been damaged or has broken down on a road and the driver has left the vehicle to seek assistance.

### **Information to be produced to police constables and goods vehicle examiners**

#### **15. –**

(1) The driver of any vehicle which is being used for the carriage of a dangerous substance shall (notwithstanding regulation 7(2)(a)) produce on request to any police constable or goods vehicle examiner the information in writing relating to that substance received by him in accordance with regulation 7(1).

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<sup>(20)</sup> 1952 c. 67.

<sup>(21)</sup> 1958 c. 7.

(2) The driver of any vehicle which is being used for the carriage of a dangerous substance shall produce on request to any police constable or goods vehicle examiner—

- (a) any information in his possession which will enable that constable or examiner to know the identity and quantity of the dangerous substance being carried; and
- (b) any information which, pursuant to regulation 3(2)(1)(v), is in his possession or otherwise available on the vehicle.

### **Restrictions on the carriage of toxic or harmful substances in the same vehicle as food**

**16.** –

(1) The operator and driver of any vehicle which is being used for the carriage of a toxic or a harmful substance shall ensure that no food is carried in that vehicle unless the food is carried in a part of the vehicle effectively separated from that containing the substance or is otherwise adequately protected from the risk of contamination.

(2) In this regulation—

- (a) “food” means food within the meaning of section 1(1) and (2) of the Food Safety Act 1990(22);
- (b) “toxic substance” means a substance so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1984 Regulations; and
- (c) “harmful substance” means a substance so classified in accordance with paragraph (2) or (4) of regulation 6 of the 1984 Regulations.

### **Defence in proceedings for contravening these Regulations**

**17.** In any proceedings for an offence consisting of a contravention of these Regulations, it shall be a defence for any person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

### **Exemption certificates**

**18.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons or any dangerous substance or class of dangerous substances from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

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

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

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Revocations**

**19.** The Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986(23) and the Road Traffic (Carriage of Dangerous Substances in Packages etc.) (Amendment) Regulations 1989(24) are hereby revoked.

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(22) 1990 c. 16.

(23) S.I. 1986/1951.

Signed by Authority of the Secretary of State for Transport.

12th March 1992

*Christopher Chope*  
Parliamentary Under Secretary of State,  
Department of Transport