

STATUTORY INSTRUMENTS

2009 No. 1348

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

PART 3

EXEMPTIONS

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— (a) (i) the carriage is national carriage; and (ii) either— (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

<i>Column 1</i>	<i>Column 2</i>
	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 - (b) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and that notice must set out whether the withdrawal of the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.