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STATUTORY INSTRUMENTS

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**2004 No. 568**

**HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of  
Transportable Pressure Equipment Regulations 2004**

<i>Made</i>	- - - -	<i>1st April 2004</i>
<i>Laid before Parliament</i>		<i>16th April 2004</i>
<i>Coming into force</i>	- -	<i>10th May 2004</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 and 82(3)(a) of, and paragraphs 1(1) to (4), 2(1), 3, 4(1), 6, 14, 15(1), 16 and 20 of Schedule 3 to the Health and Safety at Work etc. Act 1974(1)(“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) 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:

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

**1.** These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 and shall come into force on 10th May 2004.

**Interpretation**

**2.—(1)** In these Regulations—

“ADR” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the provisions which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by road which—

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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 2001 S.I. 2002/282. Sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16(3) respectively.

- (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 2003)(2); 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 the member States with regard to the transport of dangerous goods by road(3),

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

“aerosol dispenser” 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;

“appointed person” shall be construed in accordance with regulation 29(3);

“approved body” shall be construed in accordance with regulation 43(1);

“battery-vehicle” has the meaning in section 1.2.1 of ADR;

“battery-wagon” has the meaning in section 1.2.1 of RID;

“bundle of cylinders” means—

- (a) in relation to carriage by road, a “bundle of cylinders” as set out in section 1.2.1 of ADR; or
- (b) in relation to carriage by rail, a “bundle of cylinders (frame)” as set out in section 1.2.1 of RID;

“carriage” and “carrier” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail except for the purposes of Schedules 1 and 2;

“class 1 goods” shall be construed in accordance with sub-section 2.2.1.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 2 goods” shall be construed in accordance with sub-section 2.2.2.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 3 goods” shall be construed in accordance with sub-section 2.2.3.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 4 goods” shall be construed in accordance with sub-sections 2.2.41.1.1, 2.2.42.1.1 and 2.2.43.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 5 goods” shall be construed in accordance with sub-sections 2.2.51.1.1 and 2.2.52.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 6 goods” shall be construed in accordance with sub-sections 2.2.61.1.1 and 2.2.62.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 7 goods” shall be construed in accordance with sub-sections 2.2.7.1.1 and 2.2.7.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 8 goods” shall be construed in accordance with sub-section 2.2.8.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“class 9 goods” shall be construed in accordance with sub-section 2.2.9.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“compatibility group” shall be construed in accordance with sub-section 2.2.1.1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail and related expressions shall be construed accordingly;

(2) Current edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

(3) 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. L279, 1.11.2000, p40) and Commission Directive 2003/28/EC of 7th April 2003 (OJ No. L90, 8.4.2003, p45).

“compressed gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“consignee”, “consignment” and “consignor” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“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;

“COTIF” means the Convention concerning International Carriage by Rail, as revised or re-issued from time to time<sup>(4)</sup>;

“cylinder” 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;

“dangerous goods” 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;

“demountable tank” 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;

“division 1.1” and “division 1.4” shall be construed in accordance with sub-section 2.2.1.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“drum” 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;

“EEC-type cylinder” means transportable pressure equipment—

- (a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, was authorised to grant such a certificate—
  - (i) for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; or
  - (ii) in the case of a cylinder not subject to EEC verification, under any of the separate Directives which conforms to the requirements of the Directives referred to in subparagraph (i); and
- (b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

“emergency action code” (“EAC”) means the appropriate emergency action code for the dangerous goods in question listed in the Dangerous Goods Emergency Action Code List 2004<sup>(5)</sup>;

“explosive article” shall be construed in accordance with sub-section 2.2.1.1.1(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“explosive substance” shall be construed in accordance with sub-section 2.2.1.1.1(a) of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“EX/II vehicle” and “EX/III vehicle” have the meaning in sub-section 9.1.1.2 of ADR;

“factory” has the meaning in section 175 of the Factories Act 1961<sup>(6)</sup>;

“filler” 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;

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(4) Cmnd. 2232.

(5) ISBN 0-11-341275-4.

(6) 1961 c. 34; sub-section (2)(n) of section 175 of the Factories Act 1961 was amended by the Factories Act 1961 etc. (Metrication) Regulations 1983 (S.I. 1983/978), regulation 3(1) and Schedule 1.

“fire authority” has the meaning in section 38(1) of the Fire Services Act 1947(7);

“flammable gases” shall be construed in accordance with sub-section 2.2.2.1.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“FRP tank” means a tank constructed of fibre-reinforced plastics;

“gas” and “gas cartridge” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“GB competent authority” means the competent authority for Great Britain in accordance with regulations 8(1) to (4);

“goods vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988(8);

“harbour area” has the meaning in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(9);

“hazard identification number” (“HIN”) shall be construed in accordance with sub-section 5.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization(10);

“inland waterway” includes rivers, their estuaries and adjoining harbours, canals and lakes, but does not include an inland waterway which is not connected to the inland waterways of a member State and for the purposes of this definition “member State” does not include the United Kingdom;

“intermediate bulk container” (“IBC”) 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;

“liquefied gas” has the meaning in sub-section 2.2.2.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“liquid” 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;

“loader” 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;

“low dispersible radioactive material” has the meaning in sub-section 2.2.7.2. of RID;

“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 responsible for defence;

“military explosives” has the meaning in regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983(11);

“multilateral approval” has the meaning in sub-section 2.2.7.2 of RID;

“multiple-element gas container” (“MEGC”) 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;

(7) 1947 c. 41; section 10 was amended by the Local Government Act 1972 (c. 70), section 197(5), the Local Government Act 1992 (c. 19), section 27 and Schedule 3, paragraph 2 and the Regional Assemblies (Preparations) Act 2003 (c. 10), section 17(6) and paragraphs 1(1) and 3 to the Schedule. Section 10 was modified in relation to the making of combination schemes as a result of local government reorganisation under Part II of the Local Government Act 1992 by structural orders made under sections 17, 18 and 28 of that Act; there are other amendments to the 1947 Act not relevant to these Regulations.

(8) 1988 c. 52; section 66A was inserted by the Road Traffic Act 1991 (c. 40), section 9(1) and amended by the Goods Services (Licensing of Operators) Act 1995 (c. 23), section 60(1) and Schedule 7, paragraph 11.

(9) S.I. 1987/37, amended by S.I. 1996/2092, 1996/2095, 1997/2367 and 2003/1431 and to which there are other amendments not relevant to these Regulations.

(10) Current edition (2004): ISBN 92-801-5140-1.

(11) S.I. 1983/1140, amended by S.I. 1987/605, 1996/2093 and 1999/303.

“notified body” shall be construed in accordance with regulation 42;

“old pressure receptacle” means a pressure receptacle, including any of its permanent fittings, that is used or intended to be used for the carriage of—

- (a) class 2 goods; or
- (b) substances listed in Table 3 of Packaging Instruction P200 in section 4.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

except that—

- (a) the definition of pressure drum in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified no minimum water capacity;
- (b) the definition of tube in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply as if it specified—
  - (i) no minimum water capacity; and
  - (ii) a maximum water capacity of 5000 litres;
- (c) the definition of—
  - (i) “bundle of cylinders” in section 1.2.1 of ADR; and
  - (ii) “bundle of cylinders (frame)” in section 1.2.1 of RID,

shall apply as if it specified that the maximum total water capacity for an assembly intended for the carriage of all classes of dangerous goods shall not exceed 1000 litres or 5000 litres for an assembly comprised of seamless cylinders,

and which is constructed—

- (a) in the case of cylinders, tubes and cryogenic receptacles on or before 30th June 2003; and
- (b) in the case of other pressure receptacles on or before 9th May 2004;

“old tank” means—

- (a) a tank;
- (b) pressure receptacles forming elements of—
  - (i) a battery-vehicle in relation to carriage by road; or
  - (ii) a battery-wagon in relation to carriage by rail; and
- (c) pressure receptacles forming elements of a MEGC or UN-certified MEGC which has a total volume of 1000 litres or more,

which are used for the carriage of a liquid, gaseous, powdery or granular material and are constructed on or before 9th May 2004;

“operator” means (except for the purposes of Schedules 1 and 2) an enterprise in whose name a battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank is registered or approved for transport and includes an operator of a tank-container, portable tank or tank wagon as defined in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“outer packaging” 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;

“owner” means in relation to transportable pressure equipment or an IBC—

- (a) subject to sub-paragraphs (b) and (c), the employer or the self-employed person who owns it, except for a person who buys it solely to use the goods in it before selling it back to the supplier;

- (b) subject to sub-paragraph (c), where the transportable pressure equipment or IBC is leased, the lessee; or
- (c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Great Britain—
  - (i) the agent of that person in Great Britain; or
  - (ii) if there is no such agent, the user;

“package” and “packaging” have the meaning in—

- (a) section 1.2.1; or
- (b) sub-section 2.2.7.2 when used in relation to class 7 goods, of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“packer” and “packing group” have the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“piggyback transport” has the meaning in section 1.2.1 of RID;

“placing on the market” means in relation to transportable pressure equipment—

- (a) supplying such equipment; or
- (b) making it available to another person in the Communities,

and includes importation of such equipment and related expressions shall be construed accordingly;

“portable tank” has the meaning in—

- (a) section 1.2.1;
- (b) sub-section 6.7.2.1 for the purposes of section 6.7.2;
- (c) sub-section 6.7.3.1 for the purposes of section 6.7.3; or
- (d) sub-section 6.7.4.1 for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“pressure drum” 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;

“pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders;

“Pressure Vessels Framework Directive” means Council Directive [76/767/EEC](#) of 27th July 1976(12), as amended, concerning the approximation of the laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

“quality assurance” has, for the purposes of Parts 2 and 3, the meaning in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“quarry” has the meaning in regulation 3 of the Quarries Regulations 1999(13);

“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 is—

- (a) a tramway within the meaning of section 67(1) of the Transport and Works Act 1992(14); or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

(12) OJ No. L262, 27.9.1976, p153; relevant amending Directives are Council Directive [87/354/EEC](#) of 25th June 1987 (OJ No. L192, 11.7.1987, p43) and Council Directive [88/665/EEC](#) of 21st December 1988 (OJ No. L382, 31.12.1988, p42).

(13) [S.I. 1999/2024](#), to which there are amendments not relevant to these Regulations.

(14) [1992 c. 42](#).

“railway infrastructure manager” has the meaning in section 1.2.1 of RID;

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

“reassessment of conformity” shall be construed in accordance with regulation 40;

“receptacle” has the meaning given in the definition of “receptacle” in section 1.2.1 of ADR in relation to the carriage by road or of RID in relation to carriage by rail, except that when used in relation to receptacles for class 1 goods it shall include the items listed in the definition of “receptacles” (class 1) in section 1.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“RID” means (except for the purposes of regulations 4 and 36(4) and Schedule 1) the Regulations which came into effect on 1st January 2003 concerning the international carriage of dangerous goods by rail which—

- (a) form Annex I to Appendix B to COTIF;
- (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 the member States with regard to the transport of dangerous goods by rail<sup>(15)</sup>; and
- (c) include the 2004 Supplement which came into force on 1st January 2004<sup>(16)</sup>;

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

“road” means in relation to—

- (a) England and Wales, any highway and any other road to which the public has access, and includes bridges over which a road passes; and
- (b) Scotland, a road within the meaning of the Roads (Scotland) Act 1984<sup>(17)</sup> and any other way to which the public has access, and includes bridges over which a road passes;

“safe and secure place” means a safe and secure place within a factory or magazine—

- (a) licensed under the Explosives Act 1875<sup>(18)</sup>; or
- (b) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemptions) Regulations 1979<sup>(19)</sup>;

“separate Directives” means Council Directives [84/525/EEC](#) of 17th September 1984, [84/526/EEC](#) of 17th September 1984 and [84/527/EEC](#) of 17th September 1984<sup>(20)</sup> concerning the approximation of the laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

“shipment” has the meaning in sub-section 2.2.7.2 of RID;

“special arrangement” shall be construed in accordance with sub-section 1.7.4.1 of RID;

“special form radioactive material” means material which—

- (a) falls within sub-section 2.2.7.4.1; and
- (b) complies with sub-sections 2.2.7.4.2 to 2.2.7.4.8, of RID;

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(15) 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. L279, 1.11.2000, p44) and Commission Directive [2003/29/EC](#) of 7th April 2003 (OJ No. L90, 8.4.2003, p47).

(16) ISBN 0-11-55-2553-X.

(17) [1984 c. 54](#).

(18) [1875 c. 17](#); the relevant amending instrument is [S.I. 1974/1885](#).

(19) [S.I. 1979/1378](#).

(20) OJ No. L300, 19.11.1984, pp1, 20 and 48 respectively.

“standard” means (except for the purposes of Schedule 2) a—

- (a) nationally or internationally agreed standard; or
- (b) any other document not falling within sub-paragraph (a), which is a technical code within the meaning of that term in ADR in relation to carriage by road or of RID in relation to carriage by rail;

“tank” has the meaning in—

- (a) section 1.2.1; or
- (b) sub-section 6.7.4.1 when used for the purposes of section 6.7.4,

of ADR in relation to carriage by road or of RID in relation to carriage by rail and in relation to carriage by rail such term includes a demountable tank, tank-container, a tank wagon, a portable tank or fixed tank, including tanks forming elements of battery-wagons or MEGCs;

“tank-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;

“tank-vehicle” has the meaning in section 1.2.1 of ADR;

“tank wagon” has the meaning in section 1.2.1 of RID;

“train” has the meaning in section 83(1) of the Railways Act 1993(21);

“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 equipment”—

- (a) means a pressure receptacle, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC or tank which is used or intended to be used for carriage by road or carriage by rail or storage of—

- (i) class 2 goods; or
- (ii) UN 1051 STABILISED HYDROGEN CYANIDE, UN 1052 ANHYDROUS HYDROGEN FLUORIDE or UN 1790 HYDROFLUORIC ACID, with more than 85% hydrofluoric acid,

including any valve or other accessory fitted to the equipment and having a direct safety function and any permanent fitting to the equipment; and

- (b) does not include—

- (i) an aerosol dispenser; or
- (ii) a cylinder used to contain class 2 goods and forming a component part of a breathing appliance;

“transport category” means a category to which goods are assigned for the purposes of sub-section 1.1.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, as modified by regulation 3(7);

“transport document” shall mean the document containing the information set out in section 5.4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

“transport unit” has the meaning in section 1.2.1 of ADR;

“tube” 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;

“UN-certified multiple-element gas container” (“UN-certified 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;



“unilateral approval” has the meaning in sub-section 2.2.7.2 of RID;

“vehicle” means (other than for the purposes of the definition of “railway”) any conveyance used for the carriage of goods by road; and

“wagon” has the meaning in section 1.2.1 of RID.

(2) In these Regulations a vehicle or a train is owned by the armed forces when it is owned by—

- (a) Her Majesty’s Forces;
- (b) visiting forces within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(22)</sup>; or
- (c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(23)</sup>,

and includes a vehicle which has been provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale.

(3) In these Regulations a vehicle or a train is under the control of the armed forces when—

- (a) a member of the crew on board is a member of the armed forces acting in the course of his duties; or
- (b) in the case of a vehicle, it is in a convoy escorted by a vehicle falling within sub-paragraph (a).

(4) In paragraph (3) “a member of the armed forces” means—

- (a) a member of Her Majesty’s Forces;
- (b) a member of any visiting force within the meaning of Part 1 of the Visiting Forces Act 1952; or
- (c) a civilian who is an employee of Her Majesty’s Forces.

(5) In these Regulations, the words “used at work”, when referring to transportable pressure equipment, include the filling, emptying, refilling, storage and transport by road or rail of that equipment at work and an intention to conduct any of those activities and related expressions shall be construed accordingly.

(6) In these Regulations the “transport of dangerous goods by inland waterway” means the—

- (a) transport;
- (b) related loading or unloading,

of dangerous goods by inland waterway and related expressions shall be construed accordingly.

(7) Any document which is—

- (a) required to be sent, submitted or otherwise delivered; or
- (b) issued pursuant to these Regulations,

may be sent to the recipient by electronic means.

(8) In these Regulations, references to “UN” followed by a four digit number is a reference to the number devised by the United Nations for the goods in question as a means of identification of the goods and as set out in Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, and “UN number” shall be construed accordingly.

(9) In these Regulations, the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the

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(22) 1952 c. 67.

(23) 1964 c. 5.

employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(10) For the purposes of these Regulations—

- (a) subject to sub-paragraph (b), there shall be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof;
- (b) premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for the sale of the minerals gotten therefrom shall not be deemed to form part of a mine;
- (c) premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine, and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines as the Executive may direct under section 180 of the Mines and Quarries Act 1954<sup>(24)</sup>;
- (d) a railway line serving a single mine (not being a railway line falling within paragraph 10(a) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within paragraph 10(a) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as the Executive may direct under section 180 of the Mines and Quarries Act 1954; and
- (e) a conveyor or aerial ropeway provided for the removal from a mine of minerals gotten therefrom or refuse therefrom shall be deemed to form part of a mine.

(11) In paragraph (10) “owner” means, in relation to a mine, the person for the time being entitled to work it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of paragraph (10) to be an additional owner of the mine.

(12) Where a term is defined in ADR in relation to carriage by road or in RID in relation to carriage by rail and is not defined for the purposes of these Regulations, it bears the meaning as defined in ADR in relation to carriage by road and in RID in relation to carriage by rail.

(13) In these Regulations a reference to a numbered Part, chapter, section or sub-section of ADR in relation to carriage by road or of RID in relation to carriage by rail is a reference to that numbered Part, chapter, section or sub-section of—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail.

(24) 1954 c. 70; section 180 was amended by the Quarries Regulations 1999 (S.I. 1999/2024), regulation 47(2) and Schedule 2, Part II. The words “the Health and Safety Executive” were substituted by the Mines and Quarries Act 1954 to 1971 (Repeals and Modifications) Regulations 1974 (S.I. 1974/2013), regulation 2(1)(b) and Schedule 2, paragraph 3. There are other amendments to the Act not relevant to these Regulations.

## Application

3.—(1) Subject to the following paragraphs of this regulation and to regulations 4 to 6, Parts 2, 3 and 5 and Schedule 1, these Regulations shall apply to and in relation to the carriage of dangerous goods by road and rail.

(2) Regulation 12(2) shall apply to and in relation to the transport of dangerous goods by inland waterway.

(3) Regulation 12(3) shall apply to and in relation to the carriage of dangerous goods by road and rail and the transport of dangerous goods by inland waterway.

(4) These Regulations shall not apply to and in relation to the carriage of class 7 goods by road except for—

- (a) Part 1 and regulations 12, 32, 36 and 58; and
- (b) 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.

(5) These Regulations shall not apply to the carriage by road of dangerous goods in a vehicle intended for use on the road which—

- (a) has fewer than 4 wheels and has a maximum design speed of 25 km per hour or less;
- (b) runs on rails;
- (c) is mobile machinery; or
- (d) is an agricultural or forestry tractor,

or any trailer being towed by such a vehicle.

(6) Subject to paragraphs (7) and (8), these Regulations shall not apply to or in relation to the carriage of dangerous goods—

- (a) by road or transport of dangerous goods by inland waterway in the circumstances and to the extent that section 1.1.3 of ADR provides that the provisions of ADR shall not apply to any such carriage; and
- (b) by rail in the circumstances and to the extent that section 1.1.3 of RID provides that the provisions of RID shall not apply in relation to such carriage.

(7) For the purposes of paragraph (6)—

- (a) the fifth indent of sub-section 1.1.3.6.2 of ADR in relation to carriage by road shall apply as if the words “8.1.2.1(a) and (c)” were omitted for the carriage of—
  - (i) class 2 to 6 and class 8 and 9 goods; and
  - (ii) class 1 goods where the goods being carried are—
    - (aa) cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055), cartridges (UN 0012, 0014, 0323 and 0405), fireworks (UN 0337), flares (UN 0404), fuse (UN 0105), fuse lighters (UN 0131), igniters (UN 0454), pyrotechnic articles (UN 0432), and signals (UN 0193 and 0373); or
    - (bb) cartridge cases (UN 0379, 0446 and 0447), cartridges (UN 0054, 0275, 0276, 0277, 0278, 0312, 0327, 0328, 0338, 0339 and 0381), fireworks (UN 0333, 0334, 0335 and 0336), flares (UN 0092, 0093 and 0403), flash powder (UN 0094 and 0305), fuse (UN 0101), igniter cord and igniters (UN 0066, 0121, 0314, 0315 and 0325), primers (UN 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430 and 0431), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0194, 0195, 0196 and

0197), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236) of a net mass of explosive substance of not more than 50 kilograms; or

(cc) black powder (UN 0027 and 0028) and smokeless powder (UN 0160 and 0161) of a net mass of explosive substance of not more than 5 kilograms; and

(b) section 1.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall apply with the following modifications—

(i) in the table in sub-section 1.1.3.6.3 of ADR and of RID—

(aa) in the second row omit the entry for class 1;

(bb) after the second row insert a new row—

“1A	Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D	50”
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(cc) in the third row omit the entry for class 1;

(dd) after the third row insert a new row—

“2A	Class 1: 1.4B to 1.4G and 1.6N	500”
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(ee) at the end, in the note omit the words “0081, 0082, 0084, 0241, 0331, 0332, 0482,”; and

(ii) in sub-section 1.1.3.6.4 of ADR and of RID—

(aa) after the second indent insert—

— “the quantity of substances and articles of transport category 1A multiplied by “20”,”;

(bb) at the end of the third indent delete “and”;

(cc) after the third indent insert—

— “the quantity of substances and articles of transport category 2A multiplied by “2”, and”.

(8) Notwithstanding paragraph (6), regulations—

(a) 23(5)(a), insofar as it relates to the requirements in section 7.5.2 of ADR in relation to carriage by road;

(b) 24(3), insofar as it relates to the requirements in section 8.3.5 of ADR in relation to carriage by road;

(c) 24(4), insofar as it relates to the requirements in special provisions S1:(3) and S1:(6) of chapter 8.5 of ADR in relation to carriage by road; and

(d) 48 and 50 to 52,

shall apply to the carriage of class 1 goods in the circumstances set out in sub-section 1.1.3.1(c) of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(9) These Regulations shall not apply to or in relation to the carriage of dangerous goods by road by private individuals in the circumstances set out in sub-section 1.1.3.1(a) of ADR where—

(a) the net mass of explosive substance in a transport unit does not exceed in the case of—

- (i) fireworks, 50 kilograms; and
    - (ii) other explosives or a combination of fireworks and other explosives, 30 kilograms; and
  - (b) the individual has taken all reasonable steps to ensure that—
    - (i) the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health and safety of any person; and
    - (ii) there is no unauthorised access to the explosives; and
  - (c) where the goods are being carried in a vehicle used to carry passengers for hire or reward, the conditions and limits of regulation 51 apply.
- (10) These Regulations do not apply to or in relation to the carriage by road or by rail—
- (a) of a luminous device intended to be worn by a person;
  - (b) in any one vehicle or railway vehicle of no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
  - (c) in any one vehicle or railway vehicle of no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq.
- (11) Packages, containers, portable tanks and tank-containers which do not meet the—
- (a) requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail relating to packing, mixed packing, marking, labelling, placarding and orange plate marking which apply pursuant to Part 2; or
  - (b) modified placarding, marking and plate marking requirements of regulation 55,
- shall be accepted for carriage provided that they comply with the conditions set out in sub-section 1.1.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.
- (12) These Regulations shall not apply to the extent and in the circumstances that sub-section 1.1.4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide that the provisions of ADR or RID respectively shall not apply.
- (13) Parts 2 and 3 shall not apply to the extent, in the circumstances and subject to the conditions that chapter 1.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail provides that the provisions of ADR or RID respectively shall not apply.
- (14) Subject to regulation 5(5), these Regulations shall not apply where—
- (a) a special provision or special requirement is indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the goods in question; and
  - (b) that special provision provides for an exemption from the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail—
    - (i) to the extent;
    - (ii) in the circumstances; and
    - (iii) subject to any conditions,set out in that special provision or special requirement of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.
- (15) These Regulations shall not apply to dangerous goods packed in limited quantities as indicated in column (7) of Table A of chapter 3.2 and the table in section 3.4.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail—
- (a) to the extent;

- (b) in the circumstances; and
- (c) subject to the conditions,

set out in chapter 3.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(16) These Regulations shall not apply to or in relation to the carriage of class 2 to 6, 8 and 9 goods by road in a vehicle which is used for—

- (a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
- (b) passing between one part of a private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person including where those parts are separated by a road.

(17) These Regulations shall not apply to or in relation to the carriage of class 7 goods by road in a vehicle which is used for the purposes described in sub-paragraphs (a) and (b) of paragraph (16).

(18) Regulations—

- (a) 12;
- (b) 18;
- (c) 20(3), to the extent that it relates to the requirements in chapter 5.3 of ADR;
- (d) 20(4), to the extent that it relates to the requirements in chapter 5.4 of ADR;
- (e) 24(1)(a), to the extent that it relates to the requirements in section 8.2.1 of ADR;
- (f) 24(1)(b) and 24(3), to the extent that they relate to the requirements in sections 8.1.2 and 8.1.3 of ADR; and
- (g) 24(5),

shall not apply to the carriage of class 1 goods by road in a vehicle which is used for the purposes described in sub-paragraphs (a) and (b) of paragraph (16).

(19) Parts 2, 3 and 5 of and Schedules 1 and 2 to these Regulations shall not apply to or in relation to the carriage of dangerous goods by rail where the dangerous goods in question are moved only within an establishment in compliance with such regulations relating to safety as apply to that establishment and where such movement is not on a road or on a railway.

(20) In paragraph (5), “mobile machinery” shall have the same meaning as in the ADR Directive.

#### **Application to international carriage**

4.—(1) Regulations 9, 10 and 15 to 25, Part 3 (except insofar as it relates to competent authority functions referred to in chapters 1.7 and 1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail and Parts 8 and 9 of ADR in relation to carriage by road), Part 4 and Part 5 (except regulations 46, 47 and 50) of and Schedules 1 and 2 to these Regulations shall not apply to or in relation to the carriage of dangerous goods where the carriage forms part of an international transport operation—

- (a) within the meaning of—
  - (i) COTIF and conforms in every respect with the provisions of RID; or
  - (ii) article 1(c) of ADR and the carriage conforms in every respect with the provisions of ADR; or
- (b) which is subject to a bilateral or multilateral special agreement made under the terms of—
  - (i) COTIF to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned; or

- (ii) article 4.3 of ADR to which the United Kingdom is a signatory and conforms in every respect with any conditions attached to the agreement concerned.
- (2) In this regulation—
  - (a) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex I to Appendix B to COTIF; and
  - (b) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(25).

### **Application to tanks, pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and transportable pressure equipment**

5.—(1) Regulations 18 and 21, insofar as they relate to pressure receptacles, shall not apply to pressure receptacles which are old pressure receptacles.

(2) Regulations 19 (except for paragraphs (1)(a) and (3)(a)) and 22, insofar as they relate to tanks, shall not apply to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks which are old tanks.

(3) Subject to the exception to paragraph 9 of that Schedule and to the following paragraphs, Schedule 1 shall apply to old tanks except for those which are transportable pressure equipment to which Part 4 applies.

(4) Any old tank which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail shall be deemed to have satisfied the requirements of Schedule 1.

(5) Subject to the exceptions in paragraph 10 of that Schedule and to the following paragraphs, Schedule 2 shall apply to the following pressure receptacles which are used or intended to be used or carried or intended to be carried by road or rail, at work—

- (a) cylinders, tubes or cryogenic receptacles which are—
  - (i) manufactured on or before 30th June 2003; and
  - (ii) not transportable pressure equipment to which Part 4 applies;
- (b) pressure drums or bundles of cylinders manufactured on or before 10th May 2004; and
- (c) notwithstanding regulation 3(14), UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas which comply with the provisions of special provision 594 of chapter 3.3 of ADR in relation to carriage by road or of special requirement 594 of chapter 3.3 of RID in relation to carriage by rail, as that Schedule applies to old pressure receptacles.

(6) Any old pressure receptacle, other than one which is UN 1044 FIRE EXTINGUISHERS with compressed or liquefied gas, which complies with the requirements of ADR in relation to carriage by road or of RID in relation to carriage by rail, shall be deemed to have satisfied the requirements of Schedule 2.

(7) Any cylinder—

- (a) used to contain class 2 goods;
- (b) which forms a component part of a breathing appliance or is a portable fire extinguisher; and
- (c) which complies with the requirements of the Pressure Equipment Regulations 1999(26);

shall be deemed to meet the requirements of paragraphs 2, 3 and 6(1) of Schedule 2.

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(25) Current edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

(26) [S.I. 1999/2001](#), to which there are amendments not relevant to these Regulations.

- (8) Schedule 2 shall not apply to an old pressure receptacle—
- (a) known as a two-part beer keg, one part of which is intended to contain a gas or a mixture of gases under pressure;
  - (b) used for the conveyance or storage of beer or carbonated drinks, the capacity of which does not exceed 0.252 cubic metres and the maximum working pressure of which is not greater than 12 bar above atmospheric pressure; or
  - (c) which is a portable fire extinguisher with a working pressure below 25 bar at 60°C and having a total mass not exceeding 23 kilograms.
- (9) Subject to the following paragraphs of this regulation, Part 4 and Schedules 4 to 8 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-certified 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-certified MEGC or a tank which is subject to a reassessment of conformity.
- (10) Until 30th June 2007, any person who places on the market or uses at work transportable pressure equipment which is a—
- (a) tank and which has been manufactured on or after 1st July 2005 may comply with regulations 19 and 22, insofar as they relate to battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks, rather than Part 4; or
  - (b) pressure drum or a bundle of cylinders and which has been manufactured on or after 1st July 2005 may comply with regulations 18 and 21, insofar as they relate to such equipment, rather than Part 4.
- (11) Part 4 shall not apply to any pressure equipment to which the Pressure Equipment Regulations 1999 apply.
- (12) Part 4 shall not apply to any transportable pressure equipment which is used exclusively for the transport of a gas, UN 1051 STABILISED HYDROGEN CYANIDE, UN 1052 ANHYDROUS HYDROGEN FLUORIDE or UN 1790 HYDROFLUORIC ACID, with more than 85% hydrofluoric acid, between the European Community and third-countries provided that—
- (a) the goods are being carried in connection with the transport of those goods by sea and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the IMDG Code, as revised or re-issued from time to time;
  - (b) the goods are being carried in connection with the transport of those goods by air and the goods are classified, packaged and labelled in accordance with the appropriate provisions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation(27), as revised or re-issued from time to time;
  - (c) the transport forms part of an international transport operation within the meaning of article 1(c) of ADR and conforms to the provisions of that agreement; or



- (d) the transport forms part of an international transport operation within the meaning of COTIF and conforms with the provisions of RID.
- (13) Regulations 38 and 40 shall not apply to an EEC-type cylinder made on or before 30th June 2003.
- (14) These Regulations shall not apply to or in relation to the carriage of a storage tank where it is nominally empty.
- (15) Notwithstanding regulations 18 and 21(7) and (8), the requirements in sub-section 6.2.1.1.1, sub-sections 6.2.1.2, 6.2.1.4 to 6.2.1.6, section 6.2.3 and packing instruction P200 of sub-section 4.1.4.1 of ADR shall not apply to or in relation to the carriage of UN 1011, 1965 or 1978 where—
  - (a) the cylinders are made from—
    - (i) rolled and annealed pure titanium with the minimum requirements of RM 450 MPa, A 20% (where A = elongation after fracture); or
    - (ii) austenitic steel;
  - (b) the main body of the cylinders is provided with an outer, water resistant protective layer which is at least 25mm thick and is made from foam or a similar material;
  - (c) the cylinders have a wall thickness calculated for a maximum operating pressure at more than 40°C;
  - (d) the cylinders are marked with a label which is clearly visible and states that the cylinders are to be used only for the operation of hot air balloons; and
  - (e) no more than 5 of such cylinders are to be carried in any one transport unit.
- (16) In paragraph (14)—
  - (a) “storage tank” means a tank used or intended to be used only for the storage of dangerous goods; and
  - (b) a storage tank shall be “nominally empty” if as much of the dangerous goods as it is reasonably practicable to discharge from it has been discharged from it.

#### **Application to armed forces**

- 6.—(1) Subject to paragraph (5), these Regulations shall not apply to or in relation to—
- (a) the carriage of—
    - (i) UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS only;
    - (ii) UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.;
    - (iii) UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.;
    - and
    - (iv) UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,where they are carried on a vehicle or a train which is owned by or under the control of the armed forces;
  - (b) the carriage of dangerous goods by rail where—
    - (i) the goods are carried on a railway which is operated wholly within a military establishment; or
    - (ii) the carriage of the goods in question commences and terminates within the same military establishment.
- (2) Subject to paragraph (5) and notwithstanding the requirements in regulations 20(3) and (4) and 24(3), the requirements in chapter 5.3, sections 5.4.0 to 5.4.2 and sub-sections 5.4.3.4 and 8.1.2.3

of ADR shall not apply to the carriage of dangerous goods in a vehicle owned by the armed forces which is being used in connection with—

- (a) training—
  - (i) which has been certified to be training on a special occasion in accordance with regulation 7(1)(a) of the Road Vehicles Lighting Regulations 1989<sup>(28)</sup>; and
  - (ii) in respect of which at least 48 hours notice has been given to—
    - (aa) the chief officer of police of each police area; and
    - (bb) the chief fire officer (as respects England and Wales) or the firemaster (as respects Scotland) of the fire brigade maintained by the fire authority for each area in which the place selected for training is 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<sup>(29)</sup>.

(3) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by the armed forces, any requirement in Part 9 of ADR which applies to the vehicle in question by virtue of regulation 25 may be deemed to be satisfied to the extent that it is not reasonably practicable for the vehicle to meet the requirement in question because of design constraints made necessary by its intended operational use.

(4) Subject to paragraph (5), where dangerous goods are being carried in a vehicle owned by or under the control of the armed forces, the requirements in regulation 55 shall not apply.

(5) The disapplications in paragraphs (1) to (4) shall not apply where a vehicle or train owned by or under the control of the armed forces is carrying dangerous goods by road or by rail on behalf of a person who is not a member of the armed forces.

- (6) These Regulations do not apply to or in relation to the carriage of class 7 goods which are—
  - (a) or form part of, an instrument of war;
  - (b) required for research into, or the development or production of, any such instrument or part of such instrument; or
  - (c) produced in the course of, or in connection with, such research, development or production,

when that carriage is undertaken on behalf of a Department of the Government of the United Kingdom or when the carriage is undertaken in connection with the execution of a contract with any such Department.

(7) These Regulations do not apply to or in relation to the carriage of class 7 goods which are, or form part of, an instrument of war when that carriage is undertaken on behalf of a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952<sup>(30)</sup> or when the carriage is undertaken in connection with the execution of a contract with such a visiting force.

## Exemptions

7.—(1) Notwithstanding regulation 23(5) and section 7.5.2 of ADR and provided that all reasonably practicable measures have been taken to prevent the class 1 goods being brought into contact with, otherwise endangering or being endangered by the other dangerous goods, the following dangerous goods may be carried by road together—

(28) S.I. 1989/1796, to which there are amendments not relevant to these Regulations.

(29) 1958 c. 7; section 1(3)(a)(i) was substituted by the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 24. In section 1(3)(a)(i) the words “Environment Agency” were substituted by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1. In section 1(3)(a)(iii) the words “Countryside Agency” were substituted by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), article 3. There are other amendments not relevant to these Regulations.

(30) 1952 c. 67.

- (a) detonating cord (UN 0065, 0104, 0289 and 0290), boosters (UN 0042 and 0283), detonators and detonator assemblies (UN 0029, 0030, 0255, 0267, 0360 and 0361) or blasting explosives of type A, B and E (UN 0081, 0082, 0241, 0331 and 0332) with AMMONIUM NITRATE (UN 1942), and note d to the Table in paragraph 7.5.2.1 of ADR shall apply to the carriage of such goods together as it applies to the carriage of the goods referred to in that note;
  - (b) signals (UN 0191 and 0197), fireworks (UN 0336), aerial flares (UN 0403), pyrotechnic articles (UN 0431) or line-throwing rockets (UN 0453) with—
    - (i) dangerous goods in transport category 2 (except for flammable gases, class 6.1 or 6.2 goods) or 3; or
    - (ii) any combination of goods falling within sub-paragraph (i),  
provided that the maximum total quantity of the goods in transport category 2 does not exceed 500 kilograms or litres or a combined total of 500 kilograms and litres and the maximum total quantity of the class 1 goods shall not exceed 500 kilograms;
  - (c) class 1 goods in compatibility group G and division 1.4 with—
    - (i) class 3 goods and flammable gases in transport category 2;
    - (ii) non-flammable, non-toxic gases that are—
      - (aa) of group A or O as referred to in sub-section 2.2.2.1.3 of ADR; and
      - (bb) in transport category 3; or
    - (iii) any combination of goods falling within sub-paragraphs (i) and (ii),  
provided that the maximum total quantity of dangerous goods per transport unit shall not exceed 200 kilograms or litres or a combined total of 200 kilograms and litres of which the class 1 goods shall not exceed 20 kilograms.
- (2) Notwithstanding regulation 23(5), the following dangerous goods may be carried by road or by rail together—
- (a) detonating fuzes (UN 0106, 0107, 0257 and 0367) in compatibility group B with explosive articles in compatibility group D, E or F of which the fuzes are component parts;
  - (b) class 1 goods in compatibility group F with explosive articles in compatibility group C, D or E.
- (3) Notwithstanding regulation 23(5), and the limits set out in the table in sub-section 7.5.5.2.1 of ADR, the maximum total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 to be carried on one EX/II vehicle shall not exceed 5,000 kilograms.
- (4) Notwithstanding regulations 20(1) and 21(1), where—
- (a) goods are packaged in limited quantities in accordance with chapter 3.4 of ADR for carriage by road; and
  - (b) are then removed from their outer packaging for the final stages of the carriage operation from a—
    - (i) distribution centre to a retailer or end-user; or
    - (ii) retailer to 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 substance or article and not more than 333 kilograms or litres per transport unit.
- (5) Notwithstanding regulation—

- (a) 24(3) and section 8.3.3 of ADR, the driver and any other member of the vehicle crew may open a package containing dangerous goods provided that the carrier has authorised him to do so;
- (b) 24(1)(b) and 24(3), the requirements in special provisions S1:(4)(d) and (5)(a) of chapter 8.5 of ADR shall only apply where it is practicable for the carrier or the vehicle crew to comply with them;
- (c) 24(3), the requirements in special provisions S1:(6) of chapter 8.5 of ADR shall not apply during stops—
  - (i) within a safe and secure place; or
  - (ii) within premises which are under the control of the Ministry of Defence, where the only class 1 goods being carried are cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055, 0379, 0446 and 0447), cartridges (UN 0012, 0014, 0054, 0275, 0276, 0277, 0278, 0312, 0323, 0327, 0328, 0338, 0339, 0381 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), flares (UN 0092, 0093, 0403 and 0404), flash powder (UN 0094 and 0305), fuse (UN 0101 and 0105), fuse lighters (UN 0131), igniter cord and igniters (UN 0066, 0121, 0314, 0315, 0325 and 0454), primers (UN 0044, 0377 and 0378), pyrotechnic articles (UN 0428, 0429, 0430, 0431 and 0432), rockets (UN 0238, 0240 and 0453), signals (UN 0191, 0192, 0193, 0194, 0195, 0196, 0197 and 0373), 5-mercaptotetrazole-1-acetic acid (UN 0448), dinitrosobenzene (UN 0406), sodium dinitro-o-cresolate (UN 0234), sodium picramate (UN 0235), tetrazol-1-acetic acid (UN 0407), and zirconium picramate (UN 0236);
- (d) 24(3), the requirements in special provision S1:(6) of chapter 8.5 of ADR shall not apply where the following conditions are met—
  - (i) the load consists of one or more of the following—
    - (aa) demolition charges (UN 0048) or blasting explosives (UN 0081, 0082, 0083, 0084, 0241, 0331 and 0332) of a net mass of explosive substance of not more than 50 kilograms;
    - (bb) detonating cord (UN 0065 and 0289) of a net mass of explosive substance of not more than 10 kilograms; or
    - (cc) detonators or detonator assemblies (UN 0029, 0030, 0255, 0267, 0360, 0361, 0455, 0456, and 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number;
  - (ii) any of the goods are to be used on the day in question;
  - (iii) adequate measures for the security of the goods in relation to the vehicle in question have been taken; and
  - (iv) the vehicle is—
    - (aa) parked on a site;
    - (bb) being used for delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
    - (cc) being used in passing 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.
- (6) Notwithstanding regulation 25—
  - (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 9.1.2.1.1 of ADR; and

(b) Part 9 of ADR need not apply to vehicles constructed before 1st January 1997 provided that the carrier ensures that the vehicle is suitable for the safe carriage of the dangerous goods being carried.

(7) Notwithstanding regulation 23(1)(b), wagons constructed before 1st January 1997 need not be fitted with regulation sheet steel spark-guards in accordance with special provisions W2 and W8 of chapter 7.2 of RID.

(8) Notwithstanding regulations 18(b) and 19 and Part 4 of these Regulations and subject to paragraph (9), a person complying with regulations 18(b) and 19 in relation to the filling of pressure receptacles, battery-vehicles, battery-wagons, MEGCs, UN-certified MEGCs and tanks intended for the carriage by road or by rail of liquefied gas wholly within Great Britain may comply, as relevant, with—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or
- (b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail as if the reference temperature set out in the paragraph in question was as provided by the GB competent authority pursuant to regulation 31(3) where such provision has been made in relation to the paragraph or sub-section and the tank or pressure receptacle in question.

(9) Where a pressure receptacle, battery-vehicle, battery-wagon, MEGC, UN-certified MEGC or tank conforms to the standard in paragraph (8) it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 45.

(10) Notwithstanding regulation 22 and Part 4 of these Regulations and subject to paragraph (11), a person complying with regulation 22 in relation to the construction of tanks intended to be used for the carriage by road or rail of liquefied gas, wholly within Great Britain, may comply with the relevant—

- (a) section 6.7.3.1;
- (b) sub-section 4.3.3.2.2; or
- (c) sub-section 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, as if they required the construction of the shell of the tank to be in accordance with a standard recognised by the GB competent authority pursuant to regulation 30(2) where such a standard has been recognised in relation to the tank in question.

(11) Where a tank conforms to the standard in paragraph (10) it shall—

- (a) be clearly marked or labelled to show that it is suitable for carriage within Great Britain only; or
- (b) not carry a conformity marking made in accordance with regulation 45.

(12) Notwithstanding regulation 23(9), a carrier carrying dangerous goods by rail in piggyback transport need not comply with the provisions referred to in that regulation where the road vehicle which is being carried on the wagon displays—

- (a) the placards, marks, labels, plate markings and HIN required pursuant to regulation 20(3) and chapter 5.3 of ADR; or
- (b) the hazard warning panels referred to in paragraph 6 of Schedule 9 pursuant to regulation 55(1)(b),

provided that those placards or hazard warning panels are clearly visible.

(13) Subject to the requirements of paragraph (14), regulations—

- (a) 10 to the extent that it relates to—
  - (i) the use of approved wooden casks bearing the marks prescribed by ADR as required by sub-section 1.4.2.1.1(c) of ADR; and
  - (ii) compliance with packaging conditions as required by sub-section 1.4.3.2(a) of ADR;
- (b) 18 to the extent that it relates to the design type and testing of wooden casks as required by sub-sections 4.1.1.3 and 4.1.1.9 of ADR;
- (c) 20(1) to the extent that it relates to the requirements of sections 5.2.1 and 5.2.2 of ADR; and
- (d) 20(3) to the extent that it relates to the requirements of sections 5.3.1 and 5.3.2 of ADR,

shall not apply to the carriage by road of wooden casks containing UN 3065 of Packing Group III.

(14) The requirements of paragraph (13) are that—

- (a) the wooden casks have a capacity of not more than 1000 litres;
- (b) the packages are carried in a closed vehicle;
- (c) no other goods are carried on the transport unit; and
- (d) the transport unit complies with the requirements of regulation 55(1)(a) and Part 1 of Schedule 9, except for paragraph 2(b),

and for the purposes of this regulation, the goods shall be deemed to be carried in tanks.

(15) Notwithstanding regulation 20(3), the requirements of section 5.3.4 of RID shall not apply to the carriage of goods by rail.

(16) Notwithstanding the requirements of regulation 10(1)(b), where—

- (a) a consignor is carrying dangerous goods on his own behalf; and
- (b) the load does not exceed the quantities specified in sub-section 1.1.3.6 of ADR as modified by regulation 3(7),

he need not comply with the requirements of sub-section 1.4.2.1.1(b) of ADR.

(17) In paragraph—

- (a) (1) “maximum total quantity” shall be construed in accordance with sub-section 1.1.3.6.3 of ADR; and
- (b) (6) “FL, OX and AT vehicles” shall be construed in accordance with sub-section 9.1.1.2 of ADR.

### **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, of classes 2 to 6, 8 and 9 in accordance with Part 2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;

- (b) sub-section 3.1.2.6(b) of ADR in relation to carriage by road or of RID in relation to carriage by rail.
  - (c) special provisions 16, 178, 266, 271 and 645 and special requirements 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;
  - (d) special provisions 181, 237, 239, 250, 272, 278, 309 and 636(a) and special requirements 181, 237, 239, 250, 272, 278, 309 and 636(a) of chapter 3.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail respectively;
  - (e) chapter 4.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to pressure receptacles;
  - (f) 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, in relation to class 1 goods, except military explosives;
  - (g) chapter 4.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to battery-wagons, battery-vehicles and MEGCs, the elements of which comprise cylinders, tubes, pressure drums and bundles of cylinders;
  - (h) relation to the construction and testing of pressure receptacles in accordance with sections 6.2.1 to 6.2.3 and 6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
  - (i) section 6.7.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to UN-certified MEGCs;
  - (j) chapter 6.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the construction, equipment, type approval, inspection, testing and marking of—
    - (i) battery-vehicles and battery-wagons; and
    - (ii) MEGCs,the elements of which include cylinders, tubes, pressure drums and bundles of cylinders;
  - (k) 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 sub-section 7.5.2.2, note 1 of RID in relation to carriage by rail;
  - (l) relation to the loading and unloading of goods in sub-section 7.5.1.4 and section 7.5.11, note CV1 of ADR; and
  - (m) relation to the additional requirements for particular dangerous goods in special provisions S:1, S:8, S:9 and S:16 of chapter 8.5 of ADR.
- (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 and special requirements 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, 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 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 sub-section 7.5.2.2, note a of ADR in relation to carriage by road or sub-section 7.5.2.2, note 1 of RID in relation to carriage by rail.

(4) In regulation 7(8) and (9), 30(2) and 31(3), the competent authority for Great Britain shall be the authority that would be the competent authority for Great Britain for the battery-vehicle, battery-wagon, MEGC, UN-certified MEGC, tank or pressure receptacle in question pursuant to paragraph (1) to (3) if the functions conferred by those regulations were functions of the competent authority in the paragraph of ADR or of RID in relation to which those regulations make provision for different reference temperatures from those set out in the paragraphs in question.

(5) 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.

## PART 2

### REQUIREMENTS OF ADR AND RID

#### Training

9. Any person involved in the carriage of dangerous goods by—
- (a) road shall ensure that—
    - (i) he; and
    - (ii) those of his employees whose responsibilities are concerned with such carriage, except for drivers who are required to receive training in accordance with regulation 24(1), receive training which complies with and is documented in accordance with the requirements in chapter 1.3 and section 8.2.3 of ADR;
  - (b) rail shall ensure that he and those of his employees whose responsibilities are concerned with such carriage, receive training which complies with, and is documented in accordance with, the requirements in chapter 1.3 of RID.

#### Safety obligations

- 10.—(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 safety measures; and
  - (b) any particular safety obligations applying to him,
- in chapter 1.4 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 safety measures; and
  - (b) any particular safety obligations applying to him,
- in chapter 1.4 of RID.

#### Class 7 goods for carriage by rail

- 11.—(1) Insofar as they are matters within his control, it shall be the duty of any—
- (a) person designing or manufacturing;
  - (b) consignor consigning;



- (c) carrier carrying; and
- (d) person using,

special form radioactive material, low dispersible radioactive material, or packages or packagings for class 7 goods for carriage by rail to comply with the requirements of section 1.7.3 of RID relating to the establishment and implementation of quality assurance programmes.

(2) Insofar as they are matters within his control, it shall be the duty of any—

- (a) person designing or manufacturing;
- (b) consignor consigning; and
- (c) person using,

the material or packages referred to in paragraph (1), to provide the documentation, information and facilities for inspection referred to in section 1.7.3 of RID and to demonstrate the matters set out in sub-paragraphs (a) and (b) of section 1.7.3 of RID to the GB competent authority when requested to do so.

(3) A carrier shall not carry a consignment of class 7 goods by rail if it is impractical for that consignment to comply with any requirement of Part 2 of these Regulations which is applicable to the consignment in question, except under special arrangement, and the carrier shall ensure that any application for an approval of a shipment under special arrangement shall comply with sub-section 6.4.23.3 of RID.

(4) Where a package of class 7 goods is to be carried by rail, the consignor or carrier, as the case may be, in complying with regulations 18 to 20 and 23 shall comply with section 1.7.5 of RID.

### **Safety advisers**

**12.—**(1) Subject to paragraph (3), any carrier, filler or loader involved in the carriage of dangerous goods by road or by rail shall comply with the requirements relating to the appointment and duties of safety advisers in sub-sections 1.8.3.1 and 1.8.3.3 to 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Subject to paragraph (3), any person who transports dangerous goods by inland waterway shall—

- (a) appoint a safety adviser in accordance with sub-section 1.8.3.1 of ADR as if that paragraph applied to those transporting dangerous goods by inland waterway; and
- (b) ensure that the duties of that adviser are as set out in sub-sections 1.8.3.3 to 1.8.3.9 of ADR except that those paragraphs shall apply as if they referred to the transport of dangerous goods by inland waterway.

(3) Paragraphs (1) and (2) shall not apply—

- (a) to any person—
  - (i) whose main or secondary activity is not the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway; and
  - (ii) who occasionally engages in the carriage or the related loading of dangerous goods or the transport of such goods by road, rail or inland waterway within Great Britain which pose little danger or risk of pollution; and
- (b) to any person whose activities only concern the carriage by road or rail or the transport by inland waterway of dangerous goods where the quantity of dangerous goods in each—
  - (i) transport unit in relation to carriage by road;
  - (ii) wagon or large container in relation to carriage by rail; or
  - (iii) vessel in relation to the transport by inland waterway,

is less than that specified for the goods in question in sub-section 1.1.3.6, as modified by regulation 3(7), or chapters 3.3 and 3.4 of ADR in relation to carriage by road or transport by inland waterway or of RID in relation to carriage by rail, and in relation to transport of dangerous goods by inland waterway sub-section 1.1.3.6 of ADR shall apply for the purposes of this paragraph as if the references to a “transport unit” were references to a “vessel”.

- (4) Any person required by paragraph (1) to appoint a safety adviser shall—
- (a) when requested to do so by—
    - (i) the GB competent authority in relation to carriage by road or by rail; or
    - (ii) any goods vehicle examiner in relation to carriage by road,
 inform him of the name of the adviser;
  - (b) when requested to do so by—
    - (i) the GB competent authority in relation to carriage by road or by rail; or
    - (ii) any goods vehicle examiner in relation to carriage by road,
 provide him with a copy of any accident and annual reports which have been prepared pursuant to this regulation in accordance with sub-sections 1.8.3.3 and 1.8.3.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

### **Reports on accidents or incidents**

**13.** Where a serious accident or incident takes place during the carriage of dangerous goods as described in sub-sections 1.8.5.1 and 1.8.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail, the carrier in relation to carriage by road and the railway infrastructure manager in relation to carriage by rail, shall comply with the reporting requirements in sub-section 1.8.5.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

### **Emergency plans for marshalling yards**

**14.** Where goods are carried by rail, the railway infrastructure manager shall comply with the requirements of chapter 1.10 of RID, relating to the preparation of internal emergency plans for marshalling yards.

### **Classification of goods**

**15.** A consignor shall not consign dangerous goods for carriage by road or by rail unless the goods have been classified—

- (a) in accordance with any general requirements applicable to the goods in question in chapter 2.1 and in so doing shall assign the—
  - (i) UN number for those goods as indicated in column (1) of Table A of chapter 3.2;
  - (ii) name and description for those goods as indicated in column (2) of Table A of chapter 3.2; and
  - (iii) packing group for those goods as indicated in column (4) of Table A of chapter 3.2;
- (b) in accordance with any class specific requirements applicable to the goods in question in chapter 2.2 as indicated in columns (3a) and (3b) of Table A of chapter 3.2; and
- (c) using the test methods applicable to the goods in question required by chapters 2.2 and 2.3, of ADR in relation to carriage by road or of RID in relation to carriage by rail.

### **Prohibition from carriage**

16. A carrier shall not accept for carriage by road or rail any goods which—

- (a) chapter 2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (b) sub-section 1.1.4.4 of RID in relation to carriage by rail,

provides may not be so carried.

### **Dangerous goods list and special provisions**

17.—(1) Where a person is required to comply with a special provision indicated in column (6), (9a), (11), (13) or (16) to (19) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part and that special provision conflicts to any extent with any other provision of ADR in relation to carriage by road or of RID in relation to carriage by rail which applies pursuant to this Part then that special provision shall prevail to the extent of the conflict.

(2) Where any person refers to a column of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail pursuant to this Part, that column shall be construed in accordance with section 3.2.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(3) Where any person complies with any requirement of Parts 2, 5 or 6 of ADR in relation to carriage by road or of RID in relation to carriage by rail, pursuant to this Part, which relates to the use of a “proper shipping name” then that person shall comply with any relevant requirements relating to the proper shipping name in section 3.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(4) Any person involved in the carriage of dangerous goods shall ensure, insofar as they relate to matters within their control, that any special provisions in chapter 3.3, which relate to the goods in question as indicated in column (6) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail, are complied with, insofar as they impose requirements relating to the carriage of those goods.

### **Use of packagings**

18. Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that the goods are packed in accordance with any—

- (a) general packing provisions, applicable to the goods and packaging in question, in sections 4.1.1 to 4.1.3;
- (b) packing instruction, applicable to the goods in question, as indicated in column (8) of Table A of chapter 3.2;
- (c) special packing provisions, applicable to the goods in question, in sections 4.1.5 to 4.1.9;
- (d) special packing provisions, applicable to the goods in question, in chapter 4.1 as indicated in column (9a) of Table A of chapter 3.2; and
- (e) special provisions for mixed packing in section 4.1.10, applicable to the goods in question, as indicated in column (9b) of Table A of chapter 3.2,

of ADR in relation to carriage by road or of RID in relation to carriage by rail.

**Use of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs**

**19.**—(1) Any consignor consigning dangerous goods and any filler filling tanks for the carriage of dangerous goods by road or by rail in a portable tank shall ensure that—

- (a) the goods are not consigned and the tank is not filled unless a portable tank instruction 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 tank is used in accordance with any—
  - (i) general and additional provisions in chapter 4.2;
  - (ii) requirements referred to in the portable tank instruction indicated in column (10) of Table A of chapter 3.2; and
  - (iii) special provisions indicated in column (11) of Table A of chapter 3.2, of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the dangerous goods in question.

(2) Any consignor consigning dangerous goods and any filler filling a UN-certified MEGC for carriage by road or by rail shall ensure that the UN-certified MEGC is used in accordance with the requirements of section 4.2.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(3) Any consignor consigning dangerous goods and any filler filling any battery-vehicle, battery-wagon, MEGC or tank for carriage by road or by rail shall ensure that those goods are not carried in the equipment in question unless—

- (a) a tank code is indicated in column (12) of Table A of chapter 3.2; and
- (b) the equipment in question is used in accordance with—
  - (i) the requirements referred to in the tank code indicated in column (12) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
  - (ii) any provisions of chapters 4.3 to 4.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the equipment and dangerous goods in question; and
  - (iii) any special provisions applicable to the equipment and the dangerous goods in question indicated in column (13) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

**Consignment**

**20.**—(1) Any packer packing and any consignor consigning dangerous goods for carriage by road or by rail shall ensure that packages are—

- (a) marked; and
- (b) labelled, as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

in accordance with the requirements of sections 5.1.1 to 5.1.4, chapter 5.2 and sub-sections 5.5.1.1 and 5.5.1.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(2) Any consignor consigning class 7 goods for carriage by rail shall ensure that—

- (a) shipments of such goods are given multilateral approval where required for the shipment in question;

- (b) applications for shipment approvals comply with the requirements of sub-section 6.4.23.2 of RID in relation to carriage by rail; and
- (c) all other requirements in section 5.1.5 of RID in relation to carriage by rail that are applicable to the shipment in question are complied with.

(3) Subject to regulation 55, any loader loading, consignor consigning or carrier carrying dangerous goods for carriage by road or by rail or any filler filling dangerous goods into the following equipment for such carriage shall ensure that any container, MEGC, UN-certified MEGC, tank-container, portable tank, vehicle, vehicle with demountable tank, transport unit, battery-wagon, tank wagon and wagon displays the—

- (a) placards which correspond to the labels required pursuant to paragraph (1), as indicated in column (5) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) marks, labels and plate markings; and
- (c) HIN indicated in column (20) of Table A of chapter 3.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

required by chapters 5.3 and 5.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the goods in question.

(4) Any consignor consigning or carrier carrying dangerous goods for carriage by—

- (a) road; or
- (b) rail, subject to regulation 55(2),

shall ensure that the consignment is accompanied by the documentation required by chapters 5.4 and 5.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(5) Any consignor consigning for carriage or carrier carrying dangerous goods by road or by rail and any consignee to whom dangerous goods are consigned by road or by rail shall ensure that the measures referred to in sub-section 5.5.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail are taken where applicable to the goods in question.

## **Construction and testing of packagings and packages**

**21.—(1)** Any—

- (a) person manufacturing a packaging or package which is intended to be used for the carriage of dangerous goods by road or rail shall ensure that it is manufactured, tested and marked;
- (b) person reconditioning a packaging or package which is intended to be used for the carriage of dangerous goods by road or rail shall ensure that it is reconditioned, tested and marked;
- (c) consignor consigning and packer packing dangerous goods into a packaging for carriage by road or by rail shall ensure that it has been manufactured, reconditioned, tested and marked,

in accordance with the requirements of chapters 6.1 and 6.3 to 6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the packagings or package in question.

(2) Any manufacturer or subsequent distributor of a packaging or package which is used or intended to be used for the carriage of dangerous goods by road or by rail shall ensure that—

- (a) the information referred to in sub-sections 6.1.1.5, 6.3.1.3, 6.4.2.12, 6.5.1.1.4 and 6.6.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is given to; and

(b) the test report referred to in sub-sections 6.1.5.9.1, 6.3.3.1, 6.5.4.13.1 and 6.6.5.4.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which is applicable to the packaging or package in question is made available to, the consignor and the packer before the packaging or package in question is presented for carriage.

(3) Any consignor consigning class 7 goods in packages and any packer packing packagings for carriage of class 7 goods by rail shall ensure that packagings have been inspected in accordance with section 6.4.21 of RID where required for the packaging in question.

(4) Any person manufacturing packages which are intended to be used for carriage by rail and any person manufacturing special form radioactive material or low dispersible radioactive material which is intended to be used for carriage by rail, shall ensure that—

- (a) such packages or material are given unilateral or multilateral approval in accordance with section 6.4.22 of RID where required for the design of the package or material in question and that applications for such approvals comply with the requirements of section 6.4.23 of RID which are applicable to the application in question; and
- (b) he informs the GB competent authority of the serial number of each packaging manufactured to a design approved by the GB competent authority pursuant to regulation 28.

(5) Subject to paragraph (6), any—

- (a) person manufacturing an IBC which is intended to be used for carriage of dangerous goods by road or by rail shall ensure that any inspection required before the IBC is put into service is carried out;
- (b) consignor consigning and any packer packing dangerous goods in IBCs for carriage by road or by rail shall ensure that all requirements relating to inspections are carried out,

as required by sub-section 6.5.1.6.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The owner of an IBC shall keep documentation in accordance with the requirements of sub-section 6.5.1.6.4 and sub-section 6.5.4.14.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the IBC in question.

(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) manufactured in accordance with the requirements of—
  - (i) section 6.2.2 or 6.2.3; or
  - (ii) sub-sections 6.2.5.1 to 6.2.5.4;
- (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) 6.2.1.8;
  - (ii) 6.2.5.7; or
  - (iii) 6.2.5.8,

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) 6.2.1.4 and 6.2.1.6; or
  - (ii) 6.2.5.2 to 6.2.5.6;
- (c) have been marked in accordance with sub-sections—
  - (i) 6.2.1.8;
  - (ii) 6.2.5.7; or
  - (iii) 6.2.5.8,

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 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 are 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.

#### **Construction and testing of tanks, battery-vehicles, battery-wagons, MEGCs and UN-certified MEGCs**

**22.** Any person manufacturing or any operator of a tank, battery-vehicle, battery-wagon, MEGC or UN-certified MEGC 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 6.10 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 or UN-certified MEGC in question.

#### **Carriage, loading, unloading and handling**

**23.—(1)** Any carrier carrying dangerous goods, or any loader loading dangerous goods for carriage, by road or by rail—

- (a) in large containers, portable tanks and tank-containers shall ensure that the requirements in chapter 7.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of equipment or the goods in question are met;
- (b) in packages, shall ensure that—
  - (i) any special provisions, where indicated in column (16) 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
  - (ii) any other requirements,of chapter 7.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail which are applicable to the type of packages or the goods in question are met.

(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 column (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 requirements specified in that column 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.
- (3) Any carrier carrying dangerous goods and any filler filling a tank with dangerous goods for carriage by road or by rail shall ensure that those dangerous goods are not carried in tanks unless—
- (a) such carriage is authorised by chapter 7.4 and—
    - (i) column (10) of Table A of chapter 3.2 or, in the case of carriage in a portable tank, by the competent authority of the country of origin of that portable tank pursuant to paragraph 6.7.1.3; or
    - (ii) column (12) 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 requirements relating to carriage in tanks in section 7.4.1 of ADR in relation to carriage by road or of chapter 7.4 of RID in relation to carriage by rail which are applicable to the tank or the vehicle in question are met.
- (4) Any carrier carrying dangerous goods and any filler filling a tank with dangerous goods for carriage by road shall ensure that those dangerous goods are not carried in tanks unless the requirements relating to the type of vehicle to be used in section 7.4.2 of ADR, as indicated in column (14) of Table A of chapter 3.2, are met.
- (5) Subject to paragraph (8), any carrier carrying, loader loading or filler filling equipment, a wagon, vehicle or a transport unit with dangerous goods for carriage by road or by rail shall ensure that the requirements in sections—
- (a) 7.5.1 to 7.5.7, 7.5.9 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of ADR in relation to carriage by road; or
  - (b) 7.5.1 to 7.5.4 and 7.5.11 (as indicated in column (18) of Table A of chapter 3.2) of RID in relation to carriage by rail,
- relating to the loading, unloading and handling of the goods which are applicable to the load in question are met.
- (6) Any carrier carrying dangerous goods shall ensure that the requirements in section 7.5.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail are met.
- (7) Any carrier carrying dangerous goods and any filler filling equipment or a vehicle with dangerous goods for carriage by road shall ensure that the requirements of section 7.5.10 of ADR are met.
- (8) Notwithstanding paragraph (5), the operations referred to in special provision CV1(1) of section 7.5.11 of ADR may be carried out without permission from, or prior notice being given to, the GB competent authority if the driver or another competent person remains with the vehicle whilst it is being loaded or unloaded.
- (9) Notwithstanding section 1.1.4.4 of RID, vehicles and their contents handed over for piggyback transport may meet the provisions of these Regulations for carriage by road.
- (10) Any consignor consigning, carrier carrying or packer packing dangerous goods for carriage by rail shall ensure that such goods are not carried as express goods unless—
- (a) such carriage is authorised as indicated in column (19) of Table A of chapter 3.2 of RID; and
  - (b) any special provisions in chapter 7.6 of RID indicated in that column for the goods in question are met,



and in this paragraph “express goods” shall have the same meaning as in RID.

### **Vehicle crews, equipment, operation and documentation**

**24.**—(1) Subject to paragraph (2) any carrier carrying dangerous goods by road shall ensure that any—

- (a) driver required to be trained in accordance with sub-section 8.2.1.1 of ADR—
  - (i) has received training which complies with section 8.2.1 of ADR which is relevant to the goods, person and type of vehicle in question;
  - (ii) has received any special training required by chapter 8.5 of ADR in relation to the goods in question; and
  - (iii) holds a certificate issued by the GB competent authority stating that the driver has participated in a training course, and passed an examination in accordance with the requirements of chapter 8.2 of ADR, in relation to the carriage of the dangerous goods in question; and
- (b) transport unit complies with—
  - (i) the requirements of sections 8.1.1 and 8.1.3 to 8.1.5 of ADR; and
  - (ii) any additional requirements applying to the transport unit in chapter 8.5 of ADR applicable to the goods in question.

(2) For the purposes of paragraph (1)(b)(i)—

- (a) sub-section 8.1.4.2 of ADR shall apply as if it referred to sub-section 1.1.3.6 of ADR as modified by regulation 3(7); and
- (b) the provisions of sections 8.1.4 relating to the provision of fire fighting equipment shall not apply—
  - (i) during the loading and unloading of any vehicle; or
  - (ii) to any trailer used for the carriage of dangerous goods when the trailer is not attached to a motor vehicle.

(3) The carrier and each member of the vehicle crew shall ensure that the requirements of section 8.1.2 and chapters 8.3, 8.4 and 8.5 of ADR (other than those referred to in paragraphs (1)(a)(ii) and (1)(b)) which are applicable to the goods in question are met.

(4) The relevant requirements of chapter 8.5 of ADR which are applicable to the goods in question, as referred to in paragraphs (1)(a)(ii) and (1)(b), are indicated in column (19) of Table A of chapter 3.2 of ADR.

(5) In the event of an accident or emergency involving the carriage of dangerous goods, the driver of the transport unit shall take all reasonable steps to ensure that the instructions in writing required to be carried on the transport unit pursuant to paragraph (3) and sub-section 8.1.2.1(b) of ADR are complied with.

(6) The driver of any vehicle which is engaged in the carriage of dangerous goods shall on request produce to any police constable or goods vehicle examiner the relevant certificate he holds in accordance with this regulation and regulation 33.

(7) The driver of any vehicle which is engaged in the carriage of any class 7 goods shall on request produce to the inspector appointed in accordance with section 1(3)(a) of the Radioactive Material (Road Transport) Act 1991(31) the relevant certificate he holds in accordance with this regulation and regulation 33.

### **Construction and approval of vehicles**

**25.** Any carrier carrying dangerous goods by road shall ensure that vehicles used to carry dangerous goods comply with the requirements referred to in Part 9 of ADR relating to the construction, equipment and approval of vehicles that are applicable to the type of vehicle, carriage and goods in question.

## **PART 3**

### **COMPETENT AUTHORITY FUNCTIONS**

#### **Interpretation of Part 3 and Schedule 3**

**26.**—(1) In this Part and in Schedule 3, where a function set out in a provision of ADR in relation to carriage by road or of RID in relation to carriage by rail is conferred on the GB competent authority by reference to that provision of ADR or of RID then the GB competent authority 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.

(2) Regulations 27(a), 29(1)(a), 30(1)(a), and 31(1)(a) shall be construed as if they included references to related expressions to those contained in the regulation in question.

(3) Any—

- (a) approval granted, multilateral approval or unilateral approval granted or validated;
- (b) appointment made;
- (c) matter recognised;
- (d) requirement imposed;
- (e) notification made;
- (f) packing group assigned; or
- (g) information provided,

pursuant to this Part, shall be done in writing.

#### **Grant of approvals by the GB competent authority**

**27.** The GB competent authority may grant approvals in respect of those matters—

- (a) which are referred to in ADR in relation to carriage by road or in RID in relation to carriage by rail, as—
  - (i) requiring the approval, permission, authorisation or agreement of the competent authority;
  - (ii) a matter which may be allowed by or shall be satisfactory or acceptable to the competent authority; or
  - (iii) being subject to a certificate of approval issued by a competent authority; and
- (b) the references to which are set out in paragraph 1 of Part I of Schedule 3, and

subject to any conditions set out in paragraph 2 of Part I of Schedule 3.

#### **Grant of unilateral and multilateral approvals by the GB competent authority in relation to class 7 goods for carriage by rail**

**28.**—(1) The GB competent authority may—

- (a) grant unilateral approvals in respect of designs—
  - (i) of packages; or
  - (ii) special form radioactive material, that originate in Great Britain; and
- (b) validate unilateral approvals of such designs made by competent authorities in countries which are not a party to COTIF,

in respect of those matters where RID provides for such approval or validation and the references to which are set out in paragraph 3 of Part 2 of Schedule 3 and subject to the conditions set out in paragraph 5 of Part 2 of Schedule 3.

(2) An approval shall be validated in accordance with paragraph (1) if the conditions in sub-section 6.4.22.6 of RID have been met.

(3) The GB competent authority may grant approvals, as part of a multilateral approval, in respect of—

- (a) designs of packages or low dispersible radioactive material or shipments originating in Great Britain; or
- (b) shipments which are to be carried by rail in Great Britain,

in respect of those matters where RID makes provision for such approvals and the references to which are set out in paragraph 4 of Part 2 of Schedule 3 subject to the conditions set out in paragraph 5 of Part 2 of Schedule 3.

#### **Appointment of persons by the GB competent authority**

**29.**—(1) Subject to paragraph (4), the GB competent authority may appoint persons to carry out those functions—

- (a) which ADR in relation to carriage by road or RID in relation to carriage by rail provide may be carried out by a body or expert designated, approved or authorised by the competent authority;
- (b) the references to which are set out in paragraph 6 of Part 3 of Schedule 3.

(2) Any person may submit an application in writing to the GB competent authority for appointment under this regulation by reference to—

- (a) sub-section 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.6.1 and 6.2.5.6.2.4 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;
- (b) sub-section 6.7.2.19.9, 6.7.3.15.9 or 6.7.4.14.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of portable tanks;
- (c) sub-section 6.7.5.12.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of UN-certified MEGCs;
- (d) sub-section 6.8.2.4.5, 6.8.3.4.4 and 6.8.3.4.6(b) to 6.8.3.4.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of—
  - (i) fixed tanks, tank wagons, demountable tanks and tank-containers; and
  - (ii) MEGCs, battery-vehicles and battery-wagons;
- (e) sub-section 6.8.3.4.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of MEGCs, battery-vehicles and battery-wagons;
- (f) special provision TT2 of section 6.8.4(d) of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of shells; or

- (g) sub-section 6.9.5.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to the inspection of FRP tanks,  
or for the amendment of such an existing appointment.
- (3) A person appointed by reference to the provisions referred to in paragraph (2) shall be known as an “appointed person”.
- (4) Regulation 44(3) to (8) shall apply to an appointed person as it applies to a notified body or an approved body except that where it applies to an appointed person—
- (a) any references to the competent authority shall be read as references to the GB competent authority;
  - (b) regulation 44(3)(a) shall apply as if it provided for the GB competent authority to make an appointment in respect of all the equipment referred to in paragraph (2) for which it is the GB competent authority or such descriptions of that equipment as the GB competent authority may determine;
  - (c) regulation 44(3)(c) shall apply as if all the words after “it has been appointed” were omitted; and
  - (d) regulation 44(7) shall apply as if it referred to an application under Part 2 or 3.
- (5) A person appointed under this regulation by reference to sub-section 6.2.5.6.2.4 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 6.2.5.6.2.4 and 6.2.5.6.2.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
  - (b) keep the documentation referred to in sub-section 6.2.5.6.6 of ADR in relation to carriage by road or of RID in relation to carriage by rail in accordance with the requirements of that paragraph.
- (6) 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.

### **Recognition of approvals, tests, methods, standards and procedures etc. by the GB competent authority**

- 30.**—(1) The GB competent authority may recognise approvals, conditions, tests, methods, standards, procedures, specifications, quality assurance programmes, quality systems, qualifications, or other requirements in respect of those matters—
- (a) where ADR in relation to carriage by road or RID in relation to carriage by rail provide—
    - (i) for recognition or acceptance by a competent authority of; or
    - (ii) that the competent authority is satisfied with,
 approvals, conditions, tests, methods, standards, specifications, procedures, qualifications, quality assurance programmes or other requirements;
  - (b) the references to which are set out in paragraph 7 of Part 4 of Schedule 3, and subject to the conditions set out in paragraph 8 of Part 4 of Schedule 3.
- (2) The GB competent authority may recognise standards for the construction of tanks intended to be used for the carriage by road or by rail, wholly within Great Britain, of liquefied gas which specify—
- (a) a different design reference temperature for the shell of the tank from that set out in sub-section 6.7.3.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or

- (b) specify a different test pressure for the shell of the tank from that set out in sub-sections 4.3.3.2.2 and 4.3.3.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail,

which are applicable to the shell of the tank in question provided that the temperature or pressure specified in the standard is such that it will ensure that the shell is safe and suitable for its intended use.

(3) Any person may submit an application in writing to the GB competent authority for the approval of any standard in relation to—

- (a) pressure receptacles pursuant to regulation 21(7) and section 6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) portable tanks or UN-certified MEGCs pursuant to regulation 22 and sub-section 6.7.1.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (c) tanks, MEGCs, battery-vehicles or battery-wagons pursuant to regulation 22 and sub-section 6.8.2.7 and 6.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail; or
- (d) tanks, pursuant to paragraph (2).

#### **Imposing of requirements by the GB competent authority**

**31.**—(1) The GB competent authority may impose requirements which apply to, or in relation to, the carriage of dangerous goods by road or rail in respect of those matters where—

- (a) ADR in relation to carriage by road or RID in relation to carriage by rail provide for—
  - (i) provisions, conditions, standards, restrictions or other requirements to be specified, imposed, assigned, allocated, determined, established, requested or required by the competent authority;
  - (ii) a matter to be carried out as required by the competent authority; or
  - (iii) for a request to be made to the competent authority for further instructions;

(b) the references to which are set out in paragraph 9 of Part 5 of Schedule 3, and subject to the conditions set out in paragraph 10 of Part 5 of Schedule 3.

(2) The GB competent authority may require a consignment of goods to be accompanied by persons specified by him in the circumstances where special provision W2 of section 7.2.4 of RID provides for consignments to be accompanied by order of the competent military authority.

(3) The GB competent authority may provide for different reference temperatures from those set out in—

- (a) paragraphs (5)(b) and (c) of packing instruction P200 of section 4.1.4; or
- (b) sub-sections 4.2.2.7.2, 4.3.3.2.2 or 4.3.3.2.3,

of ADR in relation to carriage by road or of RID in relation to carriage by rail, in relation to the filling of pressure receptacles and tanks intended for the carriage by road or by rail of liquefied gas wholly within Great Britain.

#### **Issuing of safety adviser vocational training certificates by the GB competent authority**

**32.**—(1) The GB competent authority or a person appointed by it may issue a certificate as provided for in sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) The GB competent authority or a person appointed by it may only issue a certificate to a person by reference to sub-section 1.8.3.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail (“safety adviser vocational training certificate”) where that person has—

- (a) completed training which complies with sub-section 1.8.3.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail; and
- (b) passed an examination, which has been approved by the GB competent authority.

(3) The examination referred to in paragraph (2)(b) shall—

- (a) be organised by the GB competent authority or by a person appointed by it in accordance with sub-section 1.8.3.10 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) comply with sub-sections 1.8.3.11 and 1.8.3.12 of ADR in relation to carriage by road or RID in relation to carriage by rail.

(4) The training and examination may be limited to one or more—

- (a) modes of transport;
- (b) of those dangerous goods listed in sub-section 1.8.3.13 of ADR in relation to carriage by road or of RID in relation to carriage by rail and if this is the case the safety adviser vocational training certificate shall clearly indicate that it is only valid for that mode or for the goods in question.

(5) The safety adviser vocational training certificate referred to in paragraph (2)—

- (a) shall be in the form set out in sub-section 1.8.3.18 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) shall be valid for five years from the date of issue; and
- (c) may be extended as set out in sub-section 1.8.3.16 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The GB competent authority, or a person appointed by it under paragraph (3)(a), shall keep a list of the questions that have been included in the examination referred to in paragraph (2)(b).

(7) Any current safety adviser vocational training certificate held by a person which—

- (a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive, the RID Directive or to Council Directive [96/35/EC](#) on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterways<sup>(32)</sup>; and
- (b) is in the form required by paragraph (5),

shall be deemed to be a safety adviser vocational training certificate issued by the GB competent authority under this regulation and where it indicates that it applies to only one or more of the dangerous goods referred to in paragraph (4)(b) shall be deemed to be limited to those goods.

(8) Any vocational training certificate issued in accordance with regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999<sup>(33)</sup> shall be deemed to be a safety adviser vocational training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 7(5) of the said 1999 Regulations or paragraph (5)(c).

(9) The GB competent authority may issue a safety adviser vocational training certificate under this regulation in relation to transport of dangerous goods by inland waterway and in so doing shall comply with this regulation and the provisions of ADR to which it refers as if they referred to the transport of dangerous goods by inland waterway.

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(32) OJ No. L145, 19.6.1996, p10.

(33) [S.I. 1999/257](#), to which there are amendments not relevant to these Regulations.

### **Issuing of driver training certificates by the GB competent authority**

**33.**—(1) The GB competent authority or a person appointed by it may issue a driver training certificate to a driver of a vehicle to the effect set out in sub-section 8.2.1.1 of ADR.

(2) The GB competent authority or a person appointed by it may only issue a driver training certificate to a driver where the driver has—

(a) completed a basic training course as set out in paragraph 8.2.1.2 of ADR and passed an examination in accordance with sub-section 8.2.2.7.1 of ADR; and

(b) if applicable—

(i) completed a specialisation course for the vehicle and goods in question where required by section 8.2.1 of ADR; or

(ii) acquired the knowledge referred to in sub-section 8.2.2.8.1(b) of ADR,

and in either case has passed an examination in accordance with sub-section 8.2.2.7.2 of ADR.

(3) The person carrying out the training shall ensure that those courses shall comply with sub-sections 8.2.2.1 to 8.2.2.6 of ADR.

(4) The examination referred to in paragraph (2) shall—

(a) be organised by the GB competent authority or by a person appointed by it for that purpose; and

(b) comply with the requirements for the examination in question in sub-section 8.2.2.7 of ADR.

(5) The GB competent authority or the person appointed by it to organise the examinations shall keep a catalogue of examination questions in accordance with sub-section 8.2.2.7.1.3 of ADR.

(6) The driver training certificate—

(a) shall be in the form required in sub-section 8.2.2.8.3;

(b) shall be valid for five years from the date of issue; and

(c) may be extended as set out in and subject to the requirements in sub-sections 8.2.1.5 and 8.2.2.8.2 of ADR.

(7) Any current driver training certificate held by a person which—

(a) was issued to him by a competent authority under national provisions giving effect to the ADR Directive or to article 1 of Council Directive [89/684/EEC](#) on vocational training for certain drivers carrying dangerous goods by road<sup>(34)</sup>; and

(b) is in the form required by paragraph (6),

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

(8) Any driver training certificate issued in accordance with regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulation 1996<sup>(35)</sup> shall be deemed to be a driver training certificate issued in accordance with this regulation and shall remain valid until the date of expiry stated in the certificate subject to any extension of the validity of the certificate in accordance with regulation 4(6) of the said 1996 Regulations or paragraph (6)(c).

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<sup>(34)</sup> OJ No. L398, 30.12.1989, p33.

<sup>(35)</sup> [S.I. 1996/2094](#), amended by [S.I. 1999/303](#).

**Notification under sub-section 1.8.2.2 of ADR or of RID**

**34.**—(1) The GB competent authority shall notify the relevant competent authority in another member State in the circumstances set out in sub-section 1.8.2.2 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) If the GB competent authority receives a notification from another member State pursuant to sub-section 1.8.2.2 of ADR in relation to carriage by road or RID in relation to carriage by rail then it shall comply with the requirements of sub-section 1.8.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

**Miscellaneous functions of the GB competent authority**

**35.**—(1) The GB competent authority may approve the classification of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail require classification and assignment to a collective entry to be made by the competent authority in Great Britain.

(2) The GB competent authority may recognise the classification and conditions of carriage of dangerous goods in those circumstances where sub-sections 2.2.41.1.13 and 2.2.52.1.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail provide for classification and conditions of carriage of such goods to be recognised by the competent authority in Great Britain.

(3) The GB competent authority shall assign a packing group for dangerous goods where required in accordance with—

- (a) special provision 278 of chapter 3.3 of ADR in relation to carriage by road; or
- (b) special requirement 278 of chapter 3.3 of RID in relation to carriage by rail.

(4) The GB competent authority shall provide information or documents to a person in the circumstances where—

- (a) ADR in relation to carriage by road; or
- (b) RID in relation to carriage by rail,

provide for such information or documents to be sent to that person by the competent authority in Great Britain and the references to which are set out in paragraph (5).

(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 and 6.2.5.6.4.11 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(6) The GB competent authority shall maintain a list in accordance with sub-section 6.2.5.6.2.3 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(7) The GB competent authority may issue approval certificates in accordance with sub-section 6.2.5.6.4.9 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(8) The GB competent authority shall maintain the registers required by sub-section 6.4.23.15 of RID.

(9) The GB competent authority may issue certificates of approval where sub-section 9.1.2.1.2 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 9.1.2.1.2 of ADR shall—

- (a) comply with that paragraph and sub-section 9.1.2.1.5 of ADR;
- (b) comply with sub-section—

(i) 1.6.5.2; or

(ii) 1.6.5.3,

of ADR where applicable to the vehicle in question; and



(c) be valid for the period calculated in accordance with sub-section 9.1.2.1.4 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 base vehicle of a new motor vehicle or its trailer, 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 9.1.2.2.1 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 9.1.2.2.1 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 base vehicle since the type approval was issued.

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

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

**36.**—(1) Subject to paragraph (2), 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 54 and Schedules 1 and 2 of these Regulations and any exemption 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.

(2) 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 the goods (in the case of class 1 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.

(3) 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 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.

(4) Subject to paragraph (5), the Executive 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.

- (5) An authorisation issued under paragraph (4) shall be—
- (a) subject to the same conditions as the multilateral agreement in question; and
  - (b) withdrawn by the Executive 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 Executive at any time before that.
- (6) In paragraph—
- (a) (1)(c), “equipment” includes any packaging, package, vehicle, wagon, railway vehicle or train;
  - (b) (4)—
    - (i) “ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time<sup>(36)</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.
- (7) 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 dangerous goods contrary to prohibitions or requirements which apply pursuant to Parts 2 and 3 or regulation 55 provided that 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.

## PART 4

### TRANSPORTABLE PRESSURE EQUIPMENT

#### Interpretation of Part 4

- 37.** In this Part—
- “CE marking” means the marking referred to in regulation 16 of the Pressure Equipment Regulations 1999<sup>(37)</sup>;
- “competent authority” shall mean the—
- (a) Secretary of State in relation to transportable pressure equipment which is a—
    - (i) tank
    - (ii) tank wagon; or

<sup>(36)</sup> Current Edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

<sup>(37)</sup> [S.I. 1999/2001](#), as amended by [S.I. 2002/1267](#).

- (iii) battery-vehicle, battery-wagon or MEGC where the elements are tanks; and
- (b) Executive in relation to transportable pressure equipment which is a —
  - (i) pressure receptacle;
  - (ii) UN-certified MEGC; or
  - (iii) battery-vehicle, battery-wagon or MEGC where the elements are pressure receptacles.

“conformity assessment procedures” means the procedures set out in Schedule 4, and conformity assessment shall be construed accordingly;

“conformity marking” means the marking referred to in regulation 45 as set out in Schedule 8;

“conformity reassessment procedure” means the procedure set out in Schedule 6;

“periodic inspection procedures” means the procedures set out in Schedule 7 and “periodic inspection” shall be construed accordingly; and

“the Transportable Pressure Equipment Directive” means Council Directive [1999/36/EC](#) of 29th April 1999(38) concerning the approximation of the laws of the member States relating to common provision for transportable pressure equipment and methods for inspection.

### **Placing on the market and use at work of transportable pressure equipment**

**38.**—(1) Subject to regulation 39, no person shall place on the market or use at work any transportable pressure equipment unless the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure equipment shall—

- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
- (b) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with sub-paragraph (a); and
- (c) bear the conformity marking, the identification number of the notified body and any marking required pursuant to regulations 21(7) and (8) and 22.

(3) Where the transportable pressure equipment includes valves those valves shall—

- (a) have been designed, manufactured and tested—
  - (i) in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the valves in question; or
  - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, in accordance with the requirements of the Pressure Equipment Regulations 1999; and
- (b) meet the requirements of paragraph (5).

(4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—

- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
- (b) meet the requirements of paragraph (5).

- (5) The requirements referred to in paragraphs (3) and (4) are that the valves or accessories shall—
- (a) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with—
    - (i) in the case of valves, the requirements referred to in paragraph 3(a); or
    - (ii) in the case of accessories, the requirements referred to in paragraph 4(a); and
  - (b) bear the conformity marking or the CE marking as appropriate.
- (6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

### **Transportable pressure equipment placed on the market and used at work exclusively in Great Britain**

**39.**—(1) Regulation 38 shall not apply in respect of any transportable pressure equipment which is a pressure receptacle and is placed on the market or used at work exclusively within Great Britain provided that the requirements of paragraphs (2) to (4) are complied with.

- (2) The transportable pressure equipment shall—
- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) which are applicable to the equipment in question;
  - (b) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G, to be in conformity with the requirements referred to in regulation 21(7) and (8) which are applicable to the equipment in question;
  - (c) bear the identification number of the relevant approved body and any marking required by the requirements referred to in regulations 21(7) and (8); and
  - (d) not bear the conformity marking or the identification number of any notified body.
- (3) Where the transportable pressure equipment includes valves, those valves shall—
- (a) have been designed, manufactured and tested in accordance with—
    - (i) the requirements referred to in regulations 21(7) and (8) which are applicable to the valves in question; or
    - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8), in accordance with the requirements for the Pressure Equipment Regulations 1999; and
  - (b) meet the requirements of—
    - (i) paragraph (5); or
    - (ii) regulation 38(3) and (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) have been designed, manufactured and tested to be in compliance with the requirements referred to in regulations 21(7) and (8) which are applicable to the accessories in question; and
  - (b) meet the requirements of—
    - (i) paragraph (5); or
    - (ii) regulation 38(4) and (5).
- (5) The requirements referred to in paragraphs (3)(b) and (4)(b) are that the valves or accessories shall—

- (a) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories;
  - (b) bear the identification mark of the relevant approved body; and
  - (c) not bear the conformity marking or the identification number of any notified body.
- (6) For the purposes of paragraphs (2)(b) and (5)(a) references in the conformity assessment procedures to “notified body” shall be read as if they were references to “approved body”.
- (7) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

### **Reassessment of conformity**

- 40.**—(1) Transportable pressure equipment which is a—
- (a) cylinder tube or cryogenic receptacle which is manufactured prior to 1st July 2003 and does not bear the conformity marking; or
  - (b) pressure drum, bundle of cylinders or a tank which is manufactured prior to 1st July 2007 and does not bear the conformity marking from 1st July 2005,
- may be reassessed for conformity in accordance with paragraphs (2) to (4).
- (2) Subject to paragraph (6), the transportable pressure equipment shall—
- (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
  - (b) have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the relevant requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; and
  - (c) bear the conformity marking and identification number of the notified body.
- (3) Where the transportable pressure equipment includes valves, those valves shall—
- (a) comply with—
    - (i) the requirements of regulations 21(7) and (8) and 22 which are applicable to the valves in question; or
    - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, the relevant requirements of the Pressure Equipment Regulations 1999; and
  - (b) meet the requirements of paragraph (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
  - (b) meet the requirements of paragraph (5).
- (5) Subject to paragraph (6), the requirements referred to in paragraphs (3) and (4) are that the valves or the accessories shall—
- (a) where relevant, have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories; and
  - (b) bear the conformity marking.

(6) Where the transportable pressure equipment, valve or accessory has been manufactured in series to a design type which has been reassessed by a notified body, in accordance with the conformity reassessment procedures to be in conformity with the requirements—

- (a) referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; or
- (b) where relevant, of the Pressure Equipment Regulations 1999,

the reassessment procedure referred to in paragraph (2)(b) and (5)(a) may be conducted by an approved body.

(7) For the purposes of paragraph (6) the references in Schedule 6 to “notified body” shall be read as if they were references to “approved body”.

### **Periodic inspection and repeated use**

**41.**—(1) The owner of transportable pressure equipment shall ensure that the equipment is—

- (a) periodically inspected in accordance with all relevant procedures in Schedule 7 to ensure that that equipment continues to meet the relevant requirements in regulations 21(7) and (8) and 22 and of the Pressure Equipment Regulations 1999 in relation to which they have been assessed or reassessed for conformity in accordance with this Part; and
- (b) used at work in accordance with the relevant requirements of regulations 18 and 19.

(2) Any person who carries out a periodic inspection of transportable pressure equipment shall ensure that—

- (a) the inspection complies with the relevant requirements of Schedule 7;
- (b) at the end of the inspection, the equipment is marked with—
  - (i) the identification number of the relevant notified body or approved body;
  - (ii) where required by Schedule 7, the date of the inspection; and
  - (iii) in the case of EEC-type cylinders undergoing their first periodic inspection, the conformity marking.

(3) Any technical documentation or other information required to be retained under a periodic inspection procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

### **Notified bodies**

**42.** For the purposes of these Regulations, a notified body is a body which has been appointed—

- (a) to carry out one or more of the following—
  - (i) one or more conformity assessment procedures;
  - (ii) the conformity reassessment procedure;
  - (iii) either or both periodic inspection procedures in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 1 in relation to transportable pressure equipment which is a tank; and
- (b) as a notified body—
  - (i) pursuant to regulation 44; or
  - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 8 of the Transportable Pressure Equipment Directive.

### **Approved bodies**

**43.**—(1) For the purposes of these Regulations, an approved body is a body which has been appointed—

- (a) to carry out one or more of the following—
  - (i) one or more conformity assessment procedures;
  - (ii) the conformity reassessment procedure;
  - (iii) periodic inspection procedure module 1 in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 2 in relation to transportable pressure equipment which is a tank under the supervision of a notified body as provided for in module 2; and
- (b) as an approved body—
  - (i) pursuant to regulation 44; or
  - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 9 of the Transportable Pressure Equipment Directive.

(2) In respect of any conformity assessment undertaken pursuant to regulation 39, an approved body shall work exclusively for the group of which it is a member and in this paragraph and in Schedules 4 to 8 “group” has the same meaning as in the Transportable Pressure Equipment Directive.

### **Appointment of notified bodies and approved bodies by the competent authority**

**44.**—(1) The competent authority may appoint such persons as it thinks fit to be notified bodies or approved bodies for the purpose of this Part.

- (2) An application for—
- (a) appointment as a notified body;
  - (b) appointment as an approved body; or
  - (c) for the amendment of an existing appointment,
- shall be made to the competent authority.
- (3) An appointment made under this regulation—
- (a) by the competent authority may relate to—
    - (i) all descriptions of transportable pressure equipment for which they are the competent authority; or
    - (ii) such descriptions of such transportable pressure equipment as the competent authority may determine;
  - (b) may be made subject to such conditions as the competent authority may determine, and such conditions may include conditions which apply upon or following termination of the appointment;
  - (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (7), require the notified body or approved body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the manufacturer of the transportable pressure equipment fulfils the obligations arising out of the relevant conformity assessment procedure;
  - (d) shall be terminated upon 90 days' notice in writing to the competent authority at the request of the notified body or the approved body; and

- (e) may be terminated if it appears to the competent authority that any of the conditions of the appointment are not being complied with.
- (4) Subject to paragraph (3)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.
- (5) A notified body or an approved body appointed by the competent authority shall be subject to such inspection by or on behalf of the competent authority as is necessary to ensure compliance with any condition specified in the appointment.
- (6) The inspection referred to in paragraph (5) may include the examination of premises, equipment and documents and the notified body or approved body shall provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.
- (7) In respect of an application made to a notified body or an approved body in accordance with this Part, the notified body or approved body shall not be required to carry out the procedures and tasks referred to in paragraph (3)(c)—
- (a) if the documents submitted to it with the application are not in English or another language acceptable to that body;
  - (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(4); 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 these Regulations 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 appointment of a notified body or approved body is terminated under this regulation, the competent authority may—
- (a) give such directions—
    - (i) to the body whose appointment has been terminated; or
    - (ii) to another notified body or approved 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 sub-paragraph (a), authorise another notified body or approved body to take over the functions of the body whose appointment has been terminated in respect of such cases as it may specify.

### **Conformity marking**

- 45.—**(1) Where a notified body or an approved body—
- (a) has carried out a conformity assessment, a reassessment of conformity or a periodic inspection; and
  - (b) requires the conformity marking to be affixed to transportable pressure equipment, a valve or an accessory which is complete or is in a state permitting final assessment,
- that body shall ensure that the conformity marking is affixed in a visible, easily legible and indelible fashion.
- (2) No person shall affix any marking to transportable pressure equipment, a valve or an accessory which is likely to render the meaning or form of the conformity marking misleading.
- (3) Any other marking may be affixed to transportable pressure equipment, a valve or an accessory provided that the visibility and legibility of the conformity marking is not thereby reduced.



## PART 5

### ADDITIONAL REQUIREMENTS TO ADR AND RID

#### Attendant for carriage of class 1 goods by road

**46.**—(1) Subject to paragraph (3), where a carrier is carrying any class 1 goods by road in a transport unit he shall ensure that the driver of the transport unit is accompanied by an attendant when the transport unit is not parked.

(2) The carrier shall ensure that the attendant—

- (a) is a person who is competent to ensure the security of the class 1 goods in question;
- (b) has received detailed written instructions on his duties to ensure the security of the class 1 goods in question; and
- (c) has received training appropriate to his responsibility for the security of the class 1 goods in accordance with chapter 1.3 and section 8.2.3 of ADR.

(3) Paragraph (1) shall not apply where—

- (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);
- (b) the only class 1 goods carried are those set out in Schedule 1 to the Control of Explosives Regulations 1991<sup>(39)</sup>;
- (c) the carrier has taken adequate alternative measures to ensure the security of the class 1 goods carried on the transport unit and such measures have been agreed in writing with the Executive; or
- (d) the transport unit is in a convoy of more than two transport units unless it is the first or the last transport unit in the convoy.

#### Duration of carriage and delivery of class 1 goods by road

**47.**—(1) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods shall ensure—

- (a) that the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) that the class 1 goods are delivered to—
  - (i) the consignee or his agent, or
  - (ii) any other person who is authorised by the consignee to accept custody of the class 1 goods for onward despatch, provided that they are delivered to either—
    - (aa) a safe and secure place or premises under the control of the Ministry of Defence; or
    - (bb) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area,

and if the consignee has compelling reasons not to accept the goods in accordance with sub-section 1.4.2.3 of ADR the consignee shall make arrangements for the goods to be delivered to an alternative safe and secure place; and

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<sup>(39)</sup> S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

- (c) that any trailer or container containing class 1 goods is not detached from the vehicle except—
- (i) in either a safe and secure place or a designated parking area in an airport, a railway transshipment depot or siding, or a harbour or harbour area, or
  - (ii) in an emergency.

(2) The carrier, driver and any attendant within the meaning of regulation 46(2) of a vehicle which is being used for the carriage of class 1 goods shall ensure that any class 1 goods intended to be delivered to a particular place are unloaded from the vehicle as soon as is reasonably practicable after it arrives at that place.

(3) The carrier of a vehicle used for the carriage of class 1 goods shall not remove any class 1 goods from the consignor's premises unless he is ready immediately to despatch them to the consignee or other person referred to in paragraph (1)(b)(ii).

(4) In this regulation "designated parking area" means—

- (a) in relation to an airport or railway transshipment depot or siding, an area allocated by the occupier as an area for parking vehicles carrying class 1 goods; and
- (b) in relation to a harbour or harbour area, a parking area designated for the purposes of regulation 32 of the Dangerous Substances in Harbour Areas Regulations 1987(40).

#### **Miscellaneous security requirements for carriage of class 1 goods by road**

**48.**—(1) Any consignor consigning or carrier carrying class 1 goods for carriage by road in a transport unit or container shall ensure that the transport unit or container is suitable for the security of the class 1 goods being carried.

(2) Where class 1 goods are being carried by road and any accident or emergency occurs, the carrier and each member of the vehicle crew shall ensure that all proper precautions are taken for the security of those goods.

(3) Where class 1 goods are being carried by road and any accident or emergency occurs which cannot be brought under immediate control—

- (a) the driver and any attendant within the meaning of regulation 46(2) shall ensure that the carrier is notified by the quickest practical means; and
- (b) on being informed of the emergency under paragraph (a), the carrier shall inform the Executive by the quickest practical means of the occurrence of that emergency.

(4) The carrier and the driver of a transport unit used for the carriage by road of more than 5 tonnes of class 1 goods which fall into division 1.1, shall ensure that the route followed is a route which has been agreed with the chief officer of police of each relevant police area.

(5) For the purposes of paragraph (4), when calculating the quantity of class 1 goods which fall into division 1.1 regulation 23(5)(a) shall not apply to the extent that it relates to sub-section 7.5.5.2.2 of ADR.

#### **Miscellaneous security requirements for carriage of class 1 goods by rail**

**49.**—(1) The train operator and the railway infrastructure manager shall ensure that the security of any container or wagon which is being used for the carriage of class 1 goods by rail is maintained whenever the train is stationary.

(2) The train operator shall ensure that the carriage of class 1 goods by rail is completed within a reasonable length of time having regard to the distance involved.

(40) S.I. 1987/37, amended by S.I. 1996/2092, 1996/2095, 1997/2367 and 2003/1431 and to which there are other amendments not relevant to these Regulations.

(3) Where class 1 goods have been carried on a train, the consignee shall ensure that the class 1 goods in question are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

(4) In paragraph (3), “railway facility” has the meaning in section 83(1) of the Railways Act 1993<sup>(41)</sup>.

### **Security requirement for carriage of class 1 goods by road or rail and class 7 goods by rail**

**50.** Any person involved in the carriage of—

- (a) class 1 goods by road or by rail; or
- (b) class 7 goods by rail,

shall take all reasonable steps to ensure that unauthorised access to the dangerous goods is prevented.

### **Carriage of class 1 goods in vehicles used to carry passengers for hire or reward**

**51.**—(1) No person shall carry class 1 goods in a vehicle being used to carry passengers for hire or reward except in accordance with the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are—

- (a) the only class 1 goods carried by that person are aerial flares (UN 0404), black powder (UN 0027 and 0028), cable cutters (UN 0070), cap primers (UN 0044), cartridge cases (UN 0055 and 0379), cartridges (UN 0012, 0014, 0323, 0327, 0328, 0338, 0339 and 0405), fireworks (UN 0333, 0334, 0335, 0336 and 0337), fuse lighters (0131), igniters (UN 0454), pyrotechnic articles (UN 0432), safety fuse (UN 0105), signals (0191, 0193, 0195 and 0373), or smokeless powder (UN 0160 and 0161), or any combination of such goods;
- (b) the net mass of explosive substances carried by that person does not exceed 2 kilograms;
- (c) the class 1 goods are kept with that person and are kept properly packed; and
- (d) all reasonable precautions are taken by that person for the prevention of accidents arising from the class 1 goods.

(3) For the purposes of this regulation, where class 1 goods are being carried by a passenger, the driver and carrier shall not be treated as carrying them.

### **Carriage of class 1 goods by road in motor vehicles**

**52.** Any person carrying class 1 goods by road in a vehicle, other than an EX/II or EX/III vehicle or a vehicle which is not being used for hire or reward, shall ensure that those goods are segregated from any person travelling in the vehicle by being placed in a suitable container or in a separate load compartment of the vehicle.

### **Marshalling and formation of trains**

**53.** Where dangerous goods are being carried by train, the train operator shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

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(41) 1993 c. 43.

**Keeping of information by carriers**

54. Where the carrier is required to ensure that a transport document accompanies a consignment of dangerous goods pursuant to regulation 20(4), he shall keep a written record of all the information contained within the transport document for a period of three months after the completion of the journey in question.

**Placards, marks and plate markings for carriage within Great Britain**

55.—(1) Subject to the requirements in Part 1 of Schedule 9 in relation to carriage by road or Part 2 of that Schedule in relation to carriage by rail, where dangerous goods are being carried by—

- (a) road or by rail in tanks or in bulk and, in the case of carriage by road, on a transport unit registered in Great Britain; or
- (b) rail in piggyback transport,

and the whole of that carriage operation takes place in Great Britain, the loader, filler, consignor and carrier shall comply with the requirements in regulation 20(3) relating to placards, marks or plate markings.

(2) Where in relation to carriage by rail, the loader, filler, consignor and carrier comply with the requirements in Part 2 of Schedule 9, then regulation 20(4) and sub-section 5.4.1.1.1(j) of RID shall apply as if they required the EAC to be entered in the transport document instead of the HIN.

**PART 6****MISCELLANEOUS****Fees for applications relating to pressure receptacles and tanks**

56.—(1) On the making of an application to the—

- (a) GB competent authority for the appointment or the amendment of an appointment as an appointed person in accordance with regulation 29(2);
- (b) GB competent authority for the recognition of a standard in accordance with regulation 30(3);
- (c) competent authority for the appointment or the amendment of an appointment as a notified body or an approved body under regulation 44(2);
- (d) Secretary of State for the appointment or the amendment of an appointment as an inspection body under paragraph 3(1)(a) of Schedule 1;
- (e) Executive for the approval or amendment of an approval as a person under paragraph 3(2) of Schedule 2; or
- (f) Executive for the appointment or the amendment of an appointment as an inspection body under paragraph 4(1)(b) of Schedule 2,

there shall be payable by the applicant in connection with the performance by or on behalf of the GB competent authority, the competent authority, the Secretary of State or the Executive as the case may be, in respect of its or his functions in relation to that application the relevant fee referred to in paragraph (2).

(2) The fees referred to in paragraph (1) are—

- (a) in respect of sub-paragraph (a) or (c), where the GB competent authority or the competent authority is the Executive, or sub-paragraph (e) or (f)—
  - (i) a fee of £305 for processing the application; and

- (ii) such fee as is reasonable in light of the actual work performed in respect of the determination of the suitability of the applicant for appointment or the amendment of an existing appointment; and
  - (b) in respect of sub-paragraphs (a) or (c), where the GB competent authority or the competent authority is the Secretary of State, in respect of sub-paragraph (b), where the GB competent authority is the Executive, or sub-paragraph (d) such fee as is reasonable in light of the actual work performed.
- (3) 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 competent authority or the GB competent authority in accordance with regulation 44(5).
- (4) Subject to paragraph (5), 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.
- (5) The fees referred to in paragraph (4) 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.
- (6) The power in paragraph (3) includes the power to require payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.
- (7) In this regulation, “competent authority” has the same meaning as in Part 4.

### **Transitional defence**

**57.** In any proceedings for an offence consisting of a contravention of regulation 18 in relation to the packing of goods in metal—

- (a) IBCs; or
- (b) drums,

exceeding 50 litres in capacity, it shall be a defence for the person charged to prove that the IBCs or drums in question were manufactured less than 15 years prior to the date of consignment and prior to 1st July 1995.

**Defence and enforcement**

**58.**—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations, it shall be a defence, subject to paragraphs (2) and (3), for the person charged to prove that—

- (a) the commission of the offence was due to the act or default of another person, not being one of his employees (“the other person”); and
- (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not be entitled, without leave of the court, to rely on the defence referred to in paragraph (1) unless, at least seven clear days before the—

- (a) hearing to determine the mode of trial, where the proceedings are in England or Wales;
- (b) intermediate diet, where the proceedings are summary proceedings in Scotland; or
- (c) first diet, where the proceedings are solemn proceedings in Scotland,

he has served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person, as was then in his possession.

(3) Where a contravention of any of the provisions of these Regulations by any person is due to the act or default of the other person, then that other person shall be guilty of the offence, which would, but for the defence in paragraph (1), be constituted by the act or default.

(4) Notwithstanding anything to the contrary in regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998<sup>(42)</sup> and subject to paragraph (5), the enforcing authority for these Regulations shall be the Executive.

**Amendments to the Health and Safety (Fees) Regulations 2004**

**59.** Schedule 10 shall have effect.

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

**60.** Schedule 11 shall have effect.

**Amendments to the Classification and Labelling of Explosives Regulations 1983**

**61.** Schedule 12 shall have effect.

**Consequential amendments**

**62.** The enactments referred to in Schedule 13 shall be amended as set out in that Schedule.

**Revocations and savings**

**63.**—(1) Schedule 14 shall have effect.

(2) In the Order of Secretary of State (No. 9), dated 23rd June 1919 relating to compressed acetylene contained in a porous substance<sup>(43)</sup>, for the purpose of deeming acetylene not to be an explosive, conditions (1) to (4) and (11) of the Order shall be deemed to have been satisfied in respect of any cylinder which complies with Part 4 of these Regulations.

<sup>(42)</sup> S.I. 1998/494, to which there are amendments not relevant to these Regulations.

<sup>(43)</sup> S.R.&O. 1919/809, amended by S.I. 1974/1885 and to which there are amendments not relevant to these Regulations.

(3) Order in Council No. 30(44) shall not apply to the importation or use at work of acetylene in transportable pressure equipment which complies with the provisions of Part 4 of these Regulations.

(4) For the purposes of the interpretation of the Approved Tank Requirements(45), expressions defined in the Carriage of Dangerous Goods by Road Regulations 1996(46) or the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(47) shall have the meaning defined in those Regulations as if those Regulations were still in force.

(5) Any appointment of a person as a notified or an approved body under regulation 10 of the Transportable Pressure Vessels Regulations 2001(48) (“TPVR Regulations”) in force immediately before the coming into force of these Regulations, shall be deemed to be an appointment as a notified or approved body under regulation 44 of these Regulations but shall remain subject to any terms specified in the appointment under the TPVR Regulations.

(6) Any approval of a person under paragraph 2(4)(a) of Schedule 8 to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 in force immediately before the coming into force of these Regulations shall be deemed to be an approval under paragraph 3(2)(a) of Schedule 2 to these Regulations but shall remain subject to the terms of the approval under the said 1996 Regulations.

(7) Any approval certificate issued by the Secretary of State for Defence or the Executive under sub-paragraph (e)(i) of Schedule 9 to the Carriage of Dangerous Goods by Rail Regulations 1996(49) or paragraph 6(f) of Schedule 4 to the Carriage of Explosives by Road Regulations 1996(50) in force immediately before the coming into force of these Regulations shall be deemed to be an approval certificate issued under regulation 36 of these Regulations.

(8) Any registration by the Secretary of State for Defence or the Executive of a packaging under regulation 11 of the Packaging of Explosives for Carriage Regulations 1991(51) in force immediately before the coming into force of these Regulations shall be deemed to comply with regulation 21 of these Regulations.

(9) Any cylinder, tube or cryogenic receptacle which complied with the provisions of regulations 4 to 6 of the TPVR Regulations immediately before the coming into force of these Regulations shall be deemed to comply with regulations 38 to 40 of these Regulations.

(10) Any periodic inspection of a cylinder, tube or cryogenic receptacle made in accordance with regulation 7 of the TPVR Regulations shall be taken to be a periodic inspection under regulation 41 of these Regulations and accordingly shall be taken into account in calculating the time for the next periodic inspection of such equipment pursuant to regulation 41.

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(44) S.R.&O. 1937/54, to which there are amendments not relevant to these Regulations.

(45) ISBN 0-7176-1226-0.

(46) S.I. 1996/2095, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(47) S.I. 1996/2092, amended by S.I. 2001/2046 and to which there are amendments not relevant to these Regulations.

(48) S.I. 2001/1426.

(49) S.I. 1996/2089, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(50) S.I. 1996/2093, amended by S.I. 1999/303 and to which there are amendments not relevant to these Regulations.

(51) S.I. 1991/2097, to which there are amendments not relevant to these Regulations.

Signed by authority of the Secretary of State

1st April 2004

*David Jamieson*  
Parliamentary Under Secretary of State  
Department for Transport



## SCHEDULE 1

Regulation 5(3)

### OLD TANKS

#### Interpretation

1.—(1) In this Schedule—

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or reissued from time to time<sup>(52)</sup>;

“an assembly of old pressure receptacles” means an assembly of old pressure receptacles—

- (a) held firmly together and interconnected by a manifold; and
- (b) where each receptacle has a volume not exceeding 150 litres;

“competent person” means—

- (a) a competent individual person, other than an employee; or
- (b) a competent body of persons corporate or unincorporate,

and accordingly any reference to a competent person performing a function includes a reference to his performing it through his employees;

“examination” means in respect of an old tank, a careful and critical scrutiny of that old tank in or out of service, as appropriate, and using suitable techniques, including testing where appropriate, to assess—

- (a) its actual condition; and
- (b) whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance is carried out;

“old tank-vehicle” means a tank-vehicle except that it shall include—

- (a) any demountable tank which is attached to it; and
- (b) an assembly of old pressure receptacles—
  - (i) mounted on a frame where the frame is permanently fixed to the vehicle; and
  - (ii) where the total volume of the assembly is at least 1,000 litres;

“old tank wagon” means a tank wagon except that it shall include—

- (c) any demountable tank which is attached to it; and
- (d) an assembly of old pressure receptacles—
  - (i) mounted on a frame where the frame is permanently fixed to the wagon; and
  - (ii) where the total volume of the assembly is at least 1000 litres;

“pressure vessel” means a tank-container or the fixed or demountable tank of an old tank-vehicle which is—

- (a) used or intended to be used for the carriage of dangerous goods—
  - (i) at a pressure of 500 millibar or more above or below atmospheric pressure; or
  - (ii) at a pressure of 500 millibar or less above atmospheric pressure—
    - (aa) if that pressure is maintained by artificial means; and
    - (bb) would rise above that pressure if such means were no longer employed; or

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(52) Current edition (2003): ISBN 92-1-139078-8. Existing corrigenda are corrigendum 1 (February 2003) and corrigendum 2 (June 2003).

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- (b) loaded or discharged at a pressure of 500 millibar or more above or below atmospheric pressure;

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

“trailer” has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986<sup>(53)</sup>;

“tube-container” means a group of old pressure receptacles connected together—

- (a) with a total capacity greater than 3 cubic metres;
- (b) fitted into a framework suitable for lifting on and off a vehicle, and intended to be used for the carriage of gases; and

“tube trailer” means a trailer which has—

- (a) more than one old pressure receptacle structurally attached to, or forming part of, the trailer; and
- (b) which is intended to be used for the carriage of gases.

(2) For the purpose of this Schedule the operator of—

- (a) a vehicle, in relation to carriage by road, shall be—
  - (i) the person who, having a place of business in Great Britain, has the management of the container or vehicle for the time being; or
  - (ii) if no person satisfies the requirements of paragraph (i), the driver of the vehicle;
- (b) an old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle) in relation to carriage by road or of a tank-container or old tank wagon in relation to carriage by rail shall be—
  - (i) the person who, having a place of business in Great Britain, owns the old tank, tank-container or old tank wagon concerned;
  - (ii) if no person falls within paragraph (i), the person who, having a place of business in Great Britain, acts as agent for the owner of the old tank, tank-container or old tank wagon concerned;
  - (iii) if no person falls within paragraphs (i) or (ii) in relation to carriage by rail, then the operator of the train on which the tank-container is carried or of which the old tank wagon forms part;
  - (iv) if no person falls within paragraphs (i) or (ii) in relation to carriage in an old tank by road, the person who, having a place of business in Great Britain, has the management of that old tank; or
  - (v) if no person falls within paragraphs (i), (ii) or (iv) in relation to carriage in an old tank by road, the driver of the vehicle on which the old tank is carried.

(3) Notwithstanding sub-paragraph (2)(a), a person shall not be regarded as the operator of a vehicle solely because—

- (a) he has the management of it during loading or unloading; or
- (b) the vehicle is on premises which are under his control.

(4) For the purposes of this Schedule a person to whom an old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle), tank-container or old tank wagon is leased or hired shall be deemed to own it unless—

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<sup>(53)</sup> S.I. 1986/1078, amended by S.I. 1987/676 and 1991/1526 and to which there are amendments not relevant to these Regulations.

- (a) the lessor or the hirer has made a written agreement with the person to whom he has leased or hired it; and
  - (b) that agreement is to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under this Schedule.
- (5) For the purposes of this Schedule a vehicle, or old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle) shall be deemed to be engaged in the carriage of dangerous goods throughout the period—
- (a) in the case of an old tank-vehicle—
    - (i) from the commencement of loading it with the dangerous goods concerned for the purpose of carrying those goods by road;
    - (ii) until the said vehicle and, where relevant, any compartment of it, has been unloaded and, where necessary, cleaned or purged so that any of the goods or their vapours which remain in it are not sufficient to create a significant risk to the health or safety of any person; or
  - (b) in the case of an old tank (other than the fixed old tank or demountable old tank of an old tank-vehicle)—
    - (i) where the old tank concerned has been loaded with the dangerous goods before being placed on the vehicle which is to be used to carry that old tank before the commencement of loading, from the commencement of loading the said old tank with the dangerous goods for the purpose of carrying those goods by road;
    - (ii) until either the old tank is removed from the relevant vehicle or the old tank and any compartment of it has been unloaded and, where necessary, cleaned or purged so that any of the dangerous goods or their vapours which remain in it are not sufficient to create a significant risk to the health or safety of any person,
- and in either case whether or not the old tank-vehicle or old tank concerned is on the road at the material time.

### **Construction of tanks of old tank-vehicles, tank-containers and old tank wagons for carriage by road or rail**

- 2.—(1) An operator of an old tank-vehicle, old tank wagon or tank-container shall ensure that it is not used for the carriage of dangerous goods by road or rail unless the fixed old tank or demountable old tank of the old tank-vehicle, old tank wagon or of the tank-container—
- (a) is properly designed, of adequate strength and well constructed from sound and suitable material;
  - (b) is suitable for the purpose for which it is being used having regard to—
    - (i) the nature and circumstances of the journey being undertaken; and
    - (ii) the properties and quantity of the dangerous goods and of any other goods being carried with the dangerous goods;
  - (c) is designed, constructed and maintained to prevent any of its contents escaping, except that this shall not prevent the fitting of a suitable safety device;
  - (d) is made of materials which are not liable—
    - (i) to be adversely affected by the dangerous goods; and
    - (ii) in conjunction with the dangerous goods, to significantly increase the risk to the health or safety of any person,
- where such materials are likely to come into contact with the dangerous goods.

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(2) An operator of an old tank-vehicle, old tank wagon or tank-container shall ensure that it is not used for the carriage of dangerous goods by road or rail unless, in the case of an old tank of an old tank-vehicle or tank-container used for the carriage of dangerous goods on or after 1st June 1992, he has such information in writing concerning—

- (a) the design, construction, examination, and maintenance of; and
- (b) repairs or modifications made to,

that old tank, as may reasonably foreseeably be needed to enable him to comply with this Schedule.

### **Testing, examination and maintenance for carriage by road or rail**

**3.—(1)** A train operator or the operator of an old tank-vehicle, tank-container or old tank wagon shall ensure that dangerous goods are not carried in it by road or by rail, unless—

- (a) for the purpose of ensuring that it is properly maintained, the operator has prepared and carried into effect a suitable written scheme for the initial and periodic examination and the initial and, where appropriate, periodic testing—

- (i) on or before 1st July 2006, by a competent person;
- (ii) by an inspection body approved under paragraph 8; or
- (iii) under the control of an inspection body,

of the old tank of a tank-container or the fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon;

- (b) prior to being used for the first time for the carriage of dangerous goods, the fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon or the old tank of the tank-container in question has been certified by a competent person or an inspection body approved under sub-paragraph (1)(a) as suitable for its intended purposes and those purposes are set out in the certificate; and

- (c) subject to sub-paragraph (8), the operator of an old tank-vehicle, tank-container or old tank wagon shall ensure that he has in his possession a current report signed by the competent person or the inspection body approved under paragraph (a) that carried out the most recent examination and test in accordance with the scheme referred to in sub-paragraph (1)(a), which states—

- (i) the date and the result of the said examination and test;
- (ii) the date prior to which any further examination and, where appropriate, test, must be carried out, the interval to which shall be—
  - (aa) as specified in the scheme referred to in sub-paragraph (1)(a); or
  - (bb) such other period as the competent person or the inspection body approved under sub-paragraph (1)(a) may specify;
- (iii) that the relevant old tank of the tank-container, fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon remains suitable for the purposes set out in—

- (aa) the certificate issued pursuant to sub-paragraph (1)(b); or
- (bb) a further certificate issued under paragraph 4(5),

or if it is no longer suitable for any of these purposes, then stating the purposes for which it is suitable; and

- (iv) in the case of a pressure vessel for carriage by road, the maximum working pressure to which the vessel may be subjected.

(2) Subject to sub-paragraph (8), the operator of an old tank-vehicle, tank-container or old tank wagon shall ensure that he has in his possession a current report signed by the competent person of the inspection body approved under sub-paragraph (1)(a) that carried out the most recent examination and test in accordance with the scheme referred to in sub-paragraph (1)(a), which states—

- (a) the date and the result of the said examination and test;
- (b) the date prior to which any further examination and, where appropriate, test, must be carried out, the interval to which shall be—
  - (i) as specified in the scheme referred to in sub-paragraph (1)(a); or
  - (ii) such other period as the competent person or the inspection body approved under sub-paragraph (1)(a) may specify;
- (c) that the relevant old tank of the tank-container, fixed old tank or demountable old tank of the old tank-vehicle or old tank wagon remains suitable for the purposes set out in—
  - (i) the certificate issued pursuant to sub-paragraph (1)(b); or
  - (ii) a further certificate issued under paragraph 4(5),or if it is no longer suitable for any of these purposes, then stating the purposes for which it is suitable; and
- (d) in the case of a pressure vessel for carriage by road, the maximum working pressure to which the vessel may be subjected.

(3) A train operator shall ensure that the operator of an old tank-vehicle, tank-container or old tank wagon has in his possession the report referred to in sub-paragraph (2).

(4) Subject to sub-paragraph (8) and paragraph 5(1), dangerous goods shall not be carried by road in the fixed old tank or demountable old tank of an old tank-vehicle or in the old tank of a tank-container or by rail in a fixed or demountable old tank of an old tank wagon or in the old tank of a tank-container if—

- (a) the fixed old tank, demountable old tank, or old tank or old tank wagon concerned have been damaged, modified or repaired in such a way as might affect their safety since—
  - (i) the report referred to in sub-paragraph (1)(c) was issued; or
  - (ii) where the old tank, fixed old tank or demountable old tank or old tank wagon is specified in sub-paragraph (7)(b), the old tank was last inspected and tested in accordance with—
    - (aa) ADR;
    - (bb) RID; or
    - (cc) the IMDG Code; or
- (b) in the case of a pressure vessel for carriage by road, the pressure in the vessel exceeds the maximum working pressure specified in the report referred to in sub-paragraph (1)(c).

(5) It shall be sufficient compliance with sub-paragraph (1)(c) if—

- (a) the competent person of the inspection body approved under sub-paragraph (1)(a) first enters his report in a computer under the operator's control and then authenticates it; or
- (b) the report is transferred to such a computer by, or on the instructions of, the competent person or the inspection body approved under sub-paragraph (1)(a) as soon as practicable after he first enters it in a computer and authenticates it.

(6) The procedure in sub-paragraph (5) may only be used if the report—

- (a) can be reproduced as a hard copy at the place where documents are required to be kept pursuant to paragraph 7;
- (b) is secure from unauthorised interference; and

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- (c) can be authenticated only by the competent person or the inspection body approved under sub-paragraph (1)(a).
- (7) Where the fixed old tank or demountable old tank of an old tank-vehicle, the old tank of a tank-container or old tank wagon has fallen into a state of disrepair, been damaged, modified or repaired in such a way as might affect their safety since—
- (a) the report referred to in sub-paragraph (1)(c) was issued; or
  - (b) in the case of a fixed old tank or demountable old tank of an old tank-vehicle, the old tank of a tank-container or old tank wagon specified in sub-paragraph (9), the old tank was last examined and tested in accordance with—
    - (i) ADR;
    - (ii) RID; or
    - (iii) the IMDG Code,
 then the provisions of sub-paragraph (1), or as the case may be, ADR, RID or the IMDG Code, shall apply in respect of any such old tank as if the old tank had not previously been used for the carriage of dangerous goods.
- (8) Notwithstanding sub-paragraphs (1)(c) and (4), the operator may transport uncleaned old tanks by rail or by road, in respect of which the relevant certificate has expired for the sole purpose of undergoing the inspection and tests with a view to renewing that certificate.
- (9) Sub-paragraph (1), paragraphs 4(2) and 4(5) shall not apply to—
- (a) the fixed old tank or demountable old tank of an old tank-vehicle;
  - (b) the old tank of a—
    - (i) tank-container; or
    - (ii) old tank wagon,
 used for the carriage of dangerous goods where such an old tank has been inspected, tested, certified and marked in accordance with the requirements of ADR, RID or the IMDG Code.

#### **Testing, examination and maintenance for carriage by road**

4.—(1) Where, before 1st June 1992, there was in existence in respect of the fixed old tank or demountable old tank of an old tank-vehicle or a tank-container a suitable written scheme drawn up in accordance with regulation 7(2)(a) of the Dangerous Substances (Conveyance by Road in Road Tankers and Tank-containers) Regulations 1981(54), that scheme shall be deemed to be a suitable written scheme in respect of that old tank or tank-container in accordance with paragraph 3(1)(a).

(2) Subject to sub-paragraphs (3) and (6), every fixed old tank or demountable old tank of an old tank-vehicle and every tank-container to be used for carriage by road, shall have securely fastened to it, or to any support which is welded to that fixed old tank, demountable old tank or tank-container, in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked—

- (a) the name or identifying mark of the manufacturer of the fixed old tank, demountable old tank or tank-container;
- (b) the serial number of the fixed old tank, demountable old tank or tank-container by which it can be identified;

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(54) S.I. 1981/1089 (revoked by the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank-containers) Regulations 1992 (S.I. 1992/743)).

- (c) the date of the most recent examination and test carried out in accordance with paragraph 3(1)(a); and
- (d) in the case of a pressure vessel, the maximum working pressure to which the vessel may be subjected.

(3) Where compliance with sub-paragraph (2)(c) is impossible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be—

- (a) securely fastened to the relevant fixed old tank, demountable old tank or tank-container, or to any support welded to it; and
- (b) in a readily accessible position;

and that additional plate shall also be marked in accordance with sub-paragraphs (2)(a) and (b) and, where appropriate, (2)(d).

(4) Where a corrosion-resistant plate referred to in sub-paragraph (2) or (3) is covered by an insulating layer and that layer surrounds the fixed old tank, demountable old tank or tank-container to which the plate is fastened—

- (a) a duplicate corrosion-resistant plate shall be securely fastened to the exterior of the insulating layer; and
- (b) that duplicate plate shall be indelibly marked with the same information as is marked on the covered plate.

(5) Where the competent person or an inspection body approved under paragraph 3(1)(a) is satisfied that the fixed tank or demountable tank of an old tank-vehicle or a tank-container is suitable for purposes other than those specified in the certificate referred to in paragraph 3(1)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

(6) Sub-paragraph (2) shall not apply to any tube trailer or tube-container where the information specified therein is indelibly marked on each old pressure receptacle.

### **Testing, examination and maintenance for carriage by rail**

5.—(1) A train operator may carry dangerous goods by rail in a tank-container or old tank wagon where the old tank of the tank-container or old tank wagon concerned is in a state of disrepair, for the sole purpose of transporting such an old tank to a place for repair, providing that it is safe to do so.

(2) An operator of a tank-container or old tank wagon shall not cause or permit dangerous goods to be carried in a tank-container or an old tank wagon by rail unless he certifies to the operator of the train—

- (a) on which the tank-container is to be carried; or
- (b) of which the old tank wagon is to form a part,

that he has complied with paragraph 3 in respect of the old tank of the tank-container or old tank wagon concerned.

### **Use of old tank-vehicles, old tank wagons or tank-containers for carriage by road or rail**

6.—(1) The operator of an old tank-vehicle, old tank wagon or tank-container engaged in the carriage of dangerous goods by road or by rail shall take such steps as it is reasonable for them to take to ensure that nothing in the manner in which the old tank of the tank-vehicle, old tank wagon or tank-container in question is used is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person.

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(2) Without prejudice to sub-paragraph (1), the operator of an old tank-vehicle, old tank wagon or tank-container engaged in the carriage of dangerous goods by road or by rail shall ensure that the old tank in question is not filled with dangerous goods beyond a safe level.

### **Keeping of documents**

7.—(1) The documents referred to in paragraphs 2 to 5 shall be capable of being reproduced as a hard copy by the operator of any—

- (a) tank-container or old tank wagon at the address within Great Britain from which the deployment of that tank-container or old tank wagon is controlled;
- (b) old tank-vehicle at the premises from which the old tank-vehicle operates or at the operator's principal place of business in Great Britain.

(2) Where the operator of a tank-container or old tank wagon does not own it, he shall comply with sub-paragraph (1)(a) if—

- (a) certified photocopies of the documents concerned are kept at the operator's place of business; or
- (b) the documents concerned are readily available from the owner of the tank-container or old tank wagon.

(3) Where the operator of an old tank-vehicle, tank-container or old tank wagon changes, the previous operator shall, insofar as he is required to keep any document at an address in Great Britain in accordance with sub-paragraph (1), give any such document to the new operator.

(4) Where either of the procedures referred to in paragraph 3(5) has been used, the operator shall comply with sub-paragraph (1) in respect of the report referred to in paragraph 3(1)(c) if—

- (a) the report is accessible from a computer kept by the operator at the place specified in sub-paragraph (1); and
- (b) notwithstanding sub-paragraph (3), if the operator has changed and the report is accessible from the previous operator's computer in accordance with paragraph (a), then the previous operator shall provide the new operator with the information contained in that report.

### **Appointment of inspection bodies by the competent authority**

8.—(1) The Secretary of State may appoint such persons as he thinks fit to be inspection bodies for the purpose of this Schedule.

(2) An application for—

- (a) appointment as an inspection body; or
- (b) for the amendment of an existing appointment,

shall be made to the Secretary of State.

(3) An appointment made under this regulation—

- (a) by the Secretary of State may relate to—
  - (i) all descriptions of old tank-vehicles, old tank wagons and old tank-containers for which he is the competent authority; or
  - (ii) such descriptions of such old tank-vehicles, old tank wagons and old tank-containers as he may determine;
- (b) may be made 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 appointment;



- (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 appointed;
  - (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 appointment are not being complied with.
- (4) Subject to sub-paragraph (3)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.
- (5) An inspection body appointed 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 appointment.
- (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 copies, 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;
  - (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(4); 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 appointment of an inspection body is terminated under this paragraph, the Secretary of State may—
- (a) give such directions—
    - (i) to the body whose appointment has been terminated; or
    - (ii) to another inspection body,for the purpose of making such arrangements for the determination of outstanding applications as he 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.

## **Exceptions**

9. Schedule 1 shall not apply to or in relation to—
- (a) the carriage of dangerous goods in a vehicle which is being used other than for or in connection with work; or
  - (b) old tanks used for the carriage of gas oil, diesel or heating oil with a flash point of more than 61°C and not more than 100°C (UN 1202) which remain safe and suitable for that purpose.

SCHEDULE 2

Regulation 5(5)

OLD PRESSURE RECEPTACLES

**Interpretation**

1.—(1) In this Schedule—

“approved” means approved in writing;

“competent person” means—

- (a) a competent individual, other than an employee; or
- (b) a competent body of persons corporate or unincorporate,

and accordingly any reference to a competent person performing any function includes a reference to his performing it through his employees;

“design standard” means a standard for the design of more than one type of old pressure receptacle;

“examination” means, in respect of an old pressure receptacle, a careful and critical scrutiny of that receptacle in or out of service, as appropriate, using suitable techniques, including testing where appropriate, to assess—

- (a) its actual condition; and
- (b) whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance work is carried out;

“filling ratio” means the ratio of the volume of the liquid gas in the old pressure receptacle to the total volume of the old pressure receptacle;

“major repair”—

- (a) means any repair involving hot work or welding on the body of an old pressure receptacle; and
- (b) except in relation to paragraph 7(3)(b), does not include any repair involving heat treatment applied for the purpose of restoring the metallurgical properties of the old pressure receptacle;

“normal maintenance” in paragraph (b) of the definition of “examination” means such maintenance as is reasonable to expect the owner of an old pressure receptacle to ensure is carried out independently of any advice from the approved inspection body or competent person making the examination;

“owner” means in relation to an old pressure receptacle—

- (a) the employer or self-employed person who owns it, other than a person who buys it solely to use the dangerous goods in it before selling it back to the supplier; or
- (b) where the old pressure receptacle is leased—
  - (i) the lessee; or
  - (ii) if the lessee does not have a place of business in Great Britain, his agent in Great Britain; or
  - (iii) where paragraph (ii) applies and there is no agent, the user; and

“re-rating” means reassessing the capability of an old pressure receptacle to contain compressed gas safely with a view to improving its capacity by means of an increase in—

- (c) the charging pressure; or
- (d) in the case of liquefied gas, the filling ratio,

from that originally assessed and marked on the old pressure receptacle at the time of manufacture and “re-rates” shall be construed accordingly.

(2) For the purposes of this Schedule—

(a) dangerous goods shall be deemed to be carried from the time when they are placed on a vehicle or on a wagon for the purpose of carrying them by road or by rail until either—

(i) they are removed from the vehicle or wagon; or

(ii) any old pressure receptacle containing the goods which is on the vehicle or wagon has been cleaned or purged so that any of the goods or their vapour which remain in the old pressure receptacle is not sufficient to create a significant risk to the health or safety of any person, and in either case whether or not the vehicle or wagon is on the road or railway at the material time; and

(b) the carriage of dangerous goods and the consignment of dangerous goods in old pressure receptacles shall be deemed to include the carriage or consignment of uncleaned, empty old pressure receptacles which have contained dangerous goods where those old pressure receptacles still contain sufficient of those dangerous goods, or vapours from them, to create a significant risk to the health and safety of any person.

(3) Any requirement or prohibition imposed in this Schedule on a person who designs an old pressure receptacle or any article which is intended to be a component part thereof, shall extend only to—

(a) such old pressure receptacle or article designed in the course of a trade, business or some other undertaking carried on by him (whether for profit or not); and

(b) matters within his control.

(4) This Schedule shall apply to a self-employed person as it applies to an employer and an employee as if that self-employed person were both an employer and an employee.

### **Duties on those designing, manufacturing, importing, supplying, modifying or repairing old pressure receptacles**

2.—(1) Any person who designs, manufactures, imports or supplies any old pressure receptacle or any component part of an old pressure receptacle shall ensure that he complies with subparagraph (2).

(2) The old pressure receptacle or component part shall be—

(a) properly designed and constructed from suitable material, so as to prevent danger;

(b) designed and constructed so that all necessary examinations for preventing danger can be carried out; and

(c) provided with such protective devices as may be necessary for preventing danger and any such device which is designed to release contents shall do so safely insofar as is practicable.

(3) The employer of a person who modifies or repairs an old pressure receptacle at work shall ensure that nothing about the way in which it is modified or repaired—

(a) gives rise to any danger; or

(b) otherwise impairs the operation of any protective device or inspection facility.

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

3.—(1) No person shall—

(a) supply or import; or

(b) insofar as is reasonably practicable, fill,

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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 Executive.

(2) An old pressure receptacle shall be verified—

- (a) by a person approved by the Executive under this sub-paragraph; or
- (b) in accordance with a quality assurance scheme approved by the Executive.

(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 Executive shall carry out, upon reasonable notice, a surveillance inspection of the person approved at such intervals as the Executive 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 Executive.

(5) No person approved by the Executive shall be charged by the Executive 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 Executive considers appropriate, for the purpose of verifying compliance by a person approved with any condition specified in the certificate of approval by the Executive.

#### **Examination of old pressure receptacles by competent or approved persons**

4.—(1) The owner of an old pressure receptacle shall ensure, for the purpose of determining whether it is safe, that the old pressure receptacle is either—

- (a) on or before 1st July 2006, examined by a competent person; or
- (b) examined by or under the control of an inspection body approved by the Executive in accordance with paragraph 9,

at the intervals specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in section 4.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

(2) Where a competent person or an inspection body approved under this paragraph undertakes a proper examination for the purposes of sub-paragraph (1) then that person or body shall, if satisfied that the old pressure receptacle is safe on completing that examination, ensure that marks are affixed to it showing the date of the examination and the identity of the person or body that carried out the examination.

(3) No person other than—

- (a) a competent person;
- (b) a person authorised by a competent person;
- (c) an inspection body approved under paragraph 9; or
- (d) a body under the control of an inspection body,

shall affix to an old pressure receptacle the mark referred to in sub-paragraph (2).

(4) The mark referred to in sub-paragraph (2) showing the date of the examination shall indicate the date by using two digits representing the year followed by two digits representing the month, separated by a forward slash (“/”).

### **Filling of old pressure receptacles**

5.—(1) The employer of a person who is to fill an old pressure receptacle at work, shall ensure that the old pressure receptacle is not filled unless the marks on the old pressure receptacle indicate that it—

- (a) has been examined in accordance with paragraph 4(1) by a competent person or by an inspection body approved under paragraph 4(1)(b); and
- (b) is suitable for containing the goods,

and all other appropriate safety checks have been made.

(2) The employer of a person who fills an old pressure receptacle at work shall ensure that—

- (a) that person checks that—
  - (i) after filling, it is within its safe operating limits; and
  - (ii) any valves do not leak;
- (b) in the event of overfilling, any excess dangerous goods are removed in a safe manner; and
- (c) any old pressure receptacle that leaks after filling is not offered for carriage.

(3) An employer shall ensure that no person employed by him refills at work a non-refillable old pressure receptacle with dangerous goods.

### **Approved design specification**

6.—(1) The manufacturer, or if he does not have a place of business in Great Britain, his agent in Great Britain, or if he has no agent, the importer of an old pressure receptacle which—

- (a) is made to an approved design specification, shall keep a copy of—
  - (i) the design specification to which the old pressure receptacle was manufactured; and
  - (ii) any certificate of conformity issued under paragraph 3(1);
- (b) is made to an approved design standard, shall keep a copy of any certificate of conformity issued under paragraph 3(1);
- (c) is—
  - (i) refillable;
  - (ii) used solely for containing liquefied petroleum gas; and
  - (iii) has a water capacity up to and including 6.5 litres,

shall keep a copy of the design specification to which the old pressure receptacle was manufactured.

(2) The owner of an old pressure receptacle used or intended to be used for acetylene shall keep records of the—

- (a) tare weight of the old pressure receptacle, including the porous substance and, where relevant, acetone or other solvent;
- (b) nature of the solvent; and
- (c) maximum pressure allowed in the old pressure receptacle.

### **Modification, repair and re-rating of old pressure receptacles**

7.—(1) Subject to sub-paragraph (2)—

- (a) every employer shall ensure that no person employed by him modifies at work the body of an old pressure receptacle, which is used or intended to be used for carriage by road or by rail, and which—

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- (i) is of seamless construction; or
  - (ii) has contained acetylene;
- (b) every employer shall ensure that no person employed by him modifies at work the body of any type of old pressure receptacle not referred to in paragraph (a), if that modification would put it outside the scope of the design standard or design specification to which it was originally constructed; and
- (c) no person shall supply any modified old pressure receptacle for use unless following such modification a person approved under paragraph 3(2)(a) has marked or certified it as being fit for use.
- (2) Sub-paragraph (1) shall not apply in relation to any modification constituting the remaking of a thread if such modification is carried out in accordance with a standard approved by the Executive.
- (3) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of an old pressure receptacle—
- (a) of seamless construction; or
  - (b) which has contained acetylene.
- (4) Every employer shall ensure that no person employed by him carries out at work any major repair on the body of any old pressure receptacle not referred to in sub-paragraph (3) unless he is competent to do so.
- (5) No person shall supply an old pressure receptacle which has undergone a major repair unless following such work a person approved under paragraph 3(2)(a) has marked or certified it as being fit for use.
- (6) Every employer shall ensure that no person employed by him re-rates an old pressure receptacle at work unless he is competent to do so and does so in accordance with suitable written procedures drawn up by the owner of the old pressure receptacle.
- (7) No person shall supply an old pressure receptacle which has been re-rated unless, following the re-rating, a person approved under paragraph 3(2)(a) has certified it as being safe for use.

**Additional requirements for old pressure receptacles containing certain dangerous goods not classified as class 2**

8.—(1) Subject to sub-paragraph (2), where an old pressure receptacle is used for the carriage of a substance listed in Table 3 of Packaging Instruction P200 in section 4.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail, the requirements of that Table shall apply in addition to the requirements of this Schedule.

(2) For the purposes of this paragraph, special packing provision 9(k) of Table 3 of Packaging Instruction P200 in section 4.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail shall not apply to the extent that it limits the capacity of cylinders to a capacity of not more than 85 litres.

**Approvals by the competent authority**

9.—(1) The Executive 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 Executive.

- (3) An approval made under this regulation—
- (a) by the Executive 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 made subject to such conditions as the Executive 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 Executive at the request of the inspection body; and
  - (e) may be terminated if it appears to the Executive 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 regulation may be for the time being or for such period as may be specified in the approval.

(5) An inspection body appointed by the Executive or a person approved by the Executive shall be subject to such inspection by or on behalf of the Executive 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;
- (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(4); 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 Executive 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.

**Exceptions**

- 10.—(1) This Schedule shall not apply to an old pressure receptacle which—
- (a) forms part of equipment of any—
    - (i) ship to which the Merchant Shipping Act 1995<sup>(55)</sup> applies or would apply if the ship were registered in Great Britain;
    - (ii) ship or other vessel in the service of the Crown; or
    - (iii) spacecraft, aircraft, hovercraft or hydrofoil;
  - (b) forms part of, or is intended to form part of, a weapons system;
  - (c) is the subject of a research experiment;
  - (d) comprises temporary apparatus being used in a research experiment, where it is not reasonably practicable to comply with paragraph 3;
  - (e) is refillable and has an internal volume of less than 0.5 litres or more than 5000 litres; or
  - (f) contains dangerous goods at a pressure of less than 0.5 bar above atmospheric pressure.
- (2) The requirements of this Schedule, other than paragraph 5(3), shall not apply to any non-refillable transportable pressure receptacle which has an internal volume of less than 1.4 litres or more than 5 litres.
- (3) Paragraphs 3, 4 and 5(1)(a) shall not apply to an old pressure receptacle which—
- (a) is refillable;
  - (b) is used solely for containing liquefied petroleum gas; and
  - (c) has a water capacity of up to 6.5 litres.

## SCHEDULE 3

Regulations 27-31

## COMPETENT AUTHORITY FUNCTIONS

## PART 1

## APPROVALS BY THE GB COMPETENT AUTHORITY

1. The references referred to in regulation 27(b) are—
- (a) sub-sections 2.2.7.7.2.2, 3.1.2.6(b), 4.1.1.15, 4.1.2.2(b), 4.1.3.8.1, 4.1.5.15, 4.1.5.18 and 4.1.7.2.2, packing instructions P099 and P101 of section 4.1.4, paragraphs (9)v(a) and (9)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, 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, 6.2.1.5.2, 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 6.2.5.6.2.1, 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, 6.5.4.2.2, 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, 6.7.2.2.14, 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), 6.8.2.1.19 and 6.8.2.1.20(a), note 9 to sub-section 6.8.2.4.1, sub-sections 6.8.2.4.2, 6.8.3.2.16, 6.8.3.2.24, special provision TE1 of

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(55) 1995 c. 21.



- section 6.8.4(b), special provision TT7 of section 6.8.4(d), sub-sections 6.9.2.5, 6.9.2.13 and 6.9.4.2.4, of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) sub-section 2.2.1.1.3 and special provisions 178, 239 and 266 of chapter 3.3, special provisions 237, 250, 271, 272, 278, 288, 309, sub-paragraph (a) of special provision 636 and special provision 645 of chapter 3.3, paragraph (9)t(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 5.2.2.1.9 and special provision 181 of chapter 3.3, 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 and 2.2.1.1.3 and special requirement 178, 239 and 266 of chapter 3.3, sub-section 5.2.2.19 and special requirement 181 of chapter 3.3, special requirements 237, 250, 271, 272, 278, 288, 309, 645 and sub-paragraph (a) of special requirement 636 of chapter 3.3 and sub-sections 6.4.6.4 and 6.4.9.1 of RID in relation to carriage by rail.
2. Any approval granted by the GB competent authority by reference to—
- (a) section 1.7.4 of RID shall comply with sub-sections 6.4.23.9, 6.4.23.10, 6.4.23.12 and 6.4.23.13 of RID;
  - (b) sub-section 8.2.2.6.5 of ADR shall comply with requirements in sub-sections 8.2.2.6.2 and 8.2.2.6.6 of ADR.

## PART 2

### MULTILATERAL AND UNILATERAL APPROVALS BY THE GB COMPETENT AUTHORITY

3. The references referred to in regulation 28(1) are for—
- (a) unilateral approvals, sub-sections 5.1.5.1.2(d), 6.4.22.1(b), 6.4.22.2 and 6.4.22.5; and
  - (b) validation of unilateral approvals, sub-section 6.4.22.6,
- of RID.
4. The references referred to in regulation 28(3) in relation to multilateral approvals are sub-sections 1.7.4.2, 5.1.5.2.2, 5.1.5.2.3, 6.4.21.5, 6.4.22.1(a), 6.4.22.2 and 6.4.22.3 to 6.4.22.5 of RID.
- 5.—(1) Where the GB competent authority grants approvals under regulation 28(1) and (3) the approval certificate issued shall comply with the requirements of sub-sections 5.1.5.3.1 and 6.4.23.9 to 6.4.23.14 of RID which are applicable to the design, goods or shipment in question.
- (2) Notwithstanding sub-paragraph (1), where the GB competent authority makes an approval as part of a multilateral approval the form of that approval may be as set out in sub-section 6.4.23.16 of RID.

## PART 3

### APPOINTMENT OF PERSONS BY THE GB COMPETENT AUTHORITY

6. The references referred to in regulation 29(1)(b) are—

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- (a) sub-sections 6.2.1.4.1 to 6.2.1.4.3, 6.2.1.6.1, 6.2.5.6.2.4, 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, 6.8.2.1.16, 6.8.2.2.2, 6.8.2.3.1, 6.8.2.4.5, 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;
- (b) note a to sub-section 7.5.2.2 of ADR in relation to carriage by road; and
- (c) note 1/ to sub-section 7.5.2.2 of RID in relation to carriage by rail.

## PART 4

### RECOGNITION OF APPROVALS, TESTS, METHODS, STANDARDS, PROCEDURES ETC. BY THE GB COMPETENT AUTHORITY

#### 7. The references referred to in regulation 30(1)(b) are—

- (a) section 1.7.3, sub-sections 2.2.2.1.5, 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 6.2.5.6.3.2, 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, 6.8.3.7 and special provision TA2 of sub-section (c) of section 6.8.4, sub-sections 6.9.1.1, 6.9.2.14.4 and 6.9.2.14.5 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) special provision 239, sub-paragraph (d) of special provision 283, sub-paragraph (a) of special provision 636 of chapter 3.3 and paragraph (9)t(b) and (9)v(b) of packing instruction P200 of section 4.1.4, special provision VV12 of section 7.3.3 and paragraph 8.1.4.4 of ADR in relation to carriage by road; and
- (c) special requirement 239, sub-paragraph (d) of special requirement 283 and sub-paragraph (a) of special requirement 636 of chapter 3.3, paragraph (9)v(b) of packing instruction P200 of section 4.1.4 and paragraph 6.4.7.6 and special provision VW13 of section 7.3.3 of RID in relation to carriage by rail.

#### 8.—(1) Where the GB competent authority recognises a quality assurance programme by reference to sub-section—

- (a) 6.1.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to plastics drums or jerricans where recycled plastics material is used, it shall only do so if that programme complies with the requirements for the quality assurance programme in question referred to in sub-section 6.1.4.8.8 of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) 6.1.1.4 of ADR in relation to carriage by road or of RID in relation to carriage by rail in relation to plastics boxes where recycled plastics material is used, it shall only do so if that programme complies with any relevant requirements for the quality assurance programme in question referred to in sub-section 6.1.4.13.7 of ADR in relation to carriage by road or of RID in relation to carriage by rail.

## PART 5

### IMPOSING OF REQUIREMENTS BY THE GB COMPETENT AUTHORITY

**9.** The references referred to in regulation 31(1)(b) are—

- (a) sub-sections 2.2.62.1.5, 2.2.62.1.7(b) and (c), 2.2.9.1.12, paragraph (2)(b) of packing instruction P405, paragraph (8) 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, 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, 6.1.3.1(g), 6.1.5.1.3, 6.1.5.1.1, 6.2.5.1.2, 6.3.1.1(f), 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, 6.7.5.4.1 and 6.7.5.4.3, special provision TA2 of paragraph (c) of section 6.8.4 and sub-section 6.8.5.2.2, of ADR in relation to carriage by road or of RID in relation to carriage by rail;
- (b) special provision 16 of chapter 3.3 and sub-section 2.2.1.1.3, special provisions 237, 239 and sub-paragraph (a) of special provision 636 of chapter 3.3 and sub-section 7.5.1.4 of ADR in relation to carriage by road; and
- (c) special requirement 16 of chapter 3.3 and sub-section 2.2.1.1.3, special requirements 237, 239 and sub-paragraph (a) of special requirement 636 of chapter 3.3, paragraphs (3)(3.2), (5)(5.1) and (6) of additional provision CW33 of section 7.5.11 and sub-section 6.4.11.6 of RID in relation to carriage by rail.

**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 road or of RID in relation to carriage by rail;
- (b) 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 road or of RID in relation to carriage by rail.

(2) Where the GB competent authority imposes requirements by reference to sub-sections 6.1.5.1.1, 6.5.4.1.1 or 6.6.5.1.1 of ADR in relation to carriage by road or of RID in relation to carriage by rail, it shall also approve the procedures required by it in accordance with the paragraph by reference to which the requirement is imposed.

## SCHEDULE 4

Regulation 37

### CONFORMITY ASSESSMENT PROCEDURES

*(This Schedule substantially reproduces the provisions of Part 1 of Annex IV of the Transportable Pressure Equipment Directive)*

#### **Module A—internal production control**

**1.** This module describes the procedure whereby the manufacturer, or his authorised representative established within the Community who carries out the obligations laid down in paragraph 2, ensures and declares that transportable pressure equipment satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to all transportable pressure equipment and draw up a written declaration of conformity.

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2. The manufacturer must draw up the technical documentation described in paragraph 3 and either the manufacturer or his authorised representative established within the Community must keep it at the disposal of the competent authority for inspection purposes for a period of 10 years after the last of the transportable pressure equipment has been manufactured. Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the transportable pressure equipment on the market.

3. The technical documentation must enable an assessment to be made of the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the transportable pressure equipment and contain—

- a general description of the transportable pressure equipment,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the transportable pressure equipment,
- a description of the solutions adopted to meet the requirements of Part 4 of these Regulations,
- results of the design calculations, examinations carried out, etc.,
- test reports.

4. The manufacturer, or his authorised representative established within the Community, must keep a copy of the declaration of conformity with the technical documentation.

5. The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured transportable pressure equipment to comply with the technical documentation referred to in paragraph 2 and with the relevant requirements of Part 4 of these Regulations.

#### **Module A1—internal manufacturing checks with monitoring of the final assessment**

In addition to the requirements of module A, the following applies.

Final assessment must be performed by the manufacturer and monitored by means of unexpected visits by a notified body chosen by the manufacturer.

During such visits, the notified body must:

- ensure that the manufacturer actually performs final assessment,
- take samples of transportable pressure equipment at the manufacturing or storage premises in order to conduct checks. The notified body assesses the number of items of equipment to sample and whether it is necessary to perform, or have performed, all or part of the final assessment of the equipment samples.

Should one or more of the items of transportable pressure equipment not conform, the notified body must take appropriate measures.

On the responsibility of the notified body, the manufacturer must affix that body's identification number to each item of transportable pressure equipment.

#### **Module B—EC type-examination**

1. This module describes the part of the procedure by which a notified body ascertains and attests that a representative example of the production envisaged meets the relevant requirements of Part 4 of these Regulations.

**2.** The application of EC type-examination must be lodged by the manufacturer or by his authorised representative established within the Community with a single notified body of his choice.

The application must include:

- the name and address of the manufacturer and, if the application is lodged by the authorised representative established within the Community, his name and address as well,
- a written declaration that the same application has not been lodged with any other notified body,
- the technical documentation described in paragraph 3.

The applicant must place at the disposal of the notified body a representative example of the production envisaged, hereinafter called “type”. The notified body may request further examples should the test programme so require.

A type may cover several versions of transportable pressure equipment provided that the differences between the versions do not affect the level of safety.

**3.** The technical documentation must enable an assessment to be made of the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the transportable pressure equipment and contain:

- a general description of the type,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the transportable pressure equipment,
- a description of the solutions adopted to meet the essential requirements of Part 4 of these Regulations,
- results of the design calculations made, examinations carried out, etc.,
- test reports,
- information concerning the tests provided for in manufacture,
- information concerning the qualifications or approvals.

**4.** The notified body must:

**4.1.** examine the technical documentation, verify that the type has been manufactured in conformity with it and identify the components designed in accordance with the relevant provisions of Part 4 of these Regulations and in particular:

- examine the technical documentation with respect to the design and the manufacturing procedures,
- assess the materials used where these are not in conformity with the relevant provisions of the Directive and check the certificate issued by the materials manufacturer,
- approve the procedures for the permanent joining of pressure equipment parts or check that they have been previously approved,
- verify that the staff undertaking the permanent joining of pressure equipment parts and the non-destructive tests are qualified or approved;

**4.2.** perform or have performed the appropriate examinations and necessary tests to establish whether the solutions adopted by the manufacturer meet the relevant requirements of Part 4 of these Regulations;

**4.3.** perform or have performed the appropriate examinations and necessary tests to establish whether the relevant provisions of Part 4 of these Regulations have been applied;

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**4.4.** agree with the applicant the location where the examinations and necessary tests are to be carried out.

**5.** Where the type satisfies the relevant provisions of Part 4 of these Regulations, the notified body must issue an EC type-examination certificate to the applicant. The certificate, which should be valid for 10 years and be renewable, must contain the name and address of the manufacturer, the conclusions of the examination and the necessary data for identification of the approved type.

A list of the relevant parts of the technical documentation must be annexed to the certificate and a copy kept by the notified body.

If the notified body refuses to issue an EC type-examination certificate to the manufacturer or to his authorised representative established within the Community, that body must provide detailed reasons for such refusal. Provision must be made for an appeals procedure.

**6.** The applicant must inform the notified body that holds the technical documentation concerning the EC type-examination certificate of all modifications to the approved transportable pressure equipment; these are subject to additional approval where they may affect conformity with the relevant requirements of Part 4 of these Regulations or the prescribed conditions for use of the equipment. This additional approval must be given in the form of an addition to the original EC type-examination certificate.

**7.** Each notified body must communicate to the member States, the relevant information concerning EC type-examination certificates which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn or refused.

**8.** The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The annexes to the certificates must be held at the disposal of the other notified bodies.

**9.** The manufacturer, or his authorised representative established within the Community, must keep with the technical documentation copies of the EC type-examination certificates and their additions for a period of 10 years after the last of the transportable pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the product on the market.

### **Module B1—EC design examination**

**1.** This module describes the part of the procedure whereby a notified body ascertains and attests that the design of an item of transportable pressure equipment meets the relevant provisions of Part 4 of these Regulations.

**2.** The manufacturer, or his authorised representative established within the Community, must lodge an application for EC design examination with a single notified body.

The application must include:

- the name and address of the manufacturer and, if the application is lodged by the authorised representative established within the Community, his name and address as well,
- a written declaration that the same application has not been lodged with any other notified body,
- the technical documentation described in paragraph 3.

The application may cover several versions of the transportable pressure equipment provided that the differences between the versions do not affect the level of safety.

**3.** The technical documentation must enable an assessment to be made of the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the transportable pressure equipment and contain:

- a general description of the equipment in question,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the equipment,
- a description of the solutions adopted to meet the relevant requirements of Part 4 of these Regulations,
- the necessary supporting evidence for the adequacy of the design solution; this supporting evidence must include the results of tests carried out by the appropriate laboratory of the manufacturer or on his behalf,
- results of the design calculations made, examinations carried out, etc.,
- information regarding qualifications or approvals.

**4.** The notified body must:

**4.1.** examine the technical documentation and identify components which have been designed in accordance with the relevant provisions of Part 4 of these Regulations and in particular must:

- assess the materials used where these are not in conformity with the relevant provisions of Part 4 of these Regulations,
- approve the procedures for the permanent joining of pressure equipment parts or check that they have been previously approved,
- verify that the staff undertaking the permanent joining of pressure equipment parts and the non-destructive tests are qualified or approved;

**4.2.** perform the necessary examinations to establish whether the solutions adopted by the manufacturer meet the relevant requirements of Part 4 of these Regulations;

**4.3.** perform the necessary examinations to establish whether the relevant provisions of these Regulations have actually been applied.

**5.** Where the design meets the relevant provisions of Part 4 of these Regulations, the notified body must issue an EC design-examination certificate to the applicant. The certificate must contain the name and address of the applicant, the conclusions of the examination, conditions for its validity and the necessary data for identification of the approved design.

A list of the relevant parts of the technical documentation must be annexed to the certificate and a copy kept by the notified body.

If the notified body refuses to issue an EC design-examination certificate to the manufacturer or to his authorised representative established within the Community, that body must provide detailed reasons for such refusal. Provision must be made for an appeals procedure.

**6.** The applicant must inform the notified body that holds the technical documentation concerning the EC design-examination certificate of all modifications to the approved design; these are subject to additional approval where they may affect conformity with the relevant requirements of Part 4 of these Regulations or the prescribed conditions for use of the equipment. This additional approval must be given in the form of an addition to the original EC design-examination certificate.

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7. Each notified body must communicate to the member States the relevant information concerning the EC design-examination certificates which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC design-examination certificates it has withdrawn or refused.

8. The other notified bodies may on request obtain the relevant information concerning:

- the EC design-examination certificates and additions granted,
- the EC design-examination certificates and additions withdrawn.

9. The manufacturer, or his authorised representative established within the Community, must keep with the technical documentation referred to in paragraph 3 copies of EC design-examination certificates and their additions for a period of 10 years after the last of the transportable pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the product on the market.

### **Module C1—conformity to type**

1. This module describes that part of the procedure whereby the manufacturer, or his authorised representative established within the Community, ensures and declares that transportable pressure equipment is in conformity with the type described in the EC type-examination certificate and satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to all transportable pressure equipment and draw up a written declaration of conformity.

2. The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured transportable pressure equipment to comply with the type as described in the EC type-examination certificate and with the relevant requirements of Part 4 of these Regulations.

3. The manufacturer, or his authorised representative established within the Community, must keep a copy of the declaration of conformity for a period of 10 years after the last of the transportable pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within the Community, the obligation to keep the technical documentation available is the responsibility of the person who places the transportable pressure equipment on the market.

4. Final assessment must be subject to monitoring in the form of unexpected visits by a notified body chosen by the manufacturer.

5. During such visits, the notified body must:

- ensure that the manufacturer actually performs final assessment,
- take samples of transportable pressure equipment at the manufacturing or storage premises in order to conduct checks. The notified body assesses the number of items of equipment to sample and whether it is necessary to perform, or have performed, all or part of the final assessment of the equipment samples.

Should one or more of the items of transportable pressure equipment not conform, the notified body must take appropriate measures.

On the responsibility of the notified body, the manufacturer must affix that body's identification number to each item of transportable pressure equipment.



## **Module D—production quality assurance**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the transportable pressure equipment concerned is in conformity with the type described in the EC type-examination certificate or EC design-examination certificate and satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to all transportable pressure equipment and draw up a written declaration of conformity. The conformity marking must be accompanied by the identification number of the notified body responsible for Community surveillance as specified in paragraph 4.

2. The manufacturer must operate an approved quality system for production, final inspection and testing as specified in paragraph 3 and be subject to surveillance as specified in paragraph 4.

### *3. Quality system*

3.1. The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice and the application must include:

- all relevant information on the transportable pressure equipment concerned,
- the documentation concerning the quality system,
- the technical documentation of the approved type and a copy of the EC type-examination certificate or EC design-examination certificate.

3.2 The quality system must ensure compliance of the transportable pressure equipment with the type described in the EC type-examination certificate or EC design-examination certificate and with the relevant requirements of Part 4 of these Regulations.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and organisational structure, responsibilities and powers of the management with regard to the quality of the transportable pressure equipment,
- the manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used, particularly the procedures used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned,
- the means of monitoring the achievement of the required quality and the effective operation of the quality system.

3.3. The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

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**3.4.** The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within the Community, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### **4. *Surveillance under the responsibility of the notified body***

**4.1.** The purpose of the surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

**4.2.** The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

**4.3.** The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provides the manufacturer with an audit report. The frequency of periodic audits must be such that full reassessment is carried out every three years.

**4.4.** In addition, the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

- the category of the equipment,
- the results of previous surveillance visits,
- the need to follow up corrective action,
- where applicable, special conditions linked to the approval of the system,
- significant changes in manufacturing organisations, policy or techniques.

During such visits the notified body may, if necessary, carry out tests, or have them carried out, to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

**5.** The manufacturer must, for a period of 10 years after the last of the transportable pressure equipment has been manufactured, hold at the disposal of the competent authority:

- the documentation referred to in the second indent of paragraph 3.1,
- the adjustments referred to in the second paragraph of 3.4,
- the decisions and reports from the notified body which are referred to in the last paragraph of 3.3, in the last paragraph of 3.4, and in paragraphs 4.3 and 4.4.

**6.** Each notified body must communicate to the member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

## **Module D1—production quality assurance**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 3 ensures and declares that the items of transportable pressure equipment concerned satisfy the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to all transportable pressure equipment and draw up a written declaration of conformity. The conformity marking must be accompanied by the identification number of the notified body responsible for Community surveillance as specified in paragraph 5.

2. The manufacturer must draw up the technical documentation described below. The technical documentation must enable an assessment to be made of the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the transportable pressure equipment and contain:

- a general description of the equipment in question,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the equipment,
- a description of the solutions adopted to meet the relevant requirements of Part 4 of these Regulations,
- results of the design calculations made, examinations carried out, etc.,
- test reports.

3. The manufacturer must operate an approved quality system for production, final inspection and testing as specified in paragraph 4 and be subject to surveillance as specified in paragraph 5.

### **4. Quality system**

4.1. The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

- all relevant information on the transportable pressure equipment concerned,
- the documentation concerning the quality system.

4.2. The quality system must ensure compliance of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the transportable pressure equipment,
- the manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used,
- the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

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- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned,
- the means of monitoring the achievement of the required quality and the effective operation of the quality system.

**4.3.** The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 4.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

**4.4.** The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within the Community, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 4.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### **5. *Surveillance under the responsibility of the notified body***

**5.1.** The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

**5.2.** The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

**5.3.** The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provides the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

**5.4.** In addition, the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

- the category of the equipment,
- the results of previous surveillance visits,
- the need to follow up corrective action,
- where applicable, special conditions linked to the approval of the system,
- significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out tests, or have them carried out, to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

6. The manufacturer must, for a period of 10 years after the last of the transportable pressure equipment has been manufactured, hold at the disposal of the competent authority:

- the documentation referred to in paragraph 2,
- the documentation referred to in the second indent of paragraph 4.1,
- the adjustments referred to in the second sub-paragraph of paragraph 4.4,
- the decisions and reports from the notified body which are referred to in the last sub-paragraph of paragraph 4.3, in the last sub-paragraph of paragraph 4.4 and in paragraphs 5.3 and 5.4.

7. Each notified body must communicate to the member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

## **Module E—product quality assurance**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the item of transportable pressure equipment is in conformity with the type as described in the EC type-examination certificate and satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to each product and draw up a written declaration of conformity. The conformity marking must be accompanied by the identification number of the notified body responsible for Community surveillance as specified in paragraph 4.

2. The manufacturer must operate an approved quality system for production, final inspection and testing as specified in paragraph 3 and be subject to surveillance as specified in paragraph 4.

### **3. *Quality system***

3.1. The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

- all relevant information on the transportable pressure equipment concerned,
- the documentation concerning the quality system,
- the technical documentation for the approved type and a copy of the EC type-examination certificate.

3.2. Under the quality system, each item of transportable pressure equipment must be examined and appropriate tests must be carried out in order to ensure its conformity with the relevant requirements of Part 4 of these Regulations. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the transportable pressure equipment,
- the examinations and tests to be carried out after manufacture,

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- the means of monitoring the effective operation of the quality system,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned.

**3.3.** The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

**3.4.** The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within the Community, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### *4. Surveillance under the responsibility of the notified body*

**4.1.** The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

**4.2.** The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the technical documentation,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

**4.3.** The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provides the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

**4.4.** In addition, the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

- the category of the equipment,
- the results of previous surveillance visits,
- the need to follow up corrective action,
- where applicable, special conditions linked to the approval of the system,
- significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out tests, or have them carried out, to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of 10 years after the last of the transportable pressure equipment has been manufactured, hold at the disposal of the competent authority:

- the documentation referred to in the second indent of the second sub-paragraph of paragraph 3.1,
- the adjustments referred to in the second sub-paragraph of paragraph 3.4,
- the decisions and reports from the notified body which are referred to in the last sub-paragraph of paragraph 3.3, in the last sub-paragraph of paragraph 3.4, and in paragraphs 4.3 and 4.4.

6. Each notified body must communicate to the member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

#### **Module E1—production quality assurance**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 3 ensures and declares that the transportable pressure equipment satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to each item of transportable pressure equipment and draw up a written declaration of conformity. The conformity marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in paragraph 5.

2. The manufacturer must draw up the technical documentation described below.

The technical documentation must enable an assessment to be made of the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the transportable pressure equipment and contain:

- a general description of the equipment in question,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,
- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the equipment,
- a description of the solutions adopted to meet the requirements of Part 4 of these Regulations,
- results of the design calculations made, examinations carried out, etc.,
- test reports.

3. The manufacturer must operate an approved quality system for the final transportable pressure equipment inspection and testing as specified in paragraph 4 and be subject to surveillance as specified in paragraph 5.

#### **4. *Quality system***

4.1. The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

- all relevant information on the transportable pressure equipment concerned,

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— the documentation concerning the quality system.

**4.2.** Under the quality system, each item of transportable pressure equipment must be examined and appropriate tests must be carried out in order to ensure its conformity with the relevant requirements of Part 4 of these Regulations. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the transportable pressure equipment,
- the procedures used for the joining of parts,
- the examinations and tests to be carried out after manufacture,
- the means of monitoring the effective operation of the quality system,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the staff concerned.

**4.3.** The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 4.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

**4.4.** The manufacturer must undertake to discharge the obligations arising from the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within the Community, must inform the notified body which has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in paragraph 4.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

## **5. Surveillance under the responsibility of the notified body**

**5.1.** The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

**5.2.** The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the technical documentation,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.



**5.3.** The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provides the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

**5.4.** In addition, the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

- the category of the equipment,
- the results of previous surveillance visits,
- the need to follow up corrective action,
- where applicable, special conditions linked to the approval of the system,
- significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out tests, or have them carried out, to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

**6.** The manufacturer must, for a period of 10 years after the last of the transportable pressure equipment has been manufactured, hold at the disposal of the competent authority:

- the documentation referred to in paragraph 2,
- the documentation referred to in the second indent of paragraph 4.1,
- the adjustments referred to in the second sub-paragraph of paragraph 4.4,
- the decisions and reports from the notified body which are referred to in the last sub-paragraph of paragraph 4.3, in the last sub-paragraph of paragraph 4.4, and in paragraphs 5.3 and 5.4.

**7.** Each notified body must communicate to the member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

## **Module F—product verification**

**1.** This module describes the procedure whereby a manufacturer, or his authorised representative established within the Community, ensures and declares that the transportable pressure equipment subject to the provisions of paragraph 3 is in conformity with the type described:

- in the EC type-examination certificate, or
- in the EC design-examination certificate,

and satisfies the relevant requirements of Part 4 of these Regulations.

**2.** The manufacturer must take all measures necessary to ensure that the manufacturing process requires the transportable pressure equipment to comply with the type described:

- in the EC type-examination certificate, or
- in the EC design-examination certificate,

and with the relevant requirements of Part 4 of these Regulations.

The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to all transportable pressure equipment and draw up a declaration of conformity.

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3. The notified body must perform the appropriate examinations and tests in order to check the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations by examining and testing every product in accordance with paragraph 4.

The manufacturer, or his authorised representative established within the Community, must keep a copy of the declaration of conformity for a period of 10 years after the last of the transportable pressure equipment has been manufactured.

**4. Verification by examination and testing of each item of transportable pressure equipment**

4.1. Each item of transportable pressure equipment must be individually examined and must undergo appropriate examinations and tests in order to verify that it conforms to the type and the relevant requirements of Part 4 of these Regulations.

In particular, the notified body must:

- verify that the personnel undertaking the permanent joining of parts and the non-destructive tests are qualified or approved,
- check the certificate issued by the materials manufacturer,
- carry out the final inspection and proof test or have them carried out and, where appropriate, examine the safety devices.

4.2. The notified body must affix its identification number or have it affixed to each item of transportable pressure equipment and draw up a written certificate of conformity relating to the tests carried out.

4.3. The manufacturer, or his authorised representative established within the Community, must ensure that the certificates of conformity issued by the notified body can be made available on request.

**Module G—EC unit verification**

1. This module describes the procedure whereby the manufacturer ensures and declares that transportable pressure equipment which has been issued with the certificate referred to in paragraph 4.1 satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to the equipment and draw up a declaration of conformity.

2. The manufacturer must apply to a notified body of his choice for unit verification. The application must contain:

- the name and address of the manufacturer and the location of the transportable pressure equipment,
- a written declaration to the effect that a similar application has not been lodged with another notified body,
- technical documentation.

3. The technical documentation must enable the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations to be assessed and the design, manufacture and operation of the transportable pressure equipment to be understood.

The technical documentation must contain:

- a general description of the equipment in question,
- conceptual design and manufacturing drawings and diagrams of components, sub-assemblies, circuits etc.,

- descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the equipment,
- results of design calculations made, examinations carried out, etc.,
- test reports,
- appropriate details relating to the approval of the manufacturing and test procedures and of the qualifications or approvals of the staff concerned.

4. The notified body must examine the design and construction of each item of transportable pressure equipment and during manufacture perform appropriate tests to ensure its conformity with the relevant requirements of Part 4 of these Regulations.

4.1. The notified body must affix its identification number or have it affixed to the transportable pressure equipment and draw up a certificate of conformity for the tests carried out. This certificate must be kept for a period of 10 years.

4.2. The manufacturer, or his authorised representative established within the Community, must ensure that the declaration of conformity and certificate of conformity issued by the notified body can be made available on request.

In particular, the notified body must:

- examine the technical documentation with respect to the design and the manufacturing procedures,
- assess the materials used where these are not in conformity with the relevant provisions of Part 4 of these Regulations and check the certificate issued by the materials manufacturer,
- approve the procedures for the permanent joining of pressure equipment parts,
- verify the qualifications or approvals required,
- perform the final inspection, perform the proof test or have it performed and examine the safety devices if applicable.

### **Module H—full quality assurance**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 ensures and declares that the transportable pressure equipment in question satisfies the relevant requirements of Part 4 of these Regulations. The manufacturer, or his authorised representative established within the Community, must affix the conformity marking to each item of transportable pressure equipment and draw up a written declaration of conformity. The conformity marking must be accompanied by the identification number of the notified body responsible for the surveillance referred to in paragraph 4.

2. The manufacturer must implement an approved quality system for design, manufacture, final inspection and testing as specified in paragraph 3 and be subject to surveillance as specified in paragraph 4.

#### **3. *Quality system***

3.1. The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

- all relevant information concerning the transportable pressure equipment in question,
- the documentation concerning the quality system.

3.2. The quality system must ensure compliance of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations.

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All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation must permit a consistent interpretation of the procedural and quality measures such as programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the design and to product quality,
- the technical design specifications, including standards, that will be applied,
- the design control and design verification techniques, processes and systematic measures that will be used when designing the transportable pressure equipment,
- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used,
- the examinations and tests to be carried out before, during and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned,
- the means of monitoring the achievement of the required transportable pressure equipment design and quality and the effective operation of the quality system.

**3.3.** The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

**3.4.** The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within the Community, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### **4. Surveillance under the responsibility of the notified body**

**4.1.** The purpose of this surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

**4.2.** The manufacturer must allow the notified body access for inspection purposes to the locations of design, manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests, etc.,

- the quality records provided for in the manufacturing part of the quality system, such as inspection reports and test data, calibration data, reports concerning the qualifications of the staff concerned, etc.

4.3. The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provides the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

4.4. In addition, the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

- the category of the equipment,
- the results of previous surveillance visits,
- the need to follow up corrective action,
- where applicable, special conditions linked to the approval of the system,
- significant changes in manufacturing organisation, policy or techniques.

During such visits, the notified body may, if necessary, carry out tests, or have them carried out, to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of 10 years after the last of the transportable pressure equipment has been manufactured, keep at the disposal of the competent authority:

- the documentation referred to in the second sub-paragraph of paragraph 3.1,
- the adjustments referred to in the second sub-paragraph of paragraph 3.4,
- the decisions and reports from the notified body which are referred to in the last sub-paragraph of paragraph 3.3, in the last sub-paragraph of paragraph 3.4, and in paragraphs 4.3 and 4.4.

6. Each notified body must communicate to the other member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

### **Module H1—full quality assurance with design examination and special surveillance of the final test**

1. In addition to the requirements of module H, the following apply:

- (a) the manufacturer must lodge an application for examination of the design with the notified body;
- (b) the application must enable the design, manufacture and operation of the transportable pressure equipment to be understood, and enable conformity with the relevant requirements of Part 4 of these Regulations to be assessed.

It must include:

- the technical design specifications, including standards, which have been applied,
  - the necessary supporting evidence for their adequacy. This supporting evidence must include the results of tests carried out by the appropriate laboratory of the manufacturer or on his behalf;
- (c) the notified body must examine the application and where the design meets the relevant requirements of Part 4 of these Regulations issue an EC design-examination certificate

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to the applicant. The certificate must contain the conclusions of the examination, the conditions for its validity, the necessary data for identification of the approved design and, if relevant, a description of the functioning of the transportable pressure equipment;

- (d) the applicant must inform the notified body that has issued the EC design-examination certificate of all modifications to the approved design. Modifications to the approved design must receive additional approval from the notified body that issued the EC design-examination certificate where they may affect conformity with the relevant requirements of Part 4 of these Regulations or the prescribed conditions for use of the transportable pressure equipment. This additional approval must be given in the form of an addition to the original EC design-examination certificate;
- (e) each notified body must also communicate to the other notified bodies the relevant information concerning the EC design-examination certificates it has withdrawn or refused.

2. Final assessment is subject to increased surveillance in the form of unexpected visits by the notified body. In the course of such visits, the notified body must conduct examinations on the transportable pressure equipment.

## SCHEDULE 5

Regulation 38

### MODULES TO BE FOLLOWED FOR CONFORMITY ASSESSMENT

*(This Schedule substantially reproduces the provisions of Annex V to the Transportable Pressure Equipment Directive)*

The following table indicates which modules are to be followed when undertaking conformity assessment procedures.

<i>Category of transportable pressure equipment</i>	<i>Modules</i>
Pressure receptacles for which the product of the test pressure and the capacity is no more than 30 MPa x litre (300 bar x litre)	A1, D1 or E1
Pressure receptacles for which the product of the test pressure and the capacity is more than 30 and no more than 150 MPa x litre (300 and 1,500 bar x litre respectively)	H, B in combination with E, B in combination with C1, B1 in combination with F, or B1 in combination with D
Pressure receptacles and tanks for which the product of the test pressure and the capacity exceeds 150 MPa x litre (1,500 bar x litre)	G, H1, B in combination with D, or B in combination with F

1. Transportable pressure equipment must be subject, at the choice of the manufacturer, to one of the conformity assessment procedures laid down for the category in which it is classified. In the case of pressure receptacles or their valves or other accessories used for transport by road or by rail, the manufacturer may also choose to apply one of the set procedures for the higher categories.

2. As part of the quality assurance procedures, the notified body must, when making unannounced visits, take a sample of the equipment at the manufacturing or storage premises for the purpose of carrying out a check, or having a check carried out, to verify compliance with the requirements of Part 4 of these Regulations. For this purpose the manufacturer must inform the notified body of the production programme planned. The notified body must make at least two

visits during the first year of manufacture. The frequency of subsequent visits will be determined by the notified body on the basis of the criteria set out in paragraph 4.4 of the relevant modules in Schedule 4.

## SCHEDULE 6

Regulations 38 and 40

### CONFORMITY REASSESSMENT PROCEDURE

*(This Schedule substantially reproduces the provisions of Part II of Annex IV to the Transportable Pressure Equipment Directive)*

1. This procedure describes the method for ensuring that transportable pressure equipment placed on the market for reassessment of conformity complies with the relevant requirements of Part 4 of these Regulations.

2. The owner must make available to a notified body information regarding transportable pressure equipment placed on the market which enables that body to identify the equipment's precise origin, design rules and, for acetylene cylinders, also details of the porous mass. The owner must, where appropriate, notify any prescribed restrictions of use, and forward any notes on possible damage or repairs which have been carried out.

The notified body must also check that valves and other accessories having a direct safety function ensure a level of safety in accordance with the requirements of regulation 40(3) and (4).

3. The notified body must check whether transportable pressure equipment which has been placed on the market conforms to the requirements referred to in regulation 40. The check must be carried out on the basis of documents produced in accordance with paragraph 2 and, where appropriate, of further inspections.

4. If the results of the above checks are satisfactory, the transportable pressure equipment must be subject to the periodic inspection provided for in Schedule 7.

5. For equipment manufactured in series, including their valves and other accessories used for transport by road or by rail, the relevant conformity reassessment operations relating to individual inspections of equipment, as indicated in paragraphs 3 and 4, may be carried out by an approved body provided that a notified body has previously carried out the relevant conformity reassessment operations indicated in paragraph 3.

## SCHEDULE 7

Regulations 38 and 41

### PERIODIC INSPECTION PROCEDURES

*(This Schedule substantially reproduces the provisions of Part III of Annex IV to the Transportable Pressure Equipment Directive)*

#### **Module 1—periodic inspection of products**

1. This module describes the procedure whereby the owner, or his authorised representative established within the Community, ensures that the transportable pressure equipment subject to paragraph 3 continues to meet the relevant requirements of Part 4 of these Regulations.

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2. To meet the requirements referred to in paragraph 1 the owner, or his authorised representative established in the Community, must take all measures necessary to ensure that the conditions of use and of maintenance ensure the continued conformity of the transportable pressure equipment to the relevant requirements of Part 4 of these Regulations, in particular so that:

- the transportable pressure equipment is used as intended,
- it is filled in appropriate filling centres,
- any maintenance work or repairs are carried out,
- the periodic inspections necessary are carried out.

The measures carried out must be recorded in documents and held at the disposal of the competent authority by the owner or his authorised representative established in the Community.

3. The notified body or approved body must perform the appropriate examinations and tests in order to check the conformity of the transportable pressure equipment with the relevant requirements of Part 4 of these Regulations by examining and testing every product.

3.1. All transportable pressure equipment must be examined individually and appropriate tests as required pursuant to Part 4 of these Regulations, must be carried out in order to check that it meets the relevant requirements of that Part of these Regulations.

3.2. The notified body or approved body must affix, or have affixed, its identification number to each product being periodically inspected immediately after the date of the periodic inspection and draw up a written periodic inspection certificate. That certificate may cover a number of items of equipment.

3.3. The owner or his authorised representative established in the Community must keep the periodic inspection certificate required under paragraph 3.2, and the documents required under paragraph 2 at least until the next periodic inspection.

## **Module 2—periodic inspection through quality assurance**

1. This module describes the following procedures:

- the procedure whereby the owner or his authorised representative established in the Community, who satisfies the obligations of paragraph 2, ensures and declares that the transportable pressure equipment continues to meet the relevant requirements of Part 4 of these Regulations. The owner or his authorised representative established in the Community must affix the date of the periodic inspection to all transportable pressure equipment and draw up a written declaration of conformity. The date of the periodic inspection must be accompanied by the identification number of the notified body responsible for surveillance as specified in paragraph 4.
- the procedure whereby, in the case of the periodic inspection of tanks performed by the approved body in accordance with regulation 43(1)(iii), the approved body which satisfies the obligations of the last sub-paragraph of paragraph 2, certifies that the transportable pressure equipment continues to meet the relevant requirements of Part 4 of these Regulations. The approved body must affix the date of the periodic inspection to all transportable pressure equipment and draw up a periodic inspection certificate.

The date of periodic inspection must be accompanied by the identification number of the approved body.

2. The owner or his authorised representative established within the Community must take all steps necessary to ensure that the conditions of use and of maintenance are such as to enable the transportable pressure equipment to comply permanently with the relevant requirements of Part 4 of these Regulations and in particular that:



- the transportable pressure equipment is used as intended,
- it is filled in appropriate filling centres,
- any maintenance work or repairs are carried out,
- the periodic inspections necessary are carried out.

The measures carried out must be recorded in documents and held by the owner or his authorised representative established in the Community at the disposal of the competent authority.

The owner or his authorised representative established within the Community must ensure that the qualified staff and necessary facilities are available for the purpose of the periodic inspections.

The owner or his authorised representative established in the Community must operate an approved quality system for the periodic inspection and tests of the equipment as specified in paragraph 3, and be subject to surveillance as specified in paragraph 4.

### **3. Quality system**

**3.1.** The owner or his authorised representative established in the Community or the approved body must lodge an application for assessment of his quality system for the transportable pressure equipment with a notified body of his choice.

The application must include:

- all relevant information on the transportable pressure equipment being submitted for periodic inspection,
- the documentation regarding the quality system.

**3.2.** Under the quality system, each item of transportable pressure equipment must be examined and appropriate tests must be carried out in order to ensure its conformity with the relevant requirements referred to in Part 4 of these Regulations. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the transportable pressure equipment,
- the examinations and tests to be carried out for the periodic inspection,
- the means of monitoring the effective operation of the quality system,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the staff concerned.

**3.3.** The notified body must assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

The auditing team must have at least one member with experience of assessing the transportable pressure equipment concerned. The assessment procedure must include an inspection visit to the premises of the owner or of his authorised representative established in the Community or the approved body.

The decision must be notified to the owner or his authorised representative established in the Community or the approved body. The notification must contain the conclusions of the examination and the reasoned assessment decision.

**3.4.** The owner or his authorised representative established in the Community or the approved body must undertake to discharge the obligations arising from the quality system as approved and to ensure that it remains satisfactory and efficient.

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The owner or his authorised representative established in the Community or the approved body must inform the notified body which has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in paragraph 3.2 or whether a reassessment is required.

It must notify its decision to the owner or his authorised representative established in the Community or the approved body. The notification must contain the conclusions of the examination and the reasoned assessment decision.

#### *4. Surveillance under the responsibility of the notified body*

**4.1.** The purpose of surveillance is to make sure that the owner or his authorised representative established in the Community or the approved body duly fulfils the obligations arising out of the approved quality system.

**4.2.** The owner or his authorised representative established in the Community or the approved body must allow the notified body access for inspection purposes to the locations of inspection, testing and storage and provide it with all necessary information, in particular:

- the quality system documentation,
- the technical documentation,
- the quality records, such as inspection reports and test data, reports concerning the qualifications of the personnel concerned etc.

**4.3.** The notified body must carry out periodic audits to make sure that the owner or his authorised representative established in the Community or the approved body maintains and applies the quality system and provides the owner or his authorised representative established in the Community or the approved body with an audit report.

**4.4.** In addition, the notified body may pay unannounced visits to the owner or his authorised representative established in the Community or the approved body. During such visits, the notified body may if necessary perform tests or have tests performed to verify if necessary that the quality system is functioning correctly. The notified body must provide the owner or his authorised representative established in the Community or the approved body with a visit report and, if a test has taken place, with a test report.

**5.** The owner or his authorised representative established in the Community or the approved body must, for a period of 10 years from the date of the last periodic inspection of the transportable pressure equipment, hold at the disposal of the competent authority:

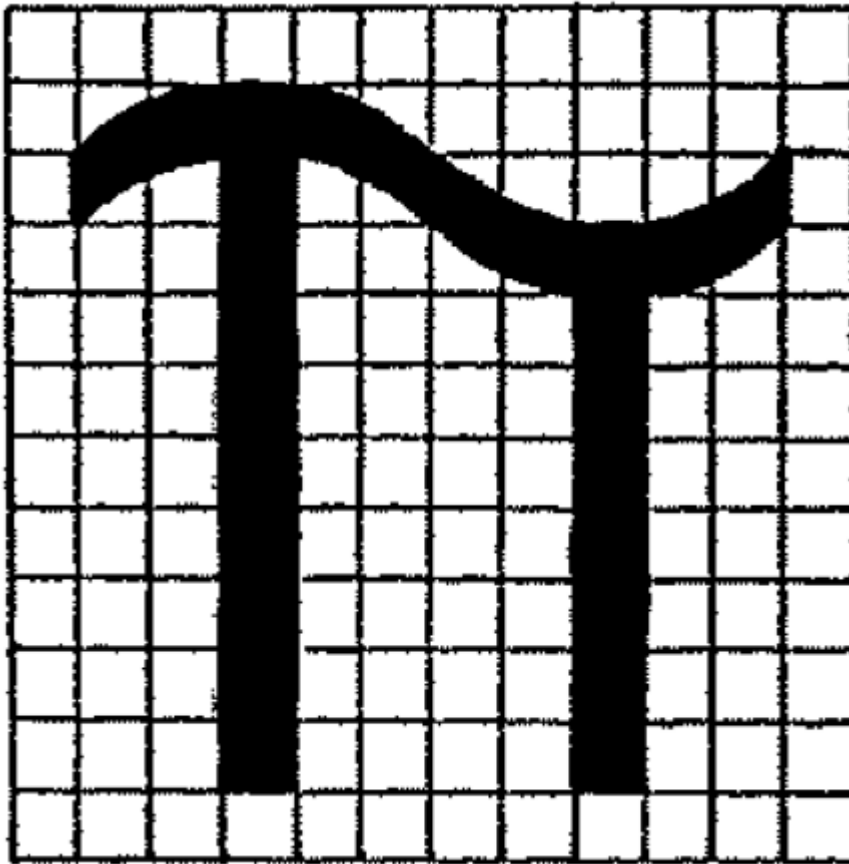
- the documentation referred to in the second indent of the second sub-paragraph of paragraph 3.1,
- the adjustments referred to in the second sub-paragraph of paragraph 3.4,
- the decisions and reports from the notified body which are referred to in the last paragraph of 3.3, in the last paragraph of 3.4 and in paragraphs 4.3 and 4.4.

## SCHEDULE 8

Regulation 37

### CONFORMITY MARKING

The conformity mark shall take the following form—



If the mark is reduced or enlarged, the proportions of the above drawing must be respected.  
The various components of the mark must have substantially the same vertical dimensions, which may not be less than 5mm.  
This minimum dimension may be waived for small devices.

## SCHEDULE 9

Regulation 55

### PLACARDS, MARKS AND PLATE MARKINGS FOR CARRIAGE WITHIN GREAT BRITAIN

#### PART 1

#### CARRIAGE OF GOODS BY ROAD

1. Where orange-coloured plates bearing a HIN are required to be displayed in accordance with regulation 20(3) and sub-sections 5.3.2.1.2 and 5.3.2.1.4 of ADR, then the HIN shall be replaced by the appropriate emergency action code (“EAC”) for the substance in question.
2. Subject to paragraphs 3 and 6, where a transport unit or tank-vehicle is carrying one dangerous good in a tank or a transport unit or in a container in bulk—

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- (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, tank-vehicle 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 tank-vehicle with more than one tank 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, tank-vehicle or container in question except that—
    - (i) only one on each side of the transport unit, tank, tank compartment 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 transport unit or tank-vehicle in question which shall be identical to the plates referred to in paragraph (a), except that it shall display the EAC only in the top half of the plate.
- 4.** Subject to paragraph 6, where more than one dangerous good is being carried in a transport unit or a tank-vehicle with more than one tank and those goods are—
- (a) UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT;
  - (b) UN 1203 PETROL or MOTOR SPIRIT or GASOLINE; or
  - (c) UN 1223 KEROSENE,

then the requirements of paragraph 2 must be met except that the orange-coloured plates only have to bear the EAC and UN number for the most hazardous of the dangerous goods being carried.

**5.—(1)** Subject to sub-paragraph (2), where dangerous goods are being carried in tanks a telephone number where specialist advice concerning the dangerous goods in question can be obtained in English at any time during carriage shall be displayed—

- (a) at the rear of the transport unit; and
  - (b) on both sides of—
    - (i) any tank;
    - (ii) the frame of any tank; or
    - (iii) the transport unit; and
  - (c) in the immediate vicinity of the orange-coloured plate displaying the EACs,
- and shall be in black digits of not less than 30mm in height against an orange-coloured background.

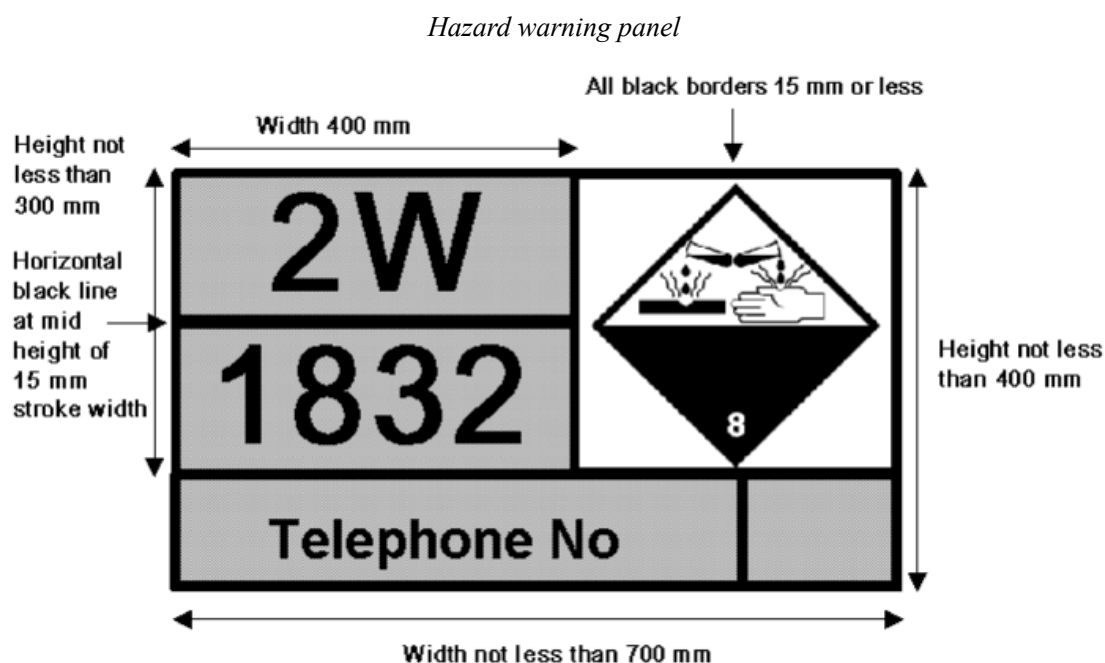
(2) The telephone number may be substituted by the phrase “consult local depot” or “contact local depot” provided that—

- (a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;
- (b) the chief fire officer (as regards England and Wales) or the firemaster (as regards Scotland) of each area through which the transport unit will carry the dangerous goods has been notified in writing of the address and telephone number of the relevant local depot; and
- (c) each fire officer or firemaster, as referred to in paragraph (b), has indicated in writing that he is satisfied with the arrangements.

6.—(1) The information required to be displayed on placards and orange-coloured plates pursuant to section 5.3.1 of ADR and paragraphs 1 to 4 and the information required to be displayed pursuant to paragraph 5 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—

- (a) it shall be displayed in accordance with paragraphs 1 to 4 as if they were orange-coloured plates;
- (b) it shall be orange-coloured except the part incorporating the placard which shall be white;
- (c) the part incorporating the placard shall be not less than 200mm by 200mm, with a line of the same colour as the relevant symbol not more than 12.5mm inside the edge and running parallel to it;
- (d) if more than one placard is to be incorporated in the panel then those placards shall be adjacent in the same horizontal plane;
- (e) it shall conform to the figure below; and
- (f) it shall be clearly visible.



## PART 2

### CARRIAGE OF GOODS BY RAIL

7. Where orange-coloured plates bearing a HIN are required to be displayed in accordance with regulation 20(3) and section 5.3.2 of RID, then the HIN shall be replaced by the appropriate EAC for the substance in question.

8. Where dangerous goods are being carried in tanks, a telephone number where specialist advice concerning the dangerous goods in question may be obtained in English at any time during carriage shall be displayed—

- (a) in the immediate vicinity of each orange-coloured plate; and

(b) against an orange-coloured background in black digits of not less than 30mm in height.

9.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with section 5.3.1 of RID and paragraph 7 and the telephone number required to be displayed pursuant to paragraph 8 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2).

(2) The conditions referred to in sub-paragraph (1) for a hazard warning panel are that it shall—

- (a) be displayed in accordance with paragraph 8 as if it were an orange-coloured plate; and
- (b) comply with the requirements of paragraphs 6(2)(c) to (f).

## SCHEDULE 10

Regulation 59

### AMENDMENTS TO THE HEALTH AND SAFETY (FEES) REGULATIONS 2004

1. The Health and Safety (Fees) Regulations 2004(56) shall be amended as follows.
2. For regulations 12 to 14 substitute—

**“Fees for certificates and applications for approvals under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004**

12.—(1) A driver may only be issued with a driver training certificate in accordance with regulation 32 of the Carriage Regulations where a fee of the sum specified in Schedule 10 has been paid to the GB competent authority.

(2) The validity of a driver training certificate may only be extended in accordance with regulation 33(6)(c) of the Carriage Regulations 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, a fee of the sum specified in Schedule 10 has been paid to the GB competent authority.

(3) A fee shall be payable by the applicant to the GB competent authority 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) of the Carriage Regulations.

(4) The fee payable under paragraph (3) on application for such approval as is mentioned in column 1 of Schedule 11 shall be respectively that specified in the corresponding entry in column 2 or 3 of that Schedule.

(5) An individual may only be issued with a safety adviser vocational training certificate in accordance with regulation 32 of the Carriage Regulations where a fee as specified in Schedule 12 has been paid to the GB competent authority or the person designated by it for the purpose of issuing safety adviser vocational training certificates.

(6) The validity of a safety adviser vocational training certificate may only be extended in accordance with regulation 32(5)(c) of the Carriage Regulations 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, a fee of the sum specified in Schedule 12 has been paid to the GB competent authority or the person designated by it for the purpose of issuing safety adviser vocational training certificates.

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(56) [S.I. 2004/456](#).

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

(8) In this regulation “the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(57)</sup> and “GB competent authority” has the same meaning as in those Regulations.”

**3. For Schedule 10 substitute—**

“SCHEDULE 10

Regulation 12(1) and (2)

FEE FOR DRIVER TRAINING CERTIFICATE UNDER THE CARRIAGE REGULATIONS

<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>
Issue or extension of driver training certificate	£3”

**4. For Schedule 11 substitute—**

“SCHEDULE 11

Regulation 12(3) and (4)

FEES FOR APPLICATIONS FOR APPROVALS UNDER THE CARRIAGE REGULATIONS

<i>1</i> <i>Purpose of application</i>	<i>2</i> <i>Fee for original approval</i>	<i>3</i> <i>Fee for renewal of approval</i>
(a) for approval of initial training	the reasonable cost to the GB competent authority of having the work carried out	
(b) for approval of refresher training	the reasonable cost to the GB competent authority of having the work carried out”	

**5. For Schedule 12 substitute—**

“SCHEDULE 12

Regulation 12(5) and (6)

FEE FOR SAFETY ADVISER VOCATIONAL TRAINING CERTIFICATE UNDER THE CARRIAGE REGULATIONS

<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>
Issue or extension of safety adviser vocational training certificate	the reasonable cost to the GB competent authority, or the person designated by it for the purpose of issuing vocational training certificates, of having the work carried out”

<sup>(57)</sup> S.I. 2004/568.

## SCHEDULE 11

Regulation 60

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

1. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(**58**) shall be amended as follows.

2. After regulation 8 (labelling of dangerous substances and dangerous preparations) insert—

**“Labelling of single receptacles and receptacles in outer packagings**

**8A.**—(1) Where except for this regulation a package would be required to show the particulars required by regulation 8 and to be labelled and marked in accordance with any of the national or international transport rules, it shall be sufficient compliance with regulation 8 if the package shows the particulars specified in paragraphs (2) or (3) of this regulation.

(2) Where the package consists of only a single receptacle, the specified particulars are—

(a) the particulars required by—

(i) paragraph (2)(a), (b), (c)(ii), (iii) and (iv) in the case of substances; and

(ii) paragraph (3)(a), (b), (c)(i), (iii), (iv) and (v) in the case of preparations, of regulation 8 in accordance with regulation 10;

(b) the labels and markings required by whichever of the national or international transport rules is appropriate; and

(c) where a substance or preparation has been classified as dangerous for the environment, the appropriate indication of danger and the danger symbol from Schedule 2 in accordance with regulation 10.

(3) Where the package consists of one or more receptacles in outer packagings, the particulars specified are the labels and markings required by whichever of the national or international transport rules is appropriate.

(4) For the purpose of this regulation—

(a) the national transport rules are—

(i) the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(**59**);

(ii) the Air Navigation (Dangerous Goods) Regulations 2002(**60**); and

(iii) the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(**61**); and

(b) the international transport rules are—

(i) the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or reissued from time to time (“ADR”)(**62**);

(58) S.I. 2002/1689.

(59) S.I. 1997/2367.

(60) S.I. 2002/2786.

(61) S.I. 2004/568.

(62) Current edition (2003): ISBN 92-1-139078-8.



- (ii) the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway, as revised or re-issued from time to time (“ADN”)(**63**);
- (iii) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as revised or re-issued from time to time (“ICAO”)(**64**);
- (iv) the International Maritime Dangerous Goods Code, as revised or re-issued from time to time (“IMDG”)(**65**); and
- (v) the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to COTIF (“RID”)(**66**).”

## SCHEDULE 12

Regulation 61

### AMENDMENTS TO THE CLASSIFICATION AND LABELLING OF EXPLOSIVES REGULATIONS 1983

1. The Classification and Labelling of Explosives Regulations 1983(**67**) shall be amended as follows.

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

- (1) omit the definition of “class 1”;
- (2) for the definition of “classified” substitute—

““classified” means classified in accordance with—

- (a) regulation 15 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(**68**) in relation to carriage by road or rail;
- (b) regulation 11 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(**69**) in relation to carriage by ship; or
- (c) regulation 11c of the Air Navigation (Dangerous Goods) Regulations 2002(**70**) in relation to carriage by air;

and related expressions shall be construed accordingly;”;

(3) omit the definitions of “Compatibility Group” and “Division”;

(4) for the definition of “hazard classification code” substitute—

““hazard classification code” means the division number as set out in paragraph 2.1.1.4 of the United Nations Recommendations, followed by the compatibility group letter, as set out in paragraph 2.1.2 of those Recommendations, for the article, substance, combination or unit load in question which is assigned on classification in accordance with regulation 3;”;

(5) for the definition of “name” substitute—

““name” means in relation to an explosive article or explosive substance—

- (a) the name under which it is or is to be marketed; or

(63) Current edition (2003).

(64) Current edition (2003–2004): ISBN 92-9194-010-0.

(65) Current edition (2002): ISBN 92-801-5140-1.

(66) Current edition (2003): ISBN 0-11-552553-X.

(67) S.I. 1983/1140, amended by S.I. 1987/605, 1996/2093 and 1999/303.

(68) S.I. 2004/568.

(69) S.I. 1997/2367.

(70) S.I. 2002/2786.

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

- (b) in the case of a military explosive, the name designated in writing for that explosive substance or article by the Secretary of State for Defence;”;
  - (6) in the definition of “the United Nations Recommendations” for “Current Edition (1997): ISBN 92-1-139057-5” substitute “Current Edition (2003) ISBN 92-1-139090-7”; and
  - (7) for the definition of “United Nations Serial Number” substitute—  
““United Nations Serial Number” means the serial number set out in paragraph 3.2.1 of the UN Recommendations which is assigned to the article, substance, combination or unit load in question on classification in accordance with regulation 3 as a means of identification.”.
3. In regulation 3 (classification and labelling of explosive articles and explosive substances and of combinations and unit loads thereof) for paragraph (2) substitute—
- “(2) An article, substance, combination or unit load to which these Regulations apply may not be—
    - (a) imported into the United Kingdom in the course of or for private use or use at work or conveyed unless it has been classified and that classification has been approved in writing by the Executive, or, in the case of a military explosive, by the Secretary of State; and
    - (b) conveyed, kept or supplied unless it and any packaging comply with any labelling requirements imposed in respect of them by these Regulations.”;
4. For regulation 6 (labelling of an article, substance or combination) substitute—

**“Labelling of an article, substance or combination**

- 6.—(1) A packaged article or substance, or a combination to which these Regulations apply, shall bear a label in accordance with paragraph 12 of Schedule 3.
  - (2) An unpackaged article, other than a firework, to which these Regulations apply, shall bear a label in accordance with paragraph 13 of Schedule 3.”
5. Regulations 7 (labelling of an article, substance or combination not in Class 1) and 9 (labelling or arrangement of a unit load) shall be omitted.
6. In regulation 10 (labelling generally), in paragraph (1), for “6, 7, 8 and 9” substitute “6 and 8”.
7. In regulation 12A, in paragraph (a) for “3(2)(b), 6 or 9” substitute “3(2)(b) or 6”.
8. Omit Schedules 1 and 2.
9. In Schedule 3 (labels)—
- (1) omit paragraphs 1 to 11;
  - (2) in paragraph 12—
    - (a) in the heading, omit the words “in Class 1”;
    - (b) in the first line for “The other label required by regulation 6(1) and (3),” substitute “The label required by regulation 6(1)”;
    - (c) omit sub-paragraph (a).
  - (3) in paragraph 13—
    - (a) in the heading, omit the words “in Class 1”;
    - (b) in the first line for “The other label required by regulation 6(2) and (4)” substitute “The label required by regulation 6(2)”;
    - (c) omit paragraph (a); and

- (4) omit paragraphs 16 and 17.

## SCHEDULE 13

Regulation 62

### CONSEQUENTIAL AMENDMENTS

#### **Amendment to the Petroleum (Consolidation) Act 1928**

1. For section 18(4)(b) (warrants to search for and seize petroleum spirit) of the Petroleum Consolidation Act 1928(71) there shall be substituted—

- “(b) carriage by road to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(72) apply.”.

#### **Amendment to the Compressed Acetylene (Importation) Regulations 1978**

2. For regulation 1A of the Compressed Acetylene (Importation) Regulations 1978(73) there shall be substituted—

- “1A. These Regulations shall not apply to any transportable pressure equipment which complies with the provisions of Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(74).”.

#### **Amendments to the Dangerous Substances in Harbour Areas Regulations 1987**

3.—(1) The Dangerous Substances in Harbour Areas Regulations 1987(75) shall be amended as follows.

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

- (a) before the definition of “Approved Carriage List” insert—

““ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as revised or re-issued from time to time(76)

- (b) for the definition of “Approved Carriage List” substitute—

““approved list” means the list of goods in Table A of Chapter 3.2 of ADR;”;

- (c) after the definition of “berth” insert—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(77);”;

- (d) in the definition of “classification” for the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “the Carriage Regulations 2004”;

(71) 1928, c. 32; section 18 was amended by S.I. 1974/1942, 1986/1951, 1992/743 and 2002/2776; section 18 was repealed in relation to the carriage of petroleum mixtures and liquid methane in a road tanker or tank-container by S.I. 1992/743; there are other amendments to the Act not relevant to these Regulations.

(72) S.I. 2004/568.

(73) S.I. 1978/1723, amended by S.I. 2001/1426 and to which there are other amendments not relevant to these Regulations.

(74) S.I. 2004/568.

(75) S.I. 1987/37, amended by S.I. 1996/2092, 1996/2095, 1997/2367 and 2003/1431 and to which there are other amendments not relevant to these Regulations.

(76) Current edition (2003): ISBN 92-1-136078-8.

(77) S.I. 2004/568.

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

(e) for the definition of “Compatibility Group” and “Compatibility Group Number” substitute—

““Compatibility Group” and “Compatibility Group Number” have the same meaning as in the IMDG Code;”;

(f) for the definition of “Division” and “Division Number” substitute—

““Division” and “Division Number” have the same meaning as in the IMDG Code;”;

and

(g) in the definition of “portable tank”, for paragraph (b) substitute—

“(b) a tank as defined in the Carriage Regulations;”.

(3) In regulation 3(2)(b) (meaning of “dangerous substance”) for the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “the Carriage Regulations”.

(4) For regulation 24 substitute—

**“Tanks and receptacles**

**24.** Where a dangerous substance is brought into a harbour or a harbour area from inland in—

(a) a tank, the operator of the tank shall ensure that it is correctly filled and complies with the requirements of the Carriage Regulations; or

(b) a receptacle, the consignor of that substance shall ensure that—

(i) the receptacle is designed, constructed, maintained and closed so as to prevent any of the contents escaping when subjected to the stresses and strains of normal handling or transport except that this shall not prevent the fitting of a suitable safety device;

(ii) the receptacle and any fastenings are, in so far as they are likely to come into contact with the substance, made of materials which are neither liable to be adversely affected by the substance nor liable in conjunction with the substance to form any other substance which is itself a risk to health or safety;

(iii) the receptacle is correctly filled; and

(iv) in the case of a receptacle containing a compressed gas, the receptacle has been appropriately tested.”.

(5) In regulation 25 (labelling)—

(a) in paragraph 1(b)(ii) for the words “the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “the Carriage Regulations”; and

(b) in paragraph (2)—

(i) for sub-paragraphs (a) to (c) substitute—

“(a) the Carriage Regulations;” and

(ii) in sub-paragraph (d) for the words “Radioactive Material (Road Transport) (Great Britain) Regulations 1996” substitute “Radioactive Material (Road Transport) Regulations 2002”(78).

(6) In Part 1 of Schedule I—

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(78) S.I. 2002/1093.

- (a) in Note 3 for the words “conditions in Part III of Schedule I to the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles 1996” substitute “classification criteria in sub-section 2.2.3.1.5 of ADR”; and
- (b) in Note 4 for the words “appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “test specified in section 2.3.3 of ADR”.

(7) In sub-paragraph (d) of Schedule 3 for the words “appropriate approved method as construed in accordance with regulation 4(1)(b) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “test specified in section 2.3.3 of ADR”.

#### **Amendment to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990**

4.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations 1990<sup>(79)</sup> shall be amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “the 1996 Regulations” substitute—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(80)</sup>”;

(ii) in the definition of “classification”, for the words “regulation 5 of the 1996 Regulations” substitute “regulation 15 of the Carriage Regulations”; and

(iii) in the definition of “dangerous substance” for the words “the 1996 Regulations” substitute “the Carriage Regulations”; and

(b) after paragraph (1) add—

“(1A) In the definitions of “classification” and “dangerous substance” the references to the Carriage Regulations shall apply as if the substances in question were being carried by road.”

(3) In Schedule 1 (exceptions)—

(a) for paragraph 1(c) substitute—

“(c) substances which on classification as defined in regulation 2(1) of the Classification and Labelling of Explosives Regulation 1983<sup>(81)</sup> are classified as class 1 goods within the meaning of—

(i) the Carriage Regulations;

(ii) the International Maritime Dangerous Goods Code as revised or reissued from time to time<sup>(82)</sup>; or

(iii) the Technical Instructions for the Safe Transport of Dangerous Goods by Air as revised or reissued from time to time<sup>(83)</sup>”; and

(b) in paragraph 1(d) for the words “the 1996 Regulations” substitute “the Carriage Regulations”.

<sup>(79)</sup> S.I. 1990/304, amended by S.I. 1993/1746, 1994/669 and 1996/2092 and to which there are other amendments not relevant to these Regulations.

<sup>(80)</sup> S.I. 2004/568.

<sup>(81)</sup> S.I. 1983/1140.

<sup>(82)</sup> Current edition (2002): ISBN 92-801-5140-1.

<sup>(83)</sup> Current edition (2003–2004): ISBN 92-9194-010-1.

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

### **Amendment to the Control of Explosives Regulations 1991**

5. In regulation 10(2)(b) (keeping explosives for private use) of the Control of Explosives Regulations 1991(84) for the words “so as to be in Division 1.4 and compatibility Group S for the purposes of the 1983 Regulations” substitute “for carriage in accordance with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(85)”.

### **Amendment to the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993**

6. In regulation 5(10) (materials and equipment) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993(86) for the words “to which the Carriage of Explosives by Road Regulations 1996” there shall be substituted the words “by road of explosives to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(87)”.

### **Amendment to the Notification of New Substances Regulations 1993**

7. In paragraph 7.3(g) of Part A of Schedule 2 (information required in the technical dossiers) to the Notification of New Substances Regulations 1993(88) for the words “Carriage of Dangerous Goods by Road Regulations 1996” there shall be substituted the words “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(89) to the extent that it relates to carriage by road”.

### **Amendments to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995**

8.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(90) shall be amended as follows.

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

(a) after the definition of “biological agent” insert—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004;”(91); and

(b) in the definition of “operator” for the words “dangerous substance” substitute “dangerous goods”.

(3) In Schedule 2 (dangerous occurrences)—

(a) in Part I (general)—

(i) in paragraph 6(2) for the words “being transported, be assigned to Class 1 within the meaning of the Classification and Labelling of Explosives Regulations 1983” substitute “being carried by road or rail, be classified as Class 1 goods within the meaning of the Carriage Regulations”; and

(ii) for paragraph 17A substitute—

“17A. In paragraphs 16 and 17 above, “carriage” and “dangerous goods” have the same meaning as those terms in regulation 2(1) of the Carriage Regulations.”; and

(84) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

(85) S.I. 2004/568.

(86) S.I. 1993/208, as amended by S.I. 1996/2093 and to which there are other amendments not relevant to these Regulations.

(87) S.I. 2004/568.

(88) S.I. 1993/3050, amended by S.I. 2002/2176 and to which there are other amendments not relevant to these Regulations.

(89) S.I. 2004/568.

(90) S.I. 1995/3163, amended by S.I. 1996/2089 and 1996/2092 and to which there are other amendments not relevant to these Regulations.

(91) S.I. 2004/568.

- (b) in Part IV (dangerous occurrences which are reportable in respect of relevant transport systems) for paragraph 59(2) substitute—

“(2) In this paragraph “dangerous goods” has the meaning assigned to it in regulation 2(1) of the Carriage Regulations.”

#### **Amendment to the Health and Safety (Safety Signs and Signals) Regulations 1996**

9. In regulation 2(1) (interpretation) of the Health and Safety (Safety Signs and Signals) Regulations 1996(92) for the definition of “dangerous goods” there shall be substituted—

““dangerous goods” has the meaning in regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(93) which shall apply as if those goods were being carried by road;”.

#### **Amendments to the Pressure Systems Safety Regulations 2000**

- 10.—(1) The Pressure Systems Safety Regulations 2000(94) shall be amended as follows.

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

- (a) for the definition of “the CDGCPL Regulations” substitute—

““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004”(95);

- (b) after the definition of “mobile system” insert—

““old pressure receptacle” has the meaning in regulation 2(1) of the Carriage Regulations which shall apply as if the receptacle were being carried by road;”;

- (c) after the definition of “pipework” insert—

““pressure receptacle” has the meaning in regulation 2(1) of the Carriage Regulations, except that it includes any permanent fitting to a pressure receptacle, and regulation 2(1) shall apply as if the receptacle were being carried by road;”;

- (d) in the definition of “pressure system”—

(i) in sub-paragraph (b) for “transportable pressure receptacle” substitute “pressure receptacle, an old pressure receptacle or transportable pressure equipment”; and

(ii) for the words “transportable pressure receptacle or a transportable pressure vessel” substitute “pressure receptacle, an old pressure receptacle or transportable pressure equipment”; and

- (e) after the definition of “system failure”—

(i) omit the definition of “transportable pressure receptacle”; and

(ii) for the definition of “transportable pressure vessel” substitute—

““transportable pressure equipment” has the same meaning as in regulation 2(1) of the Carriage Regulations except that it shall exclude a tank within the meaning of those Regulations;”.

- (3) In Part I of Schedule 1 (pressure systems excepted from all the Regulations)—

- (a) for paragraph 9 substitute—

“9. A tank or an old tank within the meaning of the Carriage Regulations.”; and

(92) S.I. 1996/341, amended by S.I. 1996/2092 and to which there are other amendments not relevant to these Regulations.

(93) S.I. 2004/568.

(94) S.I. 2000/128, amended by S.I. 2001/1426.

(95) S.I. 2004/568.

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

(b) for paragraph 13 substitute—

“13. Any pressure system being carried in a vehicle if the vehicle is—

- (a) engaged in an international transport operation within the meaning of Article 1(c) of ADR; and
- (b) under the control of or owned by the armed forces within the meaning of the Carriage Regulations where the armed forces are those of a country which is a contracting party to ADR.”.

(4) In paragraph 3(a) of Part II of Schedule 1 (pressure systems excepted from certain regulations)

- (a) after the words “dangerous goods” insert “by road”;
- (b) for the words “Carriage of Dangerous Goods by Road Regulations 1996” substitute “Carriage Regulations”; and
- (c) for the words “paragraph 1 of Schedule 2” substitute “regulation 4(1)”.

### **Amendments to the Radiation (Emergency Preparedness and Public Information) Regulations 2001**

**11.**—(1) The Radiation (Emergency Preparedness and Public Information) Regulations 2001<sup>(96)</sup> shall be amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “the 2002 Regulations” substitute—  
 ““the Carriage Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004<sup>(97)</sup>”.

(3) In regulation 3 (application)—

(a) for paragraph (4)(c) substitute—

- “(c) any radioactive substance conforming to the specifications for special form radioactive material set out in regulation 2(1) of the Carriage Regulations—
  - (i) which is certified pursuant to regulations 20(2), 21(4)(a) and 28(1) of the Carriage Regulations as complying with them; or
  - (ii) where the transport in question forms part of an international transport operation as is referred to in regulation 4(1)(a) or (b) of the Carriage Regulations;”;

(b) for paragraph 4(d) substitute—

- “(d) any radioactive substance contained in a package which complies in every respect as to its design with the requirements for—
  - (i) a Type B(U) package, a Type B(M) package or a Type C package as set out in paragraphs 6.4.8, 6.4.9 or 6.4.10 of RID respectively; or
  - (ii) a consignment carried under special arrangement within the meaning of the Carriage Regulations which provides an equivalent level of safety as a type B(U) package, Type B(M) package or a Type C package complying with the requirements referred to in sub-paragraph (i),

and which, in each case, has been approved pursuant to regulations 20(2), 21(4)(a) and 28 of the Carriage Regulations as complying with such requirements or where the transport in question forms part of an international transport operation as referred to in regulation 4(1)(a) or (b) of the Carriage Regulations;”;

<sup>(96)</sup> S.I. 2001/2975, amended by S.I. 2002/2099 and to which there are other amendments not relevant to these Regulations.

<sup>(97)</sup> S.I. 2004/568.



(c) for paragraph (4)(e) substitute—

“(e) the transport of any radioactive substance in the form of a low specific activity material conforming to the specifications for LSA-I, LSA-II or LSA-III set out in sub-section 2.2.7.3 of RID including cases where the transport forms part of an international transport operation as is referred to in regulation 4(1)(a) or (b) of the Carriage Regulations;”;

(d) for paragraph (4)(f) substitute—

“(f) the transport of any radioactive substance in the form of a surface contaminated object conforming to the specifications for SCO-I or SCO-II set out in sub-section 2.2.7.5 of RID including cases where the transport forms part of an international transport operation as is referred to in regulation 4(1)(a) or (b) of the Carriage Regulations; and”;

(e) after paragraph (5) add—

“(6) In paragraph (4)(d)-(f) “RID” means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to the Convention concerning International Carriage by Rail as revised or reissued from time to time.”.

#### **Amendments to the Control of Asbestos at Work Regulations 2002**

**12.**—(1) The Control of Asbestos at Work Regulations 2002(**98**) shall be amended as follows.

(2) In regulation 23(3) (storage, distribution and labelling of raw asbestos and asbestos waste)—

(a) in sub-paragraph (a) for the words “Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(**99**)”; and

(b) omit sub-paragraph (b).

(3) In paragraph 1A of Schedule 2 (the labelling of raw asbestos, asbestos waste and products containing asbestos) for the words “Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996” substitute “Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004”.

#### **Amendment to the Control of Lead at Work Regulations 2002**

**13.** For the list in Schedule 2 (legislation concerned with the labelling of containers and pipes) to the Control of Lead at Work Regulations 2002(**100**) there shall be substituted—

“The Health and Safety (Safety Signs and Signals) Regulations 1996 ([S.I. 1996/341](#));

The Good Laboratory Practice Regulations 1999 ([S.I. 1999/3106](#));

The Radioactive Material (Road Transport) Regulations 2002 ([S.I. 2002/1093](#));

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 ([S.I. 2002/1689](#)); and

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 ([S.I. 2004/568](#)).”.

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(**98**) [S.I. 2002/2675](#).

(**99**) [S.I. 2004/568](#).

(**100**) [S.I. 2002/2676](#).

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

### **Amendment to the Control of Substances Hazardous to Health Regulations 2002**

14. For the list in Schedule 7 (legislation concerned with the labelling of containers and pipes) to the Control of Substances Hazardous to Health Regulations 2002(101) there shall be substituted—

“The Health and Safety (Safety Signs and Signals) Regulations 1996 (S.I. 1996/341);  
The Good Laboratory Practice Regulations 1999 (S.I. 1999/3106);  
The Radioactive Material (Road Transport) Regulations 2002 (S.I. 2002/1093);  
The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689); and  
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568).”.

### **Amendment to the Dangerous Substances and Explosive Atmospheres Regulations 2002**

15. For the list in Schedule 5 (legislation concerned with the marking of containers and pipes) to the Dangerous Substances and Explosive Atmospheres Regulations 2002(102) there shall be substituted—

“The Classification and Labelling of Explosives Regulations 1983 (S.I. 1983/1140);  
The Health and Safety (Safety Signs and Signals) Regulations 1996 (S.I. 1996/341);  
The Good Laboratory Practice Regulations 1999 (S.I. 1999/3106);  
The Radioactive Material (Road Transport) Regulations 2002 (S.I. 2002/1093);  
The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689); and  
The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568).”.

## SCHEDULE 14

Regulation 63(1)

### REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Gas Cylinders (Pattern Approval) Regulations 1987	<a href="#">S.I. 1987/116</a>	The whole Regulations
The Pressure Vessels (Verification) Regulations 1988	<a href="#">S.I. 1988/896</a>	The whole Regulations
The Packaging of Explosives for Carriage Regulations 1991	<a href="#">S.I. 1991/2097</a>	The whole Regulations
The Carriage of Dangerous Goods by Rail Regulations 1996	<a href="#">S.I. 1996/2089</a>	Regulations 1, 2 and 5 to 34 and the Schedules
The Carriage of Dangerous Goods (Classification,	<a href="#">S.I. 1996/2092</a>	The whole Regulations

(101) [S.I. 2002/2677](#) to which there are amendments not relevant to these Regulations.

(102) [S.I. 2002/2776](#).

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996		
The Carriage of Explosives by Road Regulations 1996	<a href="#">S.I. 1996/2093</a>	The whole Regulations
The Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996	<a href="#">S.I. 1996/2094</a>	The whole Regulations
The Carriage of Dangerous Goods by Road Regulations 1996	<a href="#">S.I. 1996/2095</a>	Regulations 1 to 4, 7 to 19 and 21 to 29 and the Schedules
The Carriage of Dangerous Goods (Amendment) Regulations 1998	<a href="#">S.I. 1998/2885</a>	The whole Regulations
The Carriage of Dangerous Goods (Amendment) Regulations 1999	<a href="#">S.I. 1999/303</a>	The whole Regulations
The Transport of Dangerous Goods (Safety Advisers) Regulations 1999	<a href="#">S.I. 1999/257</a>	The whole Regulations
The Transportable Pressure Vessels Regulations 2001	<a href="#">S.I. 2001/1426</a>	The whole Regulations
The Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 2002	<a href="#">S.I. 2002/2099</a>	The whole Regulations
The Carriage of Dangerous Goods and Transportable Pressure Vessels (Amendment) Regulations 2003	<a href="#">S.I. 2003/1431</a>	The whole Regulations

## EXPLANATORY NOTE

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

1. These Regulations impose requirements and prohibitions in relation to the carriage of goods by road or by rail and the use of transportable pressure equipment. They implement three Directives and also make other provisions.

2. They implement firstly Council Directive [94/55/EC](#) (O.J. No. L319, 12.12.94, p.7) on the approximation of the laws of Member States with regard to the transport of dangerous goods by

road (as amended by Directive [2000/61/EC](#) of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p.40) and Commission Directive [2003/28/EC](#) (O.J. No. L90, 8.4.2003, p.45)). This Directive applies the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2003).

3. Secondly these Regulations implement Council Directive [96/49/EC](#) (O.J. No. L235, 17.9.96, p.25) on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail (as amended by Directive [2000/62/EC](#) of the European Parliament and the Council (O.J. No. L279, 1.11.2000, p.44) and Commission Directive [2003/29/EC](#) (O.J. No. L90, 8.4.2003, p.47)). This Directive 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 (“COTIF”) (Current Edition: 2003).

4. Thirdly these Regulations implement Council Directive [1999/36/EC](#) concerning transportable pressure equipment (“the Transportable Pressure Equipment Directive”).

5. These Regulations revoke—

- (a) The Gas Cylinders (Pattern Approval) Regulations 1987 ([S.I. 1987/116](#))
- (b) The Pressure Vessels (Verification) Regulations 1988 ([S.I. 1988/896](#))
- (c) The Packaging of Explosives for Carriage Regulations 1991 ([S.I. 1991/2097](#))
- (d) The Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 ([S.I. 1996/2092](#))
- (e) The Carriage of Explosives by Road Regulations 1996 ([S.I. 1996/2093](#))
- (f) The Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996 ([S.I. 1996/2094](#))
- (g) The Carriage of Dangerous Goods (Amendment) Regulations 1998 ([S.I. 1998/2885](#))
- (h) The Carriage of Dangerous Goods (Amendment) Regulations 1999 ([S.I. 1999/303](#))
- (i) The Transport of Dangerous Goods (Safety Advisers) Regulations 1999 ([S.I. 1999/257](#))
- (j) The Transportable Pressure Vessels Regulations 2001 ([S.I. 2001/1426](#))
- (k) The Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 2002 ([S.I. 2002/2099](#))
- (l) The Carriage of Dangerous Goods and Transportable Pressure Vessels (Amendment) Regulations 2003 ([S.I. 2003/1431](#))

and other provisions.

6. Part 1 contains the introductory provisions. Regulation 2 defines terms used in the Regulations. Regulations 3 to 7 define the scope of the Regulations. Regulation 8 defines competent authority functions.

7. Part 2 imposes the requirements contained within RID and ADR concerning general requirements (regulations 9 to 14), the classification of dangerous goods (regulations 15 and 16), special packing provisions (regulation 17), packaging of dangerous goods (regulations 18 and 19), consignment procedures (regulation 20), requirements for the construction and testing of packaging (regulations 21 and 22), the carriage and handling of dangerous goods (regulations 23 and 24) and the construction and approval of vehicles (regulation 25).

8. Part 3 sets out the competent authorities for carrying out functions within RID and ADR.

9. Part 4 imposes the requirements of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market and using it at work (regulations 38 and 39), reassessing the conformity of existing transportable pressure equipment (regulation 40), inspections

(regulation 41), notified and approved bodies for inspecting transportable pressure equipment (regulations 42 to 44) and the use of a conformity mark (regulation 45).

**10.** Part 5 imposes requirements which are additional to or alternatives to the requirements of RID and ADR. These concern requirements for the carriage of explosives by road and rail (regulations 46 to 52), the marshalling and formation of trains (regulation 53), the keeping of documentation (regulation 54) and placarding requirements for carriage within Great Britain (regulation 55).

**11.** Part 6 contains miscellaneous provisions concerning fees for applications relating to pressure receptacles and tanks (regulation 56), transitional defences (regulation 57), defences and enforcement (regulation 58), savings, revocations and consequential amendments (regulations 59 to 63).

**12.** Copies of the following documents may be obtained from The Stationery Office Bookshops, The Stationery Office's Accredited Agents and all good booksellers:

- (a) the European Agreement concerning the International Carriage of Dangerous Goods by Road ("ADR") (2003 Edition) (ISBN 92-1-139078-8) and corrigenda 1 (February 2003) and 2 (June 2003)
- (b) the Regulations concerning the International Carriage of Dangerous Goods by Rail ("RID") (2003 Edition) (ISBN 0-11-552553-X)
- (c) the International Maritime Dangerous Goods Code ("IMDG Code") (2002 Edition) (ISBN 92-801-5140-1)
- (d) the Dangerous Goods Emergency Action Code List 2004 (ISBN 0-11-341275-4)
- (e) the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organisation (2003–2004 Edition) (ISBN 92-9194-010-0 and ISSN 1726-6181)
- (f) the Approved Tank Requirements (ISBN 0-7176-1226-0).

**13.** The Convention concerning International Carriage by Rail ("COTIF") can be downloaded free of charge from the OTIF website [www.otif.org](http://www.otif.org) or purchased from: Intergovernmental Organisation for International Carriage by Rail (OTIF), Gryphenhübeilweg 30, CH—3006 Berne.

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