
STATUTORY INSTRUMENTS

2009 No. 1348

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

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.

[^{F1}(3A) [^{F2}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

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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—

[^{F3}(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 ^{M1}.

Textual Amendments

F1 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)**

F2 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)

F3 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

M1 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.

[^{F4}Functions of the GB competent authority arising under Part 6

26A.—(1) This regulation applies in respect of UK TPE when the GB competent authority is informed by—

- (a) a manufacturer, pursuant to regulation 19AB(3), that it has reason to believe that equipment it has placed on the GB market, does not comply with regulation 19AB(2);
- (b) an importer, pursuant to regulation 19BC(5), that it has reason to believe that equipment it has placed on the GB market, does not comply with regulation 19BC(3); or
- (c) a distributor, pursuant to regulation 19CB(5), that it has reason to believe that equipment it has made available on the GB market, does not comply with regulation 19CB(3).

(2) When provided with the information identified in paragraph (1), the GB competent authority must inform—

- (a) the TPED competent authority for each EU member State; and
- (b) the European Commission,

including information about the equipment presenting the risk and measures taken in relation to that equipment by the economic operator concerned.]

Textual Amendments

- F4** Reg. 26A 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, **24**

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.

Modifications etc. (not altering text)

- C1** 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 [F5an appointed 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 [F6[F7the Annexes] and the requirements set out in [F8paragraph (4A).]]

[F9(4A) An appointed body must—

- (a) be established in Great Britain; and
- (b) satisfy the criteria set out in—
 - (i) sub-section 1.8.6.8 of ADR; or
 - (ii) sub-section 1.8.6.8 of RID.]

F10(5)

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

Textual Amendments

- F5 Words in reg. 29(4) 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, **25(2)(a)**
- F6 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)**
- F7 Words in reg. 29(4) 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, **25(2)(b)**

- F8** Words in reg. 29(4) 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, **25(2)(c)**
- F9** Reg. 29(4A) 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, **25(3)**
- F10** 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)

- C2** 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)
- 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)(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).

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