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STATUTORY INSTRUMENTS

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**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(1).

<i>Column 1</i>	<i>Column 2</i>
“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway(2), 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(3), 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(4); (b) the Ministry of Defence Police(5); (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(6); or (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(7).
“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(8), as revised or reissued 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(9), as amended from time to time.
“fire and rescue authority”	The fire and rescue authority under the Fire and Rescue Services Act 2004(10)
“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.

(2) ISBN 9789211391343 (2009 edition).

(3) ISBN 9789211391336 (2009 edition).

(4) 2006 c.52.

(5) See section 1(1) of the Ministry of Defence Police Act 1987 (c.4).

(6) 1952 c.67.

(7) 1964 c.5.

(8) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).

(9) OJ No L260, 30.9.2008, p.13.

(10) 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).

<i>Column 1</i>	<i>Column 2</i>
“relevant authority”	Has the meaning given in section 6 of the Fire (Scotland) Act 2005 <sup>(11)</sup> .
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF <sup>(12)</sup> , 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 <sup>(13)</sup> 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.

### 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 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”;

<sup>(11)</sup> 2005 asp 5.

<sup>(12)</sup> ISBN 9788086206394 (2009 edition).

<sup>(13)</sup> 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).

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(14) except that the words “to be” which come before the word “constructed” are omitted.