

SCHEDULE 1

OLD TANKS

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;

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- (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
 - (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.