
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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“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— (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.
[^{F1} “the Annexes”	Subject to paragraphs (6) and (7), Annexes I and II to the Dangerous Goods Directive.]
[^{F1} “appointed body”	A body appointed to carry out inspections of and tests on transportable pressure equipment by the GB competent authority under regulation 29 for the purposes of ADR and RID (as applicable).]
“armed forces”	Means— (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} .
[^{F2} “certificate of conformity”	The document issued to confirm successful completion of a conformity assessment.]
[^{F3} “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.]
[^{F4} “conformity assessment”	The assessment and the procedure for assessment of conformity set out in— (a) the Annexes to the Dangerous Goods Directive, where the assessment by an appointed body will culminate in the equipment being marked with the UK TPE marking; or (b) the Directives, where the assessment by a notified body will culminate in the equipment being marked with the pi marking.]
F5	F5
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“COTIF”	The Convention concerning International Carriage by Rail M8 , as revised or re-issued from time to time.

“the Dangerous Goods Directive” ^{F6}Subject to paragraphs (6) and (7),] Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods ^{M9}

, ^{F7}as it had effect immediately before IP completion day].

[^{F8}the “Directives” ^{F9}Subject to paragraphs (6) and (7), the] Dangerous Goods Directive and the Transportable Pressure Equipment Directive.]

[^{F10}“distributor” Subject to regulation 19(3)(b) and (4)(b), any person established in the United Kingdom, other than the manufacturer or the importer, who makes transportable pressure equipment, or parts thereof, available on the GB market.]

“fire and rescue authority” ^{M10}The fire and rescue authority under the Fire and Rescue Services Act 2004

“the GB competent authority” ^{M10}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.

[^{F11}“importer” Subject to regulation 19(3)(a) and (4)(a), a person who—
(a) is established in the United Kingdom; and
(b) places transportable pressure equipment or parts thereof from a country outside of the United Kingdom, on the GB market.]

[^{F11}“making available on the GB market” and like expressions Subsequent to the transportable pressure equipment being placed on the Great Britain market, any supply of that equipment for distribution or use on that market in the course of a commercial or public service activity, [^{F12}including any supply on a hire, lease or rental basis,] whether in return for payment or free of charge.]

[^{F11}“manufactured in series to a design type” Equipment that is one of a series of products manufactured to the same design.]

[^{F11}“manufacturer” ^{M10}A person who—
(a) manufactures transportable pressure equipment, or parts thereof, or who has such equipment designed or manufactured; and
(b) markets it under their own name or trademark.]

“national carriage” Carriage that includes carriage in Great Britain and does not include carriage outside the United Kingdom.

[^{F13}“Northern Ireland competent authority” The competent authority in Northern Ireland, as defined in regulation 21 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, under regulation 25 of those Regulations.]

[^{F14}“Northern Ireland TPE” ^{F14}Transportable pressure equipment which—
(a) complies with Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, and

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	(b) is “qualifying Northern Ireland goods” within the meaning given in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.]
[^{F13} “notified body”	An inspection body appearing on the list published by the European Commission pursuant to article 23(2) of the Transportable Pressure Equipment Directive.]
[^{F13} “operator”	A person established in a relevant territory who uses transportable pressure equipment.]
[^{F13} “owner”	A person established in the United Kingdom who owns transportable pressure equipment.]
[^{F13} “pi marking”	The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of which is set out in article 15 of that Directive F15]
[^{F13} “pi marked TPE”	Transportable pressure equipment bearing the pi marking [^{F16} , but excluding Northern Ireland TPE] .]
[^{F13} “placing on the GB market” and like expressions	The first making available of transportable pressure equipment on the Great Britain market.]
F17	F17
...	...
[^{F18} “relevant territory”	Great Britain, Northern Ireland or a member State of the EU.]
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF ^{M11} , 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.)
[^{F19} “TPED competent authority”	The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland [^{F20} or a member State of the EU.]]
[^{F21} “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 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC [^{F22} , as it had effect immediately before IP completion day].]

- [^{F23}“UK TPE” Transportable pressure equipment bearing the UK TPE marking.]
- [^{F23}“UK TPE marking” The marking in the form published in accordance with regulation 22B.]
- “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.

[^{F24}(6) References to—

- (a) “the Annexes”;
- (b) “the Dangerous Goods Directive”; and
- (c) “the Directives”;

are subject to the modification identified in paragraph (7).

- (a) (7) (a) Section I.1 of Annex I; and
- (b) Section II.1 of Annex II

to the Dangerous Goods Directive are to be read as if “as applicable with effect from 1 January 2019,” had been omitted.]

Textual Amendments

- F1** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(2)**
- F2** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(3)**
- F3** 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)
- F4** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(4)**
- F5** Words in reg. 2(5) omitted (31.12.2020) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(5)**
- F6** Words in reg. 2(5) inserted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(6)(a)**
- F7** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(6)(b)**
- F8** 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)**
- F9** Words in reg. 2(5) substituted (31.12.2020) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1111\)](#), regs. 1, **3(7)**

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- F10** Words in reg. 2(5) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(8)**
- F11** Words in reg. 2(5) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(9)**
- F12** Words in reg. 2(5) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **3(a)**
- F13** Words in reg. 2(5) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(10)**
- F14** Words in reg. 2(5) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **3(b)**
- F15** Words in reg. 2(5) omitted (1.1.2023) by virtue of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **3(c)**
- F16** Words in reg. 2(5) inserted (1.1.2023) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/1370), regs. 1(1), **3(d)**
- F17** 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)**
- F18** Words in reg. 2(5) substituted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(11)**
- F19** 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)**
- F20** Words in reg. 2(5) substituted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(12)**
- F21** 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)**
- F22** Words in reg. 2(5) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(13)**
- F23** Words in reg. 2(5) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(14)**
- F24** Reg. 2(6)(7) inserted (31.12.2020) by The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1111), regs. 1, **3(15)**

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 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 [F25EU] 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 [F25EU] 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”;

F26(f)

F26(g)

F26(h)

F26(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;
(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”; F27...
(m) Sub-section 5.3.4 of RID is omitted[F28,]

[F28(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]

[F28(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

- F25 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)
F26 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)
F27 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)

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F28 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.

[^{F29}(1A) Part 5 of these Regulations also applies in relation to the carriage of class 7 goods by inland waterway.]

(2) [^{F30}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^{M12} except that the words “to be” which come before the word “constructed” are omitted.

Textual Amendments

F29 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)

F30 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

M12 1987 c.53.

Status:

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There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009, PART 1.