
STATUTORY INSTRUMENTS

2004 No. 568

**The Carriage of Dangerous Goods and Use of
Transportable Pressure Equipment Regulations 2004**

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 and shall come into force on 10th May 2004.

Interpretation

2.—(1) In these Regulations—

“ADR” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the provisions which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by road which—

- (a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2003)(1); and
- (b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21st November 1994 on the approximation of the laws of the member States with regard to the transport of dangerous goods by road(2),

and “ADR Directive” means the Directive referred to in sub-paragraph (b);

“aerosol dispenser” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“appointed person” shall be construed in accordance with regulation 29(3);

“approved body” shall be construed in accordance with regulation 43(1);

“battery-vehicle” has the meaning in section 1.2.1 of ADR;

“battery-wagon” has the meaning in section 1.2.1 of RID;

“bundle of cylinders” means—

- (a) in relation to carriage by road, a “bundle of cylinders” as set out in section 1.2.1 of ADR;
or
- (b) in relation to carriage by rail, a “bundle of cylinders (frame)” as set out in section 1.2.1 of RID;

(1) Current edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

(2) OJ No. L319, 12.12.94, p7; relevant amending directives are Directive 2000/61/EC of the European Parliament and the Council of 10th October 2000 (OJ No. L279, 1.11.2000, p40) and Commission Directive 2003/28/EC of 7th April 2003 (OJ No. L90, 8.4.2003, p45).

“carriage” and “carrier” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail except for the purposes of Schedules 1 and 2;

“class 1 goods” shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 2 goods” shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 3 goods” shall be construed in accordance with sub-section 2.2.3.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 4 goods” shall be construed in accordance with sub-sections 2.2.41.1.1, 2.2.42.1.1 and 2.2.43.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 5 goods” shall be construed in accordance with sub-sections 2.2.51.1.1 and 2.2.52.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 6 goods” shall be construed in accordance with sub-sections 2.2.61.1.1 and 2.2.62.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 7 goods” shall be construed in accordance with sub-sections 2.2.7.1.1 and 2.2.7.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 8 goods” shall be construed in accordance with sub-section 2.2.8.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 9 goods” shall be construed in accordance with sub-section 2.2.9.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compatibility group” shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail and related expressions shall be construed accordingly;

“compressed gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“consignee”, “consignment” and “consignor” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“COTIF” means the Convention concerning International Carriage by Rail, as revised or re-issued from time to time(3);

“cylinder” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“dangerous goods” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“demountable tank” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“division 1.1” and “division 1.4” shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EEC-type cylinder” means transportable pressure equipment—

- (a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate—
 - (i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or
 - (ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives which conforms to the requirements of the Directives referred to in subparagraph (i); and
- (b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

“emergency action code” (“EAC”) means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004(4);

“explosive article” shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“explosive substance” shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EX/II vehicle” and “EX/III vehicle” have the meaning in sub-section 9.1.1.2 of ADR;

“factory” has the meaning in section 175 of the Factories Act 1961(5);

“filler” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

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

“flammable gases” shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“FRP tank” means a tank constructed of fibre-reinforced plastics;

“gas” and “gas cartridge” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“GB competent authority” means the competent authority for Great Britain in accordance with regulations 8(1) to (4);

“goods vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988(7);

“harbour area” has the meaning in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(8);

“hazard identification number” (“HIN”) shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

(4) ISBN 0-11-341275-4.

(5) 1961 c. 34; sub-section (2)(n) of section 175 of the Factories Act 1961 was amended by the Factories Act 1961 etc. (Metrication) Regulations 1983 (S.I. 1983/978), regulation 3(1) and Schedule 1.

(6) 1947 c. 41; section 10 was amended by the Local Government Act 1972 (c. 70), section 197(5), the Local Government Act 1992 (c. 19), section 27 and Schedule 3, paragraph 2 and the Regional Assemblies (Preparations) Act 2003 (c. 10), section 17(6) and paragraphs 1(1) and 3 to the Schedule. Section 10 was modified in relation to the making of combination schemes as a result of local government reorganisation under Part II of the Local Government Act 1992 by structural orders made under sections 17, 18 and 28 of that Act; there are other amendments to the 1947 Act not relevant to these Regulations.

(7) 1988 c. 52; section 66A was inserted by the Road Traffic Act 1991 (c. 40), section 9(1) and amended by the Goods Services (Licensing of Operators) Act 1995 (c. 23), section 60(1) and Schedule 7, paragraph 11.

(8) S.I. 1987/37, amended by S.I. 1996/2092, 1996/2095, 1997/2367 and 2003/1431 and to which there are other amendments not relevant to these Regulations.

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization⁽⁹⁾;

“inland waterway” includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition “member State” does not include the United Kingdom;

“intermediate bulk container” (“IBC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquefied gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquid” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“loader” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“low dispersible radioactive material” has the meaning in sub-section 2.2.7.2. of RID;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the Department of the Secretary of State responsible for defence;

“military explosives” has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983⁽¹⁰⁾;

“multilateral approval” has the meaning in sub-section 2.2.7.2 of RID;

“multiple-element gas container” (“MEGC”) has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“notified body” shall be construed in accordance with regulation 42;

“old pressure receptacle” means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of—

- (a) class 2 goods; or
- (b) substances listed in Table 3 of Packaging Instruction P200 in section 4.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

except that—

- (a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;
- (b) the definition of tube in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified—
 - (i) no minimum water capacity; and
 - (ii) a maximum water capacity of 5000 litres;
- (c) the definition of—
 - (i) “bundle of cylinders” in section 1.2.1 of ADR; and
 - (ii) “bundle of cylinders (frame)” in section 1.2.1 of RID,

⁽⁹⁾ Current edition (2004): ISBN 92-801-5140-1.

⁽¹⁰⁾ S.I. 1983/1140, amended by S.I. 1987/605, 1996/2093 and 1999/303.

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed—

- (a) in the case of cylinders, tubes and cryogenic receptacles on or before 30th June 2003; and
- (b) in the case of other pressure receptacles on or before 9th May 2004;

“old tank” means—

- (a) a tank;
- (b) pressure receptacles forming elements of—
 - (i) a battery-vehicle in relation to carriage by road; or
 - (ii) a battery-wagon in relation to carriage by rail; and
- (c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 9th May 2004;

“operator” means (except for the purposes of Schedules 1 and 2) an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“outer packaging” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“owner” means in relation to transportable pressure equipment or an IBC—

- (a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it, except for a person who buys it solely to use the goods in it before selling it back to the supplier;
- (b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or
- (c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Great Britain—
 - (i) the agent of that person in Great Britain; or
 - (ii) if there is no such agent, the user;

“package” and “packaging” have the meaning in—

- (a) section 1.2.1; or
- (b) sub-section 2.2.7.2 when used in relation to class 7 goods,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“packer” and “packing group” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“piggyback transport” has the meaning in section 1.2.1 of RID;

“placing on the market” means in relation to transportable pressure equipment—

- (a) supplying such equipment; or
- (b) making it available to another person in the Communities,

and includes importation of such equipment and related expressions shall be construed accordingly;

“portable tank” has the meaning in—

- (a) section 1.2.1;
- (b) sub-section 6.7.2.1 for the purposes of section 6.7.2;
- (c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or
- (d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure drum” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders;

“Pressure Vessels Framework Directive” means Council Directive [76/767/EEC](#) of 27th July 1976(11), as amended, concerning the approximation of the laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

“quality assurance” has, for the purposes of Parts 2 and 3, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“quarry” has the meaning in regulation 3 of the Quarries Regulations 1999(12);

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which is—

- (a) a tramway within the meaning of section 67(1) of the Transport and Works Act 1992(13); or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

“railway infrastructure manager” has the meaning in section 1.2.1 of RID;

“railway vehicle” means any conveyance which is used for the carriage of dangerous goods on a railway;

“reassessment of conformity” shall be construed in accordance with regulation 40;

“receptacle” has the meaning given in the definition of “receptacle” in section 1.2.1 of ADR in relation to the carriage by road or of RID in relation to carriage by rail, except that when used in relation to receptacles for class 1 goods it shall include the items listed in the definition of “receptacles” (class 1)” in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“RID” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the Regulations which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by rail which—

- (a) form Annex I to Appendix B to COTIF;
- (b) are contained in the Annex to Council Directive [96/49/EC](#) of 23rd July 1996, as amended, on the approximation of the laws of the member States with regard to the transport of dangerous goods by rail(14); and

(11) OJ No. L262, 27.9.1976, p153; relevant amending Directives are Council Directive [87/354/EEC](#) of 25th June 1987 (OJ No. L192, 11.7.1987, p43) and Council Directive [88/665/EEC](#) of 21st December 1988 (OJ No. L382, 31.12.1988, p42).

(12) [S.I. 1999/2024](#), to which there are amendments not relevant to these Regulations.

(13) [1992 c. 42](#).

(14) OJ No. L235, 17.9.1996, p25; relevant amending Directives are Directive [2000/62/EC](#) of the European Parliament and the Council of 10th October 2000 (OJ No. L279, 1.11.2000, p44) and Commission Directive [2003/29/EC](#) of 7th April 2003 (OJ No. L90, 8.4.2003, p47).

(c) include the 2004 Supplement which came into force on 1st January 2004⁽¹⁵⁾; and the “RID Directive” means the Directive referred to in sub-paragraph (b);

“road” means in relation to—

- (a) England and Wales, any highway and any other road to which the public has access, and includes bridges over which a road passes; and
- (b) Scotland, a road within the meaning of the Roads (Scotland) Act 1984⁽¹⁶⁾ and any other way to which the public has access, and includes bridges over which a road passes;

“safe and secure place” means a safe and secure place within a factory or magazine—

- (a) licensed under the Explosives Act 1875⁽¹⁷⁾; or
- (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations 1979⁽¹⁸⁾;

“separate Directives” means Council Directives [84/525/EEC](#) of 17th September 1984, [84/526/EEC](#) of 17th September 1984 and [84/527/EEC](#) of 17th September 1984⁽¹⁹⁾ concerning the approximation of the laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

“shipment” has the meaning in sub-section 2.2.7.2 of RID;

“special arrangement” shall be construed in accordance with sub-section 1.7.4.1 of RID;

“special form radioactive material” means material which—

- (a) falls within sub-section 2.2.7.4.1; and
- (b) complies with sub-sections 2.2.7.4.2 to 2.2.7.4.8, of RID;

“standard” means (except for the purposes of Schedule 2) a—

- (a) nationally or internationally agreed standard; or
- (b) any other document not falling within sub-paragraph (a), which is a technical code within the meaning of that term in ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank” has the meaning in—

- (a) section 1.2.1; or
- (b) sub-section 6.7.4.1 when used for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail and in relation to carriage by rail such term includes a demountable tank, tank-container, a tank wagon, a portable tank or fixed tank, including tanks forming elements of battery-wagons or MEGCs;

“tank-container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank-vehicle” has the meaning in section 1.2.1 of ADR;

“tank wagon” has the meaning in section 1.2.1 of RID;

“train” has the meaning in section 83(1) of the Railways Act 1993⁽²⁰⁾;

(15) ISBN 0-11-55-2553-X.

(16) 1984 c. 54.

(17) 1875 c. 17; the relevant amending instrument is [S.I. 1974/1885](#).

(18) [S.I. 1979/1378](#).

(19) OJ No. L300, 19.11.1984, pp1, 20 and 48 respectively.

(20) 1993 c. 43.

“train operator” in relation to any train, means any person who has the management of that train for the time being, and related expressions shall be construed accordingly;

“transportable pressure equipment”—

(a) means a pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC or tank which is used or intended to be used for carriage by road or carriage by rail or storage of—

(i) class 2 goods; or

(ii) UN 1051 STABILISED HYDROGEN CYANIDE, UN 1052 ANHYDROUS HYDROGEN FLUORIDE or UN 1790 HYDROFLUORIC ACID, with more than 85% hydrofluoric acid,

including any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment; and

(b) does not include—

(i) an aerosol dispenser; or

(ii) a cylinder used to contain class 2 goods and forming a component part of a breathing appliance;

“transport category” means a category to which goods are assigned for the purposes of sub-section 1.1.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, as modified by regulation 3(7);

“transport document” shall mean the document containing the information set out in section 5.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“transport unit” has the meaning in section 1.2.1 of ADR;

“tube” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“UN-certified multiple-element gas container” (“UN-certified MEGC”) has the meaning in sub-section 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“unilateral approval” has the meaning in sub-section 2.2.7.2 of RID;

“vehicle” means (other than for the purposes of the definition of “railway”) any conveyance used for the carriage of goods by road; and

“wagon” has the meaning in section 1.2.1 of RID.

(2) In these Regulations a vehicle or a train is owned by the armed forces when it is owned by—

(a) Her Majesty’s Forces;

(b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952⁽²¹⁾; or

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽²²⁾,

and includes a vehicle which has been provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

(3) In these Regulations a vehicle or a train is under the control of the armed forces when—

(a) a member of the crew on board is a member of the armed forces acting in the course of his duties; or

(21) 1952 c. 67.

(22) 1964 c. 5.

(b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within sub-paragraph (a).

(4) In paragraph (3) “a member of the armed forces” means—

(a) a member of Her Majesty’s Forces;

(b) a member of any visiting force within the meaning of Part 1 of the Visiting Forces Act 1952; or

(c) a civilian who is an employee of Her Majesty’s Forces.

(5) In these Regulations, the words “used at work”, when referring to transportable pressure equipment, include the filling, emptying, refilling, storage and transport by road or rail of that equipment at work and an intention to conduct any of those activities and related expressions shall be construed accordingly.

(6) In these Regulations the “transport of dangerous goods by inland waterway” means the—

(a) transport;

(b) related loading or unloading,

of dangerous goods by inland waterway and related expressions shall be construed accordingly.

(7) Any document which is—

(a) required to be sent, submitted or otherwise delivered; or

(b) issued pursuant to these Regulations,

may be sent to the recipient by electronic means.

(8) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, and “UN number” shall be construed accordingly.

(9) In these Regulations, the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(10) For the purposes of these Regulations—

(a) subject to sub-paragraph (b), there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof;

(b) premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for the sale of the minerals gotten therefrom shall not be deemed to form part of a mine;

(c) premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine, and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of

those mines as the Executive may direct under section 180 of the Mines and Quarries Act 1954⁽²³⁾;

- (d) a railway line serving a single mine (not being a railway line falling within paragraph 10(a) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within paragraph 10(a) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Executive may direct under section 180 of the Mines and Quarries Act 1954; and
- (e) a conveyor or aerial ropeway provided for the removal from a mine of minerals gotten therefrom or refuse therefrom shall be deemed to form part of a mine.

(11) In paragraph (10) “owner” means, in relation to a mine, the person for the time being entitled to work it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of paragraph (10) to be an additional owner of the mine.

(12) Where a term is defined in ADR in relation to carriage by road or in RID in relation to carriage by rail and is not defined for the purposes of these Regulations, it bears the meaning as defined in ADR in relation to carriage by road and in RID in relation to carriage by rail.

(13) In these Regulations a reference to a numbered Part, chapter, section or sub-section of ADR in relation to carriage by road or of RID in relation to carriage by rail is a reference to that numbered Part, chapter, section or sub-section of—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail.

Application

3.—(1) Subject to the following paragraphs of this regulation and to regulations 4 to 6, Parts 2, 3 and 5 and Schedule 1, these Regulations shall apply to and in relation to the carriage of dangerous goods by road and rail.

(2) Regulation 12(2) shall apply to and in relation to the transport of dangerous goods by inland waterway.

(3) Regulation 12(3) shall apply to and in relation to the carriage of dangerous goods by road and rail and the transport of dangerous goods by inland waterway.

(4) These Regulations shall not apply to and in relation to the carriage of class 7 goods by road except for—

- (a) Part 1 and regulations 12, 32, 36 and 58; and
- (b) regulations 24 and 33 insofar as they relate to—
 - (i) compliance with, and the issuing of certificates in accordance with, chapter 8.2 of ADR; and
 - (ii) compliance with special provisions S:11 and S:12 of chapter 8.5 of ADR.

(5) These Regulations shall not apply to the carriage by road of dangerous goods in a vehicle intended for use on the road which—

- (a) has fewer than 4 wheels and has a maximum design speed of 25 km per hour or less;

⁽²³⁾ 1954 c. 70; section 180 was amended by the Quarries Regulations 1999 (S.I. 1999/2024), regulation 47(2) and Schedule 2, Part II. The words “the Health and Safety Executive” were substituted by the Mines and Quarries Act 1954 to 1971 (Repeals and Modifications) Regulations 1974 (S.I. 1974/2013), regulation 2(1)(b) and Schedule 2, paragraph 3. There are other amendments to the Act not relevant to these Regulations.

- (b) runs on rails;
 - (c) is mobile machinery; or
 - (d) is an agricultural or forestry tractor,
- or any trailer being towed by such a vehicle.

(6) Subject to paragraphs (7) and (8), these Regulations shall not apply to or in relation to the carriage of dangerous goods—

- (a) by road or transport of dangerous goods by inland waterway in the circumstances and to the extent that section 1.1.3 of ADR provides that the provisions of ADR shall not apply to any such carriage; and
- (b) by rail in the circumstances and to the extent that section 1.1.3 of RID provides that the provisions of RID shall not apply in relation to such carriage.

(7) For the purposes of paragraph (6)—

- (a) the fifth indent of sub-section 1.1.3.6.2 of ADR in relation to carriage by road shall apply as if the words “8.1.2.1(a) and (c)” were omitted for the carriage of—

- (i) class 2 to 6 and class 8 and 9 goods; and
- (ii) class 1 goods where the goods being carried are—

(aa) cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055), cartridges (UN 0012, 0014, 0323 and 0405), fireworks (UN 0337), flares (UN 0404), fuse (UN 0105), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), and signals (UN 0193 and 0373); or

(bb) cartridge cases (UN 0379, 0446 and 0447), cartridges (UN 0054, 0275, 0276, 0277, 0278, 0312, 0327, 0328, 0338, 0339 and 0381), fireworks (UN 0333, 0334, 0335 and 0336), flares (UN 0092, 0093 and 0403), flash powder (UN 0094 and 0305), fuse (UN 0101), igniter cord and igniters (UN 0066, 0121, 0314, 0315 and 0325), primers (UN 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430 and 0431), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0194, 0195, 0196 and 0197), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236) of a net mass of explosive substance of not more than 50 kilograms; or

(cc) black powder (UN 0027 and 0028) and smokeless powder (UN 0160 and 0161) of a net mass of explosive substance of not more than 5 kilograms; and

- (b) section 1.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply with the following modifications—

- (i) in the table in sub-section 1.1.3.6.3 of ADR and of RID—

- (aa) in the second row omit the entry for class 1;
- (bb) after the second row insert a new row—

“1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50”
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- (cc) in the third row omit the entry for class 1;
- (dd) after the third row insert a new row—

“2A	Class 1: 1.4B to 1.4G and 500” 1.6N
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(ee) at the end, in the note omit the words “0081, 0082, 0084, 0241, 0331, 0332, 0482,”; and

(ii) in sub-section 1.1.3.6.4 of ADR and of RID—

(aa) after the second indent insert—

— “the quantity of substances and articles of transport category 1A multiplied by “20”,”;

(bb) at the end of the third indent delete “and”;

(cc) after the third indent insert—

— “the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

(8) Notwithstanding paragraph (6), regulations—

- (a) 23(5)(a), insofar as it relates to the requirements in section 7.5.2 of ADR in relation to carriage by road;
- (b) 24(3), insofar as it relates to the requirements in section 8.3.5 of ADR in relation to carriage by road;
- (c) 24(4), insofar as it relates to the requirements in special provisions S1:(3) and S1:(6) of chapter 8.5 of ADR in relation to carriage by road; and
- (d) 48 and 50 to 52,

shall apply to the carriage of class 1 goods in the circumstances set out in sub-section 1.1.3.1(c) of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(9) These Regulations shall not apply to or in relation to the carriage of dangerous goods by road by private individuals in the circumstances set out in sub-section 1.1.3.1(a) of ADR where—

- (a) the net mass of explosive substance in a transport unit does not exceed in the case of—
 - (i) fireworks, 50 kilograms; and
 - (ii) other explosives or a combination of fireworks and other explosives, 30 kilograms; and
- (b) the individual has taken all reasonable steps to ensure that—
 - (i) the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health and safety of any person; and
 - (ii) there is no unauthorised access to the explosives; and
- (c) where the goods are being carried in a vehicle used to carry passengers for hire or reward, the conditions and limits of regulation 51 apply.

(10) These Regulations do not apply to or in relation to the carriage by road or by rail—

- (a) of a luminous device intended to be worn by a person;
- (b) in any one vehicle or railway vehicle of no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
- (c) in any one vehicle or railway vehicle of no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq.

(11) Packages, containers, portable tanks and tank-containers which do not meet the—

(a) requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply pursuant to Part 2; or

(b) modified placarding, marking and plate marking requirements of regulation 55,

shall be accepted for carriage provided that they comply with the conditions set out in subsection 1.1.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(12) These Regulations shall not apply to the extent and in the circumstances that subsection 1.1.4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or RID respectively shall not apply.

(13) Parts 2 and 3 shall not apply to the extent, in the circumstances and subject to the conditions that chapter 1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail provides that the provisions of ADR or RID respectively shall not apply.

(14) Subject to regulation 5(5), these Regulations shall not apply where—

- (a) a special provision or special requirement is indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the goods in question; and
- (b) that special provision provides for an exemption from the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail—
 - (i) to the extent;
 - (ii) in the circumstances; and
 - (iii) subject to any conditions,set out in that special provision or special requirement of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(15) These Regulations shall not apply to dangerous goods packed in limited quantities as indicated in column (7) of Table A of chapter 3.2 and the table in section 3.4.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail—

- (a) to the extent;
- (b) in the circumstances; and
- (c) subject to the conditions,

set out in chapter 3.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(16) These Regulations shall not apply to or in relation to the carriage of class 2 to 6, 8 and 9 goods by road in a vehicle which is used for—

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of a private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person including where those parts are separated by a road.

(17) These Regulations shall not apply to or in relation to the carriage of class 7 goods by road in a vehicle which is used for the purposes described in sub-paragraphs (a) and (b) of paragraph (16).

(18) Regulations—

- (a) 12;
- (b) 18;
- (c) 20(3), to the extent that it relates to the requirements in chapter 5.3 of ADR;
- (d) 20(4), to the extent that it relates to the requirements in chapter 5.4 of ADR;

- (e) 24(1)(a), to the extent that it relates to the requirements in section 8.2.1 of ADR;
- (f) 24(1)(b) and 24(3), to the extent that they relate to the requirements in sections 8.1.2 and 8.1.3 of ADR; and
- (g) 24(5),

shall not apply to the carriage of class 1 goods by road in a vehicle which is used for the purposes described in sub-paragraphs (a) and (b) of paragraph (16).

(19) Parts 2, 3 and 5 of and Schedules 1 and 2 to these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where the dangerous goods in question are moved only within an establishment in compliance with such regulations relating to safety as apply to that establishment and where such movement is not on a road or on a railway.

(20) In paragraph (5), “mobile machinery” shall have the same meaning as in the ADR Directive.

Application to international carriage

4.—(1) Regulations 9, 10 and 15 to 25, Part 3 (except insofar as it relates to competent authority functions referred to in chapters 1.7 and 1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail and Parts 8 and 9 of ADR in relation to carriage by road), Part 4 and Part 5 (except regulations 46, 47 and 50) of and Schedules 1 and 2 to these Regulations shall not apply to or in relation to the carriage of dangerous goods where the carriage forms part of an international transport operation—

- (a) within the meaning of—
 - (i) COTIF and conforms in every respect with the provisions of RID; or
 - (ii) article 1(c) of ADR and the carriage conforms in every respect with the provisions of ADR; or
- (b) which is subject to a bilateral or multilateral special agreement made under the terms of—
 - (i) COTIF to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned; or
 - (ii) article 4.3 of ADR to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned.

(2) In this regulation—

- (a) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF; and
- (b) “ADR” means 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(24).

Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment

5.—(1) Regulations 18 and 21, insofar as they relate to pressure receptacles, shall not apply to pressure receptacles which are old pressure receptacles.

(2) Regulations 19 (except for paragraphs (1)(a) and (3)(a)) and 22, insofar as they relate to tanks, shall not apply to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks which are old tanks.

(24) Current edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

(3) Subject to the exception to paragraph 9 of that Schedule and to the following paragraphs, Schedule 1 shall apply to old tanks except for those which are transportable pressure equipment to which Part 4 applies.

(4) Any old tank which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail shall be deemed to have satisfied the requirements of Schedule 1.

(5) Subject to the exceptions in paragraph 10 of that Schedule and to the following paragraphs, Schedule 2 shall apply to the following pressure receptacles which are used or intended to be used or carried or intended to be carried by road or rail, at work—

- (a) cylinders, tubes or cryogenic receptacles which are—
 - (i) manufactured on or before 30th June 2003; and
 - (ii) not transportable pressure equipment to which Part 4 applies;
- (b) pressure drums or bundles of cylinders manufactured on or before 10th May 2004; and
- (c) notwithstanding regulation 3(14), UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas which comply with the provisions of special provision 594 of chapter 3.3 of ADR in relation to carriage by road or of special requirement 594 of chapter 3.3 of RID in relation to carriage by rail, as that Schedule applies to old pressure receptacles.

(6) Any old pressure receptacle, other than one which is UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas, which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail, shall be deemed to have satisfied the requirements of Schedule 2.

(7) Any cylinder—

- (a) used to contain class 2 goods;
 - (b) which forms a component part of a breathing appliance or is a portable fire extinguisher; and
 - (c) which complies with the requirements of the Pressure Equipment Regulations 1999(25);
- shall be deemed to meet the requirements of paragraphs 2, 3 and 6(1) of Schedule 2.

(8) Schedule 2 shall not apply to an old pressure receptacle—

- (a) known as a two-part beer keg, one part of which is intended to contain a gas or a mixture of gases under pressure;
- (b) used for the conveyance or storage of beer or carbonated drinks, the capacity of which does not exceed 0.252 cubic metres and the maximum working pressure of which is not greater than 12 bar above atmospheric pressure; or
- (c) which is a portable fire extinguisher with a working pressure below 25 bar at 60°C and having a total mass not exceeding 23 kilograms.

(9) Subject to the following paragraphs of this regulation, Part 4 and Schedules 4 to 8 of these Regulations shall apply to any equipment used at work and manufactured—

- (a) on or after 1st July 2001 in the case of transportable pressure equipment which is a cylinder, tube or cryogenic receptacle and is not an old pressure receptacle to which Schedule 2 applies;
- (b) on or after 1st July 2005 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or a tank;
- (c) on or before 30th June 2003 in the case of equipment which is—
 - (i) a cylinder, tube or cryogenic receptacle which is subject to a reassessment of conformity; or

(25) S.I. 1999/2001, to which there are amendments not relevant to these Regulations.

- (ii) an EEC-type cylinder; and
 - (d) on or before 30th June 2007 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or a tank which is subject to a reassessment of conformity.
- (10) Until 30th June 2007, any person who places on the market or uses at work transportable pressure equipment which is a—
- (a) tank and which has been manufactured on or after 1st July 2005 may comply with regulations 19 and 22, insofar as they relate to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks, rather than Part 4; or
 - (b) pressure drum or a bundle of cylinders and which has been manufactured on or after 1st July 2005 may comply with regulations 18 and 21, insofar as they relate to such equipment, rather than Part 4.
- (11) Part 4 shall not apply to any pressure equipment to which the Pressure Equipment Regulations 1999 apply.
- (12) Part 4 shall not apply to any transportable pressure equipment which is used exclusively for the transport of a gas, UN 1051 STABILISED HYDROGEN CYANIDE, UN 1052 ANHYDROUS HYDROGEN FLUORIDE or UN 1790 HYDROFLUORIC ACID, with more than 85% hydrofluoric acid, between the European Community and third-countries provided that—
- (a) the goods are being carried in connection with the transport of those goods by sea and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the IMDG Code, as revised or re-issued from time to time;
 - (b) the goods are being carried in connection with the transport of those goods by air and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation(26), as revised or re-issued from time to time;
 - (c) the transport forms part of an international transport operation within the meaning of article 1(c) of ADR and conforms to the provisions of that agreement; or
 - (d) the transport forms part of an international transport operation within the meaning of COTIF and conforms with the provisions of RID.
- (13) Regulations 38 and 40 shall not apply to an EEC-type cylinder made on or before 30th June 2003.
- (14) These Regulations shall not apply to or in relation to the carriage of a storage tank where it is nominally empty.
- (15) Notwithstanding regulations 18 and 21(7) and (8), the requirements in sub-section 6.2.1.1.1, sub-sections 6.2.1.2, 6.2.1.4 to 6.2.1.6, section 6.2.3 and packing instruction P200 of sub-section 4.1.4.1 of ADR shall not apply to or in relation to the carriage of UN 1011, 1965 or 1978 where—
- (a) the cylinders are made from—
 - (i) rolled and annealed pure titanium with the minimum requirements of RM 450 MPa, A 20% (where A = elongation after fracture); or
 - (ii) austenitic steel;
 - (b) the main body of the cylinders is provided with an outer, water resistant protective layer which is at least 25mm thick and is made from foam or a similar material;
 - (c) the cylinders have a wall thickness calculated for a maximum operating pressure at more than 40°C;

- (d) the cylinders are marked with a label which is clearly visible and states that the cylinders are to be used only for the operation of hot air balloons; and
 - (e) no more than 5 of such cylinders are to be carried in any one transport unit.
- (16) In paragraph (14)—
- (a) “storage tank” means a tank used or intended to be used only for the storage of dangerous goods; and
 - (b) a storage tank shall be “nominally empty” if as much of the dangerous goods as it is reasonably practicable to discharge from it has been discharged from it.

Application to armed forces

- 6.—(1) Subject to paragraph (5), these Regulations shall not apply to or in relation to—
- (a) the carriage of—
 - (i) UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS only;
 - (ii) UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.;
 - (iii) UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.;
 - and
 - (iv) UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,where they are carried on a vehicle or a train which is owned by or under the control of the armed forces;
 - (b) the carriage of dangerous goods by rail where—
 - (i) the goods are carried on a railway which is operated wholly within a military establishment; or
 - (ii) the carriage of the goods in question commences and terminates within the same military establishment.
- (2) Subject to paragraph (5) and notwithstanding the requirements in regulations 20(3) and (4) and 24(3), the requirements in chapter 5.3, sections 5.4.0 to 5.4.2 and sub-sections 5.4.3.4 and 8.1.2.3 of ADR shall not apply to the carriage of dangerous goods in a vehicle owned by the armed forces which is being used in connection with—
- (a) training—
 - (i) which has been certified to be training on a special occasion in accordance with regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989(27); and
 - (ii) in respect of which at least 48 hours notice has been given to—
 - (aa) the chief officer of police of each police area; and
 - (bb) the chief fire officer (as respects England and Wales) or the firemaster (as respects Scotland) of the fire brigade maintained by the fire authority for each area in which the place selected for training is situated; or
 - (b) manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958(28).

(27) S.I. 1989/1796, to which there are amendments not relevant to these Regulations.

(28) 1958 c. 7; section 1(3)(a)(i) was substituted by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words “Environment Agency” were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words “Countryside Agency” were substituted by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), article 3. There are other amendments not relevant to these Regulations.

(3) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 of ADR which applies to the vehicle in question by virtue of regulation 25 may be deemed to be satisfied to the extent that it is not reasonably practicable for the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

(4) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by or under the control of the armed forces, the requirements in regulation 55 shall not apply.

(5) The disapplications in paragraphs (1) to (4) shall not apply where a vehicle or train owned by or under the control of the armed forces is carrying dangerous goods by road or by rail on behalf of a person who is not a member of the armed forces.

- (6) These Regulations do not apply to or in relation to the carriage of class 7 goods which are—
- (a) or form part of, an instrument of war;
 - (b) required for research into, or the development or production of, any such instrument or part of such instrument; or
 - (c) produced in the course of, or in connection with, such research, development or production,

when that carriage is undertaken on behalf of a Department of the Government of the United Kingdom or when the carriage is undertaken in connection with the execution of a contract with any such Department.

(7) These Regulations do not apply to or in relation to the carriage of class 7 goods which are, or form part of, an instrument of war when that carriage is undertaken on behalf of a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(29) or when the carriage is undertaken in connection with the execution of a contract with such a visiting force.

Exemptions

7.—(1) Notwithstanding regulation 23(5) and section 7.5.2 of ADR and provided that all reasonably practicable measures have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods, the following dangerous goods may be carried by road together—

- (a) detonating cord (UN 0065, 0104, 0289 and 0290), boosters (UN 0042 and 0283), detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361) or blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332) with AMMONIUM NITRATE (UN 1942), and note d to the Table in paragraph 7.5.2.1 of ADR shall apply to the carriage of such goods together as it applies to the carriage of the goods referred to in that note;
- (b) signals (UN 0191 and 0197), fireworks (UN 0336), aerial flares (UN 0403), pyrotechnic articles (UN 0431) or line-throwing rockets (UN 0453) with—
 - (i) dangerous goods in transport category 2 (except for flammable gases, class 6.1 or 6.2 goods) or 3; or
 - (ii) any combination of goods falling within sub-paragraph (i),
 provided that the maximum total quantity of the goods in transport category 2 does not exceed 500 kilograms or litres or a combined total of 500 kilograms and litres and the maximum total quantity of the class 1 goods shall not exceed 500 kilograms;
- (c) class 1 goods in compatibility group G and division 1.4 with—
 - (i) class 3 goods and flammable gases in transport category 2;

- (ii) non-flammable, non-toxic gases that are—
 - (aa) of group A or O as referred to in sub-section 2.2.2.1.3 of ADR; and
 - (bb) in transport category 3; or
- (iii) any combination of goods falling within sub-paragraphs (i) and (ii),

provided that the maximum total quantity of dangerous goods per transport unit shall not exceed 200 kilograms or litres or a combined total of 200 kilograms and litres of which the class 1 goods shall not exceed 20 kilograms.

(2) Notwithstanding regulation 23(5), the following dangerous goods may be carried by road or by rail together—

- (a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B with explosive articles in compatibility group D, E or F of which the fuzes are component parts;
- (b) class 1 goods in compatibility group F with explosive articles in compatibility group C, D or E.

(3) Notwithstanding regulation 23(5), and the limits set out in the table in sub-section 7.5.5.2.1 of ADR, the maximum total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.

(4) Notwithstanding regulations 20(1) and 21(1), where—

- (a) goods are packaged in limited quantities in accordance with chapter 3.4 of ADR for carriage by road; and
- (b) are then removed from their outer packaging for the final stages of the carriage operation from a—
 - (i) distribution centre to a retailer or end-user; or
 - (ii) retailer to an end-user,

the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport unit does not exceed more than 30 kilograms or litres per substance or article and not more than 333 kilograms or litres per transport unit.

(5) Notwithstanding regulation—

- (a) 24(3) and section 8.3.3 of ADR, the driver and any other member of the vehicle crew may open a package containing dangerous goods provided that the carrier has authorised him to do so;
- (b) 24(1)(b) and 24(3), the requirements in special provisions S1:(4)(d) and (5)(a) of chapter 8.5 of ADR shall only apply where it is practicable for the carrier or the vehicle crew to comply with them;
- (c) 24(3), the requirements in special provisions S1:(6) of chapter 8.5 of ADR shall not apply during stops—
 - (i) within a safe and secure place; or
 - (ii) within premises which are under the control of the Ministry of Defence,

where the only class 1 goods being carried are cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055, 0379, 0446 and 0447), cartridges (UN 0012, 0014, 0054, 0275, 0276, 0277, 0278, 0312, 0323, 0327, 0328, 0338, 0339, 0381 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), flares (UN 0092, 0093, 0403 and 0404), flash powder (UN 0094 and 0305), fuse (UN 0101 and 0105), fuse lighters (UN 0131), igniter cord and igniters (UN 0066, 0121, 0314, 0315, 0325 and 0454), primers (UN 0044, 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430, 0431 and 0432), rockets (UN 0238,

0240 and 0453), signals (UN 0191, 0192, 0193, 0194, 0195, 0196, 0197 and 0373), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236);

(d) 24(3), the requirements in special provision S1:(6) of chapter 8.5 of ADR shall not apply where the following conditions are met—

(i) the load consists of one or more of the following—

(aa) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;

(bb) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or

(cc) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456, and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number;

(ii) any of the goods are to be used on the day in question;

(iii) adequate measures for the security of the goods in relation to the vehicle in question have been taken; and

(iv) the vehicle is—

(aa) parked on a site;

(bb) being used for delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or

(cc) being used in passing 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.

(6) Notwithstanding regulation 25—

(a) FL, OX and AT vehicles which—

(i) are used or intended to be used to carry only old tanks; and

(ii) do not meet all of the requirements in sections 9.7.2 and 9.7.3 of ADR applicable to old tanks and fastenings attaching old tanks to vehicles.

shall be deemed to meet those requirements provided that they comply with the requirements in Schedule 1 and need not be subject to an annual technical inspection in accordance with sub-section 9.1.2.1.1 of ADR; and

(b) Part 9 of ADR need not apply to vehicles constructed before 1st January 1997 provided that the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.

(7) Notwithstanding regulation 23(1)(b), wagons constructed before 1st January 1997 need not be fitted with regulation sheet steel spark-guards in accordance with special provisions W2 and W8 of chapter 7.2 of RID.

(8) Notwithstanding regulations 18(b) and 19 and Part 4 of these Regulations and subject to paragraph (9), a person complying with regulations 18(b) and 19 in relation to the filling of pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks intended for the carriage by road or by rail of liquefied gas wholly within Great Britain may comply, as relevant, with—

(a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or

(b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,
of ADR in relation to carriage by road or of RID in relation to carriage by rail as if the reference temperature set out in the paragraph in question was as provided by the GB competent authority pursuant to regulation 31(3) where such provision has been made in relation to the paragraph or sub-section and the tank or pressure receptacle in question.

(9) Where a pressure receptacle, battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank conforms to the standard in paragraph (8) it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 45.

(10) Notwithstanding regulation 22 and Part 4 of these Regulations and subject to paragraph (11), a person complying with regulation 22 in relation to the construction of tanks intended to be used for the carriage by road or rail of liquefied gas, wholly within Great Britain, may comply with the relevant—

- (a) section 6.7.3.1;
- (b) sub-section 4.3.3.2.2; or
- (c) sub-section 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, as if they required the construction of the shell of the tank to be in accordance with a standard recognised by the GB competent authority pursuant to regulation 30(2) where such a standard has been recognised in relation to the tank in question.

(11) Where a tank conforms to the standard in paragraph (10) it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 45.

(12) Notwithstanding regulation 23(9), a carrier carrying dangerous goods by rail in piggyback transport need not comply with the provisions referred to in that regulation where the road vehicle which is being carried on the wagon displays—

- (a) the placards, marks, labels, plate markings and HIN required pursuant to regulation 20(3) and chapter 5.3 of ADR; or
- (b) the hazard warning panels referred to in paragraph 6 of Schedule 9 pursuant to regulation 55(1)(b),

provided that those placards or hazard warning panels are clearly visible.

(13) Subject to the requirements of paragraph (14), regulations—

- (a) 10 to the extent that it relates to—
 - (i) the use of approved wooden casks bearing the marks prescribed by ADR as required by sub-section 1.4.2.1.1(c) of ADR; and
 - (ii) compliance with packaging conditions as required by sub-section 1.4.3.2(a) of ADR;
- (b) 18 to the extent that it relates to the design type and testing of wooden casks as required by sub-sections 4.1.1.3 and 4.1.1.9 of ADR;
- (c) 20(1) to the extent that it relates to the requirements of sections 5.2.1 and 5.2.2 of ADR; and
- (d) 20(3) to the extent that it relates to the requirements of sections 5.3.1 and 5.3.2 of ADR,

shall not apply to the carriage by road of wooden casks containing UN 3065 of Packing Group III.

(14) The requirements of paragraph (13) are that—

- (a) the wooden casks have a capacity of not more than 1000 litres;
- (b) the packages are carried in a closed vehicle;
- (c) no other goods are carried on the transport unit; and
- (d) the transport unit complies with the requirements of regulation 55(1)(a) and Part 1 of Schedule 9, except for paragraph 2(b),

and for the purposes of this regulation, the goods shall be deemed to be carried in tanks.

(15) Notwithstanding regulation 20(3), the requirements of section 5.3.4 of RID shall not apply to the carriage of goods by rail.

(16) Notwithstanding the requirements of regulation 10(1)(b), where—

- (a) a consignor is carrying dangerous goods on his own behalf; and
- (b) the load does not exceed the quantities specified in sub-section 1.1.3.6 of ADR as modified by regulation 3(7),

he need not comply with the requirements of sub-section 1.4.2.1.1(b) of ADR.

(17) In paragraph—

- (a) (1) “maximum total quantity” shall be construed in accordance with sub-section 1.1.3.6.3 of ADR; and
- (b) (6) “FL, OX and AT vehicles” shall be construed in accordance with sub-section 9.1.1.2 of ADR.

Competent authority

8.—(1) Subject to the following paragraphs, the competent authority for Great Britain for all competent authority functions referred to in ADR and RID is the Secretary of State.

(2) The competent authority is the Executive for the functions of the competent authority in—

- (a) relation to the classification of dangerous goods of class 1, except military explosives, of classes 2 to 6, 8 and 9 in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) sub-section 3.1.2.6(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail.
- (c) special provisions 16, 178, 266, 271 and 645 and special requirements 16, 178, 266, 271, and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively, in relation to class 1 goods, except military explosives;
- (d) special provisions 181, 237, 239, 250, 272, 278, 309 and 636(a) and special requirements 181, 237, 239, 250, 272, 278, 309 and 636(a) of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively;
- (e) chapter 4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to pressure receptacles;
- (f) mixed packing instruction MP21 of sub-section 4.1.10, sub-sections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail, in relation to class 1 goods, except military explosives;
- (g) chapter 4.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to battery-wagons, battery-vehicles and MEGCs, the elements of which comprise cylinders, tubes, pressure drums and bundles of cylinders;
- (h) relation to the construction and testing of pressure receptacles in accordance with sections 6.2.1 to 6.2.3 and 6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (i) section 6.7.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to UN-certified MEGCs;
 - (j) chapter 6.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the construction, equipment, type approval, inspection, testing and marking of—
 - (i) battery-vehicles and battery-wagons; and
 - (ii) MEGCs,
the elements of which include cylinders, tubes, pressure drums and bundles of cylinders;
 - (k) relation to the design approval of containers or compartments for the carriage of class 1 goods, except military explosives, in accordance with sub-section 7.5.2.2, note a of ADR in relation to carriage by road or sub-section 7.5.2.2, note 1 of RID in relation to carriage by rail;
 - (l) relation to the loading and unloading of goods in sub-section 7.5.1.4 and section 7.5.11, note CV1 of ADR; and
 - (m) relation to the additional requirements for particular dangerous goods in special provisions S:1, S:8, S:9 and S:16 of chapter 8.5 of ADR.
- (3) The competent authority is the Secretary of State for Defence for the functions of the—
- (a) competent authority in relation to the classification of military explosives in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
 - (b) competent authority in special provisions 16, 178, 266, 271 and 645 and special requirements 16, 178, 266, 271 and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively in relation to military explosives;
 - (c) competent authority in mixed packing instruction MP21 of section 4.1.10, sub-sections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to military explosives;
 - (d) competent military authority in special provision W2 of section 7.2.4 of RID; and
 - (e) competent authority in relation to the design approval of containers or compartments for the carriage of military explosives, in accordance with sub-section 7.5.2.2, note a of ADR in relation to carriage by road or sub-section 7.5.2.2, note 1 of RID in relation to carriage by rail.
- (4) In regulation 7(8) and (9), 30(2) and 31(3), the competent authority for Great Britain shall be the authority that would be the competent authority for Great Britain for the battery-vehicle, battery-wagon, MEGC, UN-certified MEGC, tank or pressure receptacle in question pursuant to paragraph (1) to (3) if the functions conferred by those regulations were functions of the competent authority in the paragraph of ADR or of RID in relation to which those regulations make provision for different reference temperatures from those set out in the paragraphs in question.
- (5) The competent authority as regards a state other than the United Kingdom is the authority designated as the competent authority in that State for any purpose in connection with ADR or RID.

PART 2

REQUIREMENTS OF ADR AND RID

Training

9. Any person involved in the carriage of dangerous goods by—
- (a) road shall ensure that—

- (i) he; and
- (ii) those of his employees whose responsibilities are concerned with such carriage, except for drivers who are required to receive training in accordance with regulation 24(1),
receive training which complies with and is documented in accordance with the requirements in chapter 1.3 and section 8.2.3 of ADR;
- (b) rail shall ensure that he and those of his employees whose responsibilities are concerned with such carriage, receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 of RID.

Safety obligations

- 10.**—(1) Any person involved in the carriage of dangerous goods by road shall comply with—
- (a) insofar as they relate to matters within his control, the general safety measures; and
 - (b) any particular safety obligations applying to him,
- in chapter 1.4 of ADR.
- (2) Any person involved in the carriage of dangerous goods by rail shall comply with—
- (a) insofar as they relate to matters within his control, the general safety measures; and
 - (b) any particular safety obligations applying to him,
- in chapter 1.4 of RID.

Class 7 goods for carriage by rail

- 11.**—(1) Insofar as they are matters within his control, it shall be the duty of any—
- (a) person designing or manufacturing;
 - (b) consignor consigning;
 - (c) carrier carrying; and
 - (d) person using,
- special form radioactive material, low dispersible radioactive material, or packages or packagings for class 7 goods for carriage by rail to comply with the requirements of section 1.7.3 of RID relating to the establishment and implementation of quality assurance programmes.
- (2) Insofar as they are matters within his control, it shall be the duty of any—
- (a) person designing or manufacturing;
 - (b) consignor consigning; and
 - (c) person using,
- the material or packages referred to in paragraph (1), to provide the documentation, information and facilities for inspection referred to in section 1.7.3 of RID and to demonstrate the matters set out in sub-paragraphs (a) and (b) of section 1.7.3 of RID to the GB competent authority when requested to do so.
- (3) A carrier shall not carry a consignment of class 7 goods by rail if it is impractical for that consignment to comply with any requirement of Part 2 of these Regulations which is applicable to the consignment in question, except under special arrangement, and the carrier shall ensure that any application for an approval of a shipment under special arrangement shall comply with sub-section 6.4.23.3 of RID.

(4) Where a package of class 7 goods is to be carried by rail, the consignor or carrier, as the case may be, in complying with regulations 18 to 20 and 23 shall comply with section 1.7.5 of RID.

Safety advisers

12.—(1) Subject to paragraph (3), any carrier, filler or loader involved in the carriage of dangerous goods by road or by rail shall comply with the requirements relating to the appointment and duties of safety advisers in sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Subject to paragraph (3), any person who transports dangerous goods by inland waterway shall—

- (a) appoint a safety adviser in accordance with sub-section 1.8.3.1 of ADR as if that paragraph applied to those transporting dangerous goods by inland waterway; and
- (b) ensure that the duties of that adviser are as set out in sub-sections 1.8.3.3 to 1.8.3.9 of ADR except that those paragraphs shall apply as if they referred to the transport of dangerous goods by inland waterway.

(3) Paragraphs (1) and (2) shall not apply—

- (a) to any person—
 - (i) whose main or secondary activity is not the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway; and
 - (ii) who occasionally engages in the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway within Great Britain which pose little danger or risk of pollution; and
- (b) to any person whose activities only concern the carriage by road or rail or the transport by inland waterway of dangerous goods where the quantity of dangerous goods in each—
 - (i) transport unit in relation to carriage by road;
 - (ii) wagon or large container in relation to carriage by rail; or
 - (iii) vessel in relation to the transport by inland waterway,

is less than that specified for the goods in question in sub-section 1.1.3.6, as modified by regulation 3(7), or chapters 3.3 and 3.4 of ADR in relation to carriage by road or transport by inland waterway or of RID in relation to carriage by rail, and in relation to transport of dangerous goods by inland waterway sub-section 1.1.3.6 of ADR shall apply for the purposes of this paragraph as if the references to a “transport unit” were references to a “vessel”.

(4) Any person required by paragraph (1) to appoint a safety adviser shall—

- (a) when requested to do so by—
 - (i) the GB competent authority in relation to carriage by road or by rail; or
 - (ii) any goods vehicle examiner in relation to carriage by road,inform him of the name of the adviser;
- (b) when requested to do so by—
 - (i) the GB competent authority in relation to carriage by road or by rail; or
 - (ii) any goods vehicle examiner in relation to carriage by road,

provide him with a copy of any accident and annual reports which have been prepared pursuant to this regulation in accordance with sub-sections 1.8.3.3 and 1.8.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Reports on accidents or incidents

13. Where a serious accident or incident takes place during the carriage of dangerous goods as described in sub-sections 1.8.5.1 and 1.8.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, the carrier in relation to carriage by road and the railway infrastructure manager in relation to carriage by rail, shall comply with the reporting requirements in sub-section 1.8.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Emergency plans for marshalling yards

14. Where goods are carried by rail, the railway infrastructure manager shall comply with the requirements of chapter 1.10 of RID, relating to the preparation of internal emergency plans for marshalling yards.

Classification of goods

15. A consignor shall not consign dangerous goods for carriage by road or by rail unless the goods have been classified—

- (a) in accordance with any general requirements applicable to the goods in question in chapter 2.1 and in so doing shall assign the—
 - (i) UN number for those goods as indicated in column (1) of Table A of chapter 3.2;
 - (ii) name and description for those goods as indicated in column (2) of Table A of chapter 3.2; and
 - (iii) packing group for those goods as indicated in column (4) of Table A of chapter 3.2;
- (b) in accordance with any class specific requirements applicable to the goods in question in chapter 2.2 as indicated in columns (3a) and (3b) of Table A of chapter 3.2; and
- (c) using the test methods applicable to the goods in question required by chapters 2.2 and 2.3, of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Prohibition from carriage

16. A carrier shall not accept for carriage by road or rail any goods which—

- (a) chapter 2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (b) sub-section 1.1.4.4 of RID in relation to carriage by rail,

provides may not be so carried.

Dangerous goods list and special provisions

17.—(1) Where a person is required to comply with a special provision indicated in column (6), (9a), (11), (13) or (16) to (19) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part then that special provision shall prevail to the extent of the conflict.

(2) Where any person refers to a column of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part, that column shall be construed in accordance with section 3.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(3) Where any person complies with any requirement of Parts 2, 5 or 6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, pursuant to this Part, which relates to the use of a “proper shipping name” then that person shall comply with any relevant requirements relating to the proper shipping name in section 3.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any person involved in the carriage of dangerous goods shall ensure, insofar as they relate to matters within their control, that any special provisions in chapter 3.3, which relate to the goods in question as indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, are complied with, insofar as they impose requirements relating to the carriage of those goods.

Use of packagings

18. Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that the goods are packed in accordance with any—

- (a) general packing provisions, applicable to the goods and packaging in question, in sections 4.1.1 to 4.1.3;
- (b) packing instruction, applicable to the goods in question, as indicated in column (8) of Table A of chapter 3.2;
- (c) special packing provisions, applicable to the goods in question, in sections 4.1.5 to 4.1.9;
- (d) special packing provisions, applicable to the goods in question, in chapter 4.1 as indicated in column (9a) of Table A of chapter 3.2; and
- (e) special provisions for mixed packing in section 4.1.10, applicable to the goods in question, as indicated in column (9b) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs

19.—(1) Any consignor consigning dangerous goods and any filler filling tanks for the carriage of dangerous goods by road or by rail in a portable tank shall ensure that—

- (a) the goods are not consigned and the tank is not filled unless a portable tank instruction is indicated in column (10) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) the tank is used in accordance with any—
 - (i) general and additional provisions in chapter 4.2;
 - (ii) requirements referred to in the portable tank instruction indicated in column (10) of Table A of chapter 3.2; and
 - (iii) special provisions indicated in column (11) of Table A of chapter 3.2, of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the dangerous goods in question.

(2) Any consignor consigning dangerous goods and any filler filling a UN-certified MEGC for carriage by road or by rail shall ensure that the UN-certified MEGC is used in accordance with the requirements of section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning dangerous goods and any filler filling any battery-vehicle, battery-wagon, MEGC or tank for carriage by road or by rail shall ensure that those goods are not carried in the equipment in question unless—

- (a) a tank code is indicated in column (12) of Table A of chapter 3.2; and

- (b) the equipment in question is used in accordance with—
 - (i) the requirements referred to in the tank code indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
 - (ii) any provisions of chapters 4.3 to 4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment and dangerous goods in question; and
 - (iii) any special provisions applicable to the equipment and the dangerous goods in question indicated in column (13) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Consignment

20.—(1) Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that packages are—

- (a) marked; and
- (b) labelled, as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

in accordance with the requirements of sections 5.1.1 to 5.1.4, chapter 5.2 and sub-sections 5.5.1.1 and 5.5.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(2) Any consignor consigning class 7 goods for carriage by rail shall ensure that—

- (a) shipments of such goods are given multilateral approval where required for the shipment in question;
- (b) applications for shipment approvals comply with the requirements of sub-section 6.4.23.2 of RID in relation to carriage by rail; and
- (c) all other requirements in section 5.1.5 of RID in relation to carriage by rail that are applicable to the shipment in question are complied with.

(3) Subject to regulation 55, any loader loading, consignor consigning or carrier carrying dangerous goods for carriage by road or by rail or any filler filling dangerous goods into the following equipment for such carriage shall ensure that any container, MEGC, UN-certified MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the—

- (a) placards which correspond to the labels required pursuant to paragraph (1), as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) marks, labels and plate markings; and
- (c) HIN indicated in column (20) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

required by chapters 5.3 and 5.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(4) Any consignor consigning or carrier carrying dangerous goods for carriage by—

- (a) road; or
- (b) rail, subject to regulation 55(2),

shall ensure that the consignment is accompanied by the documentation required by chapters 5.4 and 5.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(5) Any consignor consigning for carriage or carrier carrying dangerous goods by road or by rail and any consignee to whom dangerous goods are consigned by road or by rail shall ensure that the measures referred to in sub-section 5.5.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail are taken where applicable to the goods in question.

Construction and testing of packagings and packages

21.—(1) Any—

- (a) person manufacturing a packaging or package which is intended to be used for the carriage of dangerous goods by road or rail shall ensure that it is manufactured, tested and marked;
- (b) person reconditioning a packaging or package which is intended to be used for the carriage of dangerous goods by road or rail shall ensure that it is reconditioned, tested and marked;
- (c) consignor consigning and packer packing dangerous goods into a packaging for carriage by road or by rail shall ensure that it has been manufactured, reconditioned, tested and marked,

in accordance with the requirements of chapters 6.1 and 6.3 to 6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the packagings or package in question.

(2) Any manufacturer or subsequent distributor of a packaging or package which is used or intended to be used for the carriage of dangerous goods by road or by rail shall ensure that—

- (a) the information referred to in sub-sections 6.1.1.5, 6.3.1.3, 6.4.2.12, 6.5.1.1.4 and 6.6.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is given to; and
- (b) the test report referred to in sub-sections 6.1.5.9.1, 6.3.3.1, 6.5.4.13.1 and 6.6.5.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is made available to,

the consignor and the packer before the packaging or package in question is presented for carriage.

(3) Any consignor consigning class 7 goods in packages and any packer packing packagings for carriage of class 7 goods by rail shall ensure that packagings have been inspected in accordance with section 6.4.21 of RID where required for the packaging in question.

(4) Any person manufacturing packages which are intended to be used for carriage by rail and any person manufacturing special form radioactive material or low dispersible radioactive material which is intended to be used for carriage by rail, shall ensure that—

- (a) such packages or material are given unilateral or multilateral approval in accordance with section 6.4.22 of RID where required for the design of the package or material in question and that applications for such approvals comply with the requirements of section 6.4.23 of RID which are applicable to the application in question; and
- (b) he informs the GB competent authority of the serial number of each packaging manufactured to a design approved by the GB competent authority pursuant to regulation 28.

(5) Subject to paragraph (6), any—

- (a) person manufacturing an IBC which is intended to be used for carriage of dangerous goods by road or by rail shall ensure that any inspection required before the IBC is put into service is carried out;
- (b) consignor consigning and any packer packing dangerous goods in IBCs for carriage by road or by rail shall ensure that all requirements relating to inspections are carried out,

as required by sub-section 6.5.1.6.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The owner of an IBC shall keep documentation in accordance with the requirements of sub-section 6.5.1.6.4 and sub-section 6.5.4.14.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the IBC in question.

(7) Any person manufacturing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment are—

- (a) manufactured in accordance with the requirements of—
 - (i) section 6.2.2 or 6.2.3; or
 - (ii) sub-sections 6.2.5.1 to 6.2.5.4;
- (b) approved, inspected and tested and any records are kept in accordance with sub-sections—
 - (i) 6.2.1.4 and 6.2.1.5; or
 - (ii) 6.2.5.2 to 6.2.5.4 and 6.2.5.6; and
- (c) marked in accordance with sub-sections—
 - (i) 6.2.1.8;
 - (ii) 6.2.5.7; or
 - (iii) 6.2.5.8,
 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment in question.

(8) Any consignor consigning or packer packing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment—

- (a) meet the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail referred to in paragraph (7);
- (b) have been inspected and tested in accordance with the requirements of sub-sections—
 - (i) 6.2.1.4 and 6.2.1.6; or
 - (ii) 6.2.5.2 to 6.2.5.6;
- (c) have been marked in accordance with sub-sections—
 - (i) 6.2.1.8;
 - (ii) 6.2.5.7; or
 - (iii) 6.2.5.8,
 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the pressure receptacle in question.

(9) Any person manufacturing an aerosol dispenser or gas cartridge intended to be used for the carriage of dangerous goods by road or by rail, consignor consigning or packer packing such a receptacle for the carriage of dangerous goods by road or by rail shall ensure that the gas cartridge or aerosol dispenser are manufactured, tested and marked in accordance with section 6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs

22. Any person manufacturing or any operator of a tank, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is manufactured, approved, inspected, tested and marked in accordance with the requirements of chapters 6.7 to 6.10 of ADR in relation to carriage by road or of RID in

relation to carriage by rail which are applicable to the tank, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC in question.

Carriage, loading, unloading and handling

23.—(1) Any carrier carrying dangerous goods, or any loader loading dangerous goods for carriage, by road or by rail—

- (a) in large containers, portable tanks and tank-containers shall ensure that the requirements in chapter 7.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of equipment or the goods in question are met;
- (b) in packages, shall ensure that—
 - (i) any special provisions, where indicated in column (16) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
 - (ii) any other requirements,

of chapter 7.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of packages or the goods in question are met.

(2) Any carrier carrying dangerous goods or any filler filling a vehicle, wagon or container with dangerous goods for carriage by road or by rail, shall ensure that those dangerous goods are not carried in bulk in vehicles, wagons or containers unless—

- (a) such carriage is authorised by section 7.3.1 or column (17) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) any requirements specified in that column and in chapter 7.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods, vehicle, wagon or container in question are met.

(3) Any carrier carrying dangerous goods and any filler filling a tank with dangerous goods for carriage by road or by rail shall ensure that those dangerous goods are not carried in tanks unless—

- (a) such carriage is authorised by chapter 7.4 and—
 - (i) column (10) of Table A of chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank pursuant to paragraph 6.7.1.3; or
 - (ii) column (12) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

- (b) the requirements relating to carriage in tanks in section 7.4.1 of ADR in relation to carriage by road or of chapter 7.4 of RID in relation to carriage by rail which are applicable to the tank or the vehicle in question are met.

(4) Any carrier carrying dangerous goods and any filler filling a tank with dangerous goods for carriage by road shall ensure that those dangerous goods are not carried in tanks unless the requirements relating to the type of vehicle to be used in section 7.4.2 of ADR, as indicated in column (14) of Table A of chapter 3.2, are met.

(5) Subject to paragraph (8), any carrier carrying, loader loading or filler filling equipment, a wagon, vehicle or a transport unit with dangerous goods for carriage by road or by rail shall ensure that the requirements in sections—

- (a) 7.5.1 to 7.5.7, 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of ADR in relation to carriage by road; or
- (b) 7.5.1 to 7.5.4 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of RID in relation to carriage by rail,

relating to the loading, unloading and handling of the goods which are applicable to the load in question are met.

(6) Any carrier carrying dangerous goods shall ensure that the requirements in section 7.5.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail are met.

(7) Any carrier carrying dangerous goods and any filler filling equipment or a vehicle with dangerous goods for carriage by road shall ensure that the requirements of section 7.5.10 of ADR are met.

(8) Notwithstanding paragraph (5), the operations referred to in special provision CV1(1) of section 7.5.11 of ADR may be carried out without permission from, or prior notice being given to, the GB competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.

(9) Notwithstanding section 1.1.4.4 of RID, vehicles and their contents handed over for piggyback transport may meet the provisions of these Regulations for carriage by road.

(10) Any consignor consigning, carrier carrying or packer packing dangerous goods for carriage by rail shall ensure that such goods are not carried as express goods unless—

- (a) such carriage is authorised as indicated in column (19) of Table A of chapter 3.2 of RID; and
- (b) any special provisions in chapter 7.6 of RID indicated in that column for the goods in question are met,

and in this paragraph “express goods” shall have the same meaning as in RID.

Vehicle crews, equipment, operation and documentation

24.—(1) Subject to paragraph (2) any carrier carrying dangerous goods by road shall ensure that any—

- (a) driver required to be trained in accordance with sub-section 8.2.1.1 of ADR—
 - (i) has received training which complies with section 8.2.1 of ADR which is relevant to the goods, person and type of vehicle in question;
 - (ii) has received any special training required by chapter 8.5 of ADR in relation to the goods in question; and
 - (iii) holds a certificate issued by the GB competent authority stating that the driver has participated in a training course, and passed an examination in accordance with the requirements of chapter 8.2 of ADR, in relation to the carriage of the dangerous goods in question; and
- (b) transport unit complies with—
 - (i) the requirements of sections 8.1.1 and 8.1.3 to 8.1.5 of ADR; and
 - (ii) any additional requirements applying to the transport unit in chapter 8.5 of ADR applicable to the goods in question.

(2) For the purposes of paragraph (1)(b)(i)—

- (a) sub-section 8.1.4.2 of ADR shall apply as if it referred to sub-section 1.1.3.6 of ADR as modified by regulation 3(7); and
- (b) the provisions of sections 8.1.4 relating to the provision of fire fighting equipment shall not apply—
 - (i) during the loading and unloading of any vehicle; or
 - (ii) to any trailer used for the carriage of dangerous goods when the trailer is not attached to a motor vehicle.

(3) The carrier and each member of the vehicle crew shall ensure that the requirements of section 8.1.2 and chapters 8.3, 8.4 and 8.5 of ADR (other than those referred to in paragraphs (1)(a)(ii) and (1)(b)) which are applicable to the goods in question are met.

(4) The relevant requirements of chapter 8.5 of ADR which are applicable to the goods in question, as referred to in paragraphs (1)(a)(ii) and (1)(b), are indicated in column (19) of Table A of chapter 3.2 of ADR.

(5) In the event of an accident or emergency involving the carriage of dangerous goods, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing required to be carried on the transport unit pursuant to paragraph (3) and sub-section 8.1.2.1(b) of ADR are complied with.

(6) The driver of any vehicle which is engaged in the carriage of dangerous goods shall on request produce to any police constable or goods vehicle examiner the relevant certificate he holds in accordance with this regulation and regulation 33.

(7) The driver of any vehicle which is engaged in the carriage of any class 7 goods shall on request produce to the inspector appointed in accordance with section 1(3)(a) of the Radioactive Material (Road Transport) Act 1991(30) the relevant certificate he holds in accordance with this regulation and regulation 33.

Construction and approval of vehicles

25. Any carrier carrying dangerous goods by road shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 of ADR relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.

PART 3

COMPETENT AUTHORITY FUNCTIONS

Interpretation of Part 3 and Schedule 3

26.—(1) In this Part and in Schedule 3, where a function set out in a provision of ADR in relation to carriage by road or of RID in relation to carriage by rail is conferred on the GB competent authority by reference to that provision of ADR or of RID then the GB competent authority shall carry out that function in accordance with any requirements of that provision of ADR or of RID which are applicable to the function in question.

(2) Regulations 27(a), 29(1)(a), 30(1)(a), and 31(1)(a) shall be construed as if they included references to related expressions to those contained in the regulation in question.

(3) Any—

- (a) approval granted, multilateral approval or unilateral approval granted or validated;
- (b) appointment made;
- (c) matter recognised;
- (d) requirement imposed;
- (e) notification made;
- (f) packing group assigned; or
- (g) information provided,

pursuant to this Part, shall be done in writing.

Grant of approvals by the GB competent authority

27. The GB competent authority may grant approvals in respect of those matters—

- (a) which are referred to in ADR in relation to carriage by road or in RID in relation to carriage by rail, as—
 - (i) requiring the approval, permission, authorisation or agreement of the competent authority;
 - (ii) a matter which may be allowed by or shall be satisfactory or acceptable to the competent authority; or
 - (iii) being subject to a certificate of approval issued by a competent authority; and
- (b) the references to which are set out in paragraph 1 of Part I of Schedule 3, and

subject to any conditions set out in paragraph 2 of Part I of Schedule 3.

Grant of unilateral and multilateral approvals by the GB competent authority in relation to class 7 goods for carriage by rail

28.—(1) The GB competent authority may—

- (a) grant unilateral approvals in respect of designs—
 - (i) of packages; or
 - (ii) special form radioactive material,
 that originate in Great Britain; and
- (b) validate unilateral approvals of such designs made by competent authorities in countries which are not a party to COTIF,

in respect of those matters where RID provides for such approval or validation and the references to which are set out in paragraph 3 of Part 2 of Schedule 3 and subject to the conditions set out in paragraph 5 of Part 2 of Schedule 3.

(2) An approval shall be validated in accordance with paragraph (1) if the conditions in subsection 6.4.22.6 of RID have been met.

(3) The GB competent authority may grant approvals, as part of a multilateral approval, in respect of—

- (a) designs of packages or low dispersible radioactive material or shipments originating in Great Britain; or
- (b) shipments which are to be carried by rail in Great Britain,

in respect of those matters where RID makes provision for such approvals and the references to which are set out in paragraph 4 of Part 2 of Schedule 3 subject to the conditions set out in paragraph 5 of Part 2 of Schedule 3.

Appointment of persons by the GB competent authority

29.—(1) Subject to paragraph (4), the GB competent authority may appoint persons to carry out those functions—

- (a) which ADR in relation to carriage by road or RID in relation to carriage by rail provide may be carried out by a body or expert designated, approved or authorised by the competent authority;
- (b) the references to which are set out in paragraph 6 of Part 3 of Schedule 3.

(2) Any person may submit an application in writing to the GB competent authority for appointment under this regulation by reference to—

- (a) sub-section 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.6.1 and 6.2.5.6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of pressure receptacles;
- (b) sub-section 6.7.2.19.9, 6.7.3.15.9 or 6.7.4.14.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of portable tanks;
- (c) sub-section 6.7.5.12.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of UN-certified MEGCs;
- (d) sub-section 6.8.2.4.5, 6.8.3.4.4 and 6.8.3.4.6(b) to 6.8.3.4.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of—
 - (i) fixed tanks, tank wagons, demountable tanks and tank-containers; and
 - (ii) MEGCs, battery-vehicles and battery-wagons;
- (e) sub-section 6.8.3.4.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of MEGCs, battery-vehicles and battery-wagons;
- (f) special provision TT2 of section 6.8.4(d) of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of shells; or
- (g) sub-section 6.9.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of FRP tanks,

or for the amendment of such an existing appointment.

(3) A person appointed by reference to the provisions referred to in paragraph (2) shall be known as an “appointed person”.

(4) Regulation 44(3) to (8) shall apply to an appointed person as it applies to a notified body or an approved body except that where it applies to an appointed person—

- (a) any references to the competent authority shall be read as references to the GB competent authority;
- (b) regulation 44(3)(a) shall apply as if it provided for the GB competent authority to make an appointment in respect of all the equipment referred to in paragraph (2) for which it is the GB competent authority or such descriptions of that equipment as the GB competent authority may determine;
- (c) regulation 44(3)(c) shall apply as if all the words after “it has been appointed” were omitted; and
- (d) regulation 44(7) shall apply as if it referred to an application under Part 2 or 3.

(5) A person appointed under this regulation by reference to sub-section 6.2.5.6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall—

- (a) comply with the requirements of sub-sections 6.2.5.6.2.4 and 6.2.5.6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) keep the documentation referred to in sub-section 6.2.5.6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that paragraph.

(6) A person appointed to issue an approval by reference to sub-section 6.9.4.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, shall ensure that the approval complies with sub-sections 6.9.4.4.2 to 6.9.4.4.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Recognition of approvals, tests, methods, standards and procedures etc. by the GB competent authority

30.—(1) The GB competent authority may recognise approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications, or other requirements in respect of those matters—

- (a) where ADR in relation to carriage by road or RID in relation to carriage by rail provide—
 - (i) for recognition or acceptance by a competent authority of; or
 - (ii) that the competent authority is satisfied with,
 - approvals, conditions, tests, methods, standards, specifications, procedures, qualifications, quality assurance programmes or other requirements;
- (b) the references to which are set out in paragraph 7 of Part 4 of Schedule 3, and

subject to the conditions set out in paragraph 8 of Part 4 of Schedule 3.

(2) The GB competent authority may recognise standards for the construction of tanks intended to be used for the carriage by road or by rail, wholly within Great Britain, of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in sub-section 6.7.3.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (b) specify a different test pressure for the shell of the tank from that set out in sub-sections 4.3.3.2.2 and 4.3.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

which are applicable to the shell of the tank in question provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

(3) Any person may submit an application in writing to the GB competent authority for the approval of any standard in relation to—

- (a) pressure receptacles pursuant to regulation 21(7) and section 6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) portable tanks or UN-certified MEGCs pursuant to regulation 22 and sub-section 6.7.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (c) tanks, MEGCs, battery-vehicles or battery-wagons pursuant to regulation 22 and sub-section 6.8.2.7 and 6.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (d) tanks, pursuant to paragraph (2).

Imposing of requirements by the GB competent authority

31.—(1) The GB competent authority may impose requirements which apply to, or in relation to, the carriage of dangerous goods by road or rail in respect of those matters where—

- (a) ADR in relation to carriage by road or RID in relation to carriage by rail provide for—
 - (i) provisions, conditions, standards, restrictions or other requirements to be specified, imposed, assigned, allocated, determined, established, requested or required by the competent authority;
 - (ii) a matter to be carried out as required by the competent authority; or
 - (iii) for a request to be made to the competent authority for further instructions;
- (b) the references to which are set out in paragraph 9 of Part 5 of Schedule 3, and

subject to the conditions set out in paragraph 10 of Part 5 of Schedule 3.

(2) The GB competent authority may require a consignment of goods to be accompanied by persons specified by him in the circumstances where special provision W2 of section 7.2.4 of RID provides for consignments to be accompanied by order of the competent military authority.

(3) The GB competent authority may provide for different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or
- (b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, in relation to the filling of pressure receptacles and tanks intended for the carriage by road or by rail of liquefied gas wholly within Great Britain.

Issuing of safety adviser vocational training certificates by the GB competent authority

32.—(1) The GB competent authority or a person appointed by it may issue a certificate as provided for in sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) The GB competent authority or a person appointed by it may only issue a certificate to a person by reference to sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail (“safety adviser vocational training certificate”) where that person has—

- (a) completed training which complies with sub-section 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) passed an examination, which has been approved by the GB competent authority.

(3) The examination referred to in paragraph (2)(b) shall—

- (a) be organised by the GB competent authority or by a person appointed by it in accordance with sub-section 1.8.3.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) comply with sub-sections 1.8.3.11 and 1.8.3.12 of ADR in relation to carriage by road or RID in relation to carriage by rail.

(4) The training and examination may be limited to one or more—

- (a) modes of transport;
- (b) of those dangerous goods listed in sub-section 1.8.3.13 of ADR in relation to carriage by road or of RID in relation to carriage by rail and if this is the case the safety adviser vocational training certificate shall clearly indicate that it is only valid for that mode or for the goods in question.

(5) The safety adviser vocational training certificate referred to in paragraph (2)—

- (a) shall be in the form set out in sub-section 1.8.3.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) shall be valid for five years from the date of issue; and
- (c) may be extended as set out in sub-section 1.8.3.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The GB competent authority, or a person appointed by it under paragraph (3)(a), shall keep a list of the questions that have been included in the examination referred to in paragraph (2)(b).

(7) Any current safety adviser vocational training certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive, the RID Directive or to 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 waterways⁽³¹⁾; and

(b) is in the form required by paragraph (5),

shall be deemed to be a safety adviser vocational training certificate issued by the GB competent authority under this regulation and where it indicates that it applies to only one or more of the dangerous goods referred to in paragraph (4)(b) shall be deemed to be limited to those goods.

(8) Any vocational training certificate issued in accordance with regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999⁽³²⁾ shall be deemed to be a safety adviser vocational training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 7(5) of the said 1999 Regulations or paragraph (5)(c).

(9) The GB competent authority may issue a safety adviser vocational training certificate under this regulation in relation to transport of dangerous goods by inland waterway and in so doing shall comply with this regulation and the provisions of ADR to which it refers as if they referred to the transport of dangerous goods by inland waterway.

Issuing of driver training certificates by the GB competent authority

33.—(1) The GB competent authority or a person appointed by it may issue a driver training certificate to a driver of a vehicle to the effect set out in sub-section 8.2.1.1 of ADR.

(2) The GB competent authority or a person appointed by it may only issue a driver training certificate to a driver where the driver has—

(a) completed a basic training course as set out in paragraph 8.2.1.2 of ADR and passed an examination in accordance with sub-section 8.2.2.7.1 of ADR; and

(b) if applicable—

(i) completed a specialisation course for the vehicle and goods in question where required by section 8.2.1 of ADR; or

(ii) acquired the knowledge referred to in sub-section 8.2.2.8.1(b) of ADR, and in either case has passed an examination in accordance with sub-section 8.2.2.7.2 of ADR.

(3) The person carrying out the training shall ensure that those courses shall comply with sub-sections 8.2.2.1 to 8.2.2.6 of ADR.

(4) The examination referred to in paragraph (2) shall—

(a) be organised by the GB competent authority or by a person appointed by it for that purpose; and

(b) comply with the requirements for the examination in question in sub-section 8.2.2.7 of ADR.

(5) The GB competent authority or the person appointed by it to organise the examinations shall keep a catalogue of examination questions in accordance with sub-section 8.2.2.7.1.3 of ADR.

(6) The driver training certificate—

(a) shall be in the form required in sub-section 8.2.2.8.3;

(b) shall be valid for five years from the date of issue; and

(c) may be extended as set out in and subject to the requirements in sub-sections 8.2.1.5 and 8.2.2.8.2 of ADR.

⁽³¹⁾ OJ No. L145, 19.6.1996, p10.

⁽³²⁾ [S.I. 1999/257](#), to which there are amendments not relevant to these Regulations.

- (7) Any current driver training certificate held by a person which—
- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive or to article 1 of Council Directive [89/684/EEC](#) on vocational training for certain drivers carrying dangerous goods by road⁽³³⁾; and
 - (b) is in the form required by paragraph (6),

shall be deemed to be a driver training certificate issued by the GB competent authority under this regulation.

(8) Any driver training certificate issued in accordance with regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulation 1996⁽³⁴⁾ shall be deemed to be a driver training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 4(6) of the said 1996 Regulations or paragraph (6)(c).

Notification under sub-section 1.8.2.2 of ADR or of RID

34.—(1) The GB competent authority shall notify the relevant competent authority in another member State in the circumstances set out in sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) If the GB competent authority receives a notification from another member State pursuant to sub-section 1.8.2.2 of ADR in relation to carriage by road or RID in relation to carriage by rail then it shall comply with the requirements of sub-section 1.8.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

Miscellaneous functions of the GB competent authority

35.—(1) The GB competent authority may approve the classification of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail require classification and assignment to a collective entry to be made by the competent authority in Great Britain.

(2) The GB competent authority may recognise the classification and conditions of carriage of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide for classification and conditions of carriage of such goods to be recognised by the competent authority in Great Britain.

(3) The GB competent authority shall assign a packing group for dangerous goods where required in accordance with—

- (a) special provision 278 of chapter 3.3 of ADR in relation to carriage by road; or
- (b) special requirement 278 of chapter 3.3 of RID in relation to carriage by rail.

(4) The GB competent authority shall provide information or documents to a person in the circumstances where—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail,

provide for such information or documents to be sent to that person by the competent authority in Great Britain and the references to which are set out in paragraph (5).

(5) The references referred to in paragraph (4) are sub-sections 6.2.5.6.2.1, 6.2.5.6.4.5, 6.2.5.6.4.9 and 6.2.5.6.4.11 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

⁽³³⁾ OJ No. L398, 30.12.1989, p33.

⁽³⁴⁾ [S.I. 1996/2094](#), amended by [S.I. 1999/303](#).

(6) The GB competent authority shall maintain a list in accordance with sub-section 6.2.5.6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(7) The GB competent authority may issue approval certificates in accordance with sub-section 6.2.5.6.4.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(8) The GB competent authority shall maintain the registers required by sub-section 6.4.23.15 of RID.

(9) The GB competent authority may issue certificates of approval where sub-section 9.1.2.1.2 of ADR requires such certificates to be issued by the competent authority in Great Britain.

(10) A certificate issued by the GB competent authority by reference to sub-section 9.1.2.1.2 of ADR shall—

- (a) comply with that paragraph and sub-section 9.1.2.1.5 of ADR;
- (b) comply with sub-section—
 - (i) 1.6.5.2; or
 - (ii) 1.6.5.3,
 of ADR where applicable to the vehicle in question; and
- (c) be valid for the period calculated in accordance with sub-section 9.1.2.1.4 of ADR.

(11) Any current certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and
- (b) is in the form required by paragraph (10),

shall be deemed to be a certificate issued by the GB competent authority under this regulation.

(12) Where a certificate referred to in paragraph (10)(a) is required pursuant to regulation 25 and Part 9 of ADR in relation to the base vehicle of a new motor vehicle or its trailer, the GB competent authority may instead issue a type approval for such a vehicle in the circumstances set out in and in accordance with sub-section 9.1.2.2.1 of ADR.

(13) Any type approval held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and
- (b) complies with sub-section 9.1.2.2.1 of ADR,

shall be deemed to be a type approval issued by the GB competent authority under this regulation provided that no modification has been made to the base vehicle since the type approval was issued.

(14) In this regulation, “base vehicle” has the meaning in sub-section 9.1.1.2 of ADR.

Exemption certificates, temporary and ad hoc exemptions

36.—(1) Subject to paragraph (2), the Executive, by a certificate in writing, may exempt any—

- (a) person or class of persons;
- (b) dangerous goods or class of dangerous goods;
- (c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulations 46 to 54 and Schedules 1 and 2 of these Regulations and any exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Executive by a further certificate in writing.

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

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

it is satisfied that the environment, the security of the goods (in the case of class 1 goods) and the health and safety of persons who are likely to be affected by the exemptions will not be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing, exempt any—

- (a) military explosive or any vehicle intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations;
- (b) person or class of persons from all or any of the requirements or prohibitions imposed by these Regulations, insofar as they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

(4) Subject to paragraph (5), the Executive may authorise a person or class of persons in writing, in relation to any carriage that takes place wholly in Great Britain, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts 2 and 3 where such authorisation operates only to extend derogations allowed by a multilateral agreement which is in force at the time the authorisation is made and which has been entered into by the UK under chapter 1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail or under any provision of ADR or of RID which the said chapter 1.5 re-enacted or replaced.

(5) An authorisation issued under paragraph (4) shall be—

- (a) subject to the same conditions as the multilateral agreement in question; and
- (b) withdrawn by the Executive by a further communication in writing to the person authorised with effect from the same date as the multilateral agreement in question is terminated and may be so withdrawn by the Executive at any time before that.

(6) In paragraph—

- (a) (1)(c), “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train;
- (b) (4)—
 - (i) “ADR” means 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⁽³⁵⁾; and
 - (ii) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF.

(7) The Executive may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Great Britain, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts 2 and 3 or regulation 55 provided that an authorisation—

- (a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;
- (b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Executive by a further communication in writing to the person authorised.

(35) Current Edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

PART 4

TRANSPORTABLE PRESSURE EQUIPMENT

Interpretation of Part 4

37. In this Part—

“CE marking” means the marking referred to in regulation 16 of the Pressure Equipment Regulations 1999⁽³⁶⁾;

“competent authority” shall mean the—

- (a) Secretary of State in relation to transportable pressure equipment which is a—
 - (i) tank
 - (ii) tank wagon; or
 - (iii) battery-vehicle, battery-wagon or MEGC where the elements are tanks; and
- (b) Executive in relation to transportable pressure equipment which is a —
 - (i) pressure receptacle;
 - (ii) UN-certified MEGC; or
 - (iii) battery-vehicle, battery-wagon or MEGC where the elements are pressure receptacles.

“conformity assessment procedures” means the procedures set out in Schedule 4, and conformity assessment shall be construed accordingly;

“conformity marking” means the marking referred to in regulation 45 as set out in Schedule 8;

“conformity reassessment procedure” means the procedure set out in Schedule 6;

“periodic inspection procedures” means the procedures set out in Schedule 7 and “periodic inspection” shall be construed accordingly; and

“the Transportable Pressure Equipment Directive” means Council Directive [1999/36/EC](#) of 29th April 1999⁽³⁷⁾ concerning the approximation of the laws of the member States relating to common provision for transportable pressure equipment and methods for inspection.

Placing on the market and use at work of transportable pressure equipment

38.—(1) Subject to regulation 39, no person shall place on the market or use at work any transportable pressure equipment unless the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure equipment shall—

- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
- (b) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with sub-paragraph (a); and
- (c) bear the conformity marking, the identification number of the notified body and any marking required pursuant to regulations 21(7) and (8) and 22.

(3) Where the transportable pressure equipment includes valves those valves shall—

⁽³⁶⁾ S.I. 1999/2001, as amended by S.I. 2002/1267.

⁽³⁷⁾ OJ No. L138, 1.6.1999, p20.

- (a) have been designed, manufactured and tested—
 - (i) in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the valves in question; or
 - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, in accordance with the requirements of the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements of paragraph (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
 - (b) meet the requirements of paragraph (5).
- (5) The requirements referred to in paragraphs (3) and (4) are that the valves or accessories shall—
- (a) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with—
 - (i) in the case of valves, the requirements referred to in paragraph 3(a); or
 - (ii) in the case of accessories, the requirements referred to in paragraph 4(a); and
 - (b) bear the conformity marking or the CE marking as appropriate.
- (6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Transportable pressure equipment placed on the market and used at work exclusively in Great Britain

39.—(1) Regulation 38 shall not apply in respect of any transportable pressure equipment which is a pressure receptacle and is placed on the market or used at work exclusively within Great Britain provided that the requirements of paragraphs (2) to (4) are complied with.

- (2) The transportable pressure equipment shall—
 - (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) which are applicable to the equipment in question;
 - (b) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G, to be in conformity with the requirements referred to in regulation 21(7) and (8) which are applicable to the equipment in question;
 - (c) bear the identification number of the relevant approved body and any marking required by the requirements referred to in regulations 21(7) and (8); and
 - (d) not bear the conformity marking or the identification number of any notified body.
- (3) Where the transportable pressure equipment includes valves, those valves shall—
 - (a) have been designed, manufactured and tested in accordance with—
 - (i) the requirements referred to in regulations 21(7) and (8) which are applicable to the valves in question; or
 - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8), in accordance with the requirements for the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements of—

- (i) paragraph (5); or
- (ii) regulation 38(3) and (5).

(4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—

- (a) have been designed, manufactured and tested to be in compliance with the requirements referred to in regulations 21(7) and (8) which are applicable to the accessories in question; and
- (b) meet the requirements of—
 - (i) paragraph (5); or
 - (ii) regulation 38(4) and (5).

(5) The requirements referred to in paragraphs (3)(b) and (4)(b) are that the valves or accessories shall—

- (a) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories;
- (b) bear the identification mark of the relevant approved body; and
- (c) not bear the conformity marking or the identification number of any notified body.

(6) For the purposes of paragraphs (2)(b) and (5)(a) references in the conformity assessment procedures to “notified body” shall be read as if they were references to “approved body”.

(7) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Reassessment of conformity

40.—(1) Transportable pressure equipment which is a—

- (a) cylinder tube or cryogenic receptacle which is manufactured prior to 1st July 2003 and does not bear the conformity marking; or
- (b) pressure drum, bundle of cylinders or a tank which is manufactured prior to 1st July 2007 and does not bear the conformity marking from 1st July 2005,

may be reassessed for conformity in accordance with paragraphs (2) to (4).

(2) Subject to paragraph (6), the transportable pressure equipment shall—

- (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
- (b) have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the relevant requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; and
- (c) bear the conformity marking and identification number of the notified body.

(3) Where the transportable pressure equipment includes valves, those valves shall—

- (a) comply with—
 - (i) the requirements of regulations 21(7) and (8) and 22 which are applicable to the valves in question; or

- (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, the relevant requirements of the Pressure Equipment Regulations 1999; and
- (b) meet the requirements of paragraph (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
 - (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
 - (b) meet the requirements of paragraph (5).
- (5) Subject to paragraph (6), the requirements referred to in paragraphs (3) and (4) are that the valves or the accessories shall—
 - (a) where relevant, have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories; and
 - (b) bear the conformity marking.
- (6) Where the transportable pressure equipment, valve or accessory has been manufactured in series to a design type which has been reassessed by a notified body, in accordance with the conformity reassessment procedures to be in conformity with the requirements—
 - (a) referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; or
 - (b) where relevant, of the Pressure Equipment Regulations 1999,the reassessment procedure referred to in paragraph (2)(b) and (5)(a) may be conducted by an approved body.
- (7) For the purposes of paragraph (6) the references in Schedule 6 to “notified body” shall be read as if they were references to “approved body”.

Periodic inspection and repeated use

- 41.—**(1) The owner of transportable pressure equipment shall ensure that the equipment is—
- (a) periodically inspected in accordance with all relevant procedures in Schedule 7 to ensure that that equipment continues to meet the relevant requirements in regulations 21(7) and (8) and 22 and of the Pressure Equipment Regulations 1999 in relation to which they have been assessed or reassessed for conformity in accordance with this Part; and
 - (b) used at work in accordance with the relevant requirements of regulations 18 and 19.
- (2) Any person who carries out a periodic inspection of transportable pressure equipment shall ensure that—
- (a) the inspection complies with the relevant requirements of Schedule 7;
 - (b) at the end of the inspection, the equipment is marked with—
 - (i) the identification number of the relevant notified body or approved body;
 - (ii) where required by Schedule 7, the date of the inspection; and
 - (iii) in the case of EEC-type cylinders undergoing their first periodic inspection, the conformity marking.
- (3) Any technical documentation or other information required to be retained under a periodic inspection procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Notified bodies

- 42.** For the purposes of these Regulations, a notified body is a body which has been appointed—
- (a) to carry out one or more of the following—
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) either or both periodic inspection procedures in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 1 in relation to transportable pressure equipment which is a tank; and
 - (b) as a notified body—
 - (i) pursuant to regulation 44; or
 - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 8 of the Transportable Pressure Equipment Directive.

Approved bodies

- 43.—(1)** For the purposes of these Regulations, an approved body is a body which has been appointed—
- (a) to carry out one or more of the following—
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) periodic inspection procedure module 1 in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 2 in relation to transportable pressure equipment which is a tank under the supervision of a notified body as provided for in module 2; and
 - (b) as an approved body—
 - (i) pursuant to regulation 44; or
 - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 9 of the Transportable Pressure Equipment Directive.

(2) In respect of any conformity assessment undertaken pursuant to regulation 39, an approved body shall work exclusively for the group of which it is a member and in this paragraph and in Schedules 4 to 8 “group” has the same meaning as in the Transportable Pressure Equipment Directive.

Appointment of notified bodies and approved bodies by the competent authority

- 44.—(1)** The competent authority may appoint such persons as it thinks fit to be notified bodies or approved bodies for the purpose of this Part.
- (2) An application for—
- (a) appointment as a notified body;
 - (b) appointment as an approved body; or
 - (c) for the amendment of an existing appointment,
- shall be made to the competent authority.
- (3) An appointment made under this regulation—

- (a) by the competent authority may relate to—
 - (i) all descriptions of transportable pressure equipment for which they are the competent authority; or
 - (ii) such descriptions of such transportable pressure equipment as the competent authority may determine;
 - (b) may be made subject to such conditions as the competent authority may determine, and such conditions may include conditions which apply upon or following termination of the appointment;
 - (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (7), require the notified body or approved body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the manufacturer of the transportable pressure equipment fulfils the obligations arising out of the relevant conformity assessment procedure;
 - (d) shall be terminated upon 90 days' notice in writing to the competent authority at the request of the notified body or the approved body; and
 - (e) may be terminated if it appears to the competent authority that any of the conditions of the appointment are not being complied with.
- (4) Subject to paragraph (3)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.
- (5) A notified body or an approved body appointed by the competent authority shall be subject to such inspection by or on behalf of the competent authority as is necessary to ensure compliance with any condition specified in the appointment.
- (6) The inspection referred to in paragraph (5) may include the examination of premises, equipment and documents and the notified body or approved body shall provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.
- (7) In respect of an application made to a notified body or an approved body in accordance with this Part, the notified body or approved body shall not be required to carry out the procedures and tasks referred to in paragraph (3)(c)—
- (a) if the documents submitted to it with the application are not in English or another language acceptable to that body;
 - (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(4); or
 - (c) if the body in question reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.
- (8) If for any reason the appointment of a notified body or approved body is terminated under this regulation, the competent authority may—
- (a) give such directions—
 - (i) to the body whose appointment has been terminated; or
 - (ii) to another notified body or approved body,for the purpose of making such arrangements for the determination of outstanding applications as it considers appropriate and those directions shall be complied with by the body to whom they are made; and
 - (b) without prejudice to the generality of sub-paragraph (a), authorise another notified body or approved body to take over the functions of the body whose appointment has been terminated in respect of such cases as it may specify.

Conformity marking

45.—(1) Where a notified body or an approved body—

- (a) has carried out a conformity assessment, a reassessment of conformity or a periodic inspection; and
- (b) requires the conformity marking to be affixed to transportable pressure equipment, a valve or an accessory which is complete or is in a state permitting final assessment,

that body shall ensure that the conformity marking is affixed in a visible, easily legible and indelible fashion.

(2) No person shall affix any marking to transportable pressure equipment, a valve or an accessory which is likely to render the meaning or form of the conformity marking misleading.

(3) Any other marking may be affixed to transportable pressure equipment, a valve or an accessory provided that the visibility and legibility of the conformity marking is not thereby reduced.

PART 5

ADDITIONAL REQUIREMENTS TO ADR AND RID

Attendant for carriage of class 1 goods by road

46.—(1) Subject to paragraph (3), where a carrier is carrying any class 1 goods by road in a transport unit he shall ensure that the driver of the transport unit is accompanied by an attendant when the transport unit is not parked.

(2) The carrier shall ensure that the attendant—

- (a) is a person who is competent to ensure the security of the class 1 goods in question;
- (b) has received detailed written instructions on his duties to ensure the security of the class 1 goods in question; and
- (c) has received training appropriate to his responsibility for the security of the class 1 goods in accordance with chapter 1.3 and section 8.2.3 of ADR.

(3) Paragraph (1) shall not apply where—

- (a) the quantity of the class 1 goods in question does not exceed the maximum total quantity per transport unit calculated in accordance with sub-section 1.1.3.6 of ADR as modified by regulation 3(7);
- (b) the only class 1 goods carried are those set out in Schedule 1 to the Control of Explosives Regulations 1991⁽³⁸⁾;
- (c) the carrier has taken adequate alternative measures to ensure the security of the class 1 goods carried on the transport unit and such measures have been agreed in writing with the Executive; or
- (d) the transport unit is in a convoy of more than two transport units unless it is the first or the last transport unit in the convoy.

Duration of carriage and delivery of class 1 goods by road

47.—(1) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods shall ensure—

(38) [S.I. 1991/1531](#), to which there are amendments not relevant to these Regulations.

- (a) that the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) that the class 1 goods are delivered to—
 - (i) the consignee or his agent, or
 - (ii) any other person who is authorised by the consignee to accept custody of the class 1 goods for onward despatch, provided that they are delivered to either—
 - (aa) a safe and secure place or premises under the control of the Ministry of Defence; or
 - (bb) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area,and if the consignee has compelling reasons not to accept the goods in accordance with sub-section 1.4.2.3 of ADR the consignee shall make arrangements for the goods to be delivered to an alternative safe and secure place; and
- (c) that any trailer or container containing class 1 goods is not detached from the vehicle except—
 - (i) in either a safe and secure place or a designated parking area in an airport, a railway transshipment depot or siding, or a harbour or harbour area, or
 - (ii) in an emergency.

(2) The carrier, driver and any attendant within the meaning of regulation 46(2) of a vehicle which is being used for the carriage of class 1 goods shall ensure that any class 1 goods intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) The carrier of a vehicle used for the carriage of class 1 goods shall not remove any class 1 goods from the consignor's premises unless he is ready immediately to despatch them to the consignee or other person referred to in paragraph (1)(b)(ii).

(4) In this regulation "designated parking area" means—

- (a) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and
- (b) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 32 of the Dangerous Substances in Harbour Areas Regulations 1987(39).

Miscellaneous security requirements for carriage of class 1 goods by road

48.—(1) Any consignor consigning or carrier carrying class 1 goods for carriage by road in a transport unit or container shall ensure that the transport unit or container is suitable for the security of the class 1 goods being carried.

(2) Where class 1 goods are being carried by road and any accident or emergency occurs, the carrier and each member of the vehicle crew shall ensure that all proper precautions are taken for the security of those goods.

(3) Where class 1 goods are being carried by road and any accident or emergency occurs which cannot be brought under immediate control—

- (a) the driver and any attendant within the meaning of regulation 46(2) shall ensure that the carrier is notified by the quickest practical means; and

(39) S.I. 1987/37, amended by S.I. 1996/2092, 1996/2095, 1997/2367 and 2003/1431 and to which there are other amendments not relevant to these Regulations.

(b) on being informed of the emergency under paragraph (a), the carrier shall inform the Executive by the quickest practical means of the occurrence of that emergency.

(4) The carrier and the driver of a transport unit used for the carriage by road of more than 5 tonnes of class 1 goods which fall into division 1.1, shall ensure that the route followed is a route which has been agreed with the chief officer of police of each relevant police area.

(5) For the purposes of paragraph (4), when calculating the quantity of class 1 goods which fall into division 1.1 regulation 23(5)(a) shall not apply to the extent that it relates to sub-section 7.5.5.2.2 of ADR.

Miscellaneous security requirements for carriage of class 1 goods by rail

49.—(1) The train operator and the railway infrastructure manager shall ensure that the security of any container or wagon which is being used for the carriage of class 1 goods by rail is maintained whenever the train is stationary.

(2) The train operator shall ensure that the carriage of class 1 goods by rail is completed within a reasonable length of time having regard to the distance involved.

(3) Where class 1 goods have been carried on a train, the consignee shall ensure that the class 1 goods in question are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

(4) In paragraph (3), “railway facility” has the meaning in section 83(1) of the Railways Act 1993~~(40)~~.

Security requirement for carriage of class 1 goods by road or rail and class 7 goods by rail

50. Any person involved in the carriage of—

- (a) class 1 goods by road or by rail; or
- (b) class 7 goods by rail,

shall take all reasonable steps to ensure that unauthorised access to the dangerous goods is prevented.

Carriage of class 1 goods in vehicles used to carry passengers for hire or reward

51.—(1) No person shall carry class 1 goods in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are—

- (a) the only class 1 goods carried by that person are aerial flares (UN 0404), black powder (UN 0027 and 0028), cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055 and 0379), cartridges (UN 0012, 0014, 0323, 0327, 0328, 0338, 0339 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), fuse lighters (0131), igniters (UN 0454), pyrotechnic articles (UN 0432), safety fuse (UN 0105), signals (0191, 0193, 0195 and 0373), or smokeless powder (UN 0160 and 0161), or any combination of such goods;
- (b) the net mass of explosive substances carried by that person does not exceed 2 kilograms;
- (c) the class 1 goods are kept with that person and are kept properly packed; and
- (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the class 1 goods.

(3) For the purposes of this regulation, where class 1 goods are being carried by a passenger, the driver and carrier shall not be treated as carrying them.

Carriage of class 1 goods by road in motor vehicles

52. Any person carrying class 1 goods by road in a vehicle, other than an EX/II or EX/III vehicle or a vehicle which is not being used for hire or reward, shall ensure that those goods are segregated from any person travelling in the vehicle by being placed in a suitable container or in a separate load compartment of the vehicle.

Marshalling and formation of trains

53. Where dangerous goods are being carried by train, the train operator shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

Keeping of information by carriers

54. Where the carrier is required to ensure that a transport document accompanies a consignment of dangerous goods pursuant to regulation 20(4), he shall keep a written record of all the information contained within the transport document for a period of three months after the completion of the journey in question.

Placards, marks and plate markings for carriage within Great Britain

55.—(1) Subject to the requirements in Part 1 of Schedule 9 in relation to carriage by road or Part 2 of that Schedule in relation to carriage by rail, where dangerous goods are being carried by—

- (a) road or by rail in tanks or in bulk and, in the case of carriage by road, on a transport unit registered in Great Britain; or
- (b) rail in piggyback transport,

and the whole of that carriage operation takes place in Great Britain, the loader, filler, consignor and carrier shall comply with the requirements in regulation 20(3) relating to placards, marks or plate markings.

(2) Where in relation to carriage by rail, the loader, filler, consignor and carrier comply with the requirements in Part 2 of Schedule 9, then regulation 20(4) and sub-section 5.4.1.1(j) of RID shall apply as if they required the EAC to be entered in the transport document instead of the HIN.

PART 6

MISCELLANEOUS

Fees for applications relating to pressure receptacles and tanks

56.—(1) On the making of an application to the—

- (a) GB competent authority for the appointment or the amendment of an appointment as an appointed person in accordance with regulation 29(2);
- (b) GB competent authority for the recognition of a standard in accordance with regulation 30(3);
- (c) competent authority for the appointment or the amendment of an appointment as a notified body or an approved body under regulation 44(2);
- (d) Secretary of State for the appointment or the amendment of an appointment as an inspection body under paragraph 3(1)(a) of Schedule 1;

- (e) Executive for the approval or amendment of an approval as a person under paragraph 3(2) of Schedule 2; or
- (f) Executive for the appointment or the amendment of an appointment as an inspection body under paragraph 4(1)(b) of Schedule 2,

there shall be payable by the applicant in connection with the performance by or on behalf of the GB competent authority, the competent authority, the Secretary of State or the Executive as the case may be, in respect of its or his functions in relation to that application the relevant fee referred to in paragraph (2).

(2) The fees referred to in paragraph (1) are—

- (a) in respect of sub-paragraph (a) or (c), where the GB competent authority or the competent authority is the Executive, or sub-paragraph (e) or (f)—
 - (i) a fee of £305 for processing the application; and
 - (ii) such fee as is reasonable in light of the actual work performed in respect of the determination of the suitability of the applicant for appointment or the amendment of an existing appointment; and
- (b) in respect of sub-paragraphs (a) or (c), where the GB competent authority or the competent authority is the Secretary of State, in respect of sub-paragraph (b), where the GB competent authority is the Executive, or sub-paragraph (d) such fee as is reasonable in light of the actual work performed.

(3) A fee which shall be reasonable in light of the actual work performed shall be payable by the relevant notified body, approved body or appointed person in respect of any inspection undertaken by or on behalf of the competent authority or the GB competent authority in accordance with regulation 44(5).

(4) Subject to paragraph (5), where an application has been made to—

- (a) a notified body, an approved body, an inspection body or an approved person in accordance with these Regulations; or
- (b) an appointed person in compliance with the provisions of ADR or of RID referred to in regulations 21 and 22,

the notified body, the approved body, the inspection body, the approved person or the appointed person may charge such fees in connection with, or incidental to, carrying out its duties in relation to the procedures and tasks referred to in regulation 44(3)(c), paragraph 8(3)(c) of Schedule 1 or paragraph 9(3)(c) of Schedule 2 as it may determine.

(5) The fees referred to in paragraph (4) shall not exceed—

- (a) the costs incurred or to be incurred by the notified body, approved body, inspection body, approved person or appointed person in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by that body or person on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(6) The power in paragraph (3) includes the power to require payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

(7) In this regulation, “competent authority” has the same meaning as in Part 4.

Transitional defence

57. In any proceedings for an offence consisting of a contravention of regulation 18 in relation to the packing of goods in metal—

- (a) IBCs; or
- (b) drums,

exceeding 50 litres in capacity, it shall be a defence for the person charged to prove that the IBCs or drums in question were manufactured less than 15 years prior to the date of consignment and prior to 1st July 1995.

Defence and enforcement

58.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations, it shall be a defence, subject to paragraphs (2) and (3), for the person charged to prove that—

- (a) the commission of the offence was due to the act or default of another person, not being one of his employees (“the other person”); and
- (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the—

- (a) hearing to determine the mode of trial, where the proceedings are in England or Wales;
- (b) intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) first diet, where the proceedings are solemn proceedings in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person, as was then in his possession.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person shall be guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

(4) Notwithstanding anything to the contrary in regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998⁽⁴¹⁾ and subject to paragraph (5), the enforcing authority for these Regulations shall be the Executive.

Amendments to the Health and Safety (Fees) Regulations 2004

59. Schedule 10 shall have effect.

Amendments to Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

60. Schedule 11 shall have effect.

Amendments to the Classification and Labelling of Explosives Regulations 1983

61. Schedule 12 shall have effect.

(41) [S.I. 1998/494](#), to which there are amendments not relevant to these Regulations.

Consequential amendments

62. The enactments referred to in Schedule 13 shall be amended as set out in that Schedule.

Revocations and savings

63.—(1) Schedule 14 shall have effect.

(2) In the Order of Secretary of State (No. 9), dated 23rd June 1919 relating to compressed acetylene contained in a porous substance(42), for the purpose of deeming acetylene not to be an explosive, conditions (1) to (4) and (11) of the Order shall be deemed to have been satisfied in respect of any cylinder which complies with Part 4 of these Regulations.

(3) Order in Council No. 30(43) shall not apply to the importation or use at work of acetylene in transportable pressure equipment which complies with the provisions of Part 4 of these Regulations.

(4) For the purposes of the interpretation of the Approved Tank Requirements(44), expressions defined in the Carriage of Dangerous Goods by Road Regulations 1996(45) or the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(46) shall have the meaning defined in those Regulations as if those Regulations were still in force.

(5) Any appointment of a person as a notified or an approved body under regulation 10 of the Transportable Pressure Vessels Regulations 2001(47) (“TPVR Regulations”) in force immediately before the coming into force of these Regulations, shall be deemed to be an appointment as a notified or approved body under regulation 44 of these Regulations but shall remain subject to any terms specified in the appointment under the TPVR Regulations.

(6) Any approval of a person under paragraph 2(4)(a) of Schedule 8 to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 in force immediately before the coming into force of these Regulations shall be deemed to be an approval under paragraph 3(2)(a) of Schedule 2 to these Regulations but shall remain subject to the terms of the approval under the said 1996 Regulations.

(7) Any approval certificate issued by the Secretary of State for Defence or the Executive under sub-paragraph (e)(i) of Schedule 9 to the Carriage of Dangerous Goods by Rail Regulations 1996(48) or paragraph 6(f) of Schedule 4 to the Carriage of Explosives by Road Regulations 1996(49) in force immediately before the coming into force of these Regulations shall be deemed to be an approval certificate issued under regulation 36 of these Regulations.

(8) Any registration by the Secretary of State for Defence or the Executive of a packaging under regulation 11 of the Packaging of Explosives for Carriage Regulations 1991(50) in force immediately before the coming into force of these Regulations shall be deemed to comply with regulation 21 of these Regulations.

(9) Any cylinder, tube or cryogenic receptacle which complied with the provisions of regulations 4 to 6 of the TPVR Regulations immediately before the coming into force of these Regulations shall be deemed to comply with regulations 38 to 40 of these Regulations.

(10) Any periodic inspection of a cylinder, tube or cryogenic receptacle made in accordance with regulation 7 of the TPVR Regulations shall be taken to be a periodic inspection under regulation 41

(42) S.R.&O. 1919/809, amended by S.I. 1974/1885 and to which there are amendments not relevant to these Regulations.

(43) S.R.&O. 1937/54, to which there are amendments not relevant to these Regulations.

(44) ISBN 0-7176-1226-0.

(45) S.I. 1996/2095, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(46) S.I. 1996/2092, amended by S.I. 2001/2046 and to which there are amendments not relevant to these Regulations.

(47) S.I. 2001/1426.

(48) S.I. 1996/2089, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(49) S.I. 1996/2093, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(50) S.I. 1991/2097, to which there are amendments not relevant to these Regulations.

of these Regulations and accordingly shall be taken into account in calculating the time for the next periodic inspection of such equipment pursuant to regulation 41.

Signed by authority of the Secretary of State

1st April 2004

David Jamieson
Parliamentary Under Secretary of State
Department for Transport