
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose duties on the operator and driver of a vehicle carrying dangerous goods with respect to the provision of instruction and training to the driver of the vehicle concerned. They re-enact, with modifications, the Road Traffic (Training of Drivers of Vehicles Carrying Dangerous Goods) Regulations 1992 (S.I.1992/744) (“the 1992 Regulations”) as amended. These Regulations also implement Council Directive 94/55/EC (O.J. No. L319, 12.12.94, p.7) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, insofar as the Directive concerns the instruction and training of drivers. This Directive seeks to apply the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current edition: (1995): ISBN 92 1 139043 5.

2. Regulation 2 and Schedules 1 and 2 specify the carriage of dangerous goods to which these Regulations apply. These Regulations bring into scope the carriage of certain environmentally hazardous substances, radioactive material and flammable liquids to which the 1992 Regulations did not apply. In addition, the limited quantity provisions in the 1992 Regulations have been made consistent with the Carriage of Dangerous Goods by Road Regulations 1996, Carriage of Explosives by Road Regulations 1996 and the Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996. Regulation 2 (together with regulation 1(6)) also specifies when a vehicle is considered to be engaged in the carriage of dangerous goods for the purposes of the Regulations.

3. Regulation 3 imposes duties on the operator of a vehicle carrying dangerous goods with respect to the provision of adequate instruction and training to the driver of the vehicle concerned.

4. Regulation 4 imposes a duty on the operator of a vehicle carrying dangerous goods with respect to the possession by the driver of that vehicle of a training certificate (known as a “vocational training certificate”) issued pursuant to paragraph (1) thereof. This regulation provides that the vocational training certificate shall be appropriate according to the type of dangerous goods carried and the mode of carriage. In addition this regulation (together with Schedules 3 and 4) imposes ancillary requirements with regard to the issue, renewal and validity of any such certificate.

5. Regulation 5 provides that in certain circumstances a training certificate issued under existing national legislation will be regarded as a vocational training certificate issued pursuant to regulation 4(1). It further provides that any vocational training certificate issued in accordance with the 1992 Regulations will be deemed to be a vocational training certificate issued in accordance with regulation 4 of these Regulations.

6. Regulation 6 imposes a duty on the driver of a vehicle carrying dangerous goods with respect to the keeping of any certificate he holds in pursuance of these Regulations.

7. Regulation 7 imposes a duty on the driver of a vehicle carrying dangerous goods with respect to the production, to the officials named in that provision, of any certificate he holds in pursuance of these Regulations.

8. Regulation 8 provides that the Health and Safety Executive is to be the enforcing authority for the Regulations insofar as they apply to the carriage of explosives and that the petroleum licensing authority for the premises in question is to be the enforcing authority for the Regulations insofar as they apply to the delivery of petrol at the petroleum filling stations and other premises for which the petroleum-spirit licence under the Petroleum (Consolidation) Act 1928 (c. 28) is in force.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

9. Regulation 11 provides transitional defences in relation to contraventions of certain provisions of these Regulations prior to 1st January 1997 with regard to the carriage of dangerous goods to which the Regulations apply, and prior to 1st July 1997 with regard to the carriage of radioactive material.

10. The Approved Carriage List and the current edition of ADR may be obtained from Her Majesty's Stationery Office.

11. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Safety Policy Directorate, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.