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STATUTORY INSTRUMENTS

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**2020 No. 1111**

**The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020**

**Amendments to Part 3 (Exemptions)**

5. After regulation 11, insert—

**“Exceptions**

**11A.**—(1) The Secretary of State may issue an exception from the requirements and prohibitions arising under Part 2 of these Regulations when satisfied that safety would not be compromised and either—

- (a) the carriage is of small quantities of dangerous goods and the substances have neither a medium nor high level of radioactivity;
- (b) the carriage is national carriage over short distances; or
- (c) the carriage is national carriage by rail on routes designated by the Secretary of State as—
  - (i) forming part of a defined industrial process; and
  - (ii) being closely controlled under clearly specified conditions.

(2) An exception issued under paragraph (1) must not be for a period exceeding 6 years from the date of issue.

(3) Prior to issuing an exception, the Secretary of State—

- (a) must consult—
  - (i) the GB competent authority; and
  - (ii) the Office of Rail and Road in respect of carriage by rail where that body is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006<sup>(1)</sup>; and
- (b) may consult—
  - (i) the authorities identified in regulation 32 as being enforcing authorities for the carriage concerned, where that authority is not consulted pursuant to sub-paragraph (a); and
  - (ii) such other bodies as appear to the Secretary of State to be appropriate.

(4) The Secretary of State may renew, and in doing so may amend, an exception for a further period not exceeding six years from the date of renewal.

(5) The Secretary of State may not bring to an end, or substantially alter, an exception unless those who might be affected have been consulted.

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<sup>(1)</sup> S.I. 2006/557, amended by S.I. 2007/1573, 2014/469, 2015/1682 and 2017/1075.

(6) This regulation does not limit the power to issue an authorisation under regulation 12(1).

### **Documentation of exemptions and exceptions**

**11B.**—(1) Where any—

- (a) exemption is granted pursuant to regulation 11(1); or
- (b) exception is issued pursuant to regulation 11A(1),

that exemption or exception is to be set out in a document called “Carriage of Dangerous Goods: Approved Derogations, Transitional Provisions and Exceptions”**(2)**.

(2) The document may be revised in whole or in part from time to time.

(3) In the document the Secretary of State must set out—

- (a) the types of carriage to which the exemption or exception applies;
- (b) the circumstances in which the exemption or exception applies;
- (c) the requirements and prohibitions that do not apply pursuant to regulations 11(1) or 11A;
- (d) any requirements and prohibitions that apply instead; and
- (e) in the case of an exception, the date upon which it was first issued, the dates of any renewals under regulation 11A(4) and the date the exception is due to expire.”.

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(2) Copies can be obtained at [www.gov.uk/government/publications/the-carriage-of-dangerous-goods-approved-derogations-and-transitional-provisions/carriage-of-dangerous-goods-approved-derogations-and-transitional-provisions](http://www.gov.uk/government/publications/the-carriage-of-dangerous-goods-approved-derogations-and-transitional-provisions/carriage-of-dangerous-goods-approved-derogations-and-transitional-provisions) or made available for inspection at the Department for Transport (Dangerous Goods Division), Great Minster House, 33 Horseferry Road, London SW1HP 4DR.