

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Carriage of Dangerous Goods and use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568) (“the Carriage Regulations”) to implement—

- (a) Commission Directive [2004/89/EC](#) adapting for the fifth time to technical progress Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L293, 16.9.2004, p. 14);
- (b) Commission Directive [2004/110/EC](#) adapting for the sixth time to technical progress Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L365, 10.12.2004, p. 24); and
- (c) Commission Directive [2004/111/EC](#) adapting for the fifth time to technical progress Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (O.J. No. L365, 10.12.2004, p. 25).

2. Council Directive [96/49/EC](#) (O.J. No. L319, 12.12.96, p. 7) applies the European Agreement concerning the International Carriage of Goods by Road signed at Geneva on 30th September 1957 (“ADR”). Council Directive [96/55/EC](#) (O.J. No. L234, 17.9.96, p. 25) applies the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail. The amendments in these Regulations align the Carriage Regulations with the latest versions of the ADR and RID agreements, as defined in regulation 2 of the Carriage Regulations.

3. Apart from minor and drafting amendments, the principal modifications are—

- (a) new provisions—
 - (i) providing alternative requirements for the carriage of dangerous goods in bulk (*Schedule 1, paragraphs 1(b) and (e), 12 and 13*);
 - (ii) for security relating to identification requirements for carriers and their personnel and site security plans for high consequence dangerous goods (*Schedule 1 paragraphs 2, 6, 18 and 30*);
 - (iii) relating to non-compliance in relation to radioactive materials (*Schedule 1, paragraphs 2 and 7*);
 - (iv) clarifying when dangerous goods may be carried in multiple element gas containers (MEGCs) (*Schedule 1, paragraph 9(b)*);
 - (v) reinstating a provision relating to the fire-resistance of orange-coloured plates for carriage within Great Britain (*Schedule 1, paragraph 36(b)*);
- (b) the removal of provisions relating to—
 - (i) gas cylinders used for hot-air ballooning (*Schedule 1, paragraph 3(e)*); and
 - (ii) infectious substances (*Schedule 1 paragraph 10*); and
- (c) the Transfer of competent authority (CA) functions from the Health and Safety Executive to the Department for Transport and a consequential simplification of the fee charging regime for CA functions. The CA may delegate its functions and charge fees for performing those functions. The fees shall be reasonable in light of the actual work performed (*Schedule 1, paragraphs 1(c), 2, 5, 14, 17, 19, 20, 31(b), 32, 33(a), (b), (c) and (c) and 34, Schedules 2 and 4*).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

4. The Regulations also amend The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689) to include consequential changes that were omitted in the Carriage Regulations (*Regulation 4 and Schedule 3*) and make consequential amendments to—

- (a) the Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919 (S.I. 1909/809) (*Regulation 3 and Schedule 2*); and
- (b) the Health and Safety (Fees) Regulations 2005 (S.I. 2005/676) (*Regulation 5 and Schedule 4*).

5. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Department for Transport, Dangerous Goods Branch, Zone 2/34, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Copies have been placed in the Library of each House of Parliament.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2007/1573 Sch. 9](#)