
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.

(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(1); and
- (b) “traffic authority” is to be construed in accordance with section 121A of the Road Traffic Regulation Act 1984(2).

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

(2) 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.