

---

STATUTORY INSTRUMENTS

---

**2009 No. 1348**

**HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of  
Transportable Pressure Equipment Regulations 2009**

*Made* - - - - 27th May 2009  
*Laid before Parliament* 3rd June 2009  
*Coming into force* - - 1st July 2009

<sup>M1</sup>The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15(1) to (5), (6)(a) and (b) and (8), 43(2) to (6) and 82(3)(a) of, and paragraphs 1, 2(1), 3, 4(1), 6 to 9, 11 to 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 as

<sup>M2</sup>read with paragraph 1A of Schedule 2 to the European Communities Act 1972 .

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the reference to the Dangerous Goods Directive to be construed as a reference to that instrument as amended from time to time.

<sup>M3</sup>In accordance with section 50(1) and (1AA) of the Health and Safety at Work etc. Act 1974 the Secretary of State has consulted the Health and Safety Executive and such other bodies as appear to the Secretary of State to be appropriate.

In accordance with paragraph 2(7) of Schedule 3 to the Railways Act 2005 <sup>M4</sup> the Secretary of State has consulted the Office of Rail Regulation.

---

**Modifications etc. (not altering text)**

- C1** Regulations modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 3](#) (with [Sch. 4](#))
- 

**Marginal Citations**

- M1** [1974 c.37](#); section 1(1)(c) was modified by the Health and Safety at [Work etc. Act \(Application to Environmentally Hazardous Substances\) Regulations 2002 \(S.I. 2002/282\)](#) to which relevant amendments have been made by [S.I. 2004/463](#), [2005/1308](#), [2007/1332](#) and [2009/318](#). Section 15(1) was amended by the [Employment Protection Act 1975 \(c.71\)](#), [Schedule 15](#), paragraph 6.
- M2** [1972 c.68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- M3** Articles 3 and 16(1) and (2) of the [Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#) substituted a new version of section 50(1) for the previous version and inserted section 50(1AA). The extent of the requirement to consult pursuant to section 50(1) was narrowed by the insertion of section 50(1A) into the Health and Safety at Work etc. Act 1974 by the Railways Act 2005 (“the 2005 Act”) (c.14), Schedule 3, paragraph 13.
- M4** The meaning of “railway safety purposes” under Schedule 3 of the 2005 Act which is relevant to the obligation to consult has been amended by the [Railways Act 2005 \(Amendment\) Regulations 2006 \(S.I. 2006/556\)](#).

## 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 2009 and come into force on 1st July 2009.

#### Interpretation - General

- 2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.
- (2) Any reference in these Regulations to a “Part”, “Chapter”, “Section” or “Sub-section”, unless the context requires otherwise, is to be construed—
- in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;
  - in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and
  - in relation to the carriage of goods by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADN.
- (3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the same meaning as in—
- ADR in relation to carriage by road;
  - RID in relation to carriage by rail; and
  - ADN in relation to carriage by inland waterway.
- (4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the same meaning as in that Directive.
- (5) The expressions mentioned in column 1 of the Table have the meanings given in column 2.

#### Table

<i>Column 1</i>	<i>Column 2</i>
“the 2007 Regulations”	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007
	M5

- “ADN” The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway<sup>M6</sup>, as revised or reissued from time to time.
- “ADR” Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road<sup>M7</sup>, as revised or reissued from time to time.  
But—
- (a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and
  - (b) in regulation 14(6)(b) it means Annexes A and B as in force on the date in question.
- “armed forces” Means—
- (a) one of Her Majesty's Forces within the meaning of the Armed Forces Act 2006<sup>M8</sup>;
  - (b) the Ministry of Defence Police<sup>M9</sup>;
  - (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952<sup>M10</sup>; or
  - (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>M11</sup>.
- [<sup>F1</sup>“civil carriage of class 7 goods” The carriage of class 7 goods by road, rail or inland waterway otherwise than for the purposes of the department of Secretary of State having responsibility for Defence.]
- [<sup>F2</sup>“conformity assessment” The assessment and the procedure for assessment of conformity set out in the Directives.]
- [<sup>F3</sup>“conformity mark” The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of the mark being set out in article 15 of that Directive.]
- “COTIF” The Convention concerning International Carriage by Rail<sup>M12</sup>, as revised or re-issued from time to time.
- “the Dangerous Goods Directive” Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods<sup>M13</sup>, as amended from time to time.
- [<sup>F4</sup>“the Directives” The Dangerous Goods Directive and the Transportable Pressure Equipment Directive.]
- “fire and rescue authority”<sup>M14</sup> The fire and rescue authority under the Fire and Rescue Services Act 2004
- “the GB competent authority” The competent authority in Great Britain for the purposes of these Regulations as determined under regulation 25.  
But a reference to “2007 GB Competent Authority” is a reference to the competent authority in Great Britain for the purposes of the 2007 Regulations.

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

“national carriage”	Carriage that includes carriage in Great Britain and does not include carriage outside the United Kingdom.
F5	F5
. . .	. . .
[ <sup>F6</sup> “relevant member State”	A member State of the EU on whose market the equipment in question has been made available.]
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF <sup>M15</sup> , as revised or reissued from time to time. But— <ul style="list-style-type: none"> <li>(a) to the extent that a reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and</li> <li>(b) in regulation 14(6)(b) it means the Annex as in force on the date in question.</li> </ul>
“the security provisions”	The prohibitions and requirements of Chapter 1.10 (including those requirements deemed to be part of ADR in consequence of regulations 7 and 8.)
[ <sup>F7</sup> “TPED competent authority”	The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland or another member State of the EU.]
[ <sup>F8</sup> “the Transportable Pressure Equipment Directive”	Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives <a href="#">76/767/EEC</a> , <a href="#">84/525/EEC</a> , <a href="#">84/526/EEC</a> , <a href="#">84/527/EEC</a> and <a href="#">1999/36/EC</a> . ]
“vehicle”	Has the meaning given in article 2 of the Dangerous Goods Directive except that the words “at least four wheels and” are to be omitted.
“wagon”	Has the meaning given in article 2 of the Dangerous Goods Directive.

#### Textual Amendments

- F1** Words in reg. 2(5) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(2)** (with Sch. 4)
- F2** Words in reg. 2(5) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(3)**
- F3** Words in reg. 2(5) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(2)**
- F4** Words in reg. 2(5) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **3(4)**
- F5** Words in reg. 2(5) omitted (S.) (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 26(2)**

- F6** Words in reg. 2(5) inserted (24.10.2011) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (S.I. 2011/1885), regs. 1, **3(5)**
- F7** Words in reg. 2(5) inserted (24.10.2011) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (S.I. 2011/1885), regs. 1, **3(6)**
- F8** Words in reg. 2(5) substituted (24.10.2011) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (S.I. 2011/1885), regs. 1, **3(7)**

#### Marginal Citations

- M5** [S.I. 2007/1573](#).
- M6** ISBN 9789211391343 (2009 edition).
- M7** ISBN 9789211391336 (2009 edition).
- M8** [2006 c.52](#).
- M9** See section 1(1) of the [Ministry of Defence Police Act 1987 \(c.4\)](#).
- M10** [1952 c.67](#).
- M11** [1964 c.5](#).
- M12** Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).
- M13** OJ No L260, 30.9.2008, p.13.
- M14** [2004 c.21](#); section 1(2)(d) was amended by the [Civil Contingencies Act 2004 \(c.36\)](#), [Schedule 2, Part 1, paragraph 10\(1\)](#) and (2).
- M15** ISBN 9788086206394 (2009 edition).

### Interpretation of ADR, RID and ADN for the purposes of these Regulations

3. For the purposes of these Regulations—
- (a) the scope of ADR, RID and ADN is deemed to include national as well as international carriage;
  - (b) a member State of the [F9]EU which is not a Contracting Party to ADR or ADN is deemed to be a Contracting Party to ADR or ADN (as the case may be);
  - (c) a member State of the [F9]EU which is not a Member State of COTIF is deemed to be a Member State of COTIF;
  - (d) a reference in—
    - (i) ADR or RID to “competent military authority”;
    - (ii) ADR or ADN to “Contracting Party”; and
    - (iii) RID to “Member State”,is to be treated as a reference to “competent authority” unless the context requires otherwise;
  - (e) Sub-section 1.1.4.4 of RID applies as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 in so far as they relate to carriage by road” were included after the words “provisions of ADR”;
  - <sup>F10</sup>(f) .....
  - <sup>F10</sup>(g) .....
  - <sup>F10</sup>(h) .....
  - <sup>F10</sup>(i) .....
  - (j) the words “The competent authorities of the Contracting Parties may provide that” are omitted from Sub-section 1.8.3.2 of ADR;
  - (k) the words “The competent authorities of the Member States may provide that” are omitted from Sub-section 1.8.3.2 of RID;

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (l) the reference in Sub-section 1.8.3.3 to “national authorities” is to be treated as a reference to “the GB competent authority or an enforcement authority”; <sup>F11</sup>...
- (m) Sub-section 5.3.4 of RID is omitted<sup>F12</sup>;
- <sup>F12</sup>(n) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of ADR apply as if the words “by the competent authority of a Contracting Party” were included after the word “assigned”; and]
- <sup>F12</sup>(o) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of RID apply as if the words “by the competent authority of a Member State of COTIF” were included after the word “assigned”.]

#### Textual Amendments

- F9** Word in reg. 3(b)(c) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(2)**
- F10** Reg. 3(f)(g)(h)(i) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(3)**
- F11** Word in reg. 3(l) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(4)**
- F12** Reg. 3(n)(o) substituted for full stop (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **4(5)**

#### Application

4.—(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.

<sup>F13</sup>(1A) Part 5 of these Regulations also applies in relation to the carriage of class 7 goods by inland waterway.]

(2) <sup>F14</sup>[Parts 1 to 4, 6 and 7 of these Regulations] apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).

(3) These Regulations do not apply in relation to the carriage of dangerous goods on any part of the Channel Tunnel system.

(4) In this regulation “the Channel Tunnel system” has the meaning given to “the tunnel system” by section 1(7) of the Channel Tunnel Act 1987 <sup>M16</sup> except that the words “to be” which come before the word “constructed” are omitted.

#### Textual Amendments

- F13** Reg. 4(1A) inserted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **4(a)** (with reg. 9)
- F14** Words in reg. 4(2) substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **4(b)** (with reg. 9)

#### Marginal Citations

- M16** 1987 c.53.

## PART 2

### PROHIBITIONS AND REQUIREMENTS

#### Carriage to be in accordance with ADR or RID

5. No person is to carry dangerous goods, or cause or permit dangerous goods to be carried, where that carriage is prohibited by ADR or RID, including where that carriage does not comply with any applicable requirement of ADR or RID.

#### Alternative placarding requirements to apply to certain national carriage

6.—(1) This regulation applies in relation to national carriage—

- (a) in a tank;
- (b) in bulk; or
- (c) in relation to carriage by rail, by piggyback transport,

where that carriage is by a United Kingdom vehicle or a United Kingdom wagon.

(2) But this regulation does not apply in relation to carriage—

- (a) of class 7 goods; or
- (b) of any dangerous goods by a vehicle or wagon belonging to or under the responsibility of one of the armed forces.

(3) For the purposes of regulation 5, the requirements of—

- (a) Part 1 of Schedule 1 in respect of carriage by road; and
- (b) Part 2 of Schedule 1 in respect of carriage by rail,

are deemed to be requirements of Section 5.3.2 and any conflicting requirements in ADR or RID are to be disregarded.

(4) In this regulation—

- (a) a “United Kingdom vehicle” means a vehicle registered by the Secretary of State in accordance with section 21(1) of the Vehicle Excise and Registration Act 1994 <sup>M17</sup> or a trailer being towed by such a vehicle; and
- (b) a “United Kingdom wagon” means a wagon used only for carriage within the United Kingdom.

(5) In Schedule 1 “emergency action code” is a reference to the emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List <sup>M18</sup>, as revised or reissued from time to time.

#### Marginal Citations

**M17** 1994 c.22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version.

**M18** ISBN 9780113413263 (2009 edition).

#### Additional security requirements for carriage by road

7.—(1) For the purposes of regulation 5, the requirements set out in paragraphs (2) to (4) are deemed to be requirements of Chapter 1.10 of ADR.

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

(2) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods must ensure that—

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the class 1 goods are delivered to—
  - (i) the consignee or the consignee's agent; or
  - (ii) a person who is authorised by the consignee to accept custody of the class 1 goods—
    - (aa) for onward despatch; or
    - (bb) in circumstances where the consignee has compelling reasons not to accept the goods in accordance with Sub-section 1.4.2.3, provided they are delivered to qualifying premises;
- (c) the goods are unloaded from the vehicle as soon as is reasonably practicable after it arrives at its place of delivery; and
- (d) any trailer or container containing class 1 goods is not detached, or removed, from the vehicle unless it is in qualifying premises.

(3) But paragraph (2)(d) does not apply in an emergency.

(4) The carrier of a vehicle used for the carriage of class 1 goods must not remove any class 1 goods from the consignor's premises unless ready immediately to despatch them to the consignee or a person authorised by the consignee to accept custody in the circumstances referred to in paragraph (2)(b)(ii)(aa).

(5) In this regulation—

- (a) “designated parking area” means—
  - (i) 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
  - [<sup>F15</sup>(ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 13 of the Dangerous Goods in Harbour Areas Regulations 2016;]
- (b) “qualifying premises” means—
  - (i) premises under the control of the Secretary of State for Defence;
  - (ii) a safe and secure place; or
  - (iii) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area; and
- [<sup>F16</sup>(c) “a safe and secure place” means a safe and secure place—
  - (i) within a site in relation to which a person is licensed to manufacture or store explosives under regulation 13 of the Explosives Regulations 2014; or
  - (ii) at which the manufacture or storage of explosives may lawfully take place by virtue of a certificate of exemption granted under those Regulations.]

#### Textual Amendments

**F15** Reg. 7(5)(a)(ii) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016 \(S.I. 2016/721\)](#), reg. 1, **Sch. 5 para. 10** (with reg. 5)

**F16** Reg. 7(5)(c) substituted (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), **Sch. 13 para. 23**



### **Additional security requirement relating to access**

8.—(1) For the purposes of regulation 5, the requirement set out in paragraph (2) is deemed to be a requirement of Chapter 1.10.

(2) A person involved in the carriage of dangerous goods must take all reasonable steps to ensure that unauthorised access to those goods is prevented.

### **Application of ADR to carriage by private individuals**

9.—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the exemption from the prohibitions and requirements of ADR provided for by Sub-section 1.1.3.1(a) of ADR (carriage by private individuals) is to be disregarded.

(3) But paragraph (2) does not apply if the conditions specified in paragraphs (4) and (5) are satisfied.

(4) The net mass of explosive substance being carried does not exceed—

- (a) in the case of fireworks, 50 kilograms; and
- (b) in the case of other explosives or a combination of fireworks and other explosives, 30 kilograms.

(5) The individual has taken all reasonable steps to ensure that—

- (a) the manner in which the class 1 goods are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) there is no unauthorised access to the class 1 goods.

### **Application of ADR to carriage by certain enterprises**

10.—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the requirements referred to in paragraph (3) apply to carriage that would, but for this paragraph, be exempt from those requirements because of the exemption set out in Sub-section 1.1.3.1(c) of ADR (carriage by enterprises which is ancillary to their main activity).

(3) The requirements are—

- (a) the requirements of ADR in—
  - (i) Section 7.5;
  - (ii) Section 8.3.5; and
  - (iii) special provisions S1:(3) and S1:(6) of Chapter 8.5; and
- (b) the requirements deemed to be part of ADR in consequence of regulations 7 and 8.

## **PART 3**

### **EXEMPTIONS**

#### **Derogations and transitional provisions**

11.—(1) The Secretary of State for Transport may exempt the carriage of dangerous goods from requirements and prohibitions arising under Part 2 of these Regulations.

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (2) But paragraph (1) only applies for the purposes of—
- (a) implementing a derogation authorised under article 6(2) to (4) of the Dangerous Goods Directive;
  - (b) maintaining a transitional provision permitted by article 7 of the Dangerous Goods Directive; or
  - (c) ensuring that carriage to which these Regulations apply, but the Dangerous Goods Directive, ADR or RID does not apply, is carried out in a manner consistent with a derogation or transitional provision referred to at sub-paragraph (a) or (b).
- (3) Where any exemption is granted pursuant to paragraph (1), that exemption is to be set out in a document to be called “[<sup>F17</sup>Carriage of] Dangerous Goods: Approved Derogations and Transitional Provisions”.
- (4) The document may be revised in whole or in part from time to time.
- (5) In the document the Secretary of State must set out—
- (a) the types of carriage to which the exemption applies;
  - (b) the circumstances in which the exemption applies;
  - (c) the requirements and prohibitions that do not apply pursuant to paragraph (1); and
  - (d) any requirements and prohibitions that apply instead.
- (6) The Secretary of State may not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.
- (7) This regulation does not limit the power to issue an authorisation under regulation 12(1).

#### Textual Amendments

**F17** Words in reg. 11(3) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, 5

#### Authorisations

**12.—(1)** A person referred to in column 1 of the Table may issue an authorisation to a person or class of persons to carry dangerous goods in circumstances which are contrary to prohibitions and requirements arising under Part 2 of these Regulations providing the conditions specified in column 2 are satisfied in respect of that carriage.

<i>Column 1</i>	<i>Column 2</i>
The Secretary of State for Transport	The carriage is national carriage
The Secretary of State for Defence	The conditions are as follows— <ol style="list-style-type: none"> <li>(a) (i) the carriage is national carriage; and</li> <li>(ii) either—               <ol style="list-style-type: none"> <li>(aa) the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Defence</li> </ol> </li> </ol>

---

	is the GB competent authority; or
	(bb) it is in the interests of national security to disapply the prohibitions and requirements that are the subject of the authorisation; or
	(b) the carriage is by a vehicle or wagon belonging to or under the responsibility of one of the armed forces and it is not reasonably practicable for operational, training or security reasons related to the role of the armed forces for the prohibitions and requirements disappplied by the authorisation to apply to the carriage.
[ <sup>F18</sup> The Office for Nuclear Regulation	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Office for Nuclear Regulation is the GB competent authority.]
The Health and Safety Executive	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Health and Safety Executive is the GB competent authority.

---

- (2) An authorisation issued pursuant to paragraph (1) must be in writing and must set out—
- (a) the carriage that is covered by the authorisation;
  - (b) the reason that the authorisation is being issued; and
  - (c) any time limit applicable to the validity of the authorisation.
- (3) An authorisation issued pursuant to paragraph (1) may be—
- (a) made subject to conditions; and
  - (b) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and that notice must set out whether the withdrawal of the authorisation has effect immediately or whether the withdrawal has effect from a specified date.
- (4) Any authorisation granted, or deemed to be granted, pursuant to regulation 9(2) or 10(13) of the 2007 Regulations that was in force immediately before the coming into force of these Regulations is deemed to be an authorisation issued pursuant to paragraph (1) of this regulation and subject to the same conditions as were in force immediately before the coming into force of these Regulations.

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

### Textual Amendments

**F18** Words in reg. 12(1) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 28\(3\)](#) (with Sch. 4)

### Reference temperatures and standards

**13.**—(1) This regulation applies where the GB competent authority has recognised reference temperatures or standards in accordance with regulation 28(1) or (2).

(2) Part 2 does not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with regulation 28(1) or (2).

(3) The exemption set out in paragraph (2) only applies if the tank or pressure receptacle being used for carriage —

- (a) is clearly marked or labelled to show that it is suitable for national carriage only; and
- (b) does not carry the conformity mark.

### Old pressure receptacles

**14.**—(1) This regulation applies in relation to national carriage.

(2) This regulation applies in relation to the carriage of dangerous goods which is not permitted under Part 2 of these Regulations because the old pressure receptacle used for that carriage cannot, by virtue of its design or construction, satisfy the requirements for the use of pressure receptacles set out in ADR or RID.

(3) Subject to paragraph (5), the requirements in ADR or RID which cannot be complied with are to be disregarded for the purposes of Part 2 of these Regulations if the requirements of paragraph (4) are satisfied.

(4) The requirements are—

- (a) the old pressure receptacle has not been subject to modification, major repair or re-rating which has put it outside the scope of the design standard or design specification to which it was originally constructed;
- (b) the old pressure receptacle—
  - (i) has been approved by a person appointed pursuant to regulation 29(2) as being safe for use;
  - (ii) was found to be safe by an inspection body in accordance with paragraph 5(4) of Schedule 3 to the 2007 Regulations and marked accordingly; or
  - (iii) was found to be safe by an inspection body or a competent person in accordance with paragraph 4(2) of Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>M19</sup> and marked accordingly, and the time elapsed since the approval or the finding that the receptacle was safe does not exceed the intervals for periodic inspection specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4; and
- (c) in respect of old pressure receptacles used for the carriage of acetylene, the operator has a written record of—
  - (i) the tare weight of the old pressure receptacle, including the porous substance and, where relevant, the acetone or other solvent;

- (ii) the nature of solvent used; and
- (iii) the maximum safe operating pressure of the old pressure receptacle.

(5) An old pressure receptacle which is of seamless construction or has contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken<sup>F19</sup>, after these Regulations have come into force,] may not be used for the carriage of dangerous goods.

(6) In this regulation “old pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders—

- (a) constructed—
  - (i) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and
  - (ii) in the case of other pressure receptacles, on or before 9th May 2004;
- (b) which did not meet the design and construction requirements applicable to that receptacle that were set out in ADR or RID as in force on the date construction was completed;
- (c) which did comply with the design and construction requirements imposed under the law of the United Kingdom in force on the date construction was completed; and
- (d) which has not been subject to a reassessment of conformity pursuant to a provision of the law of United Kingdom or another EEA State giving effect to article 5 of the Transportable Pressure Equipment Directive (including regulation 21 of these Regulations).

#### Textual Amendments

**F19** Words in reg. 14(5) inserted (1.10.2014) by [The Acetylene Safety \(England and Wales and Scotland\) Regulations 2014 \(S.I. 2014/1639\)](#), reg. 1(1), **Sch. 2 para. 2**

#### Marginal Citations

**M19** [S.I. 2004/568](#); revoked by [S.I. 2007/1573](#).

### Carriage within the perimeter of an enclosed area

**15.** Part 2 of these Regulations does not apply in relation to the carriage of dangerous goods where such carriage is wholly performed within the perimeter of an enclosed area.

### Carriage by road other than by vehicles

**16.—(1)** This regulation applies in relation to carriage by road.

(2) Part 2 of these Regulations does not apply in relation to carriage where that carriage is not undertaken by a vehicle.

### Instruments of war and related material

**17.** Part 2 of these Regulations does not apply in relation to the carriage of class 7 goods by a vehicle or wagon belonging to, or under the responsibility of, one of the armed forces where those goods—

- (a) are, or form part of, an instrument of war;
- (b) are required for research into, or the development or production of, any such instrument or part of such instrument; or
- (c) are produced in the course of, or in connection with, such research, development or production.

**Nuclear material**

**18.**—(1) Part 2 does not apply in relation to the carriage of Category I/II nuclear material or Category III nuclear material to the extent that it requires compliance with the security provisions.

(2) In this regulation—

- (a) “Category I/II nuclear material” has the meaning given in regulation 3(3) of the Nuclear Industries Security Regulations 2003 <sup>M20</sup>; and
- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

**Marginal Citations**

**M20** [S.I. 2003/403](#).

**PART 4****TRANSPORTABLE PRESSURE EQUIPMENT****[<sup>F20</sup>Scope of Obligations]**

**[<sup>F20</sup>19.**—(1) Regulations 19A to 19F apply to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive.

(2) For the avoidance of doubt, any reference in those regulations to a manufacturer, importer, distributor, owner or operator as “it” is not to be construed as excluding a natural person.]

**Textual Amendments**

**F20** Reg. 19 substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(1)**

**[<sup>F21</sup>General Obligations**

**19A.**—(1) A manufacturer, importer, distributor, owner or operator may only place or make available on the market, put into service or use equipment if it ensures that the equipment meets the requirements of the Dangerous Goods Directive.

(2) On receipt of a request from the Health and Safety Executive, a manufacturer, importer, distributor, owner or operator must identify to the Executive any manufacturer, importer, distributor or owner who has supplied it with, or to whom it has supplied, equipment over at least the previous 10 years.

(3) A request made pursuant to paragraph (2) must—

- (a) be in writing; and
- (b) contain a date by which a response is to be provided with that date being reasonable in all the circumstances.

(4) Paragraph (5) applies where a manufacturer, importer, distributor or owner provides to an operator information about equipment it has placed or made available on the market, or put into service.

(5) The information must comply with the Directives.

(6) This regulation does not apply to an owner who is a private individual using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

#### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**

#### [<sup>F21</sup>Obligations of Manufacturers

**19B.**—(1) A manufacturer must—

- (a) ensure a conformity assessment is carried out by a notified body;
- (b) mark equipment in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive; and
- (c) keep the technical documentation specified in the Dangerous Goods Directive for the period specified in that Directive.

(2) Where a manufacturer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that manufacturer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a manufacturer considers that equipment it has placed on the market presents a risk, that manufacturer must immediately inform the TPED competent authority in any relevant member State of the risk, including providing details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(4) A manufacturer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(5) On receipt of a reasoned request from a TPED competent authority, a manufacturer must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action it takes to eliminate risks posed by that equipment.

(6) This regulation applies to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

- (a) places equipment on the market under the importer or distributor's own name or trademark; or
- (b) modifies equipment already placed on the market in such a way that compliance with the Directives may be affected.]

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**

### [<sup>F21</sup>Obligations of Importers

**19C.**—(1) An importer must ensure that—

- (a) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with the Dangerous Goods Directive;
- (b) equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it;
- (d) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment’s compliance with the Dangerous Goods Directive; and
- (e) the technical documentation specified in the Dangerous Goods Directive is kept for the period set out in that Directive.

(2) Where an importer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that importer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where an importer considers that equipment presents a risk before it has been placed on the market, that importer must inform the manufacturer and the Health and Safety Executive of the risk.

(4) Where an importer considers that equipment it has placed on the market presents a risk, that importer must immediately inform the manufacturer and the TPED competent authority in any relevant member State of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) An importer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, an importer must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**



## [<sup>F21</sup>Obligations of Distributors

**19D.**—(1) A distributor must ensure that—

- (a) the equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (b) the certificate of conformity for the equipment contains or has attached to it the name and address of the importer where relevant; and
- (c) the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment's compliance with the Directives.

(2) Where a distributor knows or has reason to believe that equipment it made available on the market does not comply with the Directives, that distributor must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a distributor considers that equipment presents a risk before it has been made available on the market, that distributor must inform—

- (a) the manufacturer or the importer; and
- (b) the Health and Safety Executive,

of the risk.

(4) Where a distributor considers that equipment it has made available on the market presents a risk, that distributor must immediately inform—

- (a) the manufacturer or the importer; and
- (b) the TPED competent authority in any relevant member State,

of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) A distributor must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, a distributor must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**

## [<sup>F21</sup>Obligations of Owners

**19E.**—(1) An owner must ensure that equipment for which it is responsible is stored and transported in conditions that do not jeopardise the compliance of that equipment with the Dangerous Goods Directive.

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

- (2) Where an owner considers that the owner’s equipment presents a risk, it must inform—
- (a) the manufacturer, importer or distributor; and
  - (b) the Health and Safety Executive,
- of the risk.
- (3) An owner must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.
- (4) This regulation does not apply to private individuals using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

#### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**

#### [<sup>F21</sup>Obligations of Operators

**19F.** Where an operator considers that equipment presents a risk, that operator must inform the owner and the Health and Safety Executive of the risk.]

#### Textual Amendments

**F21** Regs. 19A-19F inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **7(2)**

#### [<sup>F22</sup>Authorised Representatives]

[<sup>F22</sup>**20.**—(1) Subject to paragraph (3), a manufacturer may appoint in writing a person (“an authorised representative”) to carry out some or all of the duties imposed on the manufacturer by regulations 19A and 19B.

(2) An appointment made in accordance with paragraph (1) must include at least the following duties—

- (a) keeping technical documentation;
- (b) providing to a TPED competent authority, in response to a reasoned request and in a language that it easily understands, the information and documents necessary to show the equipment meets the requirements of the Directives; and
- (c) cooperating with a TPED competent authority in any action it takes to eliminate risks posed by the equipment.

(3) An authorised representative must not be appointed to carry out duties imposed by regulation 19A(2), 19B(1)(a) or 19B(1)(b).

(4) The name and address of the authorised representative must be included on the certificate of conformity.

(5) An authorised representative must only provide information to an operator that complies with the requirements of the Directives.]

### Textual Amendments

- F22** Reg. 20 substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **8**

### Reassessment of conformity

**21.**—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2) [<sup>F23</sup>(c)] of that Directive.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment is to be—

(a) reassessed by a [<sup>F24</sup>type A] notified body in accordance with the procedure set out in [<sup>F25</sup>Annex III] to the Transportable Pressure Equipment Directive; and

[<sup>F26</sup>(b)] inspected by a notified body notified for periodic inspection of that equipment and marked in accordance with the requirements of articles 14 and 15 of that Directive.]

[<sup>F27</sup>(4)] But if a pressure receptacle has been manufactured in series to a design type for which a type A notified body notified for reassessment of conformity has issued a certificate of type reassessment, the reassessment of conformity may be undertaken by a notified body notified for periodic inspection of that pressure receptacle.]

[<sup>F28</sup>(5)] In this regulation—

(a) “certificate of type reassessment” means a certificate issued in accordance with paragraph 7 of Annex III to the Transportable Pressure Equipment Directive; and

(b) “type A notified body” means a notified body conforming to standard EN ISO/IEC 17020 type A as revised or reissued from time to time.]

### Textual Amendments

**F23** Word in reg. 21(1) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(2)**

**F24** Words in reg. 21(3)(a) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(3)(a)**

**F25** Words in reg. 21(3)(a) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(3)(b)**

**F26** Reg. 21(3)(b) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(4)**

**F27** Reg. 21(4) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(5)**

**F28** Reg. 21(5) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **9(6)**

### Periodic inspection and repeated use

**22.**—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2) [<sup>F29</sup>(b)] of that Directive.

(2) If the equipment bears a marking referred to in [<sup>F30</sup>articles 14 and 15] of the Transportable Pressure Equipment Directive [<sup>F31</sup>...], it is to be subject to periodic inspection in accordance with the requirements of [<sup>F32</sup>the Dangerous Goods Directive].

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

<sup>F33</sup>(3) .....

(4) The marking requirements applicable to periodic inspections set out in [<sup>F34</sup>articles 14 and 15] of the Transportable Pressure Equipment Directive are to be complied with in relation to the equipment.

#### Textual Amendments

- F29** Word in reg. 22(1) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(2)**
- F30** Words in reg. 22(2) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(3)(a)**
- F31** Words in reg. 22(2) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(3)(b)**
- F32** Words in reg. 22(2) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(3)(c)**
- F33** Reg. 22(3) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(4)**
- F34** Words in reg. 22(4) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **10(5)**

#### Misleading and other markings

**23.**—(1) No person is to affix a marking on transportable pressure equipment which is likely to mislead third parties with regard to the meaning or the graphics of the conformity mark.

(2) Any other marking may be affixed to transportable pressure equipment provided that the visibility and legibility of the conformity mark is not reduced.

## [<sup>F35</sup>PART 4A

### Control of Volatile Organic Compounds

#### Textual Amendments

- F35** Pt. 4A inserted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, **5** (with reg. 9)

#### Interpretation of Part 4A

**23A.** In this Part—

“petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more, which is intended for use as a fuel for motor vehicles, except liquefied petroleum gas (LPG);

“tank” means a container designed and operated so that residual vapours are retained in the container after the unloading of the petrol.

#### Approved tank requirements

**23B.**—(1) The Secretary of State must approve and publish approved tank requirements, which must contain—

- (a) the requirements for the design and construction of tanks for the carriage of petrol;
- (b) the requirements for the filling of such tanks; and
- (c) the requirements for the examination, testing and certification of such tanks.

(2) The Secretary of State may revise the approved tank requirements and, when doing so, must within 3 months of the date of that approval, publish in such a matter as the Secretary of State considers appropriate, a notice specifying—

- (a) the revision;
- (b) the date on which it was approved; and
- (c) the date on which it takes effect, the date of which must be not less than 6 months after the date of the approval of the revision.

### **Duty to comply with the approved tank requirements**

**23C.**—(1) The operator of any tank which is intended to be, or is being, used for the carriage of petrol must take all reasonable steps to ensure that such of the requirements specified in the approved tank requirements as are relevant to that tank are complied with.

(2) Any person who designs, manufactures, imports, supplies, modifies, repairs, examines, tests, certifies or fills any tank which is intended to be, or is being, used for the carriage of petrol, must ensure, insofar as they are matters within that person's control, that such of the requirements specified in the approved tank requirements as are relevant to that tank are complied with.]

## **PART 5**

### **[<sup>F36</sup>Radiation Emergencies and Notifiable Events]**

#### **Textual Amendments**

**F36** Pt. 5 heading substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, 6 (with reg. 9)

### **[<sup>F37</sup>Radiation emergencies and notifiable events]**

[<sup>F37</sup>**24.**—(1) This Part applies in relation to the carriage of class 7 goods only.

(2) Schedule 2 makes provision in connection with radiation emergencies and notifiable events

(3) But this Part does not apply to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.]

#### **Textual Amendments**

**F37** Reg. 24 substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), regs. 1, 7 (with reg. 9)

## PART 6

### GB COMPETENT AUTHORITY FUNCTIONS

#### Competent authority

25.—(1) The competent authority in Great Britain for the purposes of these Regulations is determined in accordance with paragraphs (2) to (5).

(2) Subject to paragraph (3), the Health and Safety Executive is the competent authority for class 1 goods in relation to—

- (a) classification pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271, 272, 278, 288, 309, 311 and 645 of Chapter 3.3;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
- (d) the design approval of containers or compartments, in accordance with note a to Sub-section 7.5.2.2; and
- (e) the functions in respect of mobile explosives manufacturing units mentioned in Sub-sections 6.12.5 and 7.5.5.2.3.

(3) The competent authority is the Secretary of State for Defence for functions—

- (a) in relation to military explosives for—
  - (i) classification pursuant to Section 2.2.1;
  - (ii) special provisions 16, 178, 266, 271 and 645 of Chapter 3.3;
  - (iii) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
  - (iv) special provision W2 of Section 7.2.4; and
  - (v) the design approval of containers or compartments, in accordance with note a to Sub-section 7.5.2.2; and
- (b) in relation to class 7 goods which—
  - (i) are, or form part of, an instrument of war;
  - (ii) are required for research into, or the development or production of, any such instrument or part of such instrument; or
  - (iii) are produced in the course of, or in connection with, such research, development or production.

[<sup>F38</sup>(3A) [<sup>F39</sup>The Office for Nuclear Regulation] is the competent authority for those functions in relation to the carriage of class 7 goods for which the Secretary of State for Defence is not the competent authority, except for the function in sub-section 1.10.1.6 of ADR (register of driver training certificates).]

(4) The competent authority for the functions set out in Sub-sections 1.9.5.1, 1.9.5.3.1 and 1.9.5.3.8 of ADR is the traffic authority responsible for the road that passes through the tunnel.

(5) The Secretary of State for Transport is the competent authority for all other functions.

(6) The GB competent authority may appoint a person to carry out a function of the GB competent authority under these Regulations and a reference in these Regulations to the performance of the function by the GB competent authority is to be treated as including a reference to the performance of the function by the person appointed.

(7) The person may be appointed to carry out the function in particular circumstances or generally.

(8) Paragraphs (9) and (10) apply if the 2007 GB competent authority appointed, or was deemed by regulation 67(5) of the 2007 Regulations to have appointed, a person to perform a competent authority function pursuant to regulation 67(1) of those Regulations and that appointment had effect immediately before the coming into force of these Regulations.

(9) The person appointed, or deemed appointed, under the 2007 Regulations is deemed to be a person appointed pursuant to paragraph (6) to perform the equivalent function in ADR or RID.

(10) But in the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 67(1) of the 2007 Regulations.

(11) In this regulation—

<sup>F40</sup>(a) “military explosives” means any class 1 goods—

- (i) under the control of the Secretary of State for Defence;
- (ii) held for the service of the Crown for the purposes of the Ministry of Defence;
- (iii) under the control of one of the armed forces; or
- (iv) the carriage of which is certified by the Secretary of State for Defence to be in connection with the execution of a contract with the Secretary of State for Defence or with one of the armed forces; and]

(b) “traffic authority” is to be construed in accordance with section 121A of the Road Traffic Regulation Act 1984 <sup>M21</sup>.

#### Textual Amendments

- F38** Reg. 25(3A) inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **11(2)**
- F39** Words in reg. 25(3A) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(4)** (with Sch. 4)
- F40** Reg. 25(11)(a) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **11(3)**

#### Marginal Citations

- M21** 1984 c.27; section 121A was inserted by the [New Roads and Street Works Act 1991 \(c.22\)](#), [Schedule 8, Part 2, paragraph 70](#) and amended by the [Greater London Authority Act 1999 \(c.29\)](#), [section 271](#) and [S.I. 1999/1820](#) and 2001/1400.

### Functions of the GB competent authority arising under ADR, RID and ADN

**26.** The GB competent authority is to perform those functions that are identified in ADR, RID and ADN as being the functions of a competent authority.

#### Fees in relation to functions of the GB competent authority

**27.—(1)** This regulation applies where a person has asked the GB competent authority to perform a function which is, by virtue of regulation 26, a function of the GB competent authority.

(2) A fee may be charged for, or in connection with, the performance of the function by, or on behalf of, the GB competent authority.

(3) Any fee charged must be reasonable for the work performed or to be performed.

Status: Point in time view as at 21/04/2019.

Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

(4) But in relation to a function mentioned in regulation 29(3), paragraph 1(2) and (3) of Schedule 3 applies instead of paragraphs (2) and (3) of this regulation.

**Modifications etc. (not altering text)**

**C2** Reg. 27 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 8(2)(b)(i)** (with Sch. 4)

**GB competent authority functions relating to reference temperatures and standards**

**28.**—(1) The GB competent authority may recognise 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,

in relation to the filling of pressure receptacles and tanks intended to be used only for the national carriage of liquefied gas.

(2) The GB competent authority may recognise standards for the construction of the shell of a tank intended to be used only for the national carriage of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or
- (b) 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,

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.

**Appointments by the GB competent authority**

**29.**—(1) Paragraph (2) applies in respect of equipment which under these Regulations may not be used in connection with the carriage of dangerous goods unless it has been approved for that use.

(2) The GB competent authority may appoint such persons as it thinks fit to determine whether the equipment should be approved and, if so, to approve that equipment for use.

(3) Where it is a function of the GB competent authority, by virtue of regulation 26, to approve or authorise a body or expert to carry out, witness, supervise or decide to waive an inspection, examination, test or approval in respect of equipment used in connection with the carriage of dangerous goods, that function is to be performed by the appointment of a person pursuant to paragraph (2).

(4) In respect of the appointment of a person to carry out the functions of a notified body for the purposes of Part 4 of these Regulations, the GB competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in [<sup>F41</sup>the Dangerous Goods Directive and the requirements set out in articles 20 and 26 of the Transportable Pressure Equipment Directive.]

<sup>F42</sup>(5) .....

(6) Schedule 3 has effect in relation to the making of appointments pursuant to paragraph (2).



#### Textual Amendments

- F41** Words in reg. 29(4) substituted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **12(2)**
- F42** Reg. 29(5) omitted (24.10.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **12(3)**

#### Modifications etc. (not altering text)

- C3** Reg. 29(6) modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 8(2)(b)(i)** (with Sch. 4)
- C4** Reg. 29(6) modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 1 para. 8(2)(c)(i)** (with Sch. 4)

#### Certain functions to be deemed to have been performed by the GB competent authority

**30.**—(1) Paragraphs (3) and (4) apply if—

- (a) the 2007 GB competent authority performed, or was deemed by regulation 70 of the 2007 Regulations to have performed, a function pursuant to regulation 66(1) of those Regulations; and
- (b) the action taken by the 2007 GB competent authority, as a consequence of the performance of the function, had effect immediately before the coming into force of these Regulations.

(2) But paragraphs (3) and (4) do not apply where the function was performed, or deemed performed, by appointment in accordance with regulation 69(2) of the 2007 Regulations.

(3) The GB competent authority is deemed to have performed the function pursuant to regulation 26 under the same provision of ADR or RID as it was performed, or deemed performed, pursuant to regulation 66(1).

(4) In the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 66(1).

## PART 7

### MISCELLANEOUS

#### Keeping and provision of information

**31.**—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 is to be provided to the GB competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 is to be kept for a period of three months after the completion of the carriage in question.

#### Enforcement

**[<sup>F43</sup>32.**—(1) The enforcing authorities for these Regulations are—

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (a) the Secretary of State for Defence in relation to road, rail and inland waterways but only in connection with those functions for which the Secretary of State for Defence is the GB competent authority;
  - (b) in so far as they apply to carriage of dangerous goods other than civil carriage of class 7 goods, the persons specified in paragraph (2).
- (2) The enforcing authorities are—
- (a) the Health and Safety Executive in relation to road and, subject to paragraph (3), rail,
  - (b) the Secretary of State for Transport in relation to road and inland waterways,
  - (c) the chief of police of each area in relation to road.
- (3) The Health and Safety Executive is not an enforcing authority in relation to rail to the extent that [<sup>F44</sup>the Office of Rail and Road] is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006.
- (4) Despite paragraphs (1) to (3), the Secretary of State for Transport is the only enforcing authority in relation to the carriage of all classes of goods, except civil carriage of class 7 goods, to the extent that these Regulations require compliance with the security provisions.]

#### Textual Amendments

- F43** Reg. 32 substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 28\(5\)](#) (with [Sch. 4](#))
- F44** Words in reg. 32 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 10\(v\)](#)

#### [<sup>F45</sup>Offences in connection with the civil carriage of class 7 goods

- 32A.—**(1) It is an offence for a person to contravene—
- (a) any provision of these Regulations as they apply to the civil carriage of class 7 goods, or
  - (b) any requirement or prohibition imposed under any provision of these Regulations as they apply to such carriage (including any requirement or prohibition to which that person is subject by virtue of the terms of or any condition or restriction attached to any approval, exemption or other authority issued, given or granted under them).
- (2) A person who commits an offence under this regulation is liable—
- (a) on summary conviction to—
    - (i) imprisonment for a term not exceeding 12 months, or
    - (ii) a fine, or
    - (iii) both;
  - (b) on conviction on indictment to—
    - (i) imprisonment for a term not exceeding two years, or
    - (ii) a fine, or
    - (iii) both.
- (3) Paragraphs (4) and (5) make transitional modifications to paragraph (2) as it applies to England and Wales.

(4) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court powers to imprison), the reference in paragraph (2)(a)(i) to imprisonment for a term not exceeding 12 months is to be read as reference to imprisonment for a term not exceeding six months.

(5) In relation to an offence committed before the commencement of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) the reference to a fine in paragraph (2)(a)(ii) is to be read as a reference to a fine not exceeding £20,000.]

#### Textual Amendments

**F45** Reg. 32A inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 28(6)** (with Sch. 4)

#### Revocation

**33.** The 2007 Regulations are revoked.

#### [<sup>F46</sup>Duty to Review

**34.**—(1) The Secretary of State must—

- (a) conduct a review of the operation and effect of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directives are implemented in other member States of the EU.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of five years beginning with the day on which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 come into force; and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.]

#### Textual Amendments

**F46** Reg. 34 inserted (24.10.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) Regulations 2011 \(S.I. 2011/1885\)](#), regs. 1, **14**

---

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

---

Signed by the authority of the Secretary of State

Department for Transport

*Paul Clark*  
Parliamentary Under Secretary of State

## SCHEDULE 1

Regulation 6(3)

### PLACARDS, MARKS AND PLATE MARKINGS FOR NATIONAL CARRIAGE

## PART 1

### CARRIAGE OF GOODS BY ROAD

#### **Hazard Identification Numbers to be replaced by Emergency Action Codes (road)**

1. When displaying the orange-coloured plates provided for by Sub-sections 5.3.2.1.2 and 5.3.2.1.4, the emergency action code for the substance in question must be displayed instead of the hazard identification number.

#### **Display of the orange-coloured plate if one type of dangerous good is being carried (road)**

2. If one type of dangerous good is being carried —
- (a) the orange-coloured plates referred to in paragraph 1 must be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
  - (b) an identical orange-coloured plate must be affixed to the rear of the transport unit in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to Sub-section 5.3.2.1.1.

#### **Display of the orange-coloured plate if more than one type of dangerous good is being carried (road)**

3.—(1) If more than one type of dangerous good is being carried in a tank or in bulk in a transport-unit or a battery-vehicle or a tank-vehicle with more than one tank, element or container—

- (a) the orange-coloured plates referred to in paragraph 1, must be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question except that—
  - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, is to bear the emergency action code; and
  - (ii) the remaining plates must bear only the UN number and must be 150mm in height; and
- (b) an orange-coloured plate must be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which must be identical to the plates referred to in Paragraph (a), except that it is to display the emergency action code only in the top half of the plate.

(2) But if more than one type of dangerous good is being carried in a transport unit or a tank-vehicle with more than one tank and those goods are—

- (a) UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT;
- (b) UN 1203 PETROL or MOTOR SPIRIT or GASOLINE; or
- (c) UN 1223 KEROSENE,

then the requirements of paragraph 2 must be met, except that the orange-coloured plates need only bear the emergency action code and UN number for the most hazardous of the dangerous goods being carried.

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

### Telephone number to be used to obtain specialist advice to be displayed (road)

4.—(1) If dangerous goods are being carried in tanks a telephone number where specialist advice concerning the dangerous goods in question can be obtained in English at any time during carriage must be displayed—

- (a) at the rear of the transport unit;
- (b) on both sides of—
  - (i) any tank;
  - (ii) the frame of any tank; or
  - (iii) the transport unit; and
- (c) in the immediate vicinity of the orange-coloured plates displaying the emergency action codes,

and must be in black digits of not less than 30mm in height against an orange-coloured background.

(2) The phrase “consult local depot” or “contact local depot” may be substituted for the telephone number if—

- (a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;
- (b) as regards England and Wales, the fire and rescue authority <sup>F47</sup>... of each area through which the transport unit will carry the dangerous goods [<sup>F48</sup>or, as regards Scotland, the chief officer of the Scottish Fire and Rescue Service] has been notified in writing of the address and telephone number of the relevant local depot; and
- (c) each fire and rescue authority or chief officer, as referred to in Paragraph (b), has indicated, in writing, satisfaction with the arrangements.

#### Textual Amendments

**F47** Words in Sch. 1 para. 4(2)(b) omitted (S.) (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 26(3)(a)**

**F48** Words in Sch. 1 para. 4(2)(b) inserted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 26(3)(b)**

### Use of hazard warning panels (road)

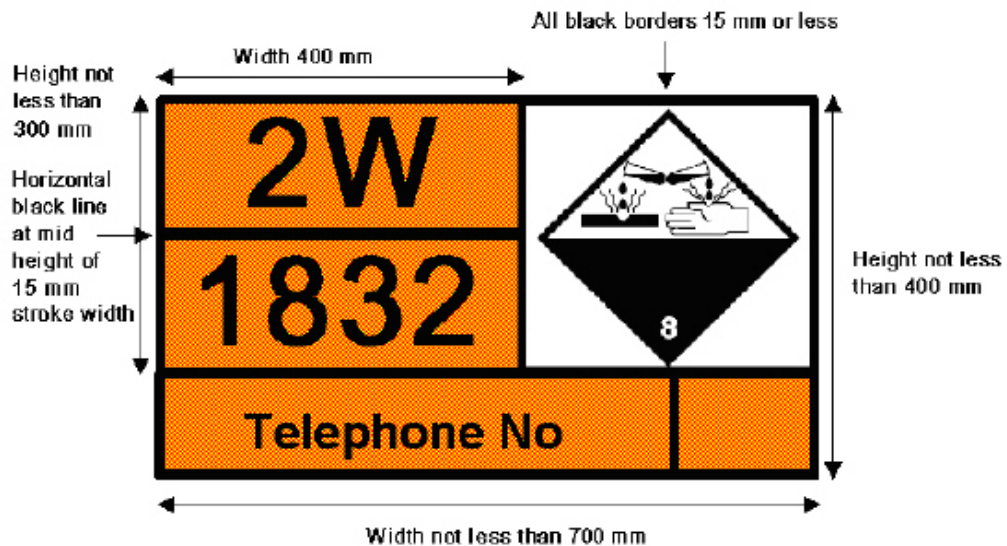
5.—(1) The information required to be displayed on placards and orange-coloured plates pursuant to Section 5.3.1 and paragraphs 1 to 3 and the information required to be displayed pursuant to paragraph 4 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2) and, if relevant, sub-paragraph (3).

- (2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—
- (a) it must be displayed in accordance with paragraphs 1 to 4 as if it were an orange-coloured plate;
  - (b) it must be orange-coloured, except the part incorporating the placard which must be white;
  - (c) the placard must be not less than 200mm by 200mm, with a line of the same colour as the relevant symbol not more than 12.5mm inside the edge and running parallel to it;
  - (d) if more than one placard is to be incorporated in the panel, those placards must be adjacent in the same horizontal plane;
  - (e) it must conform to the figure in sub-paragraph (4); and

(f) it must be clearly visible.

(3) If dangerous goods are carried in a tank which was constructed on or after 1st January 2005, the orange-coloured plate must be indelible and remain legible after it has been engulfed in fire for 15 minutes.

(4) The figure is—



## PART 2

### CARRIAGE OF GOODS BY RAIL

#### Hazard Identification Numbers to be replaced by Emergency Action Codes (rail)

6. When displaying the orange-coloured plates provided for by Section 5.3.2, the emergency action code for the substance in question must be displayed instead of the hazard identification number.

#### Telephone number to be used to obtain specialist advice to be displayed (rail)

7. If dangerous goods are being carried in tanks, a telephone number where specialist advice concerning the dangerous goods in question may be obtained in English at any time during carriage must be displayed—

- (a) in the immediate vicinity of each orange-coloured plate; and
- (b) against an orange-coloured background in black digits of not less than 30mm in height.

#### Use of hazard warning panels (rail)

8.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with Section 5.3.1 and paragraph 6 and the telephone number required to be displayed pursuant to paragraph 7 may all be shown on hazard warning panels provided that the panel meets the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that it must—

- (a) be displayed in accordance with paragraph 7 as if it were an orange-coloured plate; and

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

(b) comply with the requirements of paragraphs 5(2)(b) to (f).

## SCHEDULE 2

Regulation 24(2)

### [<sup>F49</sup>Radiation Emergencies and Notifiable Events]

#### Textual Amendments

**F49** Sch. 2 substituted (21.4.2019) by [The Carriage of Dangerous Goods \(Amendment\) Regulations 2019 \(S.I. 2019/598\)](#), reg. 1, **Sch.** (with reg. 9)

## [<sup>F49</sup>PART 1

### Radiation Emergencies

#### Interpretation of Part 1

1.—(1) In this Part of this Schedule—

“the 2017 Regulations” means the Ionising Radiations Regulations 2017;

“Category 1 responder” has the meaning given in Part 1, 2 or 2A of Schedule 1 to the Civil Contingencies Act 2004;

“Category 2 responder” has the meaning given in Parts 3, 4 and 5 of Schedule 1 to the Civil Contingencies Act 2004;

“dose consequences” means the consequences to an individual of being exposed to a specific quantity of ionising radiation as the result of a radiation emergency;

“duty holder” means—

- (a) a consignor; or
- (b) a carrier;

“emergency exposure” means an exposure to ionising radiation of an employee engaged in any activity of, or associated with, the response to a radiation emergency or potential radiation emergency in order—

- (a) to bring help to endangered persons;
- (b) to prevent exposure of a large number of persons; or
- (c) to save a valuable installation or goods;

whereby one of the individual dose limits referred to in regulation 12 of the 2017 Regulations could be exceeded;

“emergency services” means those police, fire and ambulance services that are likely to be required to respond to a radiation emergency;

“emergency worker” means—

- (a) a Category 1 responder who has a defined role in an emergency plan;
- (b) a person employed, whether or not by a duty holder, to assist in the transition from emergency state; or



- (c) any other person or organisation that is identified in an emergency plan as having a role in providing assistance in the handling of a radiation emergency;

“escort commander” means a person who is responsible for the escort of a package;

“health authority” means—

- (a) in relation to England, a clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (b) in relation to Wales, a local health board established under section 11 of the National Health Service (Wales) Act 2006; and
- (c) in relation to Scotland, a health board established under section 2 of the National Health Service (Scotland) Act 1978;

“ionising radiation” means the energy transferred in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of  $3 \times 10^{15}$  hertz or more, capable of producing ions directly or indirectly;

“radiation emergency” means a non-routine situation or event arising during the carriage of class 7 goods that necessitates prompt action to mitigate the serious consequences—

- (a) of a hazard resulting from that situation or event;
- (b) of a perceived risk arising from such a hazard; or
- (c) to one or more of the following—
- (i) human life;
- (ii) health and safety;
- (iii) quality of life;
- (iv) property;
- (v) the environment;

“relevant local authority”—

- (a) in relation to an occurrence in London, means the London Fire Commissioner;
- (b) in relation to an occurrence in an area where there is a metropolitan county fire and rescue authority, means that authority;
- (c) in relation to an occurrence in the Isles of Scilly, means the Council of the Isles of Scilly;
- (d) in relation to an occurrence in any other area in England, means the county council for that area or, where there is no county council for that area, the district council for that area;
- (e) in relation to an occurrence in Scotland, means the council for the local government area; and
- (f) in relation to an occurrence in Wales, means the county council or county borough council for that area.

(2) In this Part of this Schedule any reference to an effective dose means the sum of the effective dose to the whole body from external radiation and the committed effective dose from internal radiation.

(3) For the purposes of this Part of this Schedule, a person assists in the handling of a radiation emergency if the person takes any steps that it is reasonable to take in the prevailing circumstances to reduce or prevent exposure.

(4) For the purposes of sub-paragraph (3), “prevailing circumstances” include—

- (a) the weather;

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (b) the time at which the emergency occurred;
- (c) the distribution of the local population;
- (d) the nature and contents of the package involved in the emergency;
- (e) the stability of the contents of that package;
- (f) the local geography and ecology;
- (g) any other hazards;
- (h) the relative importance of the emergency in relation to other calls that are being made upon the emergency services.

### **Evaluation and risk assessment**

2. Where a duty holder carries out work involving the carriage of any package containing ionising radiation for the first time, that duty holder must comply with the provisions of regulation 8 of the 2017 Regulations as if that duty holder were an employer.

### **Emergency plans**

3.—(1) Before the carriage of a package begins, the duty holder must make an adequate emergency plan designed to secure, so far as is reasonably practicable, the restriction of exposure to ionising radiation and the health and safety of persons who may be affected by a radiation emergency identified by the duty holder's assessment under regulation 8(1) of the 2017 Regulations.

(2) But sub-paragraph (1) does not apply if the duty holder's assessment reveals no radiation emergency may arise during the carriage of a package.

(3) When preparing an emergency plan, the duty holder must take into account—

- (a) the steps the duty holder has taken in accordance with regulation 8(3) of the 2017 Regulations; and
- (b) any variable factors which might affect the severity of the emergency.

(4) The emergency plan must—

- (a) contain the information specified in sub-paragraph (5); and
- (b) be drawn up having regard to the principles and purposes set out in paragraph 4.

(5) The information is—

- (a) the name or position of the person authorised to set emergency procedures in motion;
- (b) the name or position of the person in charge of and coordinating the mitigatory action;
- (c) for conditions or events which could be significant in bringing about a radiation emergency, a description of the action which should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and resources available;
- (d) the arrangements for limiting the risks to persons likely to be affected by a radiation emergency including how warnings are to be given and the actions persons are expected to take on receipt of a warning;
- (e) the arrangements for providing early warning of the incident to the relevant local authority in which the radiation emergency has occurred, the type of information which should be contained in an initial warning and the arrangements for the provision of more detailed information as it becomes available;
- (f) the arrangements for providing assistance to the relevant local authority with mitigatory action;

- (g) the arrangements for providing information about the incident to the GB Competent Authority;
  - (h) the arrangements for emergency exposures including the dose levels which have been determined as appropriate for the purposes of putting into effect the emergency plan;
  - (i) the arrangements in relation to doses or reference levels as required by paragraph 9(1); and
  - (j) the arrangements which the duty holder, or their agent, considers may assist in the transition from a radiation emergency to a situation where no further intervention is required.
- (6) In a case in which Category 1 or Category 2 responders form part of an emergency plan, each duty holder must give such information to those responders as will enable them to perform the functions which are allocated to them by the plan.
- (7) Each duty holder must ensure that any employee who may be involved with or may be affected by the arrangements in the emergency plan is or has been provided with—
- (a) suitable and sufficient information, instruction and training, and
  - (b) any equipment necessary to restrict that employee's exposure to ionising radiation including, where appropriate, the issue of suitable dosimeters or other devices.
- (8) Each duty holder with an obligation to prepare an emergency plan in accordance with this paragraph in relation to the carriage of a package must cooperate with any other person who is a duty holder in respect of that package so as to enable each of those duty holders to fulfil their obligations under these Regulations.

### **Principles and purposes of emergency plans**

- 4.—(1) The principles of intervention to which each duty holder is to have regard when drawing up an emergency plan are—
- (a) the necessity for the plan to respond to the particular characteristics of a given radiation emergency as those characteristics emerge;
  - (b) the necessity to optimise protection strategies to ensure that the proposed response, as a whole, is predicted to do more to mitigate the radiation emergency and facilitate transition from that emergency than to increase its duration or consequence, taking into account—
    - (i) the health risks arising from exposure to ionising radiation as a result of the radiation emergency, in both the long and the short term;
    - (ii) the economic consequences of the radiation emergency;
    - (iii) the effects of the disruption, both on the premises and the area immediately surrounding it, and on the public perception of the effects of the radiation emergency;
  - (c) the necessity of avoiding, so far as possible, the occurrence of serious physical injury to any person;
  - (d) the necessity of ensuring that an appropriate balance is struck between the expected harms and benefits of any particular protective measure so as to maximise the benefit of that measure.
- (2) The purposes of intervention to which the duty holder is to have regard when drawing up an emergency plan are—
- (a) to reduce or stop the release of radiation;
  - (b) to reduce the exposure to individuals and to the environment resulting from the release of ionising radiation;
  - (c) if necessary, to ensure that provision is made for the medical treatment of those affected by the release of ionising radiation;

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

- (d) to prioritise the implementation of the plan in relation to a person exposed to dose consequences in excess of the reference level set out in paragraph 9(1).

### **Review and testing of emergency plan**

5.—(1) If an emergency plan is to be used in relation to carriage on more than one occasion, each duty holder must, at suitable intervals not exceeding three years—

- (a) review and, where necessary, revise the plan; and
- (b) test the plan, taking reasonable steps to arrange for all those with a role in the emergency plan to participate in the test to such extent necessary to ensure that the test is effective.

(2) A review required under sub-paragraph (1)(a) must take into account—

- (a) changes occurring in the carriage of packages to which the plan relates;
- (b) changes within the emergency services concerned;
- (c) new knowledge or guidance, whether technical or otherwise, concerning the response to radiation emergencies;
- (d) any material change to the assessment on which the plan was based since it was last reviewed or revised; and
- (e) any relevant information derived from a report or review of the consequences of any radiation emergency.

(3) The test of a plan must take into account any lessons learned from—

- (a) past emergency exposure situations, whether arising during the carriage of packages on behalf of the consignor or by the carrier; and
- (b) the United Kingdom's participating in emergency exercises at national and international level.

(4) The test of the plan must be sufficient to test the ability to implement the plan in question but the duty holder must consider the extent of the testing required taking into account—

- (a) the length of time since the last test;
- (b) the extent of testing undertaken on the last occasion; and
- (c) any revisions made by the review required under sub-paragraph (1)(a).

(5) After completion of the test required by sub-paragraph (1)(b), the duty holder must prepare a report on the outcome of the test within 28 days of the conclusion of the test.

(6) A report made under sub-paragraph (5) must be sent to the GB Competent Authority within 28 days of its preparation.

### **Duties of drivers, escort commanders, masters, carriers and consignors in the event of a radiation emergency**

6.—(1) The driver or escort commander of a vehicle or train, or the master of a vessel, carrying class 7 goods, in the event of a radiation emergency, or the occurrence of an event which could lead to such an emergency, involving those goods—

- (a) must, as soon as reasonably practicable, notify the following—
  - (i) the emergency services;
  - (ii) the relevant local authority;
  - (iii) the consignor; and
  - (iv) the carrier;

- (b) must initiate the emergency plan; and
  - (c) if a radiation emergency occurs, must assist in the handling of that radiation emergency.
- (2) If the carrier of any class 7 goods becomes aware of the occurrence of a radiation emergency, or the occurrence of an event which could lead to a radiation emergency, involving those goods, the carrier—
- (a) must, as soon as reasonably practicable, immediately notify the following of the event—
    - (i) the emergency services and the relevant local authority, unless the driver, escort commander or master has already done so; and
    - (iii) the GB Competent Authority; and
  - (b) if a radiation emergency occurs, must assist in the handling of that radiation emergency.
- (3) If the consignor of any class 7 goods becomes aware of the occurrence of a radiation emergency, or the occurrence of an event which could lead to a radiation emergency, involving those goods, the consignor—
- (a) must, as soon as reasonably practicable, notify the following of the event—
    - (i) the emergency services, unless the driver, escort commander, master or carrier has already done so;
    - (ii) the relevant local authority, unless the driver, escort commander, master or carrier has already done so;
    - (iii) the GB Competent Authority, unless the carrier has already done so;
  - (b) must give the GB Competent Authority details of the relevant event; and
  - (c) if a radiation emergency occurs, must assist in the handling of that radiation emergency.
- (4) The consignor must also notify the GB Competent Authority that the emergency plan is initiated, even if no action is taken pursuant to that plan.
- (5) The carrier of any class 7 goods which are involved in a radiation emergency must, as soon as reasonably practicable—
- (a) arrange for the examination of the load to determine whether any contamination has occurred; and
  - (b) if contamination has occurred—
    - (i) arrange for the safe disposal of any part of the load which has been contaminated; and
    - (ii) arrange for the decontamination of the vehicle, train or vessel.
- (6) In addition, in the event of a radiation emergency occurring, or on the occurrence of an event which could give rise to a radiation emergency, the carrier and the consignor—
- (a) as soon as reasonably practicable, must make a provisional assessment of the circumstances and consequences of such an emergency, and for this purpose must consult—
    - (i) the emergency services;
    - (ii) the health authority in the area within which the radiation emergency or event took place;
    - (iii) the relevant local authority in the area within which the radiation emergency or event took place;
    - (iv) the National Health Commissioning Board and Public Health England, Public Health Wales or Health Protection Scotland (depending where the radiation emergency or event took place); and

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (v) any other person, body or authority which has functions under the carrier or the consignor's emergency plan;
  - (b) as soon as reasonably practicable and in any event within 12 months beginning with the date on which the plan was initiated, or such longer period as the GB Competent Authority may agree, must make a full assessment of the consequences of the emergency and the effectiveness of the emergency plan put into effect as a result of the emergency; and
  - (c) within 28 days of the completion of the assessment made under paragraph (b), must make a report of the findings of the assessment and retain a copy of that report for at least 50 years from the date on which it is completed.
- (7) The carrier and the consignor must provide the GB Competent Authority with a copy of the report made under sub-paragraph (6)(c) within the period of 28 days beginning with the date on which it was completed.
- (8) For the purposes of this paragraph "initiate the emergency plan" means take such steps as it is reasonable and practicable to take in order to put into effect the actions that have been planned for in the emergency plan.

### **Emergency exposures: employees**

- 7.—(1) Where an emergency plan provides for the possibility of any employee receiving an emergency exposure, each employer must, in relation to the employer's employees—
- (a) identify those employees who may be subject to emergency exposure;
  - (b) provide those employees with appropriate training in the field of radiation protection and such information and instruction as is suitable and sufficient for them to know the risks to health created by exposure to ionising radiation and the precautions which should be taken;
  - (c) provide such equipment as is necessary to restrict the exposure of such employees to ionising radiation;
  - (d) make arrangements for medical surveillance by an appointed doctor or employment medical advisor to be carried out without delay in the event of a radiation emergency in respect of those employees who receive emergency exposures;
  - (e) make arrangements with an approved dosimetry service for—
    - (i) dose assessments to be carried out without delay in the event of a radiation emergency in respect of those employees who receive emergency exposures, and a dose assessment made for the purposes of this paragraph must, where practicable, be made separately from any other dose assessment relating to those employees; and
    - (ii) the results of the dose assessments carried out under sub-paragraph (i) to be notified without delay to the employer and the GB Competent Authority;
  - (f) make arrangements, in respect of dose assessments to be carried out and notified pursuant to paragraph (e), to notify the results of such assessments without delay to the appointed doctor or employment medical advisor who is carrying out medical surveillance on the employee to whom the assessment relates; and
  - (g) identify those employees who are authorised, in the event of a radiation emergency, to permit any employee referred to in paragraph (a) to be subject to an emergency exposure and provide employees who are so authorised with appropriate training.
- (2) The duty holder must notify the GB Competent Authority of the dose levels which they have determined are appropriate to be applied in respect of an employee identified for the purposes of sub-paragraph (1)(a) in the event of an emergency.
- (3) A notification under sub-paragraph (2) must be given—

- (a) in relation to transport of class 7 goods by road, rail or inland waterway which is to be carried out once only, at least 28 days before the transport is carried out, or within such shorter time as the GB Competent Authority may agree;
  - (b) in relation to any other transport of class 7 goods by road, rail or inland waterway, at least 28 days before the transport is first carried out, or within such shorter time as the GB Competent Authority may agree.
- (4) Where the carrier and the consignor together determine that a dose level notified under sub-paragraph (2) is no longer appropriate to be applied in respect of an employee for the purposes of sub-paragraph (1)(a) in the event of such an emergency, and that a revised dose level is to be determined, the duty holder must, at least 28 days before formally determining the revised dose level, or within such shorter time as the GB Competent Authority agrees, notify the GB Competent Authority of the revised dose level which the operator considers is appropriate to be applied.
- (5) In any case where, in the opinion of the GB Competent Authority, the dose levels for emergency exposure notified pursuant to sub-paragraph (2) or (4) are too high, the carrier and the consignor must, if directed to do so by the GB Competent Authority, substitute such other dose level or levels as the GB Competent Authority considers appropriate.
- (6) Where an emergency plan is initiated, each employer must ensure—
- (a) that no employee of that employer who is under 18 years of age, no trainee or apprentice under 18 years of age, and no female employee who is pregnant or breastfeeding is subject to an emergency exposure;
  - (b) that no other employee of that employer is subject to an emergency exposure unless—
    - (i) that employee has agreed to undergo such exposure;
    - (ii) the requirements of sub-paragraph (1)(a) to (f) have been complied with in respect of the employee; and
    - (iii) that employee has been permitted to be so by an employee authorised for that purpose under sub-paragraph (1)(g); and
  - (c) that no employee of that employer involved in implementing an emergency plan is exposed to a dose of ionising radiation in excess of the dose level determined in accordance with sub-paragraph (2), (4) and (5).
- (7) The requirement imposed on the employer under sub-paragraph (6)(a) in respect of a female employee who is pregnant or breastfeeding does not apply until that employee has notified the employer in writing of that fact or until the date from which the employer ought reasonably to have been aware of that fact.
- (8) The requirement imposed by sub-paragraph (6)(c) does not apply in respect of an exposure of any employee who—
- (a) being informed about the risks involved in the intervention, agrees to undergo an exposure greater than any dose level referred to in that paragraph for the purpose of saving human life; and
  - (b) is permitted to undergo such exposure by an employee authorised by the employer under sub-paragraph (1)(g) to give such permission.
- (9) Where an employee has undergone an emergency exposure, the employer must ensure that the dose of ionising radiation received by that employee is assessed by an approved dosimetry service and that the dose assessed is recorded separately in the dose record of that employee or, where no dose record exists, in a record created for the purpose of this sub-paragraph complying with the requirements to which it would be subject if it were a dose record.
- (10) An employer must, at the request of that employer's employee in circumstances where a dose record has been created for the purposes of sub-paragraph (9) and on reasonable notice being

*Status: Point in time view as at 21/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)*

given, obtain from the approved dosimetry service and make available to the employee a copy of the record of the dose relating to that employee.

(11) In the event of a report being made under paragraph 6(6)(c) relating to the circumstances of an emergency exposure and the action taken as a result of that exposure, an employer must keep such a report (or copy of that report) until the person to whom the report relates has or would have attained the age of 75 years but in any event for at least 30 years from the termination of the work which involved the emergency exposure.

(12) In this paragraph—

- (a) “appointed doctor”, “approved dosimetry service”, “dose assessment”, “dose record” have the meanings given by the 2017 Regulations;
- (b) “medical surveillance” means medical surveillance carried out in accordance with the 2017 Regulations.

### **Disapplication of dose limits**

8.—(1) Regulation 12 of the 2017 Regulations does not apply to an emergency worker, where that emergency worker—

- (a) is engaged in preventing the occurrence of a radiation emergency; or
- (b) is acting to mitigate the consequences of a radiation emergency.

(2) An emergency worker may be exposed to an effective dose not exceeding 500mSv whilst they are undertaking the activities set out in sub-paragraph (1).

### **Reference levels**

9.—(1) The carrier and consignor must ensure the emergency plan prioritises keeping doses below a 100 mSv reference level or the emergency specific reference level if applicable.

(2) Where the response to a radiation emergency is underway, specific reference levels, to optimise the response, may be determined by the relevant local authority in whose area the radiation emergency has taken place and in whose area the response is taking place.

(3) In determining a specific reference level under sub-paragraph (2), the relevant local authority must take advice from the person coordinating the response to the radiation emergency.

### **Packages involved in a radiation emergency**

10. A package which has been involved in a radiation emergency must not be carried or caused to be carried, unless—

- (a) the consignor or the consignor’s agent has examined the package; and
- (b) the consignor has issued a certificate indicating that the consignor is satisfied the package complies with the requirements of these Regulations.

### **Prior information to the public**

11.—(1) The GB Competent Authority must make available to the public information about the nature and effect of a radiation emergency.

(2) The information to be provided under sub-paragraph (1) must include—

- (a) basic facts about radioactivity and its effects on persons and on the environment;
- (b) the consequences of a radiation emergency;



- (c) emergency measures envisaged to alert, protect and assist the general public in the event of an emergency;
- (d) appropriate information on action to be taken by the general public in the event of a radiation emergency; and
- (e) the authority or authorities responsible for implementing the emergency measures and actions referred to in paragraphs (c) and (d).

### **Duty to provide handover report to the authority responsible for recovery following a radiation emergency**

- 12.**—(1) The consignor of class 7 goods involved in a radiation emergency must—
- (a) prepare a handover report; and
  - (b) provide a copy of the handover report to the recovery authority.
- (2) For the purposes of this paragraph “handover report” means a report about a radiation emergency which—
- (a) includes the details of the incident giving rise to the emergency;
  - (b) states whether the emergency plan was initiated and if so, state the actions (if any) taken by the driver, the escort commander, the carrier, the master and the consignor to assist in the handling of the radiation emergency;
  - (c) states whether any part of the load involved in the emergency was contaminated and if so, state the steps taken by the consignor to arrange for—
    - (i) the safe disposal of the relevant part of the load; and
    - (ii) the decontamination of the relevant vehicle, train or vessel;
  - (d) states any anticipated effects of the radiation emergency on the environment;
  - (e) includes any other information which the consignor considers may assist in the transition from an emergency state.
- (3) The consignor must consult the carrier of the relevant class 7 goods when preparing the handover report.
- (4) The consignor must prepare the handover report and deliver it to the recovery authority as soon as reasonably practicable after the completion of the examination required by paragraph 6(5).
- (5) In this regulation, “recovery authority”—
- (a) in relation to a radiation emergency occurring in England, means the Secretary of State;
  - (b) in relation to a radiation emergency occurring in Wales, means the Welsh Ministers;
  - (c) in relation to a radiation emergency occurring in Scotland, means the Scottish Ministers.

## **PART 2**

### **Notifiable Events**

#### **Duties of drivers, carriers and consignors in the event of a notifiable event**

- 13.**—(1) The driver of a vehicle or train, or the master of a vessel, carrying class 7 goods who discovers, or has reason to believe, that a notifiable event has occurred in relation to the vehicle, train or vessel must, as soon as reasonably practicable, notify—
- (a) the police; and

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

- (b) the consignor.
- (2) If the carrier of any class 7 goods becomes aware of the occurrence of a notifiable event in relation to those goods the carrier must, as soon as reasonably practicable, notify—
  - (a) the police, if the driver, escort commander or master has not already done so; and
  - (b) the GB Competent Authority.
- (3) If the consignor of any class 7 goods becomes aware of the occurrence of a notifiable event in relation to those goods the consignor must, as soon as reasonably practicable, notify—
  - (a) the police, unless the driver, the escort commander, the carrier or the master has already done so; and
  - (b) the GB Competent Authority, unless the carrier has already done so.
- (4) If a notifiable event occurs the carrier must ensure that, as soon as reasonably practicable, a report is made to the GB Competent Authority.
- (5) The report required under sub-paragraph (4)—
  - (a) must be in a form approved by the GB Competent Authority; and
  - (b) must contain all relevant information which the GB Competent Authority has communicated to the carrier that it considers necessary.
- (6) In this paragraph, “notifiable event” means the theft or loss of the class 7 goods being carried.]

## SCHEDULE 3

Regulation 29(6)

### APPOINTMENTS

#### Applications for appointment

- 1.—(1) An application for appointment must be made in a manner approved by the GB competent authority.
- (2) A fee may be charged for, or in connection with, the consideration by, or on behalf of, the GB competent authority of an application for appointment.
- (3) Any fee charged must be reasonable for the work performed or to be performed.

#### Modifications etc. (not altering text)

- C5** Sch. 3 para. 1 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 8\(2\)\(b\)\(ii\)](#) (with Sch. 4)

#### Appointment by the GB competent authority

- 2.—(1) The GB competent authority must make any appointment in writing.
- (2) An appointment may be made subject to such conditions as the GB competent authority considers appropriate and, in particular, those conditions may—
  - (a) restrict the scope of the appointment to equipment of a particular description;
  - (b) require markings of a particular description to be affixed to equipment by or on behalf of the appointee in connection with the giving, or the refusal to give, approval; and
  - (c) apply upon or following termination of the appointment.

(3) An appointment may be for the time being or for such period as may be specified in the appointment.

(4) If for any reason an appointment is terminated, the GB competent authority may—

(a) give such directions—

(i) to the person whose appointment has been terminated; or

(ii) to another person who has been appointed, or deemed appointed, pursuant to these Regulations,

for the purpose of making such arrangements for the determination of outstanding applications for approval of equipment as it considers appropriate and the person to whom the directions are given must comply with them; and

(b) authorise another person to take over the functions of the appointee whose appointment has been terminated in respect of such cases as it may specify.

### **Fees that may be charged by appointees**

**3.—**(1) An appointee may charge a fee for, or in connection with, the carrying out of a function for which the appointment has been made.

(2) The fee must not exceed—

(a) the costs incurred or to be incurred by the appointee in performing the 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 the appointee; and

(ii) the commercial rate normally charged on account of profit for that work or similar work.

#### **Modifications etc. (not altering text)**

C6 Sch. 3 para. 3 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 8\(2\)\(c\)\(ii\)](#) (with Sch. 4)

### **The inspection of appointees**

**4.—**(1) An appointee is to be subject to such inspection by, or on behalf of, the GB competent authority as is necessary to ensure compliance with any condition specified in the appointment.

(2) The inspection referred to in sub-paragraph (1) may include the examination of premises, equipment and documents and the appointee must provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.

(3) A fee which is reasonable for the work performed, or to be performed, is to be payable by the appointee in respect of any inspection undertaken by, or on behalf of, the GB competent authority in accordance with sub-paragraph (1).

#### **Modifications etc. (not altering text)**

C7 Sch. 3 para. 4 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 1 para. 8\(2\)\(b\)\(ii\)](#) (with Sch. 4)

**Status:** Point in time view as at 21/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009. (See end of Document for details)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Great Britain.

First, the Regulations implement Directive [2008/68/EC](#) of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (O.J. L260, 30.9.2008, p. 13). This Directive applies the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2009), the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current Edition: 2009) and the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (“ADN”) (Current edition: 2009). These Regulations only apply the provisions of ADN in respect of safety adviser qualifications.

Secondly, the Regulations implement Council Directive [1999/36/EC](#) of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive [2002/50/EC](#) of 6 June 2002 (O.J. No. L149, 7.6.2002, p. 28).

Thirdly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27th November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O.J. No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

The implementation of 1999/36/EC, 89/618/Euratom and 96/29/Euratom replaces the implementation of the same Directives (or parts of Directives) made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (the 2007 Regulations) (S.I. 2007/1573).

*Part 1* of the Regulations contains introductory provisions. *Regulations 2 and 3* contain interpretation provisions. *Regulation 4* sets out the manner in which the Regulations apply.

*Part 2* of the Regulations provides for prohibitions and requirements to apply in relation to the carriage of dangerous goods. *Regulation 5* prohibits carriage other than in accordance with ADR and RID. *Regulation 6* imposes, by reference to *Schedule 1*, different placarding requirements to those in ADR and RID in respect of national carriage by certain vehicles. *Regulation 7* deems certain security requirements relating to class 1 goods to be requirements of ADR for the purposes of *regulation 5*. *Regulation 8* deems a requirement relating to access to goods to be a requirement of ADR and RID for the purposes of *regulation 5*. *Regulation 9* imposes the prohibitions and requirements of ADR on carriage by private individuals for the purposes of *regulation 5* unless certain conditions are met. *Regulation 10* imposes certain requirements of ADR (including deemed requirements) on carriage by certain enterprises for the purposes of *regulation 5*.

*Part 3* of the Regulations provides for exemptions from *Part 2*. *Regulation 11* allows the Secretary of State for Transport to exempt carriage where such an exemption is permitted as a derogation or a transitional provision under the Dangerous Goods Directive or where the exemption provides for carriage consistent with a derogation or transitional provision. *Regulation 12* provides that, in certain circumstances, the Secretary of State for Transport, the Secretary of State for Defence and the Health and Safety Executive may issue authorisations permitting carriage which would

otherwise contravene *Part 2* of the Regulations. Other regulations provide for exemptions relating to reference temperatures and standards (*regulation 13*), old pressure receptacles (*regulation 14*), enclosed areas (*regulation 15*), carriage other than by vehicles (*regulation 16*), instruments of war (*regulation 17*) and nuclear material (*regulation 18*).

*Part 4* of the Regulations applies the provisions of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market (*regulations 19 and 20*), reassessing the conformity of existing transportable pressure equipment (*regulation 21*), inspections (*regulation 22*) and the restriction on the use of misleading markings (*regulation 23*).

*Part 5* of the Regulations (*regulation 24*), by the introduction of Schedule 2, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

*Part 6* of the Regulations sets out provisions and obligations in relation to competent authority functions. *Regulation 25* determines who the competent authority in Great Britain is. *Regulation 26* provides that the competent authority in Great Britain is to perform the functions of a competent authority set out in ADR, RID and ADN (as applied by the Regulations). *Regulation 27* provides that fees may be charged in connection with the performance of competent authority functions arising under *regulation 26*. *Regulation 28* provides for a competent authority function in respect of reference temperatures and standards. *Regulation 29* allows for the appointment of people to approve equipment used in connection with the carriage of dangerous goods. *Regulation 30* deems certain functions done under the 2007 Regulations to be done under these Regulations. *Part 7* of the Regulations contains miscellaneous provisions concerning the keeping and provision of information (*regulation 31*), enforcement (*regulation 32*) and the revocation of the 2007 Regulations (*regulation 33*).

ADR and ADN (both the agreements and the Annexes) may be downloaded without charge from the relevant parts of the United Nations Economic Commission for Europe website which is:

for ADR: [http://www.unece.org/trans/danger/publi/adr/adr\\_e.html](http://www.unece.org/trans/danger/publi/adr/adr_e.html)

for ADN: <http://www.unece.org/trans/danger/adn-agree.html>

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

<http://www.otif.org/>

Print copies of the 2009 editions of ADR, RID (including the text of the Annex to Appendix C) and ADN are available for purchase, including from the Stationery Office:

<http://www.tsoshop.co.uk/bookstore.asp>

The European Directives referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

A document issued by the Secretary of State for Transport pursuant to regulation 11(3) of these Regulations will be published by the Stationery Office. It will also be available to be downloaded from the Department for Transport website which is:

<http://www.dft.gov.uk/>

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a Transposition Note may be obtained from the Dangerous Goods Division of the Department for Transport, Zone 2/24, Great Minster House, 76 Marsham Street, London, SW1P 4DR. The telephone number is 020 7944 5706 and the e-mail address is [dangerousgoods@dft.gsi.gov.uk](mailto:dangerousgoods@dft.gsi.gov.uk). Both documents may also be downloaded from the Department for Transport website and are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

**Status:**

Point in time view as at 21/04/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.