
STATUTORY INSTRUMENTS

1996 No. 2089

The Carriage of Dangerous Goods by Rail Regulations 1996

PART I:

INTERPRETATION AND APPLICATION

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods by Rail Regulations 1996 and shall come into force on 1st September 1996.

(2) In these Regulations, unless the context otherwise requires—

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983⁽¹⁾;

“the 1991 Regulations” means the Packaging of Explosives for Carriage Regulations 1991⁽²⁾;

“ADR” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“Approved Carriage List” means the list referred to in regulation 3(1)(a) as revised in accordance with regulation 3(2);

“approved documents” means the documents approved and published by the Health and Safety Commission in accordance with regulation 3(1) as revised in accordance with regulation 3(2);

“Approved Methods” means the document entitled “Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage” approved by the Health and Safety Commission under regulation 4(1) of the CDGCPL Regulations as revised in accordance with regulation 4(2) of those Regulations;

“approved person” means a person approved by the competent authority for the purpose of carrying out functions in connection with the examination, testing and certification of tanks, as specified by the competent authority in the approval;

“Approved Tank Requirements” means the document referred to and described in regulation 3(1)(b) as revised in accordance with regulation 3(2);

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996⁽³⁾;

“carriage” means carriage by rail and shall be construed in accordance with regulation 2(8), and related words shall be construed accordingly;

“Carriage Information” means the information referred to and described in regulation 11(1) and (2);

“the CER Regulations” means the Carriage of Explosives by Road Regulations 1996⁽⁴⁾;

“classification” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

(1) S.I. 1983/1140, as amended by S.I. 1996/ .

(2) S.I. 1991/2097.

(3) S.I. 1996/2092.

(4) S.I. 1996/2093.

“classification code” in relation to dangerous goods means the code referred to in regulation 4(1)(a)(i)(cc) of the CDGCPL Regulations and any reference to “classification code” or “class” followed by a number means the particular classification code for those goods specified in the Approved Carriage List;

“Compatibility Group” and “Compatibility Group letter” have the meanings assigned to them in regulation 2(1) of the 1983 Regulations;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of—

- (a) the examination, testing and certification of tanks; and
- (b) the approval of persons to carry out such examinations, test and certifications, and for Great Britain the competent authority means the Secretary of State;

“computer” means a computer system including its software;

“consignor” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“consignor’s declaration” means the declaration referred to and described in regulation 11(2)(b)(iv);

“container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“corrosive substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“COTIF” means the Convention concerning International Carriage by Rail, as revised or re-issued from time to time(5);

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“danger sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations, except in the case of explosives where it has the meaning assigned to it in regulation 2(1) of the CER Regulations 1996;

“designation” means the designation for dangerous goods ascertained in accordance with regulation 5(4)(a) of the CDGCPL Regulations;

“the Directive” means 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;

“Division” and “Division number” have the meanings assigned to them in regulation 2(1) of the 1983 Regulations;

“emergency action code” means the code, ascertained in accordance with the Approved Carriage List, required to be displayed on tank containers and tank wagons which are being used for the carriage of certain dangerous goods;

“explosives” means explosive articles or explosive substances which—

- (a) have been assigned on classification to Class 1 in accordance with the 1983 Regulations; or
- (b) are unclassified;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance; or
- (b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“facility owner” has the meaning assigned to it by section 17(6) of the Railways Act 1993⁽⁶⁾;

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961⁽⁷⁾;

“flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable liquid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable solid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“food” means food within the meaning of section 1(1) and (2) of the Food Safety Act 1990⁽⁸⁾;

“fragile package” means a package containing a fragile receptacle which—

(a) is made of glass, porcelain, stoneware or similar materials; and

(b) is not enclosed in a packaging with complete sides protecting it effectively against shock;

“gas” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“gunpowder” and “smokeless powder” have the meanings assigned to them in regulation 2(1) of the Carriage of Explosives by Road Regulations 1996⁽⁹⁾;

“harbour area” has the meaning assigned to it in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987⁽¹⁰⁾;

“hazardous properties” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“hazard warning panel” means the panel referred to and described in paragraph 7 of Schedule 5;

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organisation⁽¹¹⁾;

“infectious substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“infrastructure controller” has the meaning assigned to it in regulation 2(1) of the Railways (Safety Case) Regulations 1994⁽¹²⁾;

“intermediate bulk container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“large container” means a container having an internal volume of more than 3 cubic metres;

“locomotive” has the meaning assigned to it in section 83(1) of the Railways Act 1993;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for Defence;

“military explosive” has the meaning assigned to it in regulation 2(1) of the 1983 Regulations;

(6) 1993 c. 43.

(7) 1961 c. 34.

(8) 1990 c. 16.

(9) S.I. 1996/2093.

(10) S.I. 1987/37.

(11) Volumes I to IV ISBN 92 801 1314 3; Supplement ISBN 92 801 1316 X.

(12) S.I. 1994/237.

“mine” and “quarry” have the meanings assigned to them by section 180 of the Mines and Quarries Act 1954**(13)**;

“motor vehicle” has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986**(14)**;

“multi-load” means a load consisting of two or more dangerous goods carried other than in packages in—

- (a) separate containers or tanks of tank wagons; or
- (b) separate compartments of a container or tank of a tank wagon,

whether or not carried in conjunction with goods which are not dangerous goods;

“net explosive content” means the net mass of explosive substance in that explosive article;

“nominally empty” means in relation to a storage tank, that it is not in fact empty but that as much of the dangerous goods which the storage tank contained as it was reasonably practicable to discharge therefrom has been so discharged;

“non-flammable, non-toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“orange-coloured” means that colour which has the same colour and luminance properties as that of an orange-coloured panel;

“orange-coloured panel” means a non-reflectorised orange-coloured panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 1800(1) of Appendix VIII of the Annex to the Directive;

“organic peroxide” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“organic peroxide, type b or c” means dangerous goods whose designation includes the phrase “ORGANIC PEROXIDE TYPE B” or the phrase “ORGANIC PEROXIDE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“oxidizing substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“overpack” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“package” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packagings” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packing group” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the phrase “packing group” followed by “I”, “II”, or “III”, in relation to certain dangerous goods, means the particular packing group for those goods ascertained in accordance with regulation 5 of those Regulations;

“piggyback transport” means the carriage of a road vehicle on a wagon;

“radioactive material” has the meaning assigned to it in section 1(1) of the Radioactive Material (Road Transport) Act 1991**(15)**;

“rail vehicle” means any conveyance which is used for the carriage of dangerous goods on a railway;

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which—

(13) 1954 c. 70; section 180 was modified by S.I. 1974/2013.

(14) S.I. 1986/1078, to which there are amendments not relevant to these Regulations.

(15) 1991 c. 27.

- (a) is a tramway within the meaning of section 67(1) of the Transport and Works Act 1992(16); or
- (b) is operated wholly within a factory, harbour area, military establishment, mine or quarry;
- “railway facility” has the meaning assigned to it by section 83(1) of the Railways Act 1993;
- “receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “RID” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “risk group” means one of the risk groups referred to in the Approved Methods to which infectious substances are assigned and any reference to a risk group followed by a number means the specific risk group to which an infectious substance has been assigned in accordance with the said Approved Methods;
- “road tanker” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;
- “road vehicle” means any conveyance which is used for the carriage of dangerous goods on a road;
- “self-reactive substance” means dangerous goods whose designation includes the phrase “SELF-REACTIVE” when classified in accordance with regulation 5 of the CDGCPL Regulations;
- “small container” means a container having an internal volume of not more than 3 cubic metres;
- “spontaneously combustible substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “storage tank” means a tank used or intended to be used solely for the storage of dangerous goods;
- “subsidiary hazard” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “subsidiary hazard sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations, except in the case of explosives where it has the meaning assigned to it in regulation 2(1) of the CER Regulations;
- “surveillance inspection” means an inspection of such premises, equipment and documents and the making of such enquiries as the person carrying out the inspection thinks appropriate for the purpose of verifying compliance by an approved person with regulation 9(11);
- “tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “tank container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “tank wagon” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;
- “temperature controlled substance” means dangerous goods whose designation includes the phrase “TEMPERATURE CONTROLLED”, when classified in accordance with regulation 5 of the CDGCPL Regulations;
- “toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;
- “toxic goods” means dangerous goods which, in accordance with regulation 5 of the CDGCPL Regulations, are either classified as “TOXIC SUBSTANCE” or have the subsidiary hazard “TOXIC”;
- “train” has the meaning assigned to it by section 83(1) of the Railways Act 1993;
- “train operator” in relation to any train, means any person who has the management of that train for the time being, and related expressions shall be construed accordingly;

“transportable pressure receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“UN number” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

“wagon” means a railway vehicle, other than a tank wagon, used for the carriage of goods.

(3) For the purposes of these Regulations—

- (a) the operator of a container, tank container, tank wagon or wagon shall be either—
- (i) the person who, having a place of business in Great Britain, owns the container, tank container, tank wagon or wagon concerned, or
 - (ii) if no person satisfies the requirements of head (i) above, the person who, having a place of business in Great Britain, acts as agent for the owner of the said container, tank container, tank wagon or wagon, or
 - (iii) if no person satisfies the requirements of either head (i) or head (ii) above, the operator of the train on which the container or tank container is carried or of which the tank wagon or wagon forms part;
- (b) the members of the crew of a train shall include the driver, guard and any other person on board who has responsibilities in connection with the carriage of dangerous goods on that train, and related expressions shall be construed accordingly;
- (c) “carriage in bulk” means the carriage of solid dangerous goods without packagings;
- (d) any reference to dangerous goods being carried in a wagon or large container under sole use shall be a reference to the carriage of a load of dangerous goods which originate from one consignor in respect of which—
- (i) the use of the wagon or large container concerned is exclusively reserved; and
 - (ii) all operations for the loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.

(4) For the purposes of paragraph (3)(a), a person to whom a container, tank container, tank wagon or wagon is leased or hired shall be deemed to be the owner thereof unless the lessor or, as the case may be, the hirer has made a written agreement with the person to whom he has leased or hired the container, tank container, tank wagon or wagon to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

(5) In these Regulations—

- (a) “a train owned by the armed forces” means a train which is owned by—
- (i) Her Majesty’s Forces,
 - (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952⁽¹⁷⁾, or
 - (iii) any headquarters or organisation designated for the purposes of the International and Headquarters and Defence Organisations Act 1964⁽¹⁸⁾;
- (b) “a train under the control of the armed forces” means a train on board which there is, as a member of its crew—
- (i) a member of Her Majesty’s Forces,
 - (ii) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952, or

⁽¹⁷⁾ 1952 c. 67.

⁽¹⁸⁾ 1964 c. 5.

- (iii) a civilian who is an employee of Her Majesty's Forces, acting in the course of his duties
- (6) Unless the context otherwise requires, any reference in these Regulations to—
 - (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Application

2.—(1) Subject to paragraphs (2) to (4), these Regulations shall apply to and in relation to the carriage of any dangerous goods in a container, package, tank container, tank wagon, or wagon, except where—

- (a) the goods (other than any liquid nitrogen in the jacket of the tank of a tank container or tank wagon which is being carried exclusively for the purpose of insulating any liquid helium or liquid hydrogen) are being carried in a locomotive, container, tank container, tank wagon or wagon solely for use in connection with the operation of the locomotive, container, tank container, tank wagon or wagon concerned;
- (b) the goods are being carried in a road vehicle and are intended for use solely in connection with the operation of that vehicle;
- (c) the goods are commercial butane, commercial propane, or any mixture thereof, and are being carried in a cylinder either—
 - (i) in a rail vehicle designed for a purpose which includes the use of such goods and the goods concerned are being carried solely for use in connection with the operation of that vehicle, or
 - (ii) as part of the equipment carried on that vehicle,provided that the number of cylinders carried thus (including any spare cylinders) does not exceed two;
- (d) the goods, are—
 - UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS, only,
 - UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S. *,
 - UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.*,
 - UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,being carried on a train owned by the armed forces or on a train under the control of the armed forces;
- (e) the goods are petroleum spirit, intended for use as fuel in any internal combustion engine and not wholly or partly for the purposes of sale, and are being carried in a receptacle which conforms with the requirements of—
 - (i) the Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929(19), or
 - (ii) regulation 3 to 7 of the Petroleum-spirit (Plastic Containers Regulations 1982(20));
- (f) the goods are a pesticide or a plant protection product, (other than sulphuric acid or a wood preservative), diluted ready for use or otherwise in a condition ready for use and

(19) S.R. & O. 1929/952.

(20) S.I. 1982/630.

in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations 1986⁽²¹⁾ or an approval under regulation 5 of the Plant Protection Products Regulations 1995⁽²²⁾; and in this sub-paragraph “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985⁽²³⁾, “plant protection product” has the meaning assigned to it in regulation 2(1) of the Plant Protection Products Regulations 1995 and “wood preservative” means a pesticide for preserving wood;

- (g) the goods are radioactive material;
 - (h) the goods are being carried solely for use in connection with the provision of train catering facilities;
 - (i) the carriage commences and terminates within the same factory, harbour area, military establishment, mine or quarry.
- (2) Regulations 3 to 14, 16 to 19 and 24 shall not apply to the carriage of dangerous goods where—
- (a) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement;
 - (b) the carriage forms part of an international transport operation within the meaning of COTIF and conforms in every respect with the provisions of RID; or
 - (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of COTIF to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement.
- (3) Regulation 4(a) to (c) and regulation 9 and paragraph 1 of Schedule 1 shall not apply to or in relation to the carriage of a storage tank which is, nominally empty, provided—
- (a) in the case where the tank is subject to the Pressure Systems and Transportable Gas Containers Regulations 1989⁽²⁴⁾, it has been examined by a competent person and there is in existence a valid report of that examination in accordance with those Regulations;
 - (b) as much of the pipe-work which was connected to the tank as it was reasonably practicable to remove from it has been so removed;
 - (c) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
 - (d) subject to sub-paragraph (c) above, all openings in the tank and in any pipe-work attached thereto have been sealed to prevent the escape of any dangerous goods, insofar as it is reasonably practicable to do so.
- (4) Regulations 5 to 10, 16 and 19 shall not apply to or in relation to the carriage of dangerous goods in a road vehicle where, prior to being carried by rail, that road vehicle carried those goods by road in accordance with the Carriage of Dangerous Goods by Road Regulations 1996⁽²⁵⁾ or, in the case where the goods being carried in the road vehicle are explosives, the Carriage of Explosives by Road Regulations 1996⁽²⁶⁾.
- (5) Regulation 7(2) and (3) shall not apply to or in relation to the carriage of tanks constructed before 1st January 1999.

(21) S.I. 1986/1510.

(22) S.I. 1995/887.

(23) 1985 c. 48.

(24) S.I. 1989/2169.

(25) S.I. 1996/2095.

(26) S.I. 1996/2093.

(6) Regulations 11 to 14 shall not apply to or in relation to the carriage of dangerous goods from a container, tank container, tank wagon or wagon which has been damaged as the result of an accident on a railway or has broken down on a railway, (other than on the siding on which it was loaded), to the nearest suitable, safe place with a view to that container, tank container, tank wagon or wagon or any other receptacle which is carrying those goods being repaired, cleaned or purged prior to the safe removal of those goods provided—

- (a) all reasonable steps have been taken to prevent any leakage of those goods; and
- (b) the prior consent is obtained of the train operator and each infrastructure controller on whose railway the goods are to be carried.

(7) Schedule 1 shall only apply to or in relation to the carriage of the tanks of tank containers and tank wagons constructed before 1st January 1999.

(8) For the purposes of these Regulations, a container, package, tank container, tank wagon or wagon shall be deemed to be engaged in the carriage of dangerous goods throughout the period commencing—

- (a) in the case where the relevant container, package, tank container, tank wagon or wagon has been loaded with the dangerous goods concerned before being brought onto the railway, from the time when the container, package, tank container, tank wagon or wagon is brought onto the railway for the purpose of carrying those goods; or
- (b) in the case where the relevant container, package, tank container, tank wagon or wagon has been brought onto the railway before the commencement of loading, from the commencement of loading the container, package, tank container, tank wagon or wagon with the dangerous goods concerned for the purpose of carrying them,

until the time when either—

- (c) the container, package, tank container, tank wagon or wagon is removed from the railway; or
- (d) the container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been unloaded and, where necessary cleaned, purged or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person.