
STATUTORY INSTRUMENTS

2009 No. 1348

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

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—

- (a) in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;
- (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and
- (c) 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—

- (a) ADR in relation to carriage by road;
- (b) RID in relation to carriage by rail; and
- (c) 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
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Status: Point in time view as at 01/07/2009.

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)

“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway ^{M2} , 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 ^{M3} , as revised or reissued from time to time. But— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (a) one of Her Majesty's Forces within the meaning of the Armed Forces Act 2006 ^{M4}; (b) the Ministry of Defence Police ^{M5}; (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952 ^{M6}; or (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 ^{M7}.
“conformity mark”	The mark referred to in article 10(1) of the Transportable Pressure Equipment Directive, the form of the mark being set out in Annex VII to that Directive.
“COTIF”	The Convention concerning International Carriage by Rail ^{M8} , 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 ^{M9} , as amended from time to time.
“fire and rescue authority”	The fire and rescue authority under the Fire and Rescue Services Act 2004 ^{M10}
“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.
“national carriage”	Carriage that includes carriage in Great Britain and does not include carriage outside the United Kingdom.
“relevant authority”	Has the meaning given in section 6 of the Fire (Scotland) Act 2005 ^{M11} .
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF ^{M12} , as revised or reissued from time to time.

But—

- (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
- (b) in regulation 14(6)(b) it means the Annex as in force on the date in question.

“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.)

“the Transportable Pressure Equipment Directive” Council Directive [1999/36/EC](#) of 29th April 1999^{M13} concerning the approximation of laws of member States relating to common provision for transportable pressure equipment and methods for inspection and for the purposes of these Regulations—

- (a) a reference in that Directive to Directive [94/55/EC](#) and [96/49/EC](#) is to be treated as a reference to the Dangerous Goods Directive (and the reference to articles 6(1) and 7 of Directive [94/55/EC](#) and articles 6(1) and 7(1) and (2) of Directive [96/49/EC](#) in article 1(4) is to be treated as a reference to article 4 of the Dangerous Goods Directive); and
- (b) a reference to the annex to Directive [94/55/EC](#) and the annex to [96/49/EC](#) is to be treated as a reference to ADR and RID (respectively).

“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.

Marginal Citations

- M1** [S.I. 2007/1573](#).
- M2** ISBN 9789211391343 (2009 edition).
- M3** ISBN 9789211391336 (2009 edition).
- M4** [2006 c.52](#).
- M5** See section 1(1) of the [Ministry of Defence Police Act 1987 \(c.4\)](#).
- M6** [1952 c.67](#).
- M7** [1964 c.5](#).
- M8** Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).
- M9** OJ No L260, 30.9.2008, p.13.
- M10** [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).
- M11** [2005 asp 5](#).
- M12** ISBN 9788086206394 (2009 edition).
- M13** OJ No L138, 1.6.1999, p.20; last amended by Commission Directive 2002/50/EC of 6th June 2002 (OJ No L149, 7.6.2002, p.28).

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;

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- (b) a member State of the Communities 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 Communities 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”;
- (f) Sub-section 1.6.1.12 of ADR is to be treated as reading “The requirements of Section 1.9.5 and Chapter 8.6 do not apply until 31 December 2009.”;
- (g) Sub-section 1.6.2.7 is to be treated as reading “Until 30 June 2011 the requirements of 6.2.1.4.1 to 6.2.1.4.4 applicable until 31 December 2008 apply instead of those of 1.8.6, 1.8.7, 6.2.2.9, 6.2.3.6 to 6.2.3.8.”;
- (h) Sub-section 1.6.3.35 is to be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
- (i) Sub-section 1.6.4.34 is to be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
- (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;
- (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”; and
- (m) Sub-section 5.3.4 of RID is omitted.

Application

- 4.—(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.
- (2) 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^{M14} except that the words “to be” which come before the word “constructed” are omitted.

Marginal Citations

M14 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 ^{M15} 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 ^{M16}, as revised or reissued from time to time.

Marginal Citations

M15 1994 c.22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version.

M16 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.

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(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
 - (ii) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 32 of the Dangerous Substances in Harbour Areas Regulations 1987^{M17};
- (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
- (c) “a safe and secure place” means a place within a site—
 - (i) in relation to which a person—
 - (aa) is licensed to manufacture or store explosives under regulation 13 of the Manufacture and Storage of Explosives Regulations 2005^{M18}; or
 - (bb) is registered in respect of such storage under regulation 11 of those Regulations; or
 - (ii) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemption) Regulations 1979^{M19}.

Marginal Citations

M17 S.I. 1987/37; to which there are amendments not relevant to these Regulations.

M18 S.I. 2005/1082.

M19 S.I. 1979/1378.

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.

(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 “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).

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— <ul style="list-style-type: none"> (a) (i) the carriage is national carriage; and (ii) either— <ul style="list-style-type: none"> (aa) the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Defence

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.

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.

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 —

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- (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 ^{M20} 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 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).

Marginal Citations

M20 [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 ^{M21}; and
- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

Marginal Citations

M21 [S.I. 2003/403](#).

PART 4

TRANSPORTABLE PRESSURE EQUIPMENT

Conformity assessment

19.—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive.

(2) Subject to regulation 20, equipment may only be placed on the market or put into service if the four obligations set out in this regulation are all satisfied.

(3) The first obligation is that the equipment meets the requirements of—

- (a) the Dangerous Goods Directive; or
- (b) if applicable, article 3(4) of the Transportable Pressure Equipment Directive.

(4) The second obligation is that the fact that the equipment satisfies the first obligation is demonstrated by the conformity assessment procedures mentioned in article 3(1) and (2) of the Transportable Pressure Equipment Directive.

(5) The third obligation is that those conformity assessment procedures are carried out by a notified body.

(6) The fourth obligation is that the marking requirements set out in article 10 of the Transportable Pressure Equipment Directive that are applicable to conformity assessment are complied with in relation to that equipment.

(7) For the purposes of these Regulations, a reference in Part I of Annex IV to the Transportable Pressure Equipment Directive to “national authorities” is to be treated as if it were a reference to “competent authority”.

Conformity assessment – national carriage

20.—(1) Transportable pressure equipment to which regulation 19 applies may be—

- (a) placed on the market; or
- (b) put into service,

for use in national carriage if the three obligations set out in this regulation are all satisfied.

(2) The first obligation is that the equipment satisfies the conformity assessment referred to in article 4(4) of the Transportable Pressure Equipment Directive.

(3) The second obligation is that the assessment is carried out by an approved body.

(4) The third obligation is that the marking requirements set out in article 10 of the Directive as read with article 4(2) that are applicable to conformity assessment are complied with.

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)(b) 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 notified body in accordance with the procedure set out in Part II of Annex IV to the Transportable Pressure Equipment Directive; and
- (b) marked in accordance with the requirements of article 10 of that Directive that are applicable to the reassessment of conformity.

(4) But if the equipment has been manufactured in series to a design type which has been reassessed by a notified body in accordance with paragraph (3)(a), the procedure set out in Part II of Annex IV may be undertaken by an approved body and references in that Part to “notified body” are to be treated as references to “approved body”.

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)(c) of that Directive.

(2) If the equipment bears a marking referred to in article 10(1) or (2) of the Transportable Pressure Equipment Directive or the marking for gas cylinders referred to in the second indent of article 1(2)(c) of that Directive, it is to be subject to periodic inspection in accordance with the requirements of article 6(1) of the Directive.

(3) Periodic inspections of tanks are permitted in the manner described in the second paragraph of article 6(1).

(4) The marking requirements applicable to periodic inspections set out in article 10 of the Transportable Pressure Equipment Directive are to be complied with in relation to the equipment.

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.

PART 5

RADIOLOGICAL EMERGENCIES

Radiological emergencies

24.—(1) This regulation applies in relation to the carriage of class 7 goods.

(2) The requirements of Schedule 2 are to be complied with in relation to radiological emergencies.

(3) But paragraph (2) does not apply in relation to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.

(4) For the purposes of these Regulations—

- (a) “radiological emergency” means a situation arising during the course of the carriage of a consignment that requires urgent action in order to protect workers, members of the public or the population (either partially or as a whole) from exposure;
- (b) “exposure” means being exposed to ionising radiation; and
- (c) “ionising radiation” means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of 3×10^{15} hertz or more, capable of producing ions directly or indirectly.

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.

(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—

- (a) “military explosives” has the same meaning as in regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983^{M22}; and
- (b) “traffic authority” is to be construed in accordance with section 121A of the Road Traffic Regulation Act 1984^{M23}.

Marginal Citations

M22 S.I. 1983/1140, amended by S.I. 1999/303, 2004/568 and 2007/1573.

M23 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.

(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.

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 Annexes I and II to the Transportable Pressure Equipment Directive.

(5) In respect of the appointment of a person to carry out the functions of an approved 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 Annexes I and III to the Transportable Pressure Equipment Directive.

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

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

32.—(1) The enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive in relation to road and rail;
- (b) the Secretary of State for Transport in relation to road and inland waterways; and
- (c) the chief officer of police of each area in relation to road.

(2) But the Health and Safety Executive is not the enforcing authority in relation to rail to the extent that the Office of Rail Regulation is the enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 ^{M24}.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) The Secretary of State for Transport is the only enforcing authority to the extent that these Regulations require compliance with the security provisions.

Marginal Citations

M24 [S.I. 2006/557](#); amended by [S.I. 2007/1573](#); there is another amendment not relevant to these Regulations.

Revocation

33. The 2007 Regulations are revoked.

Signed by the authority of the Secretary of State

Department for Transport
27th May 2009

Paul Clark
Parliamentary Under Secretary of State

Status:

Point in time view as at 01/07/2009.

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.