

SCHEDULE 2

Regulation 3

DISAPPLICATIONS TO THESE REGULATIONS

1. These Regulations shall not apply to or in relation to the carriage of any dangerous goods where—

- (a) the motor vehicle which is being used for the carriage of those goods is registered outside the United Kingdom and the carriage is confined to Great Britain but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;
- (b) the carriage forms part of an international transport operation within the meaning of article 1(c) of ADR and conforms with the provisions of that agreement;
- (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 article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to the agreement;
- (d) the carriage forms part of an international transport operation within the meaning of article 1(c) of ADR and the dangerous goods are being carried in—
 - (i) a vehicle owned by the armed forces, or
 - (ii) a vehicle under the control of the armed forces, of a country which is a contracting party to ADR;

2. These Regulations shall not apply to or in relation to the carriage of any of the following dangerous goods—

- (a) UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS* only UN3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.* UN3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.* UN3245 GENETICALLY MODIFIED MICRO-ORGANISMS,

where those goods are being carried in—

- (i) an agricultural or forestry tractor,
- (ii) mobile machinery,
- (iii) a vehicle with fewer than 4 wheels,
- (iv) a vehicle with a maximum design speed of 25km/h or less, or
- (v) a vehicle owned by the armed forces or under the control of the armed forces;
- (b) explosives;
- (c) flammable liquid with a flash point of not less than 32°C which is being carried in a volumetric prover or flammable liquid with a flash point of less than 32°C which is being carried in a volumetric prover which has been purged with nitrogen, and that volumetric prover—
 - (i) is not moved, driven or kept on a road, other than when it is nominally empty, and
 - (ii) has every opening and every valve closed during carriage, other than those valves which need to be kept open to allow for liquid expansion on volumetric provers used for the measurement of liquefied petroleum gas; and

in this sub-paragraph “volumetric prover” means a tank or prover pipe with a capacity not exceeding 10 m³ intended to be used for the calibration of metering equipment or the measurement of petroleum fuel deliveries and which is structurally attached to, or is an integral part of, the frame of a vehicle;

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- (d) goods which are intended for use solely in connection with the operation of the vehicle, container or tank in which the goods are being carried or the operation of any on-board equipment intended to ensure the safety of the load or the vehicle, container or tank concerned;
 - (e) live animals; and
 - (f) radioactive material, other than radioactive material which meets the criteria of Schedules 1 to 4 of Marginal 2704 of ADR.
3. These Regulations shall not apply to or in relation to the carriage of dangerous goods in—
- (a) a vehicle which is not being used for, or in connection with, work;
 - (b) a vehicle which is being used to transfer the goods—
 - (i) between private premises and another vehicle situated in the immediate vicinity of those premises, or
 - (ii) between one part of private premises and another part of those premises situated in the immediate vicinity of that first part where both parts are occupied by the same person, notwithstanding that those parts may be separated by a road; or
 - (c) a road construction vehicle engaged in the repair or construction of a road; and in this sub-paragraph—
 - (i) “road construction vehicle” means a vehicle constructed or adapted for the carriage of built-in road construction machinery and not constructed or adapted for the carriage of any other load, except articles and materials used for the purposes of that machinery.
 - (ii) “built-in road construction machinery” means road construction machinery built in as part of a road construction vehicle or permanently attached to it,
 - (iii) “road construction machinery” means a machine or contrivance suitable for the repair and construction of roads, and
4. Regulations 6(a) and (c) and 11 and Schedule 3 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(1) 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.
5. Regulations 6 to 11, 12(2) to (6), 14 to 16, 17(1), 18, 19, 21, 22 and 23(2) to (6) shall only apply to and in relation to the carriage of dangerous goods in packages where the total mass or volume of packaged dangerous goods exceeds the number specified in column 3 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category.
6. Regulations 6, 7, 10(2) to (5), 11(5), 12(1), 13 to 15, 17, 19(2)(b), 21, 22, 23(2) to (6) and paragraph 1(b) and 2(3) of Schedule 3 shall not apply to or in relation to the carriage of dangerous goods from—

(1) S.I.1989/2169.

- (a) a container, tank or vehicle which has been damaged as the result of an accident on a road or has broken down on a road; or
- (b) a rail vehicle which has been damaged or derailed or has broken down on a railway, other than the siding on which it was loaded,

to the nearest suitable, safe place with a view to the container, tank or vehicle or any other receptacle which is carrying those goods, being repaired, cleaned or purged provided such carriage is escorted by a police constable or by a fire brigade officer and all reasonable steps have been taken to prevent any leakage of those goods.

7.—(1) Subject to sub-paragraph (2) below, regulations 8(2) and (3), 9(3), 10(2) to (5), 11, 12(1) (a), 13, 14(1) to (3), 15(1) and (2), 16, 17(1), 17(4) and (5)(b), 19(7) and (8), 23(2) to (7) and Schedule 3 shall not apply to or in relation to the carriage of dangerous goods in an agricultural vehicle where—

- (a)
 - (i) the goods are listed in column 1 of the Approved Carriage List under the proper shipping name “AMMONIUM NITRATE FERTILIZER, NOS” or “AMMONIUM NITRATE FERTILIZERS”,
 - (ii) the goods are not being carried in a tank,
 - (iii) the total mass of those goods does not exceed 10 tonnes, and
 - (iv) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 km;
- (b)
 - (i) the goods are a pesticide or a plant protection product (other than sulphuric acid, whether or not dilute, or a wood preservative) which is diluted ready for use or is otherwise in a condition ready for use,
 - (ii) there has been given an approval under regulation 5 and a consent under regulation 6 of the Control of Pesticides Regulations 1986(2) or an approval under regulation 5 of the Plant Protection Products Regulations 1995(3), and
 - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 50 km,

and in this sub-paragraph “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985(4), “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;

- (c)
 - (i) the goods are listed in column 1 of the Approved Carriage List under the proper shipping name “DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT”,
 - (ii) the total volume does not exceed 5000 litres,
 - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 50 km,
 - (iv) the agricultural vehicle being used is equipped with at least one portable fire extinguisher which conforms to the specification in regulation 23(2)(a), and

(2) S.I. 1986/1510.

(3) S.I. 1995/887.

(4) 1985 c. 48.

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- (v) the danger sign required by the CDGCPL Regulations to be displayed on packages containing such goods is displayed on the front, rear or both sides of the agricultural vehicle in conformity with paragraphs 21(a) and (b) and 23 of Schedule 10; or
 - (d)
 - (i) the goods are carried in packages and are diluted or ready for use,
 - (ii) the total mass of the goods does not exceed 1 tonne, and
 - (iii) the goods are being carried from one piece of land occupied for the purpose of agriculture to another piece of land occupied for that purpose within a radius of 12 km.
- (2) The following conditions apply to the exemptions in sub-paragraph (1) above—
- (a)
 - (i) where the goods are carried in a tank or in bulk an orange-coloured panel bearing the UN number for the dangerous goods carried therein and the appropriate emergency action code and conforming to figure 2 (except that the dimensions of the panel may be reduced in accordance with paragraph 12), 8(a) (or 10(1) in appropriate circumstances), as the case may be and 9(a) and (b) of Schedule 10, shall be displayed to the front, rear or both sides of the agricultural vehicle in conformity with paragraph 23 of that Schedule,
 - (ii) where the goods are carried in a tank or in bulk or in packages, an orange-coloured panel which conforms with figure 1 and paragraph 8(a) (or 10(1) in appropriate circumstances) of Schedule 10 shall be affixed to the rear of the agricultural vehicle in conformity with paragraph 23 of that Schedule, or
 - (iii) where the goods are being carried in packages only, any danger signs displayed on those packages in accordance with regulation 11 of the CDGCPL Regulations shall be clearly visible from outside the vehicle;
 - (b) the driver of the vehicle (other than a vehicle which displays the UN number and emergency action code in accordance with sub-paragraph (a)(i) above) shall have in his possession, or there shall otherwise be available on the vehicle, the emergency information relating to the goods;
 - (c) so far as is reasonably practicable, any orange-coloured panel or danger sign displayed shall be clean and clearly visible, except when the vehicle is being loaded or unloaded;
 - (d) any tank which is being used for the carriage of dangerous goods shall be suitable for such a purpose; and
 - (e) from 1st January 1999, for any tank with a capacity greater than 450 litres, there shall be in existence a current report signed by a competent person following an inspection and test carried out within the six years prior to the date carriage commences, which states that the tank is suitable for the purpose of carrying the dangerous goods which are to be carried therein.

8. Regulations 12(1) and 13 shall only apply to and in relation to the carriage of dangerous goods in any package where the mass or volume of that package exceeds the number specified in column 2 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of those goods.

9. Regulation 17(1) shall not apply where the dangerous goods are being carried in a vehicle owned by the armed forces, insofar as the vehicle concerned is being used in connection with—

- (a) training—
 - (i) which has been certified in writing for the purposes of regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989⁽⁵⁾ by a person duly authorised in that behalf to be training on a special occasion, and

(5) S.I. 1989/1796.

(ii) in respect of which not less than 48 hours notice has been given to—

(aa) the chief officer of police of every police area, and

(bb) as regards England and Wales, the chief fire officer, or, as regards Scotland, the fire master, of the fire brigade maintained by the fire authority for every area,

in which the place selected for training is wholly or partly situated; or

(b) manoeuvres within such limits and during such periods as may from time to time be specified by Order in Council made under the Manoeuvres Act 1958⁽⁶⁾.

10. Only regulations 17 and 23(1) shall apply where aircraft fuel is being carried, for the purpose of servicing aircraft, in a vehicle (including a hydrant dispenser) designed for that purpose—

(a) on an aerodrome within the meaning of article 96(1) of the Air Navigation Order 1985⁽⁷⁾; or

(b) between one part of such an aerodrome and another part thereof,

and in this paragraph “hydrant dispenser” means a vehicle used for the purpose of delivering aircraft fuel from any hydrant situated at an aircraft loading position to the aircraft and to which there may be structurally attached metering equipment, filters, pipe-work, hoses and a pump.

11. Regulation 24 shall only apply to and in relation to the carriage of dangerous goods where the total mass or volume of dangerous goods exceeds the number specified in column 4 of Table 2 in Schedule 1 opposite the entry in column 1 of that Table for the appropriate transport category of the dangerous goods in the load..

⁽⁶⁾ 1958 Eliz. 2 c.7.

⁽⁷⁾ S.I. 1985/1643.