

SCHEDULE 1

Regulation 2(1)

CASES WHERE THE CARRIAGE OF DANGEROUS GOODS IS NOT CARRIAGE TO WHICH THESE REGULATIONS APPLY

These Regulations shall not apply to any such carriage as is specified in regulation 2(1) where—

- (a) the motor vehicle concerned is registered outside the United Kingdom and the carriage is confined to Great Britain but nevertheless conforms to the provisions of ADR as if it were part of an international transport operation;
- (b) the vehicle concerned is not being used for, or in connection with, work;
- (c) the goods concerned are intended for use solely in connection with the operation of the vehicle, road tanker or tank container in which the goods are being carried or the operation of any on-board equipment intended to ensure the safety of the load, vehicle, road tanker or tank container;
- (d) the vehicle concerned is being towed or otherwise moved by a break-down or recovery vehicle, and—
 - (i) both vehicles are being escorted by a vehicle used for the purposes of the police or a fire-brigade maintained by a fire authority, and
 - (ii) the vehicle being towed or otherwise moved as aforesaid is being driven to the nearest suitable safe place with a view to it (or any tank container or other vessel which it is carrying) being repaired, cleaned, purged or decontaminated;
- (e) the vehicle concerned is being driven by a fitter, vehicle tester or any other similar person, for the purpose of testing the vehicle, and that person has received adequate instruction and training to enable him to understand the nature of the dangers to which the dangerous goods being carried may give rise and the action to be taken in an emergency concerning them;
- (f) the vehicle concerned is being driven by—
 - (i) a police constable, as a result of an emergency, or
 - (ii) a member of a fire brigade maintained by a fire authority, as a result of an emergency, and that constable or member of a fire brigade, as the case may be, has received adequate instruction and training to enable him to understand the nature of the dangers to which the dangerous goods being carried may give rise and the action which it is appropriate to take to reduce the risks arising out of the emergency;
- (g) the goods concerned are being carried—
 - (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 where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road;
- (h) the vehicle concerned is a road construction vehicle engaged in the repair or construction of a road; and in this sub-paragraph—
 - (i) “road construction vehicle” means a vehicle constructed or adapted for the carriage of built-in road construction machinery and not constructed or adapted for the carriage of any other load except articles and material used for the purposes of that machinery,
 - (ii) “built-in road construction machinery” means road construction machinery built-in as part of a road construction vehicle or permanently attached to it, and

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- (iii) “road construction machinery” means a machine or contrivance suitable for use in the repair and construction of roads;
- (i) the vehicle concerned is engaged in carriage which is part of an international transport operation within the meaning of article 1(c) of ADR and that carriage—
 - (i) complies with the provisions of Annex A or Annex B or both to that Agreement, or
 - (ii) is in a vehicle under the control of the armed forces or a vehicle owned by the armed forces, where they are the armed forces of a country which is a contracting party to ADR;
- (j) the carriage of the dangerous goods concerned is subject to a bilateral or multilateral special agreement made under the terms of Article 4.3 of ADR to which the United Kingdom is a contracting party and conforms to any conditions attached to such an agreement.

SCHEDULE 2

Regulation 2(1)(a) and (b)

PART I

CASES WHERE THE CARRIAGE OF DANGEROUS GOODS (OTHER THAN EXPLOSIVES AND RADIOACTIVE MATERIAL) IS NOT CARRIAGE TO WHICH THESE REGULATIONS APPLY BY VIRTUE OF REGULATION 2(1)(a)

1. Subject to paragraph 4, these regulations shall not apply to any such carriage as is specified in regulation 2(1)(a) where that carriage is in or on an agricultural or forestry tractor or any trailer being drawn thereby and the dangerous goods are—

- (a) listed in column 1 of the Approved Carriage List under the proper shipping name “DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT”;
- (b) of a total volume not more than 5000 litres; and
- (c) being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for the purpose of agriculture within a radius of 50 km.

2. These Regulations shall not apply to any such carriage as is specified in regulation 2(1)(a) where—

- (a) either a flammable liquid with a flash point of not less than 32°C is being carried in a volumetric prover or a flammable liquid with a flash point of less than 32°C is being carried in a volumetric prover which has been purged with nitrogen, and that volumetric prover—
 - (i) is not moved, driven or kept on a road, other than when it is nominally empty, and
 - (ii) has every opening and every valve closed during carriage, other than those valves which need to be kept open to allow for liquid expansion on volumetric provers used for the measurement of liquefied petroleum gas; or
- (b) subject to paragraph 4, that carriage is in or on an agricultural or forestry tractor or any trailer being drawn thereby, the dangerous goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for the purpose of agriculture within a radius of 50 km and those goods are—
 - (i) a pesticide or a plant protection product (other than sulphuric acid, whether or not dilute, or a wood preservative),
 - (ii) diluted ready for use or otherwise in a condition ready for use, and

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- (iii) goods in relation to which there has been given an approval under regulation 5 of, and a consent under regulation 6 of, the Control of Pesticides Regulations 1986⁽¹⁾ (or, as the case may be, an approval under regulation 5 of the Plant Protection Products Regulations 1995⁽²⁾),

and in this sub-paragraph “pesticide” has the same meaning as in section 16(15) of the Food and Environment Protection Act 1985⁽³⁾, “plant protection product” has the same meaning as in regulation 2(1) of the Plant Protection Products Regulations 1995 and “wood preservative” means a pesticide used for preserving wood.

3. These Regulations shall not apply to any such carriage as is specified in regulation 2(1)(a)(ii) where—

- (a) subject to paragraph 4, that carriage is in or on an agricultural or forestry tractor or any trailer being drawn thereby, the dangerous goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for the purpose of agriculture within a radius of 12 km and those goods are—
 - (i) in packages and are diluted or otherwise ready for use and with a net mass of not more than 1 tonne, or
 - (ii) (aa) listed in column 1 of the Approved Carriage List under the proper shipping name “AMMONIUM NITRATE FERTILIZER, NOS” or “AMMONIUM NITRATE FERTILIZERS”, and
(bb) being carried other than in a tank and with a net mass of not more than 10 tonnes; or
- (b) the dangerous goods being carried are specified in sub-paragraph (k) of regulation 3(1) of the CDGCPL Regulations.

4. Paragraphs 1, 2(b) and 3(a) shall only apply if the driver of the vehicle concerned has received instruction and training of the type specified in regulation 3(1)(a)(i).

PART II

CASES WHERE THE CARRIAGE OF EXPLOSIVES IS NOT CARRIAGE TO WHICH THESE REGULATIONS APPLY BY VIRTUE OF REGULATION 2(1)(b)

These Regulations shall not apply to any such carriage as is specified in regulation 2(1)(b), where the explosives carried are—

- (a) any explosives specified in Part I of Schedule 1 to the Carriage of Explosives by Road Regulations 1996;
- (b) gunpowder or smokeless powder (or a mixture of them), where the net mass of such explosives is not more than 5 kilograms;
- (c) any explosives specified in Part II of Schedule 1 to the Carriage of Explosives by Road Regulations 1996, where the net mass of such explosives is not more than 50 kilograms (except that where explosives carried in accordance with this sub-paragraph are being carried in conjunction with explosives carried in accordance with sub-paragraph (b) of this Part, the net mass of explosives so carried shall not exceed 50 kilograms); or
- (d) (for the purposes of regulation 4(1) only)—

(1) S.I.1986/1510.
(2) S.I. 1995/887.
(3) 1985 c. 48.

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- (i) any explosives within a Division whose Division number is 1.4 and a Compatibility Group whose Compatibility Group letter is S,
- (ii) any explosives within a Division whose Division number is 1.4 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F or G, where the net mass of such explosives is not more than 500 kilograms,
- (iii) of any explosives (consisting of explosive articles only) within—
 - (aa) a Division whose Division number is 1.1 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F, G, J or L,
 - (bb) a Division whose Division number is 1.2 and a Compatibility Group whose Compatibility Group letter is B, C, D, E, F, G, H, J or L, or
 - (cc) a Division whose Division number is 1.3 and a Compatibility Group whose Compatibility Group letter is C, G, H, J or L,where the net mass of such articles is not more than 50 kilograms,
- (iv) any explosives (consisting of explosive substances only) within—
 - (aa) a Division whose Division number is 1.1 and a Compatibility Group whose Compatibility Group letter is C, D, G or L,
 - (bb) a Division whose Division number is 1.2 and a Compatibility Group whose Compatibility Group letter is L, or
 - (cc) a Division whose Division number is 1.5 and a Compatibility Group whose Compatibility Group letter is D and of the type allocated on classification in accordance with the 1983 Regulations the UN number 0482,where the net mass of such substances is not more than 5 kilograms,
- (v) any explosives (consisting of explosive substances only) within a Division whose Division number is 1.3 and a Compatibility Group whose Compatibility Group letter is C, G or L, where the net mass of such substances is not more than 20 kilograms, or
- (vi) any explosives (consisting of explosive substances only) within a Division whose Division number is 1.5 and a Compatibility Group whose Compatibility Group letter is D and of the type allocated on classification in accordance with the 1983 Regulations the UN number 0331 or 0332, where the net mass of such substances is not more than 50 kilograms.

SCHEDULE 3

Regulation 4(5)

MINIMUM TRAINING REQUIREMENTS FOR ISSUE OF VOCATIONAL TRAINING CERTIFICATES

1. Any training approved by the Secretary of State in accordance with regulation 4(3)(a) must cover at least the following subjects—

- (a) general requirements concerning the carriage of dangerous goods;
- (b) main types of hazard;
- (c) information on environmental protection in the control of the transfer of wastes;
- (d) preventive and safety measures appropriate to the various types of hazard;
- (e) what to do after an accident (first aid, road safety, basic knowledge about the use of protective equipment, etc.);
- (f) labelling and marking to indicate danger;

- (g) what a vehicle driver should and should not do during the carriage of dangerous goods;
 - (h) the purpose and method of operation of technical equipment on vehicles used for the carriage of dangerous goods;
 - (i) prohibitions on mixed loading in the same vehicle or container;
 - (j) precautions to be taken during loading and unloading of dangerous goods;
 - (k) general information concerning civil liability; and
 - (l) information on multi-modal transport operations.
2. For drivers of vehicles carrying dangerous goods in packages, the training required to be approved must also cover handling and stowage of packages.
3. For drivers of road tankers or vehicles carrying dangerous goods in tank containers, the training required to be approved must also cover the behaviour of such vehicles on roads, including the movement of the loads they are carrying.

SCHEDULE 4

Regulation 4(7)

FEES FOR APPLICATIONS FOR APPROVALS

1. On the making of an application to the Secretary of State—
- (a) for the approval of training under regulation 4(3)(a); or
 - (b) for the approval of a refresher course under regulation 4(6)(a),
- there shall be payable by the applicant to the Secretary of State in connection with the determination by him of that application a fee or fees to be determined in accordance with the following paragraphs of this Schedule.
2. On receipt of the application, the Secretary of State shall prepare and send to the applicant an estimate of the cost of the work necessary for the determination of the application; and the amount so estimated shall, subject to paragraph 4, be the amount of the initial fee payable and shall be paid forthwith.
3. On determination of the application, the Secretary of State shall prepare a detailed statement of the work carried out in relation to the determination of the application and of the cost reasonably incurred by him or any person acting on his behalf in carrying out that work.
4. If the cost so stated differs from the amount estimated in accordance with paragraph 2—
- (a) if it is greater, the amount of the difference shall be notified by the Secretary of State to the applicant, shall be the amount of the final fee payable and shall be paid forthwith; and
 - (b) if it is less, the initial fee shall be re-determined accordingly and the amount of the difference shall be paid forthwith to the applicant by the Secretary of State.
5. In estimating or stating the cost of carrying out any work, the Secretary of State may take into account the cost to him or any person acting on his behalf of employing an officer for any period to perform the work concerned and shall determine that cost by reference to the average cost of employing an officer of the relevant grade for that period.