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STATUTORY INSTRUMENTS

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**2004 No. 568**

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

**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—

- (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)(1); 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(2),

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;

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

(2) OJNo. 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).

“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;

“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(3);

“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(4);

“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(5);

“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;

“fire authority” has the meaning in section 38(1) of the Fire Services Act 1947(6);

“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(7);

“harbour area” has the meaning in regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(8);

“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;

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

(5) 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.

(6) 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.

(7) 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.

(8) 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.

“IMDG Code” means the International Maritime Dangerous Goods Code, as revised or re-issued from time to time by the International Maritime Organization<sup>(9)</sup>;

“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<sup>(10)</sup>;

“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;

“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,

<sup>(9)</sup> Current edition (2004): ISBN 92-801-5140-1.

<sup>(10)</sup> S.I. 1983/1140, amended by S.I. 1987/605, 1996/2093 and 1999/303.

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(11), 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(12);

“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(13); or
- (b) operated wholly within a factory, harbour area, military establishment, mine or quarry;

“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(14); and

(11) 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).

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

(13) [1992 c. 42](#).

(14) 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).

(c) include the 2004 Supplement which came into force on 1st January 2004<sup>(15)</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>(16)</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>(17)</sup>; or

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

“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<sup>(20)</sup>;

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

(16) 1984 c. 54.

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

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

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

(20) 1993 c. 43.

“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>(21)</sup>; or

(c) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964<sup>(22)</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

(21) 1952 c. 67.

(22) 1964 c. 5.



(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 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>(23)</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.

### **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;

(23) 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.

- (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—

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“2A	Class 1: 1.4B to 1.4G and 500” 1.6N
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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 subsection 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 subsection 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(24).

#### **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.

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

(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(25);
- shall be deemed to meet the requirements of paragraphs 2, 3 and 6(1) of Schedule 2.

(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

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(25) S.I. 1999/2001, to which there are amendments not relevant to these Regulations.

- (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(26), 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(27); 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(28).

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

(28) 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.

(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(29) 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—

- (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.