

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (“the 2009 Regulations”) in order to implement Directive 2010/35/EU of the European Parliament and of 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](#) (OJ L165, 30.6.2010, p.1) (“the 2010 Directive”).

These Regulations also include provision relating to ADR, RID and ADN. These are terms defined in the Table in regulation 2(5) of the 2009 Regulations and refer to the technical requirements (as revised or reissued) annexed to the international agreements governing the transport of dangerous goods by, respectively, road, rail and inland waterway. In particular these Regulations enable ADR and RID to be interpreted in such a way as to ensure that class 1 goods are classified by the GB competent authority or the competent authority of another party to ADR or RID.

The Regulations also give the Secretary of State for Energy and Climate Change certain responsibilities in relation to class 7 goods, and make the Secretary of State for Defence an enforcing authority. They insert a review clause into the 2009 Regulations and make a number of minor changes.

Regulation 3 amends the Table in regulation 2 of the 2009 Regulations by inserting new defined terms and updating the meaning of the Transportable Pressure Equipment Directive so it refers to the 2010 Directive.

Regulation 4 amends regulation 3 of the 2009 Regulations in respect of the interpretation of ADR, RID and ADN for the purposes of those Regulations. A number of redundant provisions are removed and “EU” is substituted for “Communities” to reflect European institutional reform. References to “competent authority” are inserted in ADR and RID text relating to the classification of class 1 goods. This latter change allows for the revocation of the Classification and Labelling of Explosives Regulations 1983.

Regulation 5 amends regulation 11(3) of the 2009 Regulations to change the name of the document which sets out the exemptions.

Regulation 6 amends regulation 12 of the 2009 Regulations allowing the Secretary of State for Energy and Climate Change to issue authorisations in relation to the national carriage of class 7 goods.

Regulation 7 replaces regulation 19 (conformity assessment) in the 2009 Regulations with regulations 19 to 19F. Regulation 19 sets out the equipment to which the general and specific obligations apply. Regulation 19A sets out the general obligations that apply where transportable pressure equipment is placed or made available on the market, put into service or used. Regulations 19B to 19F set out specific obligations on manufacturers, importers, distributors, owners and operators respectively.

Regulation 8 replaces regulation 20 (conformity assessment – national carriage), which is no longer allowed under the 2010 Directive, with a new regulation allowing a manufacturer to appoint an authorised representative to carry out some of its obligations and setting out the responsibilities of that authorised representative.

Regulations 9 and 10 amend regulations 21 and 22 of the 2009 Regulations to reflect the changes made by the 2010 Directive to the procedures for reassessment of conformity, and for periodic inspection and repeated use.

Regulation 11 amends regulation 25 of the 2009 Regulations making the Secretary of State for Energy and Climate Change a competent authority in relation to the carriage of class 7 goods, except for the register of driver training certificates.

Status: Point in time view as at 24/10/2011.

Changes to legislation: There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011. (See end of Document for details)

Regulation 12 amends regulation 29 of the 2009 Regulations to update the procedure for appointing a person to carry out the functions of a notified body.

Regulation 13 amends regulation 32 of the 2009 Regulations to add the Secretaries of State for Defence, and Energy and Climate Change as enforcing authorities.

Regulation 14 inserts a requirement into the 2009 Regulations for the Secretary of State to review the operation and effect of those Regulations, and publish a report within five years after these Regulations come into force, and within every five years thereafter. Following each review, the Secretary of State will decide whether the 2009 Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend the 2009 Regulations.

Regulation 15 amends Schedule 2 (Radiological Emergencies) to make the carrier jointly responsible with the consignor for ensuring an emergency plan is in place and for reviewing and revising that plan when necessary.

Regulations 16, 17 and the Schedule revoke the Classification and Labelling of Explosive Regulations 1983 and make provision for amendments to various legislative instruments as a consequence of their revocation.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a transposition note setting out how these Regulations transpose the provisions of Directive 2010/35/EU are available from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR and are annexed to the Explanatory Memorandum which is available alongside this instrument on the website, www.legislation.gov.uk.

A copy of Directive 2010/35/EU may be downloaded without charge from EURLEX, the European Law website (<http://eur-lex.europa.eu/en/index.htm>). ADR, RID, ADN and the United Nations Recommendations on the Transport of Dangerous Goods (the current edition of each is 2011) are available for purchase. The print versions of the 2011 editions have the following ISBN references; ADR - 9789211391404; RID - 9788086206400; ADN - 9789211391381; the United Nations Recommendations - 9789211391411. The current editions of ADR and ADN may also be downloaded without charge from the dangerous goods section of the United Nations Economic Commission for Europe website (<http://live.unece.org/trans/danger/danger.html>).

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