
STATUTORY INSTRUMENTS

1994 No. 3187

CIVIL AVIATION

The Air Navigation (Dangerous Goods) Regulations 1994

Made - - - - 6th December 1994

Coming into force - - 1st January 1995

The Secretary of State for Transport in exercise of his powers under articles 47(1) and 106(5) of the Air Navigation Order 1989⁽¹⁾ and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations 1994 and shall come into force on 1st January 1995.

Revocation

2. The Regulations specified in the Schedule hereto are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address received for in one lot and moving to one consignee at one destination address;

“dangerous goods” means any article or substance which is classified in Part 2 of the Technical Instructions;

“dangerous goods transport document” means a document, not being an air waybill, which is required by regulation 5 to accompany a consignment of dangerous goods;

“package” means the packaging and the articles and substances contained therein including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

“packing” means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured, and “packed” shall be construed accordingly;

(1) S.I. 1989/2004: The relevant amending instrument is S.I. 1991/1726.

“Technical Instructions” means the 1995-1996 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organization;

“unit load device” means any type of freight container including any container designed for loading on an aircraft.

- (a) (2) (a) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1989.
- (b) Save where the context otherwise requires any reference to:
 - (i) a numbered regulation is to the regulation in these Regulations so numbered;
 - (ii) a numbered paragraph, or numbered or lettered sub-paragraph is a reference to the paragraph or sub-paragraph so numbered or lettered in the regulation or paragraph, as the case may be, in which that reference appears.

(3) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

Carriage of dangerous goods

4.—(1) An aircraft shall not carry or have loaded therein or suspended thereunder any dangerous goods unless such goods are carried, loaded or suspended:

- (a) with the written permission of the Authority and in accordance with any conditions to which such permission may be subject; and
 - (b) in accordance with the Technical Instructions and any conditions specified therein.
- (2) A person shall not:
- (a) take or cause to be taken on board,
 - (b) suspend or cause to be suspended beneath, or
 - (c) deliver or cause to be delivered for loading on or suspension beneath

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing significant risk to health, safety or property when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

(3) These Regulations shall not apply to dangerous goods of a type specified in Chapters 1.1.2(a), 1.1.2(b) and 2.3 of Part 1 and Chapter 1.2 of Part 9 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of the aforesaid Chapters 1.1.2(a), 1.1.2(b) and 2.3 of Part 1 and Chapter 1.2 of Part 9 and which are:

- (a) articles and equipment which are required to be carried on an aircraft by or under the Air Navigation Order 1989 or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with normal practice whether or not, in either case, such articles and equipment are required to be carried or intended to be used on that particular flight;
- (b) solely intended for the use of passengers or crew members or for sale to the passengers or crew members of the aircraft during the flight in question;
- (c) subject to paragraph (4) to provide during flight veterinary aid or a humane killer for an animal; or
- (d) subject to paragraph (4) to provide during flight medical aid to a person.

(4) The goods specified in sub-paragraphs (c) and (d) of paragraph (3) shall only be carried if:

- (a) they are or may be required for use during the flight;
 - (b) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on the aircraft in the intervening period before the commencement of that subsequent flight; or
 - (c) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight.
- (5) Save for regulations 4(1)(a), 8(1) (but only to the extent that it refers to the provisions in Chapter 2.1 of Part 5 of the Technical Instructions), 8(2) and 9(3), these Regulations shall not apply to dangerous goods of the classification specified in Chapter 2.5 of Part 1 of the Technical Instructions:
- (a) which do not exceed the appropriate quantity limitations specified therein; and
 - (b) in respect of which such other conditions as are specified therein are complied with.

Documentation

5.—(1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2) The dangerous goods transport document shall be completed in duplicate by the shipper and shall:

- (a) describe the dangerous goods in accordance with and contain such information as is required by the provisions of Chapter 4.1 of Part 4 of the Technical Instructions;
- (b) contain a signed declaration that the Technical Instructions have been complied with in that the dangerous goods:
 - (i) are fully and accurately described; and
 - (ii) are correctly classified, packed, marked and labelled; and
 - (iii) are in a proper condition for carriage by air.

(3) The shipper of dangerous goods shall furnish the operator of the aircraft with such other documents in respect of dangerous goods as are required by Part 3 and Chapters 4.3 and 4.5 of Part 4 of the Technical Instructions.

(4) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him in accordance with this regulation.

Shipper's responsibilities

6. Before consigning any package of dangerous goods for carriage by air the shipper shall ensure that:

- (a) the goods are not of a category whose carriage by air is prohibited by the provisions of Chapters 2.1 and 2.2 of Part 1 of the Technical Instructions;
- (b) the goods are classified and packed in accordance with Chapter 2.6 of Part 1 and Parts 2, 3 and 8 of the Technical Instructions and the packagings used are in accordance with such provisions of Part 7 of the Technical Instructions as apply to the goods;
- (c) the package is marked and labelled in accordance with such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and in accordance with Chapters 2 and 3 of Part 4 of the Technical Instructions;

- (d) the package is in a fit condition for carriage by air; and
- (e) the dangerous goods transport document required by regulation 5 has been completed and that the declaration therein has been signed by him or on his behalf.

Operator's responsibilities

7.—(1) The operator of an aircraft in or under which any package of dangerous goods or unit load device containing dangerous goods is to be carried shall ensure by means of an inspection that:

- (a) the package is marked and labelled in accordance with the provisions of these Regulations, such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and Chapters 2 and 3 of Part 4 of the Technical Instructions before accepting the package;
- (b) the package is not leaking or damaged so that the contents may escape:
 - (i) before accepting the package;
 - (ii) before loading or causing the package to be loaded on board the aircraft or before suspending or causing the package to be suspended beneath the aircraft, as the case may be;
 - (iii) upon unloading the package from or from beneath the aircraft;
- (c) the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.

- (a) (2) (a) For the purpose of each of the inspections required by paragraphs (1)(a) and (1)(b)(i) an acceptance check list shall be used and the results of that inspection shall be recorded in accordance with the form thereof.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that list.
- (c) The operator of an aircraft shall preserve for not less than six months a record of any acceptance check list completed in accordance with this regulation. The record may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(3) The operator shall not load or cause to be loaded on an aircraft or suspend or cause to be suspended beneath an aircraft any package of dangerous goods or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(4) The operator shall unload or cause to be unloaded any package of dangerous goods which appears to be leaking or damaged on board or beneath an aircraft and shall ensure that other cargo or baggage loaded on or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator shall after unloading inspect for signs of damage or contamination any part of the aircraft, or any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which:

- (a) a unit load device containing dangerous goods was stowed, or
- (b) any damaged or leaking package of dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(6) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft

or any sling or other apparatus attached to the aircraft unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in Chapter 3.2 of Part 5 of the Technical Instructions.

Method of loading by operator

8.—(1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions in Chapter 2 of Part 5 of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 5 of the Technical Instructions.

Provision of information and training programmes by operators and shippers

9.—(1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the commander of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.

(2) The operator of an aircraft in which passengers are to be carried or his agent shall notify those passengers of the categories of dangerous goods which may not be taken on board an aircraft either as checked baggage or accompanying a passenger by:

- (a) providing information with each passenger ticket sufficient in prominence for this purpose; and
- (b) displaying notices sufficient in number and prominence for this purpose:
 - (i) at each of the places at an airport where the operator or his agent issues tickets or maintains areas to assemble passengers to board the aircraft, and
 - (ii) at any location where baggage is checked in.

(3) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by Chapter 1 of Part 6 of the Technical Instructions, which shall be submitted to the Authority for approval on such occasions as the Authority may require and which shall be amended as the Authority may require.

Production of documents and records

10. The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person:

- (a) the written permission referred to in regulation 4(1);
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 5;
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 7(2);
- (d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in regulation 9(1);

- (e) any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in relation to enforcement of the Regulations

11.—(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

- (a) (3) (a) Any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Authority considers necessary in all the circumstances and shall be disposed of in such manner as the Authority considers appropriate in all the circumstances.
- (b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively:
 - (i) for use as evidence at a trial for an offence; or
 - (ii) for forensic examination or for investigation in connection with an offence.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes

12. Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture, forestry or pollution control.

Police Aircraft

13.—(1) Nothing in these Regulations shall apply to the carriage of dangerous goods for the purposes of providing medical aid to any person by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(2) Nothing in these Regulations other than regulation 4(1)(a) shall apply to the carriage of any other dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Signed by authority of the Secretary of State for Transport

6th December 1994

Goschen
Parliamentary Under Secretary of State,
Department of Transport

SCHEDULE

Regulation 2

REVOCATIONS

Regulations Revoked	References
The Air Navigation (Dangerous Goods) Regulations 1985	S.I.1985/1939
The Air Navigation (Dangerous Goods) (Amendment) Regulations 1986	S.I. 1986/2129
The Air Navigation (Dangerous Goods) (Second Amendment) Regulations 1988	S.I. 1988/2133
The Air Navigation (Dangerous Goods) (Third Amendment) Regulations 1990	S.I. 1990/2531
The Air Navigation (Dangerous Goods) (Fourth Amendment) Regulations 1992	S.I. 1993/179

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations consolidate the Air Navigation (Dangerous Goods) Regulations 1985 as amended. In addition to some minor drafting amendments the following changes are made:

1. “dangerous goods” is defined by reference only to the definition in the Technical Instructions. (regulation 3(1)).
2. The definition of “Technical Instructions” now refers to the 1995-1996 English language edition approved and published by decision of the Council of the International Civil Aviation Organisation (regulation 3(1)).
3. Operators and their agents are required to display notices sufficient in number and prominence at any location where baggage is checked in for a flight notifying passengers of the categories of dangerous goods which may not be taken on board the aircraft either as checked baggage or accompanying the passenger. (regulation 9(2)(b)(ii)).
4. The Regulations do not apply to dangerous goods carried by aircraft flying under and in accordance with the terms of a Police Air Operator’s Certificate if they are carried for the purposes of providing medical aid or subject to Regulation 4(1)(a) any other dangerous goods (regulation 3).

The 1995-96 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air can be purchased from either:

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TABLE OF COMPARISON

The following Table shows, in relation to each Regulation of and Schedule to the Air Navigation (Dangerous Goods) Regulations 1985, as amended, the Regulation of or schedule to the 1994 Air Navigation (Dangerous Goods) Regulations in which it is reproduced.

1985 Regulations as amended	1994 Regulations
1	1
2	2 + Schedule
3	3
4(1)	4(1)
4(2)	4(2)
4(3)(a)(b)(c)(d)	4(3)(a)(b)(c)(d)
4(3)(i)(ii)(iii)	4(4)
5(1)	5(1)
5(2)	5(2)
5(2A)	5(3)
5(3)	5(4)
6	6
7	7
8	8
9	9
10	10

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1985 Regulations as amended	1994 Regulations
10A	11
11	12
	13