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STATUTORY INSTRUMENTS

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**2005 No. 1732**

**HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of Transportable  
Pressure Equipment (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>27th June 2005</i>
<i>Laid before Parliament</i>		<i>1st July 2005</i>
<i>Coming into force</i>	- -	<i>22nd July 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1) to (5), (6) (a) and (b), 43(2) to (6), 80, 82(3)(a) of, and paragraphs 1(1) to (4), 2(1), 3, 4(1), 6, 15(1), 16 and 20 of Schedule 3 to the Health and Safety at Work Act 1974(1) and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act hereby make the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005 and shall come into force on 22nd July 2005.

**Amendments to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004**

2. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(2) shall be amended in accordance with the Schedule 1.

**Amendments to the Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919**

3. The Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919(3) shall be amended in accordance with Schedule 2.

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(1) 1974 c. 37; section 1(1)(c) was modified by the Health and Safety at Work etc. Act (Application to Environmentally Hazardous Substances) Regulations 2002 (S.I. 2002/282) [ other amendments to HSWA].  
(2) S.I. 2004/568, amended by S.I. 2004/3168, 2005/676 and 2005/1082.  
(3) S.I. 1919/809, amended by S.I. 1974/1885 and 1984/510.

**Amendments to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002**

4. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(4) shall be amended in accordance with Schedule 3.

**Amendments to the Health and Safety (Fees) Regulations 2005**

5. The Health and Safety (Fees) Regulations 2005(5) shall be amended in accordance with Schedule 4.

Signed by authority of the Secretary of State

27th June 2005

*S.J. Ladyman*  
Minister of State  
Department for Transport

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(4) S.I. [2002/1689](#), amended by S.I. [2004/568](#) and to which there are other amendments not relevant to these Regulations.  
(5) S.I. [2005/676](#).

SCHEDULE 1

Regulation 2

AMENDMENTS TO THE CARRIAGE OF DANGEROUS GOODS  
AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT 2004

1. In regulation 2(1) (interpretation)—

(a) for the definition of “ADR” substitute—

““ADR” means (except for the purposes of regulations 4 and 36(3) and Schedule 1) the provisions which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by road which—

(a) form Annexes A and B to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)(6); and

(b) are contained in Annexes A and B to Council Directive 94/55/EC, as amended, of 21st November 1994 on the approximation of the laws of member States with regard to the transport of dangerous goods by road(7),

and “ADR Directive” means the Directive referred to in sub-paragraph (b).;”;

(b) after the definition of “battery-wagon” insert—

““bulk container” has the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;”;

(c) in the definition of “emergency action code”, for the words “2004(5);” substitute “2005(8);”;

(d) in the definition of “GB competent authority” for the words “regulations 8(1) to (4)” substitute “regulation 8(1) to (3)”;

(e) in the definition of “old tank” for the words “UN-certified MEGC” substitute “UN MEGC”;

(f) in the definition of “operator” for the words “UN-certified MEGC or tank” substitute “UN MEGC, tank or bulk container”;

(g) for the definition of “RID” substitute—

““RID” means (except for the purposes of regulations 4 and 36(3) and Schedule 1) the Regulations which came into effect on 1st January 2005 concerning the international carriage of dangerous goods by rail which—

(a) form Annex 1 to Appendix B to COTIF and

(b) are contained in the Annex to Council Directive 96/49/EC of 23rd July 1996, as amended, on the approximation of the laws of member States with regard to the transport of dangerous goods by rail(9),

and the “RID Directive” means the Directive referred to in paragraph (b).;”;

(h) in the definition of “transportable pressure equipment” for the words “UN-certified MEGC” substitute “UN MEGC”; and

(6) Current edition (2005): ISBN 92-1-139097-4 and corrigendum 1 (December 2004).

(7) OJ No. L319, 12.12.94, p7; relevant amending Directives are Directive 2000/61/EC of the European Parliament and the Council of 10th October 2000 (OJ No. L79, 1.11.2000, p40), Commission Directives 2003/28/EC of 7th April 2003 (OJ No. L90, 8.4.2003, p45) and 2004/111/EC (OJ No. L365, 10.12.2004, p25).

(5) S.I. 2005/676.

(8) ISBN 0-11-341304-1.

(9) OJ No. L235, 17.9.1996, p25; relevant amending Directives are Directive 2000/62/EC of the European Parliament and the Council of 10th October 2000 (OJ No. L270, 1.11. 2000, p44), Commission Directives 2003/26/ EC of 7th April 2003 (OJ No. L90, 8.4.2003, p47), 2004/89/EC (OJ No. L293, 16.09.2004 p14) and 2004/110/EC (OJ No. L365, 10.12.2004 p24).

*Status: This is the original version (as it was originally made).*

- (i) for the definition of “UN-certified multiple element gas container” substitute—  
 ““UN multiple element gas container” (“UN MEGC”) has the meaning in sub-section 6.7.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;”.
2. In regulation 3 (application) for paragraph (4) substitute—  
 “(4) These Regulations shall not apply to or in relation to the carriage of class 7 goods by road except for—  
 (a) Part 1 and regulations 11(2A), 12, 32, 36, 56, 56A and 58;  
 (b) regulation 10A insofar as it relates to a person who is not subject to the requirements of the Nuclear Industries Security Regulations 2003<sup>(10)</sup>; and  
 (c) regulations 24 and 33 insofar as they relate to—  
 (i) compliance with, and the issuing of certificates in accordance with, chapter 8.2 of ADR; and  
 (ii) compliance with special provisions S:11 and S:12 of chapter 8.5 of ADR.”.
3. In regulation 5 (application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment)—  
 (a) for the heading substitute—  
*“Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN MEGCs and transportable pressure equipment”;*  
 (b) in paragraph (2) for the words “UN-certified MEGCs” substitute “UN MEGCs”;  
 (c) for paragraph (9) substitute—  
 “(9) Subject to the following paragraphs of this regulation, Part 4 of these Regulations shall apply to any equipment used at work and manufactured—  
 (a) on or after 1st July 2001 in the case of transportable pressure equipment which is a cylinder, tube or cryogenic receptacle and is not an old pressure receptacle to which Schedule 2 applies;  
 (b) on or after 1st July 2005 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank;  
 (c) on or before 30th June 2003 in the case of equipment which is—  
 (i) a cylinder, tube or cryogenic receptacle which is subject to a reassessment of conformity; or  
 (ii) an EEC-type cylinder; and  
 (d) on or before 30th June 2007 in the case of equipment which is a pressure drum, bundle of cylinders, battery-vehicle, battery-wagon, MEGC, UN MEGC or a tank which is subject to a reassessment of conformity.”;  
 (d) in paragraph (10) for the words “UN-certified MEGCs” substitute “UN MEGCs”; and  
 (e) paragraph (15) shall be omitted.
4. In regulation 7 (exemptions)—  
 (a) for paragraph (4) substitute—  
 “(4) Notwithstanding regulations 20(1) and 21(1), where—

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<sup>(10)</sup> S.I. 2003/403.

- (a) goods are packaged in—
  - (i) limited quantities in accordance with chapter 3.4 of ADR for carriage by road; or
  - (ii) combination packagings in accordance with chapter 4.1 of ADR, and are not class 1, 4.2, 6.2 and 7 goods; and
- (b) are then removed from their outer packaging for the final stages of the carriage operation between a—
  - (i) distribution centre and a retailer or end-user; or
  - (ii) retailer and an end-user,the marking required by chapter 5.2 and section 6.1.3 of ADR does not have to be affixed for the final stages of the carriage operation provided that the total quantity of such goods on the transport unit does not exceed more than 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article and not more than 333 kilograms or litres per transport unit.”;
- (b) in paragraph (6) for sub-paragraph (a) substitute—
  - “(a) FL, OX and AT vehicles which—
    - (i) are used or intended to be used to carry only old tanks; and
    - (ii) do not meet all of the requirements in sections 9.7.2 and 9.7.3 of ADR applicable to old tanks and fastenings attaching old tanks to vehicles,shall be deemed to meet those requirements provided that they comply with the requirements in Schedule 1 and need not be subject to an annual technical inspection in accordance with sub-section 9.1.2.3 of ADR; and”;
- (c) in paragraphs (8) for the words “UN-certified MEGCs” substitute “UN MEGCs”; and
- (d) in paragraph (9) for the words “UN-certified MEGC” substitute “UN MEGC”.

5. For regulation 8 (competent authority) substitute—

**“Competent authority**

8.—(1) Subject to the following paragraphs, the competent authority for Great Britain for all competent authority functions referred to in ADR and RID is the Secretary of State.

(2) The competent authority is the Executive for the functions of the competent authority in—

- (a) relation to the classification of dangerous goods of class 1, except military explosives, in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) special provisions 16, 178, 266, 271 and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively, in relation to class 1 goods, except military explosives;
- (c) mixed packing instruction MP21 of sub-section 4.1.10, sub-sections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively, in relation to class 1 goods, except military explosives; and
- (d) relation to the design approval of containers or compartments for the carriage of class 1 goods, except military explosives, in accordance with sub-section 7.5.2.2, note a of ADR in relation to carriage by road or of RID in relation to carriage by rail.

*Status: This is the original version (as it was originally made).*

(3) The competent authority is the Secretary of State for Defence for the functions of the—

- (a) competent authority in relation to the classification of military explosives in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) competent authority in special provisions 16, 178, 266, 271 and 645 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively in relation to military explosives;
- (c) competent authority in mixed packing instruction MP21 of section 4.1.10, subsections 4.1.5.15 and 4.1.5.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively in relation to military explosives;
- (d) competent military authority in special provision W2 of section 7.2.4 of RID; and
- (e) competent authority in relation to the design approval of containers or compartments for the carriage of military explosives, in accordance with subsection 7.5.2.2, note a of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) The competent authority as regards a State other than the United Kingdom is the authority designated as the competent authority in that State for any purpose in connection with ADR or RID.”.

6. After regulation 10 (safety obligations) insert—

**“Security provisions**

**10A.**—(1) Any person involved in the carriage of dangerous goods by road shall comply with—

- (a) insofar as they relate to matters within his control, the general security measures; and
- (b) any particular security obligations applying to him,

in chapter 1.10 of ADR.

(2) Any person involved in the carriage of dangerous goods by rail shall comply with—

- (a) insofar as they relate to matters within his control, the general security measures; and
- (b) any particular security obligations applying to him,

in chapter 1.10 of RID.”.

7. In regulation 11 (class 7 goods for carriage by rail) after paragraph (2) insert—

“(2A) Where any limit in ADR in relation to carriage by road or in RID in relation to carriage by rail which is applicable to radiation levels or contamination is not complied with—

- (a) the consignor shall be informed by—
  - (i) the carrier, where the failure to comply is identified during carriage; or
  - (ii) the consignee where the failure to comply is identified at receipt; and
- (b) the carrier, consignor or consignee, as appropriate, shall—
  - (i) take immediate steps to mitigate the consequences of the failure to comply;
  - (ii) investigate the failure to comply and its causes, circumstances and consequences;

- (iii) take appropriate action to remedy the causes and circumstances that lead to the failure to comply and to prevent a recurrence of similar circumstances;
    - (iv) communicate to the competent authority the causes of the non-compliance and the corrective or preventative actions taken or to be taken; and
  - (c) the communication of the failure to comply to the consignor and competent authority shall be made as soon as practicable and shall be immediate whenever emergency exposure has developed, is developing or is likely to develop.”
- 8. In regulation 14 (emergency plans for marshalling yards) for the words “1.10” substitute “1.11”.
- 9. In regulation 19 (use of tanks, battery-vehicles, battery-wagons, MEGCs and UN MEGCs)—
  - (a) for the heading substitute—

*“Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN MEGCs”*; and
  - (b) for paragraph (2) substitute—

“(2) Any consignor consigning dangerous goods and any filler filling a UN MEGC for carriage by road or by rail shall ensure—

    - (a) that the goods are not consigned and the UN MEGC is not filled unless the letter M is indicated in column (10) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
    - (b) the UN MEGC is used in accordance with section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”
- 10. In regulation 20 (consignment)—
  - (a) in paragraph (3) for the words “UN-certified MEGCs” substitute “UN MEGCs”; and
  - (b) paragraph (5) shall be omitted.
- 11. In regulation 21 (construction and testing of packagings and packages)—
  - (a) in paragraph (2)(b) for the words “6.1.5.9.1” substitute “6.1.5.8.1”; and
  - (b) for paragraphs (7) to (9) substitute—

“(7) Any person manufacturing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment are—

    - (a) designed, calculated, manufactured and equipped in accordance with—
      - (i) the requirements of sections 6.2.2, 6.2.3 or 6.2.5; and
      - (ii) the relevant provisions of 6.2.1;
    - (b) approved, inspected and tested and any records are kept in accordance with sub-sections—
      - (i) 6.2.1.4 and 6.2.1.5; or
      - (ii) 6.2.5.2 to 6.2.5.4 and 6.2.5.6; and
    - (c) marked in accordance with sub-sections—
      - (i) 6.2.1.7;
      - (ii) 6.2.1.8;
      - (iii) 6.2.5.8; or
      - (iv) 6.2.5.9,

*Status: This is the original version (as it was originally made).*

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment in question.

(8) Any consignor consigning or packer packing a pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the pressure receptacle and its service equipment—

- (a) meet the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail referred to in paragraph (7);
- (b) have been inspected and tested in accordance with the requirements of sub-sections—
  - (i) 6.2.2 or 6.2.5.5 and 6.2.3;
  - (ii) 6.2.1.4 and 6.2.1.6; or
  - (iii) 6.2.5.2 to 6.2.5.6; and
- (c) have been marked in accordance with sub-sections—
  - (i) 6.2.1.7;
  - (ii) 6.2.1.8;
  - (iii) 6.2.5.8; or
  - (iv) 6.2.5.9,

of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the pressure receptacle in question.

(9) Any body testing a UN pressure receptacle intended to be used for the carriage of dangerous goods by road or by rail shall ensure that the periodic inspection complies with the requirements of sub-section 6.2.5.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(10) Any person manufacturing an aerosol dispenser or gas cartridge intended to be used for the carriage of dangerous goods by road or by rail, consignor consigning or packer packing such a receptacle for the carriage of dangerous goods by road or by rail shall ensure that the gas cartridge or aerosol dispenser is manufactured, tested and marked in accordance with section 6.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”.

**12.** For regulation 22 (construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs) substitute—

**“Construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs, UN MEGCs and bulk containers**

**22.** Any person manufacturing or any operator of a tank, battery-vehicle, battery-wagon, MEGC, UN MEGC or bulk container which is intended to be used for the carriage of dangerous goods by road or by rail shall ensure that it is manufactured, approved, inspected, tested and marked in accordance with the requirements of chapters 6.7 to 6.11 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the tank, battery-vehicle, battery-wagon, MEGC, UN MEGC or bulk container in question.”

**13.** In regulation 23 (carriage, loading, unloading and handling) for paragraph (2) substitute—

“(2) Any carrier carrying dangerous goods or any filler filling a vehicle, wagon or container with dangerous goods for carriage by road or by rail, shall ensure that those dangerous goods are not carried in bulk in vehicles, wagons or containers unless—



- (a) such carriage is authorised by section 7.3.1 or columns (10) or (17) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) any requirement specified in those columns and in chapter 7.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods, vehicle, wagon or container in question are met.”.

**14.** In regulation 26 (interpretation of Part 3 and Schedule 3) after paragraph (3) add—

“(4) The GB competent authority may delegate any function to another body and that body shall carry out that function in accordance with any requirements of that provision of ADR or of RID which are applicable to the function in question.”.

**15.** In regulation 29 (appointment of persons by the GB competent authority)—

(a) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) sub-sections 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.4.5, 6.2.1.6.1, 6.2.5.6.2.4 and 6.2.5.7.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of pressure receptacles;”;

(ii) in sub-paragraph (c) for the words “UN-certified MEGCs” substitute “UN MEGCs”; and

(iii) in paragraph (d) after the words “6.8.2.4.5” insert “6.8.2.4.6”;

(b) for paragraph (6) substitute—

“(6) A person appointed under this regulation by reference to sub-section 6.2.5.7.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall—

(a) comply with the requirements of sub-sections 6.2.5.7.2.4 and 6.2.5.7.3 to 6.2.5.7.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and

(b) keep the documentation referred to in sub-section 6.2.5.7.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that sub-section.

(7) A person appointed under this regulation by reference to sub-section 6.8.2.4.6 of RID shall comply with the requirements of sub-section 8.2.5.6 of RID.

(8) A person appointed to issue an approval by reference to sub-section 6.9.4.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall ensure that the approval complies with sub-sections 6.9.4.4.2 to 6.9.4.4.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”

**16.** In regulation 30 (recognition of approvals, tests, methods, standards and procedures etc. by the GB competent authority) in paragraph (3)(b) for the words “UN-certified MEGCs” substitute “UN MEGCs”.

**17.** In regulation 32(6) (issuing of safety advisor vocational training certificates by the GB competent authority) after the words “(2)(b)” add “in accordance with sub-section 1.8.3.14 of ADR in relation to carriage by road or of RID in relation to carriage by rail”.

**18.** In regulation 33 (issuing of driver training certificates by the GB competent authority) after paragraph (5) insert—

“(5A) The GB competent authority shall maintain a register of all valid driver training certificates in accordance with sub-section 1.10.1.6 of ADR.”.

*Status: This is the original version (as it was originally made).*

**19.** In regulation 35 (miscellaneous functions of the GB competent authority)—

(a) for paragraph (3) substitute—

“(3) The GB competent authority shall assign a packing group for dangerous goods where required in accordance with special provision 278 of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;

(b) for paragraph (5) substitute—

“(5) The references referred to in paragraph (4) are sub-sections 6.2.5.6.2.1, 6.2.5.6.4.5, 6.2.5.6.4.9, 6.2.5.6.4.11, 6.2.5.7.2.1 and 6.2.5.7.4.5 to 6.2.5.7.4.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;

(c) in paragraph (6) for the words “sub-section 6.2.5.6.2.3” substitute “sub-sections 6.2.5.6.2.3 and 6.2.5.7.2.3”; and

(d) for paragraphs 9 to 14 substitute—

“(9) The GB competent authority may issue certificates of approval where sub-section 9.1.3.1 of ADR requires such certificates to be issued by the competent authority in Great Britain.

(10) A certificate issued by the GB competent authority by reference to sub-section 9.1.3.1 of ADR shall—

- (a) comply with that paragraph and sub-section 9.1.3.3 of ADR;
- (b) where applicable to the vehicle in question, comply with sub-section 1.6.5.3 of ADR; and
- (c) be valid for the period calculated in accordance with sub-section 9.1.3.4 of ADR.

(11) Any current certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and
- (b) is in the form required by paragraph (10),

shall be deemed to be a certificate issued by the GB competent authority under this regulation.

(12) Where a certificate referred to in paragraph (10)(a) is required pursuant to regulation 25 and Part 9 of ADR in relation to the new vehicle, the GB competent authority may instead issue a type approval for such a vehicle in the circumstances set out in and in accordance with sub-section 9.1.2.2 of ADR.

(13) Any type approval held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive; and
- (b) complies with sub-section 9.1.2.2 of ADR,

shall be deemed to be a type approval issued by the GB competent authority under this regulation provided that no modification has been made to the vehicle since the type approval was issued.

(14) In this regulation “vehicle” has the meaning in sub-section 9.1.1.2 of ADR.”.

**20.** For regulation 36 (exemption certificates, temporary and ad hoc exemptions) substitute—

**“Exemption certificates, temporary and ad hoc exemptions**

**36.—**(1) Subject to paragraph (2), the Secretary of State, by a certificate in writing, may exempt any—

- (a) person or class of persons;
- (b) dangerous goods or class of dangerous goods;
- (c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulations 53 and 54 and Schedules 1 and 2 of these Regulations and any exemptions may be granted subject to conditions and to a limit of time and may be revoked at any time by the Secretary of State by a further certificate in writing.

(2) The Secretary of State shall not grant any such exemption unless having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the environment, the security of goods and the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(3) Subject to paragraph (4), the Secretary of State may authorise a person or class of persons in writing, in relation to any carriage that takes place wholly in Great Britain, to carry dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts 2 and 3 where such authorisation operates only to extend derogations allowed by a multilateral agreement which is in force at the time the authorisation is made and which has been entered into by the UK under chapter 1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail or under any provision of ADR or of RID which the said chapter 1.5 re-enacted or replaced.

(4) An authorisation issued under paragraph (3) shall be—

- (a) subject to the same conditions as the multilateral agreement in question; and
- (b) withdrawn by the Secretary of State by a further communication in writing to the person authorised with effect from the same date as the multilateral agreement in question is terminated and may be so withdrawn by the Secretary of State at any time before that.

(5) The Secretary of State may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Great Britain, to carry dangerous goods contrary to the prohibitions or requirements which apply pursuant to Parts 2 and 3 or regulation 55 provided that such an authorisation—

- (a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;
- (b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Secretary of State by a further communication in writing to the person authorised.

(6) Subject to paragraph (7), the Executive, by a certificate in writing, may exempt any—

- (a) person or class of persons;
- (b) dangerous goods or class of dangerous goods;
- (c) type or class of equipment,

from all or any of the requirements or prohibitions imposed by regulations 46 to 52 of these Regulations and any exemptions may be granted subject to conditions and to a limit of time and may be revoked at any time by the Executive by a further certificate in writing.

*Status: This is the original version (as it was originally made).*

(7) The Executive shall not grant any such exemption unless having regard to the circumstances of the case, and in particular to—

(a) the conditions, if any, which it proposes to attach to the exemption; and

(b) any requirements imposed by or under any enactments which apply to the case, it is satisfied that the environment, the security of goods and the health and safety of persons who are likely to be affected by the exemptions will not be prejudiced in consequence of it.

(8) The Executive may authorise a person or class of persons in writing, in relation to carriage that takes place wholly in Great Britain, to carry class 1 goods contrary to the prohibitions or requirements which apply pursuant to Parts 2 and 3 provided that such an authorisation—

(a) is issued in relation to a particular purpose or need which has arisen and that purpose or need is set out in that authorisation;

(b) clearly defines the carriage in question and sets out the limited period for which the authorisation is valid,

and any such authorisation may be granted subject to conditions and may be withdrawn at any time by the Executive by a further communication in writing to the person authorised.

(9) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing, exempt any—

(a) military explosive or any vehicle intended for the carriage of such explosives from all or any of the requirements or prohibitions imposed by these Regulations;

(b) person or class of persons from all or any of the requirements or prohibitions imposed by these Regulations, insofar as they relate to the carriage of any dangerous goods in or on any vehicle or train owned by, or under the control of, the armed forces,

and any such exemption may be granted subject to the conditions and to a limit of time and may be revoked at any time by the said Secretary of State by a further certificate in writing.

(10) In this regulation—

(a) in paragraphs (1) and (6) “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train; and

(b) in paragraph (3)—

(i) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods signed at Geneva on 30th September 1957, as revised or re-issued from time to time<sup>(11)</sup>; and

(ii) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF.”.

**21.** For regulation 37 (interpretation of Part 4) substitute—

“**37.** In this Part—

“CE marking” means the marking referred to in regulation 16 of the Pressure Equipment Regulations 1999<sup>(12)</sup>;

“competent authority” means the Secretary of State;

“conformity assessment procedures” means the procedures set out in Part I of Annex IV to the Transportable Pressure Equipment Directive, except that references to

<sup>(11)</sup> Current edition (2005): ISBN 92-1-139097-4 and corrigendum 1 (December 2004).

<sup>(12)</sup> S.I. 1999/2001, to which there are amendments not relevant to these Regulations.

“national authorities” shall be read as if they were references to “competent authority”, and “conformity assessment” shall be construed accordingly;

“conformity marking” means the marking referred to in regulation 45 as set out in Annex VII to the Transportable Pressure Equipment Directive;

“conformity reassessment procedures” means the procedures set out in Part II of Annex IV to the Transportable Pressure Equipment Directive except that references to—

(a) “Directive 94/55/EC and 96/49/EC” and “Article 3 of this Directive” shall be read as if they were references to “Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004”; and

(b) “user” shall be read as if they were references to “owner”, and “conformity reassessment” shall be construed accordingly.

“periodic inspection procedures” means the procedures set out in Part III of Annex IV to the Transportable Pressure Equipment Directive except that references to—

(a) “holder” shall be omitted;

(b) “this Directive” and “the Annexes to Directives 94/55/EC and 96/49/EC” shall be read as if they were references to “Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004”; and

(c) “inspection body” shall be read as if they were references to “notified or approved bodies”,

and “periodic inspection” shall be construed accordingly; and

“the Transportable Pressure Equipment Directive” means Council Directive 1999/36/EC of 29th April 1999(13), as amended, concerning the approximation of the laws of member States relating to common provision for transportable pressure equipment and methods for inspection.”.

**22.** In regulation 38 (placing on the market and use at work of transportable pressure equipment)

(a) in paragraphs (2)(b) and (5)(a) for the words “Schedule 5” substitute “Annex V of the Transportable Pressure Equipment Directive”; and

(b) after paragraph (6) add—

“(7) In Annex V of the Transportable Pressure Equipment Directive, “notified body” shall be defined in accordance with regulation 42 of these Regulations.”.

**23.** In regulation 39 (transportable pressure equipment placed on the market and used at work exclusively Great Britain)—

(a) in paragraph (2)—

(i) in sub-paragraph (c) for the word “approved” substitute “inspection”; and

(ii) in sub-paragraph (d) the words “or the identification number of any notified body” shall be omitted; and

(b) in paragraph (5)—

(i) in sub-paragraph (b) for the word “approved” substitute “inspection”; and

(ii) in sub-paragraph (c) the words “or the identification number of any notified body” shall be omitted.

**24.** In regulation 40 (reassessment of conformity) for paragraph (7) substitute—

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(13) OJ No. L138, 1.6.1999, p20, amended by Commission Directive 2002/50/EC of 6th June 2002 (OJ No. L149, 7.6.2002, p28).

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“(7) For the purposes of paragraph (6) the references in Part II of Annex IV of the Transportable Pressure Equipment Directive to “notified body” shall be read as if they were references to “approved body” and “approved body” shall be defined in accordance with regulation 43.”.

**25.** In regulation 41 (periodic inspection and repeated use)—

(a) in paragraphs (1)(a) and (2)(a) for the words “Schedule 7” substitute “Part III of Annex IV to the Transportable Pressure Equipment Directive”; and

(b) after paragraph (3) add—

“(4) In Part III of Annex IV of the Transportable Pressure Equipment Directive references to “inspection body” shall read as if they were references to “approved or notified bodies”.”.

**26.** In regulation 43 (approved bodies) in paragraph (2) omit the words “and in Schedules 4 to 8”.

**27.** In regulation 44(7)(b) (appointment of notified bodies and approved bodies by the competent authority) for the words “56(4)” substitute “56(5)”.

**28.** In regulation 46(3) (attendant for carriage of class 1 goods by road) for sub-paragraph (a) substitute —

“(a) the quantity of the class 1 goods in question does not exceed the maximum total quantity per transport unit calculated in accordance with sub-section 1.1.3.6 of ADR as modified by regulation 3(7) and the goods are carried in packages;”.

**29.** For regulation 56 (fees for applications relating to pressure receptacles and tanks) substitute—

#### “Fees

**56.—**(1) On the making of an application to the competent authority to carry out its functions under Part 3 and Schedule 3 to these Regulations, a fee shall be payable by the applicant in connection with the performance by or on behalf of the competent authority.

(2) Where the competent authority has delegated its functions to another body it may charge a fee for —

(a) determining the suitability of a body to carry out competent authority functions; and

(b) the monitoring of such a body.

(3) Where the competent authority function is carried out by the Secretary of State or a body to which the Secretary of State has delegated his functions under paragraph (2), the fee charged shall be such a fee as is reasonable in light of the actual work performed.

(4) A fee which shall be reasonable in light of the actual work performed shall be payable by the relevant notified body, approved body or appointed person in respect of any inspection undertaken by or on behalf of the Secretary of State in accordance with regulation 44(5).

(5) Subject to paragraph (6), where an application has been made to—

(a) a notified body, an approved body, an inspection body or an approved person in accordance with these Regulations; or

(b) an appointed person in compliance with the provisions of ADR or of RID referred to in regulations 21 and 22,

the notified body, the approved body, the inspection body, the approved person or the appointed person may charge such fees in connection with, or incidental to, carrying out its

duties in relation to the procedures and tasks referred to in regulation 44(3)(c), paragraph 8(3)(c) of Schedule 1 or paragraph 9(3)(c) of Schedule 2 as it may determine.

- (6) The fees referred to in paragraph (5) shall not exceed—
- (a) the costs incurred or to be incurred by the notified body, approved body, inspection body, approved person or appointed person in performing the relevant function; and
  - (b) an amount on account of profit which is reasonable in the circumstances having regard to—
    - (i) the character and extent of the work done or to be done by that body or person on behalf of the applicant; and
    - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(7) The power in paragraph (3) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

(8) Where the Executive approves the design for containers or compartments in accordance with note a of sub-section 7.5.2.2, the fee shall be such a fee as is reasonable in light of the actual work performed.

(9) In this regulation, “competent authority” shall be construed in accordance with regulation 8 and Part 3 of these Regulations.”

**“Fees for certificates and applications for the issuing of driver training certificates and safety adviser vocational training certificates**

**56A.**—(1) A driver may only be issued with a driver training certificate in accordance with regulation 32 where such fee as is reasonable in light of the actual work performed has been paid to the Secretary of State.

(2) The validity of a driver training certificate may only be extended in accordance with regulation 33(6)(c) where, within the period of 12 months which precede the expiry of the original certificate or of an extension of it granted in accordance with that regulation, such fee as is reasonable in light of the actual work performed has been paid to the Secretary of State.

(3) Such fee as is reasonable in light of the actual work performed shall be payable by the applicant to the Secretary of State on each application for an original approval or a renewal of any approval of initial or refresher training in accordance with sub-section 8.2.2.6 of ADR pursuant to regulation 24(1).

(4) An individual may only be issued with a safety adviser vocational training certificate in accordance with regulation 32 where such fee as is reasonable in light of the actual work performed has been paid to the Secretary of State or the person designated by him for the purpose of issuing safety adviser vocational training certificates.

(5) The validity of a safety adviser vocational training certificate may only be extended in accordance with regulation 32(5)(c) where, within the period of 12 months which precede the expiry of the original certificate or an extension of it granted in accordance with that paragraph, such fee as is reasonable in light of the actual work performed has been paid to the Secretary of State or the person designated by him for the purpose of issuing safety adviser vocational training certificates.

(6) Nothing in paragraphs (1), (2), (4) and (5) shall be construed as making a fee payable by a person in any of the capacities specified in section 43(4) of the Health and Safety at Work etc. Act 1974.”.

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30. In regulation 58 (defence and enforcement) after paragraph (4) add—  
“(5) The enforcing authority for regulation 10A shall be the Secretary of State.”.
31. In regulation 63 (revocations and savings)—  
(a) in paragraph (7) for the words “regulation 36” substitute “regulation 27”; and  
(b) after paragraph (10) add—  
“(11) Any certificate issued and appointments, approvals, recognitions, conditions made by the Executive under these Regulations and in force immediately before 22nd July 2005 shall be deemed to have been issued or made by the Secretary of State and may be renewed by him.”.
32. In Schedule 1 (old tanks) in paragraph 8(7)(b) for the words “56(4)” substitute “56(5)”.
33. In Schedule 2 (old pressure receptacles)—  
(a) for paragraph 3 (conformity to approved design standard or specification) substitute—

**“Conformity to approved design standard or specification**

- 3.—(1) No person shall—  
(a) supply or import; or  
(b) insofar as is reasonably practicable, fill,

an old pressure receptacle unless the old pressure receptacle has been verified, either by a certificate in writing or by means of stamping on the old pressure receptacle in accordance with sub-paragraph (2), as conforming to a design standard or design specification approved by the Secretary of State.

- (2) An old pressure receptacle shall be verified—  
(a) by a person approved by the Secretary of State under this sub-paragraph; or  
(b) in accordance with a quality assurance scheme approved by the Secretary of State.

(3) An application for an approval under sub-paragraph (2)(a) shall be made in accordance with paragraph 9.

(4) Where a person is approved under sub-paragraph (2)(a), the Secretary of State shall carry out, upon reasonable notice, a surveillance inspection of the person approved at such intervals as the Secretary of State considers appropriate and for that purpose the person approved shall, at his own cost—

- (a) afford any copies, facilities and assistance; and  
(b) make available any information,

which may be reasonably required by the Secretary of State.

(5) No person approved by the Secretary of State shall be charged by him for more than one surveillance inspection in any 12 month period.

- (6) In this paragraph, a “surveillance inspection” means—  
(a) an inspection of such premises, equipment and documents; and  
(b) the making of such enquiries,

as the Secretary of State considers appropriate, for the purpose of verifying compliance by a person approved with any condition specified in the certificate of approval by the Secretary of State.”;



- (b) in paragraph 4 (examination of old pressure receptacles by competent or approved persons) in sub-paragraph (1)(b) for the word “Executive” substitute “Secretary of State”;
- (c) in paragraph 7 (modification, repair and re-rating of old pressure receptacles) in sub-paragraph (2) for the word “Executive” substitute “Secretary of State”;
- (d) in paragraph 8 (additional requirements for old pressure receptacle containing certain dangerous goods not classified as class 2) in sub-paragraph (2) for the words “9(k)” substitute “10(k)”; and
- (e) for paragraph 9 (approvals by the competent authority) substitute—

**“Approvals by the competent authority**

**9.**—(1) The Secretary of State may approve such persons as it thinks fit to be inspection bodies for the purpose of this Schedule.

(2) An application for—

- (a) approval as an approved person under paragraph 3(2)(a);
- (b) approval as an inspection body under paragraph 4(1)(b); or
- (c) for the amendment of an existing appointment,

shall be made to the Secretary of State.

(3) An approval made under this paragraph—

- (a) may relate to—
  - (i) all descriptions of old pressure receptacles of which it is the competent authority; or
  - (ii) such descriptions of such old pressure receptacles as it may determine;
- (b) may be subject to such conditions as the Secretary of State may determine, and such conditions may include conditions which apply upon or following termination of the approval;
- (c) shall, without prejudice to the generality of paragraph (b) and subject to sub-paragraph (7), require the inspection body to carry out the procedures and specific tasks for which it has been approved;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State at the request of the inspection body; and
- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the approval are not being complied with.

(4) Subject to sub-paragraph (3)(d) and (e), an approval under this paragraph may be for the time being or for such period as may be specified in the approval.

(5) An inspection body appointed by the Secretary of State or a person approved by the Secretary of State shall be subject to such inspection by or on behalf of the Secretary of State as is necessary to ensure compliance with any condition specified in the approval.

(6) The inspection referred to in sub-paragraph (5) may include the examination of premises, equipment and documents and the inspection body shall provide such facilities, assistance and information as are reasonably required for the purpose of the inspection.

(7) In respect of an application made to an inspection body in accordance with this Schedule, the inspection body shall not be required to carry out the procedures and tasks referred to in sub-paragraph (3)(c)—

- (a) if the documents submitted to it with the application are not in English or another language acceptable to that body;

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- (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(5); or
  - (c) if the body in question reasonably believes that, having regard to the number of applications made to it in relation to its appointment under this Schedule which are outstanding, it will be unable to commence the required work within three months of receiving the application.
- (8) If for any reason the approval of an inspection body is terminated under this paragraph, the Secretary of State may—
- (a) give such directions—
    - (i) to the body whose approval has been terminated; or
    - (ii) to another inspection body;for the purpose of making such arrangements for the determination of outstanding applications as it considers appropriate and those directions shall be complied with by the body to whom they are made; and
  - (b) without prejudice to the generality of paragraph (a), authorise another inspection body to take over the functions of the body whose appointment has been terminated in respect of such cases as it may specify.”

**34. In Schedule 3 (competent authority functions)—**

- (a) for paragraph 1 substitute—

“1. The references referred to in regulation 27(b) are—

- (a) the definition of “repaired IBCs” in section 1.2.1, sub-sections 2.2.1.1.3, 2.2.7.7.2.2 and 3.1.2.6(b), special provisions 178, 181, 237, 239, 250, 266, 271, 272, 278, 288, 311 and 645 of chapter 3.3, sub-sections 4.1.1.15, 4.1.2.2(b), 4.1.3.8.1, 4.1.5.15, 4.1.5.18, 4.1.6.2 and 4.1.7.2.2, packing instructions P099 and P101 of section 4.1.4, paragraphs (10)v(a) and (10)ac of packing instruction P200 and paragraph (1) of packing instruction P201 of section 4.1.4, packing instructions IBC99, LP99 and PR6 and paragraph (3) (g) of packing instruction P601 of section 4.1.4, sub-sections 4.2.1.9.4.1, 4.2.1.15.2 and 4.2.3.6.4, portable tank special provisions TP9, TP10, TP16 and TP24 of sub-section 4.2.5.3, special provision TU39 of section 4.3.5, sub-sections 4.3.3.2.5, 6.1.5.1.5, 6.1.5.1.10, 6.2.1.1.2, 6.2.1.4.1, 6.2.1.4.2, 6.2.1.4.3, 6.2.1.4.5, 6.2.1.5.3, 6.2.1.6.1, 6.2.1.7.7, 6.2.3.2.2, the note to the first paragraph of section 6.2.5, sub-sections 6.2.5.2.1, 6.2.5.6.2.1, 6.2.5.6.2.2, 6.2.5.7.2.1, 6.2.5.6.2.4, 6.2.5.6.4.9, 6.2.5.7.2.2, 6.2.5.7.2.4, 6.2.5.7.4, 6.3.2.7, 6.4.21.1, 6.4.21.3, 6.5.1.1.2, 6.5.1.1.3, 6.5.1.6.4, 6.5.4.2.3, 6.6.1.3, 6.6.5.1.5, 6.6.5.1.8, 6.7.1.2, 6.7.1.3, 6.7.2.1, 6.7.2.2.1, 6.7.2.2.10, 6.7.2.2.14, 6.7.2.3.1, 6.7.2.3.3.1, 6.7.2.4.3, 6.7.2.8.3, 6.7.2.19.6(b), 6.7.3.2.11, 6.7.3.7.3, 6.7.3.15.6(b), 6.7.4.2.14, 6.7.4.14.6(b), 6.7.2.6.2, 6.7.2.6.3, 6.7.2.6.4, 6.7.2.7.1, 6.7.2.10.1, 6.7.2.12.2.4, 6.7.2.18.1, 6.7.2.19.5, 6.7.2.19.9, 6.7.2.19.10, 6.7.3.3.3.1, 6.7.3.8.1.2, 6.7.3.14.1, 6.7.3.15.3, 6.7.3.15.5, 6.7.3.15.9, 6.7.3.15.10, 6.7.4.3.3.1, 6.7.4.5.10, 6.7.4.6.4, 6.7.4.13.1, 6.7.4.14.3, 6.7.4.14.10, 6.7.4.14.11, 6.7.5.11.1, 6.7.5.12.3, 6.7.5.12.7, 6.8.2.1.16, 6.8.2.1.19, 6.8.2.2.2, 6.8.2.2.10, 6.8.2.3.1, 6.8.2.4.2, 6.8.2.4.5, 6.8.3.2.16, 6.8.3.2.26, 6.8.3.4.4, 6.8.3.4.6(b), 6.8.3.4.8, 6.8.3.4.12, 6.8.3.4.16, special provisions TT2 and TT7 of section 6.8.4(d), sub-sections 6.9.2.5, 6.9.2.13, 6.9.4.2.4, 6.9.4.4.1, 6.9.5.3 and 6.11.4 and note a to sub-section 7.5.2.2, of ADR in relation to carriage by rail or of RID in relation to carriage by rail;

- (b) paragraph (10)ta(a) of packing instruction P200 of section 4.1.4, note c to portable tank instruction T23 of sub-section 4.2.5.2.6, sub-section 6.8.2.1.20(a), additional provision CV1(1) of section 7.5.11 and sub-sections 8.2.1.2, 8.2.2.6.1, 8.2.2.6.5 and 8.2.2.6.7 and additional requirements S:1(4)(a), S:8 and S:9 of chapter 8.5 of ADR in relation to carriage by road; and
  - (c) section 1.7.3, sub-sections 1.7.4.1, 6.4.6.4, 6.4.9.1 and 6.8.2.4.6 of RID in relation to carriage by rail.”;
- (b) for paragraph 6 substitute—
- “6. The references referred to in regulation 29(1)(b) are sub-sections 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.4.5 6.2.1.6.1, 6.2.5.6.2.2, 6.2.5.6.2.4, 6.2.5.6.4.9, 6.2.5.7.2.2, 6.2.5.7.2.4, 6.2.5.7.4, 6.7.2.3.3.1, 6.7.2.6.2, 6.7.2.6.3, 6.7.2.6.4, 6.7.2.7.1, 6.7.2.10.1, 6.7.2.12.2.4, 6.7.2.18.1, 6.7.2.19.5, 6.7.2.19.9, 6.7.2.19.10, 6.7.3.3.3.1, 6.7.3.8.1.2, 6.7.3.14.1, 6.7.3.15.3, 6.7.3.15.5, 6.7.3.15.9, 6.7.3.15.10, 6.7.4.3.3.1, 6.7.4.5.10, 6.7.4.6.4, 6.7.4.13.1, 6.7.4.14.3, 6.7.4.14.10, 6.7.4.14.11, 6.7.5.11.1, 6.7.5.12.3, 6.7.5.12.7, 6.8.2.1.16, 6.8.2.2.2, 6.8.2.3.1, 6.8.2.4.2, 6.8.2.4.5, 6.8.2.4.6, 6.8.3.4.4, 6.8.3.4.6(b), 6.8.3.4.8, 6.8.3.4.12, 6.8.3.4.16, special provision TT2 of section 6.8.4(d), sub-sections 6.9.4.4.1 and 6.9.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.”;
- (c) for paragraph 7 substitute—
- “7. The references referred to in regulation 30(1)(b) are—
- (a) section 1.7.3, sub-section 2.2.2.1.5, special provision 239 and sub-paragraph (d) of special provision 283 of chapter 3.3, sub-sections 4.2.3.7.1, 6.1.1.2, 6.1.1.4, 6.1.4.8.8, 6.1.4.13.7 and 6.1.5.2.5, section 6.2.3, sub-sections 6.2.1.3.3.5.4, 6.2.1.5.1(g) 6.2.5.6.3.2, 6.2.5.7.3.2, 6.4.9.2, 6.5.1.6.1, 6.5.4.3.4, 6.6.1.2, 6.6.1.3, 6.7.2.2.1, 6.7.3.2.1, 6.7.4.2.1, 6.7.4.2.8.1, 6.7.4.2.8.2, 6.7.4.7.4, 6.7.5.2.9, 6.8.2.1.4, 6.8.2.1.23, 6.8.2.7, 6.8.3.2.2.26, 6.8.3.7 and special provision TA2 of sub-section (c) of section 6.8.4, sub-sections 6.9.1.1, 6.9.2.14.4, 6.9.2.14.5 and 6.11.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
  - (b) paragraph (10)ta(b) and (10)v(b) of packing instruction P200 of section 4.1.4, special provisions VV12 and VV13 of section 7.3.3 and sub-section 8.1.4.4 of ADR in relation to carriage by road; and
  - (c) sub-sections 2.2.7.4.2(c) and 2.2.7.4.8(b), paragraph (10)v(b) of packing instruction P200 of section 4.1.4, sub-sections 6.4.7.6 and 6.8.2.4.6 and special provisions VW12 and VW13 of section 7.3.3 of RID in relation to carriage by rail.”; and
- (d) for paragraph 9 substitute—
- “9. The references referred to in regulation 31(1)(b) are—
- (a) special provision 16 of chapter 3.3 and 2.2.1.1.3, special provisions 237, 239 and 311 of chapter 3.3, sub-sections 2.2.62.1.9, 2.2.62.1.8 and 2.2.9.1.12, paragraph (2)(b) of packing instruction P405, paragraphs 3(d) and (9) of packing instruction P200, paragraph (9) of packing instruction P203, packing instructions P902 and LP902, paragraph 1(b) of packing instruction P905 of section 4.1.4, sub-sections 4.1.7.2.2 and 4.2.1.13.3, mixed packaging provision MP21 of sub-section 4.1.10.4, special provision TP23 of sub-section 4.2.5.3, sub-sections 5.2.1.7.4(c), 5.2.1.7.5(a), 5.5.1.3, 6.1.3.8(i), 6.1.3.1(g), 6.1.5.1.1, 6.1.5.1.3, 6.1.5.1.8, 6.2.5.1.2, 6.3.1.1(f), 6.5.1.6.7, 6.5.2.1.1(f), 6.5.4.1.1, 6.5.4.2.1, 6.5.4.14.1, 6.6.3.1(f), 6.6.5.1.1, 6.6.5.1.3, 6.6.5.1.7, 6.7.5.4.1 and 6.7.5.4.3, special provision TA2 of paragraph (c) of section 6.8.4 and sub-

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sections 6.8.5.2.2 and 6.9.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (b) sub-section 7.5.1.4 of ADR in relation to carriage by road; and
- (c) paragraphs (3)(3.2), (5)(5.1) and (6) of additional provision CW33 of section 7.5.11 and sub-sections 6.4.11.6 and 6.8.2.1.2 of RID in relation to carriage by rail.”; and
- (e) for paragraph 10(1) substitute—

“**10.**—(1) Where the GB competent authority imposes requirements by reference to—

- (a) sub-section 6.1.3.1(g) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.1.3.7 of ADR in relation to carriage by rail or of RID in relation to carriage by road;
- (b) sub-section 6.1.3.8(i) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.1.3.9 of ADR in relation to carriage by rail or of RID in relation to carriage by road; and
- (c) sub-section 6.5.2.1.1(f) of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall do so in accordance with sub-section 6.5.2.1.1 of ADR in relation to carriage by rail or of RID in relation to carriage by road.”.

**35.** Schedules 4 to 8 shall be omitted.

**36.** In Schedule 9 (placards, marks and plate markings for carriage within Great Britain)—

- (a) for paragraphs 2 and 3 substitute—

“**2.** Subject to paragraphs 3 and 6, where a battery-vehicle, tank-vehicle or transport unit is carrying one dangerous good in a battery-vehicle, tank or transport unit or in a container in bulk—

- (a) the orange-coloured plate referred to in paragraph 1 shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
- (b) an identical orange-coloured plate shall be affixed to the rear of the transport unit in place of the orange-coloured plate to be affixed to the rear of the transport unit pursuant to sub-section 5.3.2.1.1 of ADR.

**3.** Subject to paragraphs 4 and 6, where more than one dangerous good is being carried in a tank or in bulk in a transport unit or a battery-vehicle or tank-vehicle with more than one tank, element or container—

- (a) the orange-coloured plates referred to in paragraph 1 shall be displayed in accordance with the provisions of sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question, except that—
  - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, shall bear the EAC; and
  - (ii) the remaining plates shall bear only the UN number and shall be 150mm in height; and
- (b) an orange-coloured plate shall be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which shall be identical to the plates referred

to in paragraph (a), except that it shall display only the EAC in the top half of the plate.”; and

(b) in paragraph 6—

(i) in sub-paragraph (2)(c) the words “the part incorporating” shall be omitted; and

(ii) after sub-paragraph (2) add—

“(3) Where dangerous goods are carried in a tank which was constructed before 1 January 2005, the orange-coloured plate need not be indelible and legible after 15 minutes engulfment in fire.”.

#### SCHEDULE 2

Regulation 3

##### AMENDMENTS TO THE ORDER OF SECRETARY OF STATE (NO.9) RELATING TO COMPRESSED ACETYLENE CONTAINED IN A POROUS SUBSTANCE 1919

1. Conditions (1) to (4), (9) and (11) shall be omitted.

#### SCHEDULE 3

Regulation 4

##### AMENDMENTS TO THE CHEMICALS (HAZARD INFORMATION AND PACKAGING FOR SUPPLY) REGULATIONS 2002

1. In regulation 2(1) (interpretation) omit the definition of “the CDGCPL Regulations”.
2. In regulation 7(3)(a) (packaging of dangerous substances and dangerous preparations) for the words “the CDGCPL Regulations” substitute “the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(14)”.
3. In regulation 8(1) (particular labelling requirements for certain preparations) for the words “regulations 9 and 10 of the CDGCPL Regulations (which allow combined carriage and supply labelling in certain circumstances) and paragraphs (8) to (12)” substitute “paragraphs (8) to (12) and regulation 8A”.
4. In regulation 9(2) (particular labelling requirements for certain preparations) for the words “regulations 9 and 10 of the CDGCPL Regulations (which allow combined carriage and supply labelling in certain circumstances)” substitute “regulations 8 and 8A”.

#### SCHEDULE 4

Regulation 5

##### AMENDMENTS TO THE HEALTH AND SAFETY (FEES) REGULATIONS 2005

1. Regulation 12 (Fees for certificates and applications for approvals under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004) and Schedule 10 to 12 shall be omitted.

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(14) S.I. 2004/568, amended by S.I. 2004/3168, 2005/676 and 2005/1082.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Carriage of Dangerous Goods and use of Transportable Pressure Equipment Regulations 2004 (S.I.2004/568) (“the Carriage Regulations”) to implement—

- (a) Commission Directive 2004/89/EC adapting for the fifth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L293, 16.9.2004, p. 14);
- (b) Commission Directive 2004/110/EC adapting for the sixth time to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (O.J. No. L365, 10.12.2004, p. 24); and
- (c) Commission Directive 2004/111/EC adapting for the fifth time to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (O.J. No. L365, 10.12.2004, p. 25).

2. Council Directive 96/49/EC (O.J. No. L319, 12.12.96, p. 7) applies the European Agreement concerning the International Carriage of Goods by Road signed at Geneva on 30th September 1957 (“ADR”). Council Directive 96/55/EC (O.J. No. L234, 17.9.96, p. 25) applies the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail. The amendments in these Regulations align the Carriage Regulations with the latest versions of the ADR and RID agreements, as defined in regulation 2 of the Carriage Regulations.

3. Apart from minor and drafting amendments, the principal modifications are—

- (a) new provisions—
  - (i) providing alternative requirements for the carriage of dangerous goods in bulk (*Schedule 1, paragraphs 1(b) and (e), 12 and 13*);
  - (ii) for security relating to identification requirements for carriers and their personnel and site security plans for high consequence dangerous goods (*Schedule 1 paragraphs 2, 6, 18 and 30*);
  - (iii) relating to non-compliance in relation to radioactive materials (*Schedule 1, paragraphs 2 and 7*);
  - (iv) clarifying when dangerous goods may be carried in multiple element gas containers (MEGCs) (*Schedule 1, paragraph 9(b)*);
  - (v) reinstating a provision relating to the fire-resistance of orange-coloured plates for carriage within Great Britain (*Schedule 1, paragraph 36(b)*);
- (b) the removal of provisions relating to—
  - (i) gas cylinders used for hot-air ballooning (*Schedule 1, paragraph 3(e)*); and
  - (ii) infectious substances (*Schedule 1 paragraph 10*); and
- (c) the Transfer of competent authority (CA) functions from the Health and Safety Executive to the Department for Transport and a consequential simplification of the fee charging regime for CA functions. The CA may delegate its functions and charge fees for performing those functions. The fees shall be reasonable in light of the actual work

performed (*Schedule 1, paragraphs 1(c), 2, 5, 14, 17, 19, 20, 31(b), 32, 33(a), (b), (c) and (c) and 34, Schedules 2 and 4*).

**4.** The Regulations also amend The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. [2002/1689](#)) to include consequential changes that were omitted in the Carriage Regulations (*Regulation 4 and Schedule 3*) and make consequential amendments to—

- (a) the Order of Secretary of State (No. 9) Relating to Compressed Acetylene Contained in a Porous Substance 1919 (S.I. [1909/809](#)) (*Regulation 3 and Schedule 2*); and
- (b) the Health and Safety (Fees) Regulations 2005 (S.I. [2005/676](#)) (*Regulation 5 and Schedule 4*).

**5.** A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Department for Transport, Dangerous Goods Branch, Zone 2/34, Great Minster House, 76 Marsham Street, London, SW1P 4DR. Copies have been placed in the Library of each House of Parliament.