
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement Council Directive [96/35/EC](#) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (OJNo. L 145, 19.6.96, p. 10).

2. Terms and expressions used in the Regulations are defined in regulation 2; references in the Regulations to the transport of dangerous goods are references to the transport, the related loading or the related unloading of those goods. The scope of the Regulations is defined in regulation 3 and Schedule 1; the Regulations apply to a self-employed person as they apply to an employer.

3. The Regulations—

- (a) prohibit the transport of dangerous goods by road, railway and inland waterway by an employer unless he has appointed a safety adviser (*regulation 4(1)*);
- (b) require an employer to make arrangements for ensuring adequate co-operation between the safety advisers he appoints, impose requirements with respect to the number of advisers to be appointed and ensuring any such adviser has adequate time and means to fulfil his functions and duties, and require an employer to provide any adviser with adequate information and facilities to perform his functions and duties (*regulations 4(2) to (7)*);
- (c) require a safety adviser to have the functions necessary to advise the employer who appointed him as to health, safety and environmental matters in connection with the transport of dangerous goods, to include specified functions (including the preparation of annual reports) (*regulation 5(1) and Schedule 2*);
- (d) require a safety adviser to prepare a report on specified accidents (*regulation 5(2)*);
- (e) require the keeping of reports (*regulation 6*);
- (f) prohibit the appointment of an individual as a safety adviser unless he holds a vocational training certificate appropriate to the modes of transport used by the employer and to all dangerous goods or one or more of the groups of dangerous goods specified and transported by the employer, and impose ancillary requirements with regard to the issue, form, validity and renewal of such certificates (*regulation 7 and Schedules 3 and 4*);
- (g) provide for the mutual recognition of vocational training certificates issued in other member States of the Community or in Northern Ireland (*regulation 8*);
- (h) impose requirements to provide the Secretary of State or any goods vehicle examiner on request with the name of any safety adviser, a copy of any accident and annual reports, and any vocational training certificate (*regulation 9*);
- (i) provide that the Executive and the Secretary of State for Defence may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (*regulation 10*);
- (j) make minor amendments to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 (S.I. [1996/2092](#)), the Carriage of Dangerous Goods by Road Regulations 1996 (S.I. [1996/2095](#)) and the Carriage of Explosives by Road Regulations 1996 (S.I. [1996/2093](#)) (*regulations 11 to 13*); and

Status: This is the original version (as it was originally made).

- (k) provide, by amendment of the Health and Safety (Fees) Regulations 1997 (S.I. [1997/2505](#)) for the payment of fees for the issue of vocational training certificates (*regulation 14 and Schedule 5*).
- 4.** Copies of the Approved Carriage List (ISBN 0-7176-1223-6) are available from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 6FS; Dillons; Rymans the Stationer; and good booksellers.
- 5.** A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the Library of each House of Parliament.