



Department
for Transport

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) regulations 2018 (CDG 2018)

13 August 2018

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Contents

Introduction	4
Background	6
How to respond.....	8
The proposition	10
Consultation questions.....	14
What will happen next?	16
Question and answer brief	17
Annex A Consultation principles	19
Annex B Combined CDG 2009 and CDG 2011.....	20

Introduction

Following Royal Assent being granted to the European Union (Notification of Withdrawal) Act 2017, the United Kingdom (UK) is undertaking the task of updating legislation to enable departure from the European Union.

Northern Ireland will bring forward separate regulations to update their legislation.

Our proposed method is to make the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulation 2018 (CDG 2018). This will amend the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG 2009), which was previously amended by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 (CDG 2011).

The primary purpose of this new statutory instrument is to remove deficiencies arising from the UK's exit from the European Union (EU), including textual amendments to definitions and requirements that are currently predicated on the UK being a Member State of the EU. These proposed amendments would come into force on the day that the UK exits the EU ("exit day"). Additionally, we are re-establishing a legal requirement for vapour recovery systems to be installed on mobile tankers carrying petrol by reference to approved tank requirements. This would be achieved in a separate statutory instrument, from the Department for Business, Energy & Industrial Strategy.

The amendments will maintain the dangerous goods regulatory framework and the international process behind it as it is today, including the GB Competent Authority's power to grant authorisations and implement derogations. Those involved in the carriage of dangerous goods will continue to be required to follow the requirements of RID (for rail) and ADR (for road), in the same way as before EU exit.

What are we consulting on?

This consultation document seeks your views and feedback on the proposals outlined in this document, and on the approach taken to implement the carriage of dangerous goods regulations (RID, ADR

and ADN) via CDG 2018 when the UK has departed the European Union. Comments on any aspects of this are welcome. We will also have flexibility in how we regulate the carriage of dangerous goods in the future beyond this process, and we would welcome your thoughts on this.

Who should read this consultation document?

Anyone involved in the carriage of dangerous goods, who carries out an activity related to the carriage of dangerous goods or who has an interest in the way dangerous goods are transported.

The consultation is of particular relevance to consignors of dangerous goods, those who pack or fill containers or packages with dangerous substances for transport, those who load and unload vehicles transporting dangerous goods and enforcement authorities.

Background

1.1 The Dangerous Goods Division, located in the Department for Transport leads on the policy for the safe and secure transport of dangerous goods by road and rail and also have oversight of the sea and air modes. The UK Government has a twofold objective:

- I. To ensure that the rules on the carriage of dangerous goods – largely agreed at international level – are designed to help minimise the risk of harm to people, property and the environment; and
- II. That the regulations are proportionate and implemented in the UK in a way which helps to facilitate trade and economic growth.

1.2 By virtue of the Dangerous Goods Directive 2008/68/EC (the DG Directive) the UK is required to implement the requirements of the “Regulations concerning the International Carriage of Dangerous Goods by Rail” (RID) and the “European Agreement Concerning the International Carriage of Dangerous Goods by Road” (ADR) for domestic as well as international carriage of dangerous goods by rail and road. RID and ADR are annexes to the DG Directive. ADN (in relation to inland waterways) is also an annex but CDG does not, as permitted by the DG Directive, implement any part of ADN except that part which relates to the granting of safety advisor qualifications.

1.3 RID, ADR, and ADN are updated every two years (a new edition of each comes into force on 1st January 2019), and are currently implemented through CDG 2009 and CDG 2011 automatically.

1.4 RID and ADR are negotiated internationally, under the OTIF Convention¹ and the UNECE² respectively. The UK has signed and ratified these texts independently of the aforementioned EU Directive. This means that UK involvement with the regulatory system will continue unabated following exit from the EU.

¹ Intergovernmental Organisation for International Carriage by Rail, is an intergovernmental organisation that governs international rail transport. It was organised pursuant to the Convention concerning International Carriage by Rail. The principal objective of OTIF was to develop uniform systems of law which could apply to the carriage of passengers and freight in international rail traffic.

² It is one of five regional commissions under the administrative direction of the United Nations. It reports to the United Nations Economic and Social Council.

- 1.5 CDG 2009 and CDG 2011, also contain powers for the UK Government to implement derogations, which allow exemptions from certain requirements of the dangerous goods regulations. The UK government can also grant authorisations for specific practices. This will continue following CDG 2018.

- 1.6 The Petroleum (Consolidation) Regulations 2014 mistakenly revoked regulation 5 of the Carriage of Dangerous Goods by Road Regulations 1996 in its entirety. This regulation referenced, amongst other documents, the Approved Tank Requirements published by the Health and Safety Commission. These included the requirements for the design and construction of tanks in respect of the control of volatile organic compound (VOC) emissions. Whilst the references to other documents were no longer required, the reference to the Approved Tank Requirements was. This mistake is being rectified in a separate Statutory Instrument by the Department for Business, Energy & Industrial Strategy. It is entitled [Radioactive Substances], [Transport] of Radioactive Material (Radiation Emergencies) Regulations 2018. Those Regulations will contain a reference to the Approved Tank Requirements concerning the provisions for vapour recovery systems of mobile containers carrying petrol.

How to respond

- 2.1 The consultation period began on 13th August 2018 and will run until 6th September 2018. Please ensure that your response reaches us before the closing date. If you would like alternative formats (Braille, audio CD, etc), please contact DangerousGoods@dft.gov.uk.

Please email responses to DangerousGoods@dft.gov.uk

Hard copy responses can be posted to:

Sheila Quist
Department for Transport
Dangerous Goods Division
3/26-28 Great Minster House
33 Horseferry Road
London SW1P 4DR

- 2.2 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

- 2.3 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
- 2.4 If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 2.5 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all

circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Privacy

- 2.6 While it is not our intention to identify individuals as part of this survey, if you do provide any information that allows an individual to be identified, we will use this information only to contact you with follow up questions. The purpose of this consultation is to seek your views on the proposals outlined in this document. Your personal information will only be kept for the purpose of this consultation and will not be shared with anyone else. Your information will be kept securely within DfT and destroyed within 18 months after the consultation has been completed. More information about DfT's privacy policy can be found at: <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>

The proposition

Introduction

- 3.1 The amendments that are being made to CDG 2009 will not change the dangerous goods regulatory framework within the UK. They will ensure that there is continuation following the UK's exit from the European Union.
- 3.2 The amendments are purely technical. They primarily amend definitions and requirements that are currently predicated on the UK being a Member State of the EU. For example, references to the UK being a "relevant Member State" are replaced with references to "relevant territory". Textual amendments to CDG 2009 also make it clear that references to ADR and RID will continue to be to the latest versions of those documents, whereas references to the DG Directive and the Transportable Pressure Equipment Directive (2010/35/EU) will be to the versions of those Directives in force upon exit day. These new regulations will be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulation 2018.

EU exit Amendments

Citation and commencement

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2018.

(2) They will come into force on exit day.

Amendment of Regulations

2. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009⁽³⁾ are amended in accordance with regulations 3 to 8.

Interpretation – General

3.—(1) In regulation 2, the Table in paragraph 5 is amended as follows—

(2) After the definition of “armed forces” insert—

“authorised representative”	A person who is established in a relevant territory who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks.
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(3) For the row containing the expression and meaning of “the Dangerous Goods Directive”, for “as amended from time to time.” substitute “as it had effect immediately before exit day.”.

(4) After the definition of “the Directives” insert—

“distributor”	A person who is established in a relevant territory, other than the manufacturer or the importer, who makes available on the market transportable pressure equipment or parts thereof.
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(5) After the definition of “the GB competent authority” insert—

“importer”	A person who is established in a relevant territory and who places on the market transportable
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⁽³⁾ S.I. 2009/1348, amended by 2011/1885 and S.I. 2018/(BSS amendments).

	pressure equipment or parts thereof from a third country.
“makes available on the market”	Any supply of transportable pressure equipment for distribution or use on the market of a relevant territory in the course of a commercial or public service activity, whether in return for payment or free of charge.
(6) After the definition of “national carriage” insert—	
“operator”	A person who is established in a relevant territory and who uses transportable pressure equipment.
“owner”	A person who is established in a relevant territory and who owns transportable pressure equipment.
“places on the market”	The first making available of transportable pressure equipment on the market of a relevant territory.

(7) For the row containing the expression and meaning of “relevant member State”—

- (i) for “relevant member State” substitute “relevant territory”; and
- (ii) for “A member State of the EU” substitute “Great Britain, Northern Ireland or a member State of the EU”.

(8) For the row containing the expression and meaning of “TPED competent authority”, for “or another member State of the EU.” substitute “or a member State of the EU.”.

(9) For the row containing the expression and meaning of “the Transportable Pressure Equipment Directive”, after “and 1999/36/EC” insert “, as it had effect immediately before exit day”.

Derogations

4.—(1) In regulation 11(2)(a), after “Dangerous Goods Directive”, insert “that had effect immediately before exit day”.

Old pressure receptacles

5. In regulation 14(6)(d), for “or another EEA State” substitute “or an EEA State”.

Obligations of Manufacturers

6. In regulation 19B(3), for “relevant member State” substitute “relevant territory”.

Obligations of Importers

7. In regulation 19C(4), for “relevant member State” substitute “relevant territory”.

Obligations of Distributors

8. In regulation 19D(4)(b), for “relevant member State” substitute “relevant territory”.

Consultation questions

a

<p>Name of organisation or company:</p>				
<p>Your name:</p>				
<p>Address:</p>	<table border="1" style="width: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>			
<p>Telephone number: e-mail address:</p>				

b

<p>Which best describes your organisation's role?</p>	<p><input checked="" type="checkbox"/></p> <table border="1" style="width: 100%;"> <tr><td>Govt Department</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Other Govt organisation</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>LA Association</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Small firm / self-employed association</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Employer organisation / trade association</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Trade Union</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Training provider</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Consultancy</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Private company</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>Tunnel manager</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td><i>Other (*)</i></td><td style="text-align: right;"><input type="checkbox"/></td></tr> </table> <p>*Please specify – e.g. DGSA:</p> <table border="1" style="width: 100%; height: 80px;"> <tr><td></td></tr> </table>	Govt Department	<input type="checkbox"/>	Other Govt organisation	<input type="checkbox"/>	LA Association	<input type="checkbox"/>	Small firm / self-employed association	<input type="checkbox"/>	Employer organisation / trade association	<input type="checkbox"/>	Trade Union	<input type="checkbox"/>	Training provider	<input type="checkbox"/>	Consultancy	<input type="checkbox"/>	Private company	<input type="checkbox"/>	Tunnel manager	<input type="checkbox"/>	<i>Other (*)</i>	<input type="checkbox"/>	
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Tunnel manager	<input type="checkbox"/>																							
<i>Other (*)</i>	<input type="checkbox"/>																							

c

If you are an employer, how many employees are there in your organisation? If you are a trade association, how many companies do you represent?	<input checked="" type="checkbox"/>	0 – 50 <input type="checkbox"/>	51 - 200 <input type="checkbox"/>	> 200 <input type="checkbox"/>
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d

Is your organisation involved in the carriage of dangerous goods by road or rail?	<input checked="" type="checkbox"/>	Road <input type="checkbox"/>	Rail <input type="checkbox"/>	Both <input type="checkbox"/>
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e

Is your organisation involved in the domestic or international carriage of dangerous goods?	<input checked="" type="checkbox"/>	Domestic <input type="checkbox"/>	International <input type="checkbox"/>	Both <input type="checkbox"/>
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Please take time to complete the questions if you answer no, don't know or badly to any questions, please expand on your answer using another page if required.

- | | | | | |
|-------------------|---|----------------------------------|--|--|
| Question 1 | Do any of the proposed changes create any significant benefits or dis-benefits to your industry? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Don't Know
<input type="checkbox"/> |
| Question 2 | This consultation document describes and explains the different policy issues involved well / adequately / badly? | Well
<input type="checkbox"/> | Adequately
<input type="checkbox"/> | Badly
<input type="checkbox"/> |
| Question 3 | Is there anything you particularly liked or disliked about this consultation document? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Don't Know
<input type="checkbox"/> |
| Question 4 | What further changes to ADR and RID would you like to see the Government propose or support in the future? | | | |
| Question 6 | Would you welcome additional guidance on specific aspects of either the regulations, or RID / ADR? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Don't Know
<input type="checkbox"/> |

What will happen next?

- 4.1 A summary of responses, including the next steps, will be published within three months of the consultation closing on <https://www.gov.uk/dft#consultations>. Paper copies will be available on request.

Question and answer brief

5.1 Below is a list of frequently asked questions about these proposals. If you still have questions after you have read this section please contact:

Dangerous Goods Division
Department for Transport
3/26-28 Great Minster House
33 Horseferry Road
London SW1P 4DR

DangerousGoods@dft.gov.uk

Q. Will the dangerous goods regulations still be enforced when the UK exits the European Union?

Yes. The dangerous goods regulatory framework will remain unchanged when the UK exits the European Union. This will be achieved by CDG 2018, which will continue to set RID and ADR as the requirements for those conducting the carriage of dangerous goods within the UK.

Q. Will industry still be able to apply for derogations or authorisations?

Yes. Requests will continue to be considered by the UK in the same way as they are today by the Department.

Q. Will derogations and authorisations granted before EU exit still be valid?

Yes. They will continue to be valid under the same conditions they were agreed under when they were issued.

Q. Will there be the opportunity to make changes to the regulatory requirements set out by the dangerous goods regime?

At this stage no. This change is to ensure the continuation of the dangerous goods regulations when the UK exits the EU. However, we will have the flexibility in how we implement the

dangerous goods regulation in the future beyond this process, and welcome your thoughts on this and will continue to.

Q. Who does this consultation effect?

This consultation effects any individuals and businesses involved in the carriage of dangerous goods, and carry out any activities related to this.

Annex A Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gov.uk

The reference number for this consultation is: DfT-2018-14

Annex B Combined CDG 2009 and CDG 2011

PART 1 INTRODUCTORY PROVISIONS

Interpretation - General

2.—(1) The provisions of this regulation apply for the purposes of interpreting these Regulations.

(2) Any reference in these Regulations to a “Part”, “Chapter”, “Section” or “Sub-section”, unless the context requires otherwise, is to be construed—

- (a) in relation to the carriage of goods by road, as a reference to that Part, Chapter, Section or Sub-section of ADR;
- (b) in relation to the carriage of goods by rail, as a reference to that Part, Chapter, Section or Sub-section of RID; and
- (c) in relation to the carriage of goods by inland waterway, as a reference to that Part, Chapter, Section or Sub-section of ADN.

(3) Where an expression is defined in ADR, RID or ADN and is not defined in these Regulations, it has the same meaning as in—

- (a) ADR in relation to carriage by road;
- (b) RID in relation to carriage by rail; and
- (c) ADN in relation to carriage by inland waterway.

(4) Where an expression is defined in the Transportable Pressure Equipment Directive and is not defined in these Regulations, it has the same meaning as in that Directive.

(5) The expressions mentioned in column 1 of the Table have the meanings given in column 2.

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- (a) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
 - (b) Articles 3 and 16(1) and (2) of the Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960) substituted a new version of section 50(1) for the previous version and inserted section 50(1AA). The extent of the requirement to consult pursuant to section 50(1) was narrowed by the insertion of section 50(1A) into the Health and Safety at Work etc. Act 1974 by the Railways Act 2005 (“the 2005 Act”) (c.14), Schedule 3, paragraph 13.
 - (c) The meaning of “railway safety purposes” under Schedule 3 of the 2005 Act which is relevant to the obligation to consult has been amended by the Railways Act 2005 (Amendment) Regulations 2006 (S.I. 2006/556).

Table

<i>Column 1</i>	<i>Column 2</i>
“the 2007 Regulations”	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007(a).
“ADN”	The Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway(b), as revised or reissued from time to time.
“ADR”	Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road(c), as revised or reissued from time to time. But— <ul style="list-style-type: none"> (a) to the extent that a reference in these Regulations to ADR is a reference to ADR as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and (b) in regulation 14(6)(b) it means Annexes A and B as in force on the date in question.
“armed forces”	Means— <ul style="list-style-type: none"> (a) one of Her Majesty’s Forces within the meaning of the Armed Forces Act 2006(d); (b) the Ministry of Defence Police(e); (c) a visiting force within the meaning of Part 1 of the Visiting Forces Act 1952(f); or (d) a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(g).
“conformity mark”	The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of the mark being set out in article 15 of that Directive.
“conformity assessment”	The assessment and the procedure for assessment of conformity set out in the Directives.
“COTIF”	The Convention concerning International Carriage by Rail(h), as revised or re-issued from time to time.
“the Dangerous Goods Directive”	Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods(i), as amended from time to time.
“the Directives”	The Dangerous Goods Directive and the Transportable Pressure Equipment Directive.

“fire and rescue authority”	The fire and rescue authority under the Fire and Rescue Services Act 2004(j)
“the GB competent authority”	<p>The competent authority in Great Britain for the purposes of these Regulations as determined under regulation 25.</p> <p>But a reference to “2007 GB Competent Authority” is a reference to the competent authority in Great Britain for the purposes of the 2007 Regulations.</p>

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- (a) S.I. 2007/1573.
 - (b) ISBN 9789211391343 (2009 edition).
 - (c) ISBN 9789211391336 (2009 edition).
 - (d) 2006 c.52.
 - (e) *See* section 1(1) of the Ministry of Defence Police Act 1987 (c.4).
 - (f) 1952 c.67.
 - (g) 1964 c.5.
 - (h) Cm 3812; COTIF was modified by the Protocol signed at Vilnius on 3rd June 1999 (Cm 4873).
 - (i) OJ No L260, 30.9.2008, p.13.
 - (j) 2004 c.21; section 1(2)(d) was amended by the Civil Contingencies Act 2004 (c.36), Schedule 2, Part 1, paragraph 10(1) and (2).

“national carriage”	Carriage that includes carriage in Great Britain and does not include carriage outside the United Kingdom.
“relevant authority”	Has the meaning given in section 6 of the Fire (Scotland) Act 2005(a).
“relevant member State”	A member State of the EU on whose market the equipment in question has been made available.
“RID”	The Annex to the Regulation concerning the international carriage of dangerous goods by rail which forms Appendix C to COTIF(b), as revised or reissued from time to time. But— <ul style="list-style-type: none"> (a) to the extent that a reference in these Regulations to RID is a reference to RID as it applied for the purposes of the 2007 Regulations, it has the same meaning as in the Table in regulation 2 of those Regulations; and (b) in regulation 14(6)(b) it means the Annex as in force on the date in question.
“the security provisions”	The prohibitions and requirements of Chapter 1.10 (including those requirements deemed to be part of ADR in consequence of regulations 7 and 8.)
“TPED competent authority”	The GB competent authority or the competent national authority in respect of the Transportable Pressure Equipment Directive in Northern Ireland or another member State of the EU.
“the Transportable Pressure Equipment Directive ”	Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC(c).”
“vehicle”	Has the meaning given in article 2 of the Dangerous Goods Directive except that the words “at least four wheels and” are to be omitted.
“wagon”	Has the meaning given in article 2 of the Dangerous Goods Directive.

(a) 2005 asp 5.

(b) ISBN 9788086206394 (2009 edition).

(c) OJ L165, 30.6.2010, p.1.

Interpretation of ADR, RID and ADN for the purposes of these Regulations

3. For the purposes of these Regulations—

- (a) the scope of ADR, RID and ADN is deemed to include national as well as international carriage;
- (b) a member State of the EU which is not a Contracting Party to ADR or ADN is deemed to be a Contracting Party to ADR or ADN (as the case may be);
- (c) a member State of the EU which is not a Member State of COTIF is deemed to be a Member State of COTIF;
- (d) a reference in—
 - (i) ADR or RID to “competent military authority”;
 - (ii) ADR or ADN to “Contracting Party”; and
 - (iii) RID to “Member State”,

is to be treated as a reference to “competent authority” unless the context requires otherwise;

- (e) Sub-section 1.1.4.4 of RID applies as if the words “or the provisions of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 in so far as they relate to carriage by road” were included after the words “provisions of ADR”;
- (f) Sub-section 1.6.1.12 of ADR is to be treated as reading “The requirements of Section 1.9.5 and Chapter 8.6 do not apply until 31 December 2009.”;
- (g) Sub-section 1.6.2.7 is to be treated as reading “Until 30 June 2011 the requirements of 6.2.1.4.1 to 6.2.1.4.4 applicable until 31 December 2008 apply instead of those of 1.8.6, 1.8.7, 6.2.2.9, 6.2.3.6 to 6.2.3.8.”;
- (h) Sub-section 1.6.3.35 is to be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
- (i) Sub-section 1.6.4.34 is to be treated as reading “The requirements of 1.8.6, 1.8.7 and 6.8.4 TA4 and TT9 do not apply before 1 July 2011.”;
- (j) the words “The competent authorities of the Contracting Parties may provide that” are omitted from Sub-section 1.8.3.2 of ADR;
- (k) the words “The competent authorities of the Member States may provide that” are omitted from Sub-section 1.8.3.2 of RID;
- (l) the reference in Sub-section 1.8.3.3 to “national authorities” is to be treated as a reference to “the GB competent authority or an enforcement authority”;
- (m) Sub-section 5.3.4 of RID is omitted;
- (n) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of ADR apply as if the words “by the competent authority of a Contracting Party” were

- included after the word “assigned”; and
- (o) Sub-sections 2.2.1.1.2, 2.2.1.1.3 and 2.2.1.1.4 of RID apply as if the words “by the competent authority of a Member State of COTIF” were included after the word “assigned”.

Application

- 4.—**(1) These Regulations apply in relation to the carriage of dangerous goods by road and by rail.
- (2) These Regulations apply in relation to the carriage of dangerous goods by inland waterway but only to the extent that they apply Sub-sections 1.8.3.7 to 1.8.3.16 (which relate to the training and examination system for safety advisers and the connected issuing and renewal of vocational training certificates).
- (3) These Regulations do not apply in relation to the carriage of dangerous goods on any part of the Channel Tunnel system.
- (4) In this regulation “the Channel Tunnel system” has the meaning given to “the tunnel system” by section 1(7) of the Channel Tunnel Act 1987(a) except that the words “to be” which come before the word “constructed” are omitted.

PART 2 PROHIBITIONS AND REQUIREMENTS

Carriage to be in accordance with ADR or RID

5.No person is to carry dangerous goods, or cause or permit dangerous goods to be carried, where that carriage is prohibited by ADR or RID, including where that carriage does not comply with any applicable requirement of ADR or RID.

Alternative placarding requirements to apply to certain

national carriage 6.—(1) This regulation applies in relation to national carriage—in a tank;

- (a) in bulk; or
- (b) in relation to carriage by rail, by piggyback transport, where that carriage is by a United Kingdom vehicle or a United Kingdom wagon.
- (2) But this regulation does not apply in relation to carriage—
- (a) of class 7 goods; or
- (b) of any dangerous goods by a vehicle or wagon belonging to or under the responsibility of one of the armed forces.
- (3) For the purposes of regulation 5, the requirements of—
- (a) Part 1 of Schedule 1 in respect of carriage by road; and

(b) Part 2 of Schedule 1 in respect of carriage by rail, are deemed to be requirements of Section 5.3.2 and any conflicting requirements in ADR or RID are to be disregarded.

(4) In this regulation—

- (a) a “United Kingdom vehicle” means a vehicle registered by the Secretary of State in accordance with section 21(1) of the Vehicle Excise and Registration Act 1994^(b) or a trailer being towed by such a vehicle; and
- (b) a “United Kingdom wagon” means a wagon used only for carriage within the United Kingdom.

(5) In Schedule 1 “emergency action code” is a reference to the emergency action code for the dangerous goods in question as listed in the Dangerous Goods Emergency Action Code List^(c), as revised or reissued from time to time.

Additional security requirements for carriage by road

7 .—(1) For the purposes of regulation 5, the requirements set out in paragraphs (2) to (4) are deemed to be requirements of Chapter 1.10 of ADR.

(2) The carrier and the driver of a vehicle which is being used for the carriage of class 1 goods must ensure that—

- (a) the carriage is completed within a reasonable length of time having regard to the distance involved;
- (b) the class 1 goods are delivered to—
 - (i) the consignee or the consignee’s agent; or
 - (ii) a person who is authorised by the consignee to accept custody of the class 1 goods—
 - (aa) for onward despatch; or
 - (bb) in circumstances where the consignee has compelling reasons not to accept the goods in accordance with Sub-section 1.4.2.3, provided they are delivered to qualifying premises;
- (c) the goods are unloaded from the vehicle as soon as is reasonably practicable after it arrives at its place of delivery; and
- (d) any trailer or container containing class 1 goods is not detached, or removed, from the vehicle unless it is in qualifying premises.

(a) 1987 c.53.

(b) 1994 c.22; paragraph 2 of Schedule 3 to the Finance Act 1997 replaced the existing section 21(1) with a new version.

(c) ISBN 9780113413263 (2009 edition).

(3) But paragraph (2)(d) does not apply in an emergency.

(4) The carrier of a vehicle used for the carriage of class 1 goods must not remove any class 1 goods from the consignor's premises unless ready immediately to despatch them to the consignee or a person authorised by the consignee to accept custody in the circumstances referred to in paragraph (2)(b)(ii)(aa).

(5) In this regulation—

(a) “designated parking area” means—

- (i) 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
- (ii) 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(a);

(b) “qualifying premises” means—

- (i) premises under the control of the Secretary of State for Defence;
- (ii) a safe and secure place; or
- (iii) a designated parking area in an airport, a railway transshipment depot or siding or a harbour or harbour area; and

(c) “a safe and secure place” means a place within a site—

- (i) in relation to which a person—
 - (aa) is licensed to manufacture or store explosives under regulation 13 of the Manufacture and Storage of Explosives Regulations 2005(b); or
 - (bb) is registered in respect of such storage under regulation 11 of those Regulations; or
- (ii) in respect of which a certificate of exemption has been granted under the Explosives Act 1875 (Exemption) Regulations 1979(c).

Additional security requirement relating to access

8 .—(1) For the purposes of regulation 5, the requirement set out in paragraph (2) is deemed to be a requirement of Chapter 1.10.

(2) A person involved in the carriage of dangerous goods must take all reasonable steps to ensure that unauthorised access to those goods is prevented.

(a) S.I. 1987/37; to which there are amendments not relevant to these Regulations.
(b) S.I. 2005/1082.
(c) S.I. 1979/1378.

Application of ADR to carriage by private individuals

9 .—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the exemption from the prohibitions and requirements of ADR provided for by Sub-section 1.1.3.1(a) of ADR (carriage by private individuals) is to be disregarded.

(3) But paragraph (2) does not apply if the conditions specified in paragraphs (4) and (5) are satisfied.

(4) The net mass of explosive substance being carried does not exceed—

- (a) in the case of fireworks, 50 kilograms; and
- (b) in the case of other explosives or a combination of fireworks and other explosives, 30 kilograms.

(5) The individual has taken all reasonable steps to ensure that—

- (a) the manner in which the class 1 goods are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) there is no unauthorised access to the class 1 goods.

Application of ADR to carriage by certain enterprises

10 .—(1) This regulation applies in relation to the carriage of class 1 goods by road.

(2) For the purposes of regulation 5, the requirements referred to in paragraph (3) apply to carriage that would, but for this paragraph, be exempt from those requirements because of the exemption set out in Sub-section 1.1.3.1(c) of ADR (carriage by enterprises which is ancillary to their main activity).

(3) The requirements are—

- (a) the requirements of ADR in—
 - (i) Section 7.5;
 - (ii) Section 8.3.5; and
 - (iii) special provisions S1:(3) and S1:(6) of Chapter 8.5; and
- (b) the requirements deemed to be part of ADR in consequence of regulations 7 and 8.

PART 3 EXEMPTIONS

Derogations and transitional provisions

11 .—(1) The Secretary of State for Transport may exempt the carriage of dangerous goods from requirements and prohibitions arising under Part 2 of these Regulations.

(2) But paragraph (1) only applies for the purposes of—

- (a) implementing a derogation authorised under article 6(2) to (4) of the Dangerous Goods Directive;
- (b) maintaining a transitional provision permitted by article 7 of the Dangerous Goods Directive; or
- (c) ensuring that carriage to which these Regulations apply, but the Dangerous Goods Directive, ADR or RID does not apply, is carried out in a manner consistent with a derogation or transitional provision referred to at sub-paragraph (a) or (b).

(3) Where any exemption is granted pursuant to paragraph (1), that exemption is to be set out in a document to be called “Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions”.

(4) The document may be revised in whole or in part from time to time.

(5) In the document the Secretary of State must set out—

- (a) the types of carriage to which the exemption applies;
- (b) the circumstances in which the exemption applies;
- (c) the requirements and prohibitions that do not apply pursuant to paragraph (1); and
- (d) any requirements and prohibitions that apply instead.

(6) The Secretary of State may not bring to an end, or substantially alter, an exemption unless those who might be affected have been consulted.

(7) This regulation does not limit the power to issue an authorisation under regulation 12(1).

Authorisations

12 .—(1) A person referred to in column 1 of the Table may issue an authorisation to a person or class of persons to carry dangerous goods in circumstances which are contrary to prohibitions and requirements arising under Part 2 of these Regulations providing the conditions specified in column 2 are satisfied in respect of that carriage.

Column 1	Column 2
The Secretary of State for Transport	The carriage is national carriage
The Secretary of State for Energy and Climate Change	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Energy and Climate Change is the GB competent authority.”
The Secretary of State for Defence	<p>The conditions are as follows—</p> <ul style="list-style-type: none"> (a) (i) the carriage is national carriage; and (ii) either— <ul style="list-style-type: none"> (aa) the authorisation relates to prohibitions and requirements arising out of functions for which the Secretary of State for Defence is the GB competent authority; or (bb) it is in the interests of national security to disapply the prohibitions and requirements that are the subject of the authorisation; or (b) the carriage is by a vehicle or wagon belonging to or under the responsibility of one of the armed forces and it is not reasonably practicable for operational, training or security reasons related to the role of the armed forces for the prohibitions and requirements disapplied by the authorisation to apply to the carriage.
The Health and Safety Executive	The carriage is national carriage and the authorisation relates to prohibitions and requirements arising out of functions for which the Health and Safety Executive is the GB competent authority.

(2)An authorisation issued pursuant to paragraph (1) must be in writing and must set out—

- (a) the carriage that is covered by the authorisation;
- (b) the reason that the authorisation is being issued; and
- (c) any time limit applicable to the validity of the authorisation.

(3)An authorisation issued pursuant to paragraph (1) may be—

- (a) made subject to conditions; and

(b) withdrawn at any time by the provision of a notice in writing to that effect to the person authorised and that notice must set out whether the withdrawal of the authorisation has effect immediately or whether the withdrawal has effect from a specified date.

(4) Any authorisation granted, or deemed to be granted, pursuant to regulation 9(2) or 10(13) of the 2007 Regulations that was in force immediately before the coming into force of these Regulations is deemed to be an authorisation issued pursuant to paragraph (1) of this regulation and subject to the same conditions as were in force immediately before the coming into force of these Regulations.

Reference temperatures and standards

13 .—(1) This regulation applies where the GB competent authority has recognised reference temperatures or standards in accordance with regulation 28(1) or (2).

(2) Part 2 does not apply in relation to national carriage to the extent that it imposes requirements on that carriage that conflict with the reference temperatures or standards recognised in accordance with regulation 28(1) or (2).

(3) The exemption set out in paragraph (2) only applies if the tank or pressure receptacle being used for carriage —

- (a) is clearly marked or labelled to show that it is suitable for national carriage only; and
- (b) does not carry the conformity mark.

Old pressure receptacles

14 .—(1) This regulation applies in relation to national carriage.

(2) This regulation applies in relation to the carriage of dangerous goods which is not permitted under Part 2 of these Regulations because the old pressure receptacle used for that carriage cannot, by virtue of its design or construction, satisfy the requirements for the use of pressure receptacles set out in ADR or RID.

(3) Subject to paragraph (5), the requirements in ADR or RID which cannot be complied with are to be disregarded for the purposes of Part 2 of these Regulations if the requirements of paragraph (4) are satisfied.

(4) The requirements are—

- (a) the old pressure receptacle has not been subject to modification, major repair or re-rating which has put it outside the scope of the design standard or design specification to which it was originally constructed;
- (b) the old pressure receptacle—
 - (i) has been approved by a person appointed pursuant to regulation 29(2) as being safe for use;
 - (ii) was found to be safe by an inspection body in accordance with paragraph 5(4) of Schedule 3 to the 2007 Regulations and marked accordingly; or

- (iii) was found to be safe by an inspection body or a competent person in accordance with paragraph 4(2) of Schedule 2 to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(a) and marked accordingly, and the time elapsed since the approval or the finding that the receptacle was safe does not exceed the intervals for periodic inspection specified in Tables 1 to 3 of Packaging Instruction P200 and Packing Instruction P203 in Section 4.1.4; and
- (c) in respect of old pressure receptacles used for the carriage of acetylene, the operator has a written record of—
 - (i) the tare weight of the old pressure receptacle, including the porous substance and, where relevant, the acetone or other solvent;
 - (ii) the nature of solvent used; and
 - (iii) the maximum safe operating pressure of the old pressure receptacle.

(5) An old pressure receptacle which is of seamless construction or has contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken may not be used for the carriage of dangerous goods.

(6) In this regulation “old pressure receptacle” means a cylinder, tube, pressure drum, closed cryogenic receptacle or bundle of cylinders—

- (a) constructed—
 - (i) in the case of cylinders, tubes and cryogenic receptacles, on or before 30th June 2003; and
 - (ii) in the case of other pressure receptacles, on or before 9th May 2004;
- (b) which did not meet the design and construction requirements applicable to that receptacle that were set out in ADR or RID as in force on the date construction was completed;
- (c) which did comply with the design and construction requirements imposed under the law of the United Kingdom in force on the date construction was completed; and
- (d) which has not been subject to a reassessment of conformity pursuant to a provision of the law of United Kingdom or another EEA State giving effect to article 5 of the Transportable Pressure Equipment Directive (including regulation 21 of these Regulations).

Carriage within the perimeter of an enclosed area

15. Part 2 of these Regulations does not apply in relation to the carriage of dangerous goods where such carriage is wholly performed within the perimeter of an enclosed area.

(a) S.I. 2004/568; revoked by S.I. 2007/1573.

Carriage by road other than by vehicles

16.—(1) This regulation applies in relation to carriage by road.

(2) Part 2 of these Regulations does not apply in relation to carriage where that carriage is not undertaken by a vehicle.

Instruments of war and related material

17. Part 2 of these Regulations does not apply in relation to the carriage of class 7 goods by a vehicle or wagon belonging to, or under the responsibility of, one of the armed forces where those goods—

- (a) are, or form part of, an instrument of war;
- (b) are required for research into, or the development or production of, any such instrument or part of such instrument; or
- (c) are produced in the course of, or in connection with, such research, development or production.

Nuclear material

18 .—(1) Part 2 does not apply in relation to the carriage of Category I/II nuclear material or Category III nuclear material to the extent that it requires compliance with the security provisions.

(2) In this regulation—

- (a) “Category I/II nuclear material” has the meaning given in regulation 3(3) of the Nuclear Industries Security Regulations 2003(a); and
- (b) “Category III nuclear material” has the meaning given in regulation 3(4) of the Nuclear Industries Security Regulations 2003.

PART 4 TRANSPORTABLE PRESSURE EQUIPMENT

Conformity assessment

19 .—(1) Regulations 19A to 19F apply to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive..

(2) For the avoidance of doubt, any reference in those regulations to a manufacturer, importer, distributor, owner or operator as “it” is not to be construed as excluding a natural person.

(3) The first obligation is that the equipment meets the requirements of—

- (a) the Dangerous Goods Directive; or
- (b) if applicable, article 3(4) of the Transportable Pressure Equipment Directive.

(a) S.I. 2003/403.

(4)The second obligation is that the fact that the equipment satisfies the first obligation is demonstrated by the conformity assessment procedures mentioned in article 3(1) and (2) of the Transportable Pressure Equipment Directive.

(5)The third obligation is that those conformity assessment procedures are carried out by a notified body.

(6)The fourth obligation is that the marking requirements set out in article 10 of the Transportable Pressure Equipment Directive that are applicable to conformity assessment are complied with in relation to that equipment.

(7)For the purposes of these Regulations, a reference in Part I of Annex IV to the Transportable Pressure Equipment Directive to “national authorities” is to be treated as if it were a reference to “competent authority”.

General Obligations

19A.—(1) A manufacturer, importer, distributor, owner or operator may only place or make available on the market, put into service or use equipment if it ensures that the equipment meets the requirements of the Dangerous Goods Directive.

(2)On receipt of a request from the Health and Safety Executive, a manufacturer, importer, distributor, owner or operator must identify to the Executive any manufacturer, importer, distributor or owner who has supplied it with, or to whom it has supplied, equipment over at least the previous 10 years.

(3)A request made pursuant to paragraph (2) must—

(a) be in writing; and

(b) contain a date by which a response is to be provided with that date being reasonable in all the circumstances.

(4)Paragraph (5) applies where a manufacturer, importer, distributor or owner provides to an operator information about equipment it has placed or made available on the market, or put into service.

(5)The information must comply with the Directives.

(6)This regulation does not apply to an owner who is a private individual using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.

Obligations of Manufacturers

19B.—(1) A manufacturer must—

(a) ensure a conformity assessment is carried out by a notified body;

(b) mark equipment in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive; and

(c) keep the technical documentation specified in the Dangerous Goods Directive for the period specified in that Directive.

(2)Where a manufacturer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that

manufacturer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a manufacturer considers that equipment it has placed on the market presents a risk, that manufacturer must immediately inform the TPED competent authority in any relevant member State of the risk, including providing details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(4) A manufacturer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(5) On receipt of a reasoned request from a TPED competent authority, a manufacturer must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action it takes to eliminate risks posed by that equipment.

(6) This regulation applies to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

- (a) places equipment on the market under the importer or distributor's own name or trademark; or
- (b) modifies equipment already placed on the market in such a way that compliance with the Directives may be affected.

Obligations of Importers

19C.—(1) An importer must ensure that—

- (a) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with the Dangerous Goods Directive;
- (b) equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it;
- (d) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment's compliance with the Dangerous Goods Directive; and
- (e) the technical documentation specified in the Dangerous Goods Directive is kept for the period set out in that Directive.

(2) Where an importer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that importer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where an importer considers that equipment presents a risk before it has been placed on the market, that importer must inform the manufacturer and the Health and Safety Executive of the risk.

(4) Where an importer considers that equipment it has placed on the market presents a risk, that importer must immediately inform the manufacturer and the TPED competent authority in any relevant member State of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) An importer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, an importer must—

- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.

Obligations of Distributors

19D.—(1) A distributor must ensure that—

- (a) the equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (b) the certificate of conformity for the equipment contains or has attached to it the name and address of the importer where relevant; and
- (c) the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment's compliance with the Directives.

(2) Where a distributor knows or has reason to believe that equipment it made available on the market does not comply with the Directives, that distributor must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where a distributor considers that equipment presents a risk before it has been made available on the market, that distributor must inform—

- (a) the manufacturer or the importer; and
- (b) the Health and Safety

Executive, of the risk.

(4)Where a distributor considers that equipment it has made available on the market presents a risk, that distributor must immediately inform—

(a) the manufacturer or the importer; and

(b) the TPED competent authority in any relevant member State, of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5)A distributor must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6)On receipt of a reasoned request from a TPED competent authority, a distributor must—

(a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and

(b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.

Obligations of Owners

19E.—(1) An owner must ensure that equipment for which it is responsible is stored and transported in conditions that do not jeopardise the compliance of that equipment with the Dangerous Goods Directive.

(2)Where an owner considers that the owner's equipment presents a risk, it must inform—

(a) the manufacturer, importer or distributor; and

(b) the Health and Safety

Executive, of the risk.

(3)An owner must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(4) This regulation does not apply to private individuals using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.

Obligations of Operators

19F. Where an operator considers that equipment presents a risk, that operator must inform the owner and the Health and Safety Executive of the risk.

Authorised Representatives

20.—(1) Subject to paragraph (3), a manufacturer may appoint in writing a person ("an authorised representative") to carry out some or all of the duties imposed on the manufacturer by regulations 19A and 19B.

(2)An appointment made in accordance with paragraph (1) must

include at least the following duties—

- (a) keeping technical documentation;
- (b) providing to a TPED competent authority, in response to a reasoned request and in a language that it easily understands, the information and documents necessary to show the equipment meets the requirements of the Directives; and
- (c) cooperating with a TPED competent authority in any action it takes to eliminate risks posed by the equipment.

(3) An authorised representative must not be appointed to carry out duties imposed by regulation 19A(2), 19B(1)(a) or 19B(1)(b).

(4) The name and address of the authorised representative must be included on the certificate of conformity.

(5) An authorised representative must only provide information to an operator that complies with the requirements of the Directives.

Reassessment of conformity

21 .—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(c) of that Directive.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment is to be—

- (a) reassessed by a type A notified body in accordance with the procedure set out in Part II of Annex III to the Transportable Pressure Equipment Directive; and
- (b) inspected by a notified body notified for periodic inspection of that equipment and marked in accordance with the requirements of articles 14 and 15 of that Directive.

(4) But if the pressure receptacle has been manufactured in series to a design type for which a type A notified body notified for reassessment of conformity has issued a certificate of type reassessment, the reassessment of conformity may be undertaken by a notified body notified for periodic inspection of that pressure receptacle.

(5) In this regulation—

- (a) “certificate of type reassessment” means a certificate issued in accordance with paragraph 7 of Annex III to the Transportable Pressure Equipment Directive; and
- (b) “type A notified body” means a notified body conforming to standard EN ISO/IEC 17020 type A(a) as revised or reissued from time to time.”.

Periodic inspection and repeated use

22 .—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(b) of that Directive.

(2) If the equipment bears a marking referred to in articles 14 and 15 of the Transportable Pressure Equipment Directive, it is to be subject to periodic inspection in accordance with the requirements of article 6(1) of the Dangerous Goods Directive.

(3) The marking requirements applicable to periodic inspections set out in articles 14 and 15 of the Transportable Pressure Equipment Directive are to be complied with in relation to the equipment.

Misleading and other markings

23 .—(1) No person is to affix a marking on transportable pressure equipment which is likely to mislead third parties with regard to the meaning or the graphics of the conformity mark.

(2) Any other marking may be affixed to transportable pressure equipment provided that the visibility and legibility of the conformity mark is not reduced.

PART 5 RADIOLOGICAL EMERGENCIES

Radiological emergencies

24 .—(1) This regulation applies in relation to the carriage of class 7 goods.

(2) The requirements of Schedule 2 are to be complied with in relation to radiological emergencies.

(3) But paragraph (2) does not apply in relation to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.

(4) For the purposes of these Regulations—

- (a) “radiological emergency” means a situation arising during the course of the carriage of a consignment that requires urgent action in order to protect workers, members of the public or the population (either partially or as a whole) from exposure;
- (b) “exposure” means being exposed to ionising radiation; and
- (c) “ionising radiation” means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less, or a frequency of 3×10^{15} hertz or more, capable of producing ions directly or indirectly.

PART 6

GB COMPETENT AUTHORITY FUNCTIONS

Competent authority

25 .—(1) The competent authority in Great Britain for the purposes of these Regulations is determined in accordance with paragraphs (2) to (5).

(2) Subject to paragraph (3), the Health and Safety Executive is the competent authority for class 1 goods in relation to—

- (i) classification pursuant to Section 2.2.1;
- (b) special provisions 16, 178, 266, 271, 272, 278, 288, 309, 311 and 645 of Chapter 3.3;
- (c) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
- (d) the design approval of containers or compartments, in accordance with note a to Sub- section 7.5.2.2; and
- (e) the functions in respect of mobile explosives manufacturing units mentioned in Sub- sections 6.12.5 and 7.5.5.2.3.

(3) The competent authority is the Secretary of State for Defence for functions—

- (i) in relation to military explosives for—
 - (i) classification pursuant to Section 2.2.1;
 - (ii) special provisions 16, 178, 266, 271 and 645 of Chapter 3.3;
 - (iii) mixed packing instruction MP21 of Section 4.1.10, Sub-sections 4.1.5.15 and 4.1.5.18;
 - (iv) special provision W2 of Section 7.2.4; and
 - (v) the design approval of containers or compartments, in accordance with note a to Sub- section 7.5.2.2; and
- (ii) in relation to class 7 goods which—
 - (i) are, or form part of, an instrument of war;
 - (ii) are required for research into, or the development or production of, any such instrument or part of such instrument; or
 - (iii) are produced in the course of, or in connection with, such research, development or production.

(3A) The Secretary of State for Energy and Climate Change is the competent authority for those functions in relation to the carriage of class 7 goods for which the Secretary of State for Defence is not the competent authority, except for the function in sub-section 1.10.1.6 of ADR (register of driver training certificates).”.

(4) The competent authority for the functions set out in Sub-sections 1.9.5.1, 1.9.5.3.1 and 1.9.5.3.8 of ADR is the traffic authority responsible for the road that passes through the tunnel.

(5) The Secretary of State for Transport is the competent authority for all other functions.

(6)The GB competent authority may appoint a person to carry out a function of the GB competent authority under these Regulations and a reference in these Regulations to the performance of the function by the GB competent authority is to be treated as including a reference to the performance of the function by the person appointed.

(7)The person may be appointed to carry out the function in particular circumstances or generally.

(8)Paragraphs (9) and (10) apply if the 2007 GB competent authority appointed, or was deemed by regulation 67(5) of the 2007 Regulations to have appointed, a person to perform a competent authority function pursuant to regulation 67(1) of those Regulations and that appointment had effect immediately before the coming into force of these Regulations.

(9)The person appointed, or deemed appointed, under the 2007 Regulations is deemed to be a person appointed pursuant to paragraph (6) to perform the equivalent function in ADR or RID.

(10)But in the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 67(1) of the 2007 Regulations.

(11)In this regulation—

(a) “military explosives” means any class 1 goods—

- (i) under the control of the Secretary of State for Defence;
- (ii) held for the service of the Crown for the purposes of the Ministry of Defence;
- (iii) under the control of one of the armed forces; or
- (iv) the carriage of which is certified by the Secretary of State for Defence to be in connection with the execution of a contract with the Secretary of State for Defence or with one of the armed forces; and

(b) “traffic authority” is to be construed in accordance with section 121A of the Road Traffic Regulation Act 1984(a).

Functions of the GB competent authority arising under ADR, RID and ADN

26. The GB competent authority is to perform those functions that are identified in ADR, RID and ADN as being the functions of a competent authority.

Fees in relation to functions of the GB competent authority

27 .—(1) This regulation applies where a person has asked the GB competent authority to perform a function which is, by virtue of regulation 26, a function of the GB competent authority.

(2)A fee may be charged for, or in connection with, the performance of the function by, or on behalf of, the GB competent authority.

(3)Any fee charged must be reasonable for the work performed or to be performed.

(4) But in relation to a function mentioned in regulation 29(3), paragraph 1(2) and (3) of Schedule 3 applies instead of paragraphs (2) and (3) of this regulation.

GB competent authority functions relating to reference temperatures and standards

28 .—(1) The GB competent authority may recognise 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,

in relation to the filling of pressure receptacles and tanks intended to be used only for the national carriage of liquefied gas.

(2) The GB competent authority may recognise standards for the construction of the shell of a tank intended to be used only for the national carriage of liquefied gas which specify—

- (a) a different design reference temperature for the shell of the tank from that set out in Sub-section 6.7.3.2.1; or
- (b) 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,

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.

Appointments by the GB competent authority

29 .—(1) Paragraph (2) applies in respect of equipment which under these Regulations may not be used in connection with the carriage of dangerous goods unless it has been approved for that use.

(2) The GB competent authority may appoint such persons as it thinks fit to determine whether the equipment should be approved and, if so, to approve that equipment for use.

(3) Where it is a function of the GB competent authority, by virtue of regulation 26, to approve or authorise a body or expert to carry out, witness, supervise or decide to waive an inspection, examination, test or approval in respect of equipment used in connection with the carriage of dangerous goods, that function is to be performed by the appointment of a person pursuant to paragraph (2).

(a) 1984 c.27; section 121A was inserted by the New Roads and Street Works Act 1991 (c.22), Schedule 8, Part 2, paragraph 70 and amended by the Greater London Authority Act 1999 (c.29), section 271 and S.I. 1999/1820 and 2001/1400.

(4) In respect of the appointment of a person to carry out the functions of a notified body for the purposes of Part 4 of these Regulations, the GB competent authority may not appoint a person pursuant to paragraph (2) unless that person satisfies the criteria set out in the Dangerous Goods Directive and the requirements set out in articles 20 and 26 of the Transportable Pressure Equipment Directive.

(5) Schedule 3 has effect in relation to the making of appointments pursuant to paragraph (2).

Certain functions to be deemed to have been performed by the GB

competent authority 30.—(1) Paragraphs (3) and (4) apply if—

- (a) the 2007 GB competent authority performed, or was deemed by regulation 70 of the 2007 Regulations to have performed, a function pursuant to regulation 66(1) of those Regulations; and
- (b) the action taken by the 2007 GB competent authority, as a consequence of the performance of the function, had effect immediately before the coming into force of these Regulations.

(2) But paragraphs (3) and (4) do not apply where the function was performed, or deemed performed, by appointment in accordance with regulation 69(2) of the 2007 Regulations.

(3) The GB competent authority is deemed to have performed the function pursuant to regulation 26 under the same provision of ADR or RID as it was performed, or deemed performed, pursuant to regulation 66(1).

(4) In the case of a function performed in relation to carriage by inland waterway, the GB competent authority is to be deemed to have performed the function under the equivalent provision of ADN as it was performed, or deemed performed, under ADR pursuant to regulation 66(1).

PART 7 MISCELLANEOUS

Keeping and provision of information

31 .—(1) An accident report of the kind referred to in Sub-section 1.8.3.6 is to be provided to the GB competent authority or enforcement authority if requested.

(2) A written record of the information contained in the transport document described in Chapters 5.4 and 5.5 is to be kept for a period of three months after the completion of the carriage in question.

Enforcement

32 .—(1) The enforcing authorities for these Regulations are—

- (a) the Health and Safety Executive in relation to road and rail;
- (b) the Secretary of State for Transport in relation to road and inland waterways;
- (c) the chief officer of police of each area in relation to road;
- (d) the Secretary of State for Energy and Climate Change in relation to the carriage of class 7 goods by road and inland waterways, except in respect of carriage for which the Secretary of State for Defence is an enforcing authority; and
- (e) the Secretary of State for Defence in relation to road, rail and inland waterways but only in connection with those functions for which the Secretary of State for Defence is the GB competent authority.

(2) But the Health and Safety Executive is not an enforcing authority in relation to rail to the extent that the Office of Rail Regulation is an enforcing authority pursuant to regulation 3(1) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(a).

(3) Paragraphs (1) and (2) are subject to paragraphs (4) and (5).

(4) The Secretary of State for Transport is the only enforcing authority in relation to the carriage of all classes of goods, except class 7 goods to the extent that these Regulations require compliance with the security provisions.

(5) The Secretary of State for Energy and Climate Change is the only enforcing authority in relation to the carriage of class 7 goods to the extent that these Regulations require compliance with the security provisions

Revocation

33. The 2007 Regulations are revoked.

The Classification and Labelling of Explosives Regulations 1983(a) are revoked.

Duty to Review

34.—(1) The Secretary of State must—

- (a) conduct a review of the operation and effect of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish a report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directives are implemented in other member States of the EU.

(a) S.I. 2006/557; amended by S.I. 2007/1573; there is another amendment not relevant to these Regulations.

(3)The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4)“Review period” means—

- (a) the period of five years beginning with the day on which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2011 come into force; and
- (b) subject to paragraph (5), each successive period of five years.

If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Consequential Amendments

17.—(1) The Regulations specified in the Schedule to these Regulations are amended in accordance with the provisions of that Schedule.

(2)The amendments made by this regulation and the Schedule to the Regulations in paragraphs 1 to 6 of the Schedule apply outside Great Britain to the extent that they affect provisions of those Regulations which apply outside Great Britain by virtue of—

- (a) regulation 5(1) of the Dangerous Substances in Harbour Areas Regulations 1987**(b)**;
- (b) regulation 3 of the Docks Regulations 1988**(c)**;
- (c) regulation 14(1) of the Control of Explosives Regulations 1991**(d)**;
- (d) regulation 10(1) of the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993**(e)**;
- (e) regulation 7 of the Marking of Plastic Explosives for Detection Regulations 1996**(f)**; and
- (f) regulation 12 of the Dangerous Substances and Explosive Atmospheres Regulations 2002**(g)**.

(a) S.I. 1983/1140 as amended by the following S.I.s: 1996/2093, 1999/303, 2004/568, 2005/1082, 2007/1573 and 2010/1554.
(b) S.I. 1987/37, to which there are amendments not relevant to these Regulations.
(c) S.I. 1988/1655, to which there are amendments not relevant to these Regulations.
(d) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.
(e) S.I. 1993/2714, to which there are amendments not relevant to these Regulations.
(f) S.I. 1996/890.
(g) S.I. 2002/2776, amended by S.I. 2004/568, 2007/1573 and 2009/716.

Regulation 6(3)

SCHEDULE 1
PLACARDS, MARKS AND PLATE MARKINGS FOR NATIONAL CARRIAGE

PART 1
CARRIAGE OF GOODS BY ROAD

Hazard Identification Numbers to be replaced by Emergency Action Codes (road)

1. When displaying the orange-coloured plates provided for by Sub-sections 5.3.2.1.2 and 5.3.2.1.4, the emergency action code for the substance in question must be displayed instead of the hazard identification number.

Display of the orange-coloured plate if one type of dangerous good is being carried (road)

2. If one type of dangerous good is being carried —

- (a) the orange-coloured plates referred to in paragraph 1 must be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, battery-vehicle, tank-vehicle, transport unit or container in question; and
- (b) an identical orange-coloured plate must 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.

Display of the orange-coloured plate if more than one type of dangerous good is being carried (road)

3 .—(1) If more than one type of dangerous good is being carried in a tank or in bulk in a transport-unit or a battery-vehicle or a tank-vehicle with more than one tank, element or container—

- (a) the orange-coloured plates referred to in paragraph 1, must be displayed in accordance with the provisions of Sub-sections 5.3.2.1.2 and 5.3.2.1.4 which are applicable to the goods, transport unit, battery-vehicle, tank-vehicle or container in question except that—
 - (i) only one on each side of the transport unit, tank, tank compartment, element of a battery-vehicle, or container in question, parallel to the longitudinal axis, is to bear the emergency action code; and
 - (ii) the remaining plates must bear only the UN number and must be 150mm in height; and
- (b) an orange-coloured plate must be affixed to the rear of the battery-vehicle, tank-vehicle or transport unit in question which must be identical to the plates referred to in Paragraph (a), except that it is to display the emergency action code only in the top half of the plate.

(2) But if more than one type of 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 need only bear the emergency action code and UN number for the most hazardous of the dangerous goods being carried.

Telephone number to be used to obtain specialist advice to be displayed (road)

4 .—(1) If 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 must be displayed—

- (a) at the rear of the transport unit;
- (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 plates displaying the emergency action codes,

and must be in black digits of not less than 30mm in height against an orange-coloured background.

(2)The phrase “consult local depot” or “contact local depot” may be substituted for the telephone number if—

- (a) the name of the carrier is clearly identifiable from the marking on any tank or the transport unit;
- (b) as regards England and Wales, the fire and rescue authority or, as regards Scotland, the chief officer of the relevant authority 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 and rescue authority or chief officer, as referred to in Paragraph (b), has indicated, in writing, satisfaction with the arrangements.

Use of hazard warning panels (road)

5 .—(1) The information required to be displayed on placards and orange-coloured plates pursuant to Section 5.3.1 and paragraphs 1 to 3 and the information required to be displayed pursuant to paragraph 4 may all be shown on hazard warning panels provided that any such panel meets the conditions set out in sub-paragraph (2) and, if relevant, sub-paragraph (3).

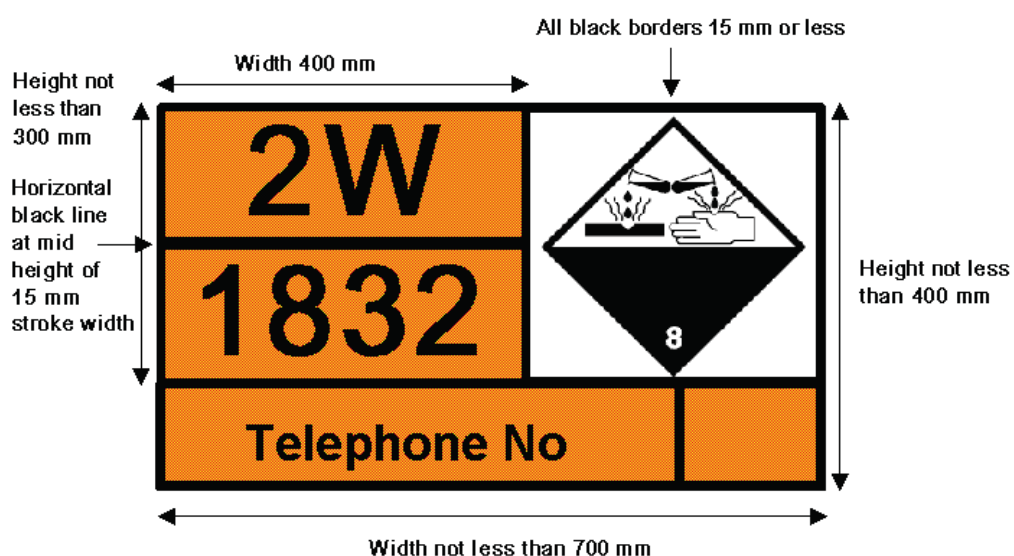
(2)The conditions referred to in sub-paragraph (1) for a hazard warning panel are that—

- (a) it must be displayed in accordance with paragraphs 1 to 4 as if it were an orange-coloured plate;

- (b) it must be orange-coloured, except the part incorporating the placard which must be white;
- (c) the placard must 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, those placards must be adjacent in the same horizontal plane;
- (e) it must conform to the figure in sub-paragraph (4); and
- (f) it must be clearly visible.

(3) If dangerous goods are carried in a tank which was constructed on or after 1st January 2005, the orange-coloured plate must be indelible and remain legible after it has been engulfed in fire for 15 minutes.

(4) The figure is—



PART 2 CARRIAGE OF GOODS BY RAIL

Hazard Identification Numbers to be replaced by Emergency Action Codes (rail)

6. When displaying the orange-coloured plates provided for by Section 5.3.2, the emergency action code for the substance in question must be displayed instead of the hazard identification number.

Telephone number to be used to obtain specialist advice to be displayed (rail)

7. If 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 must 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.

Use of hazard warning panels (rail)

8.—(1) The information required to be displayed on placards and orange-coloured plates in accordance with Section 5.3.1 and paragraph 6 and the telephone number required to be displayed pursuant to paragraph 7 may all be shown on hazard warning panels provided that the 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 must—

- (a) be displayed in accordance with paragraph 7 as if it were an orange-coloured plate; and
- (b) comply with the requirements of paragraphs 5(2)(b) to (f).

SCHEDULE 2 RADIOLOGICAL EMERGENCIES

Regulation 24(2)

Interpretation

1. In this Schedule, the expressions mentioned in column 1 of the Table have the meanings given in column 2—

Table

<i>Column 1</i>	<i>Column 2</i>
“assist in the intervention”	<p>The taking of such steps, as it is reasonable and practicable in the prevailing circumstances to take, in order to prevent or decrease exposure. The circumstances to be taken into account include—</p> <ul style="list-style-type: none"> (a) the weather conditions; (b) the time of the occurrence of the emergency; (c) the distribution of the local population; (d) the nature and content of the package involved; (e) the stability of the class 7 goods involved; (f) the nature of the local geography and ecology; (g) any other prevailing hazards; and (h) the relative importance of the emergency in relation to other calls that are being made upon the emergency services.
“intervention”	<p>A human activity that prevents or decreases the exposure of persons to radiation from a radiation emergency or from an event which could lead to a radiation emergency, by acting on the sources of radiation, the paths by which such radiation may be transmitted to persons and on persons themselves.</p>

Information to the public about health protection measures

2.—(1) Every consignor, carrier and consignee carrying out the transport of a consignment must—

- (a) ensure that any members of the public who are in an area in which, in the opinion of the GB competent authority, they are likely to be affected by a radiological emergency arising from the undertaking of that carrier, consignor or consignee are supplied, in the appropriate manner approved by the GB competent authority and without their having to request it, with at least the information set out in sub-paragraph (2); and
- (b) make that information publicly available, which includes endeavouring to enter into an agreement or arrangement with the local authority in the area referred to in Paragraph (a) for the dissemination by that authority of the information required to be supplied to members of the public in accordance with that Paragraph.

(2) The following is the information that is to be supplied and made available—

- (a) the basic facts about the radioactivity and its effects on persons and on the environment;
- (b) the various types of radiological emergency possible and their consequences for the general public and the environment;
- (c) the emergency measures envisaged to alert, protect and assist the general public in the event of the occurrence of a radiological emergency;
- (d) appropriate information on action to be taken by the general public in the event of the occurrence of a radiological emergency; and
- (e) the appropriate local authority responsible for implementing the emergency measures and action referred to in Paragraphs (c) and (d).

(3) In preparing the information to be supplied and made available, the carrier, consignor or consignee must—

- (a) consult the GB competent authority, but remain responsible for the accuracy, completeness and form of the information supplied; and
- (b) endeavour to enter into an agreement or arrangement with the local authority in whose area the carrier, consignor or consignee is situated with respect to the dissemination by that authority of the information to members of the public.

(4) The information supplied and made available must be updated—

- (a) at regular intervals;
- (b) whenever significant changes to any of the matters mentioned in sub-paragraph (2) take place; and
- (c) in any event, at least every 3 years.

(5) When information is updated in accordance with sub-paragraph (4) it must again be supplied and made publicly available in accordance with sub-paragraph (2).

Duties with respect to the monitoring of

particular persons 3.—(1) Any—

- (a) employee or agent of a consignor, carrier or consignee; or
- (b) person of whose services a consignor, carrier or consignee makes use in the carriage of dangerous goods,

who assists in an intervention and is liable to be subjected to emergency exposure must be treated as being a person classified pursuant to regulation 20 of the Ionising Radiations Regulations 1999^(a) (“the 1999 Regulations”) and, accordingly, the consignor, carrier or consignee (as the case may be) has the same duties with regard to the monitoring of such persons as are imposed upon an ‘employer’ by regulations 21 to 26 of the 1999 Regulations.

(2) To the extent that it is necessary in order to save human lives, an emergency exposure is permitted as a result of which the dose limit specified in paragraph 1, 2, 6, 7 or 8 of Schedule 4 (Dose Limits) to the 1999 Regulations will be exceeded, provided that the person who is proposed to be subjected to a dose in excess of the limit provided for in the relevant paragraph is a volunteer and has been informed of the risks involved in the intervention.

(3) In this paragraph, “emergency exposure” means an exposure of a person engaged in an activity of, or associated with, the response to a radiation emergency or potential emergency in order to bring help to endangered persons, prevent exposure of a large number of persons or save a valuable installation or goods where one of the individual dose limits referred to in paragraphs 1 or 2 of Part 1 of Schedule 4 to the 1999 Regulations could be exceeded.

(a) S.I. 1999/3232.

Duties of consignor and carrier with regard to the preparation of emergency arrangements

4 .—(1) Before the carriage of a package begins, the consignor and the carrier of that package must ensure that there is a plan in writing setting out such emergency arrangements as are appropriate for the carriage of that package.

(2) The plan must be prepared having regard to—

- (a) the principle that intervention is to be undertaken only if the damage due to the radiation resulting from the radiation emergency is sufficient to justify the potential harm and the potential cost (including the social cost) of that intervention;
- (b) the principle that the form, scale and duration of the intervention should ensure that the benefit to health will be greater than any harm that might be associated with the intervention itself;
- (c) the dose limits provided for in Schedule 4 to the Ionising Radiations Regulations 1999; and
- (d) the levels of radiation dose applicable in an emergency that are specified by the Health Protection Agency pursuant to its functions under section 3 of the Health Protection Agency Act 2004(a).

(3) To the extent that the plan is used in relation to carriage on more than one occasion, the consignor and the carrier must review and, whenever necessary, revise the emergency arrangements and must ensure that at suitable intervals they are tested.

Duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency

5 .—(1) The driver of a vehicle or train carrying class 7 goods who discovers, or has reason to believe, that a notifiable event has occurred in relation to the transport unit or train must—

(a) immediately notify—

- (i) the police;
- (ii) (where appropriate), as respects England and Wales, the fire and rescue authority and, as respects Scotland, the chief officer of the relevant authority; and

(iii) the consignor, of that event;

- (b) initiate the emergency arrangements in respect of any radiological emergency; and
- (c) assist in the intervention that is made in connection with that radiological emergency.

(2) The carrier of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to those goods must—

(a) immediately notify—

- (i) the police (unless the driver of the transport unit or train has already done so); and
 - (ii) the GB competent authority, of that event;
- (b) assist in the intervention that is made in connection with any radiological emergency; and
- (c) as soon as is reasonably practicable, arrange for the examination of the load so as to determine whether contamination has arisen and, if it has, to arrange for the safe disposal of any part of the load that has been contaminated and for the decontamination of the transport unit or train.
- (3) If a consignor of class 7 goods becomes aware of the occurrence of a notifiable event in relation to those goods, the consignor must—
- (a) immediately notify—
 - (i) the police; and
 - (ii) the GB competent authority, of that event (unless either the driver or the carrier has already done so);
 - (b) assist in the intervention that is made in connection with any radiological emergency; and
 - (c) provide the GB competent authority with details of the incident that gave rise to that emergency.
- (4) If a consignor of class 7 goods becomes aware that emergency arrangements have been initiated in relation to those goods, the consignor must notify the GB competent authority of the initiation of those arrangements even if, in the event, no intervention was made pursuant to those arrangements.
- (5) If a notifiable event occurs the carrier must ensure that a report is made forthwith to the GB competent authority.
- (6) The report required under sub-paragraph (5) must be in a form which has been approved by the GB competent authority and must contain all relevant information which the GB competent authority has communicated to the carrier that it considers necessary.

(2) In this paragraph—

- (a) “notifiable event” means—
 - (i) a radiological emergency,
 - (ii) the theft or loss of the class 7 goods being carried; or
 - (iii) an occurrence subject to report as construed in accordance with Sub-section 1.8.5.3; and
- (b) “initiate the emergency arrangements” means the taking of such steps as it is reasonable and practicable to take in order to put into effect the actions that have been planned for in the emergency arrangements.

Packages involved in a radiological emergency

6. A package that has been involved in a radiological emergency must not be carried or caused to be carried unless the consignor or the consignor's agent has examined it and the consignor is satisfied that it complies with the requirements of these Regulations and has issued a certificate to that effect.

Power of the competent authority to require documents and require testing, rehearsal and revision of the emergency arrangements

7.—(1) The consignor and carrier must provide to the GB competent authority, within such reasonable period as the GB competent authority may specify, such documents relating to the emergency arrangements as may have been requested by the GB competent authority.

(2) To the extent required by a notice in writing served on the consignor or carrier by the GB competent authority, the consignor or carrier must test, rehearse and revise the emergency arrangements.

SCHEDULE 3 APPOINTMENTS

Regulation 29(6)

Applications for appointment

- 1 .—(1) An application for appointment must be made in a manner approved by the GB competent authority.
- (2) A fee may be charged for, or in connection with, the consideration by, or on behalf of, the GB competent authority of an application for appointment.
- (3) Any fee charged must be reasonable for the work performed or to be performed.

Appointment by the GB competent authority

- 2 .—(1) The GB competent authority must make any appointment in writing.
- (2) An appointment may be made subject to such conditions as the GB competent authority considers appropriate and, in particular, those conditions may—
- (a) restrict the scope of the appointment to equipment of a particular description;
 - (b) require markings of a particular description to be affixed to equipment by or on behalf of the appointee in connection with the giving, or the refusal to give, approval; and
 - (c) apply upon or following termination of the appointment.
- (3) An appointment may be for the time being or for such period as may be specified in the appointment.
- (4) If for any reason an appointment is terminated, the GB competent authority may—
- (a) give such directions—
 - (i) to the person whose appointment has been terminated; or
 - (ii) to another person who has been appointed, or deemed appointed, pursuant to these Regulations,for the purpose of making such arrangements for the determination of outstanding applications for approval of equipment as it considers appropriate and the person to whom the directions are given must comply with them; and
 - (b) authorise another person to take over the functions of the appointee whose appointment has been terminated in respect of such cases as it may specify.

Fees that may be charged by appointees

- 3 .—(1) An appointee may charge a fee for, or in connection with, the carrying out of a function for which the appointment has been made.
- (2) The fee must not exceed—
- (a) the costs incurred or to be incurred by the appointee in performing the

- 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 the appointee; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

The inspection of appointees

4 .—(1) An appointee is to be subject to such inspection by, or on behalf of, the GB competent authority as is necessary to ensure compliance with any condition specified in the appointment.

(2)The inspection referred to in sub-paragraph (1) may include the examination of premises, equipment and documents and the appointee must provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.

(3)A fee which is reasonable for the work performed, or to be performed, is to be payable by the appointee in respect of any inspection undertaken by, or on behalf of, the GB competent authority in accordance with sub-paragraph (1).

SCHEDULE 4

Regulation 17

Amendments

The Dangerous Substances in Harbour Areas Regulations 1987

1. In regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987, for the definition of “military explosive”, substitute ““military explosive” has the same meaning as in regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(a);”.

The Docks Regulations 1988

2. In regulation 21(3)(d) of the Docks Regulations 1988, for “regulation 2(1) of the Classification and Labelling of Explosives Regulations 1983”, substitute “regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(b)”.

The Control of Explosives Regulations 1991

3. In regulation 2(1) of the Control of Explosives Regulations 1991—

(a) omit the definition of “the 1983 Regulations”; and

(b) 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

(b) in the case of a military explosive (within the meaning of regulation 25(11)(a) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(c)), the name designated in writing for that explosive article or substance by the Secretary of State for Defence;”.

(a) S.I. 2009/1348, as amended by S.I. 2011/1885.

(b) S.I. 2009/1348, as amended by S.I. 2011/1885.

(c) S.I. 2009/1348, as amended by S.I. 2011/1885.

The Placing on the Market and Supervision of Transfers of Explosives Regulations 1993

1. In regulation 2(1) of the Placing on the Market and Supervision of Transfers of Explosives Regulations 1993—

- (a) omit the definition of “the 1983 Regulations”;
- (b) in the definition of “explosives”, for “assigned on classification in accordance with the 1983 Regulations to”, substitute “classified in accordance with the UN Recommendations as falling within”; and
- (c) at the end of the definition of “notified body”, for “.”

substitute— “; and

“UN Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26th April 1957))(a) as revised or reissued from time to time.”. The Marking of Plastic Explosives for Detection Regulations 1996

2. In regulation 2(1) of the Marking of Plastic Explosives for Detection Regulations 1996, for the definitions of “explosive article” and “explosive substance”, substitute—

““explosive article” means an article containing one or more explosive substances;

“explosive substance” means a substance or preparation, not including a substance or preparation in a solely gaseous form or in the form of a vapour, which is—

- (a) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or
- (b) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these as a result of a non-detonative, self-sustaining, exothermic chemical reaction;”.

(a) Current edition: 2011, ISBN 9789211391411.

The Dangerous Substances and Explosive Atmospheres Regulations 2002

1. In Schedule 5 to the Dangerous Substances and Explosive Atmospheres Regulations 2002, omit “The Classification and Labelling of Explosives Regulations 1983 (S.I. 1983/1140);”.

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

1. In regulation 2(2) of the Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003(a) —
 - (a) in the definition of “classified explosive”, for “Classification and Labelling of Explosives Regulations 1983” substitute “UN Recommendations”;
 - (b) omit “and” at the end of the definition of “sampling body”;
 - (c) at the end of the definition of “unique numbered copy”, for “.” substitute— “; and
“UN Recommendations” means the United Nations Recommendations on the Transport of Dangerous Goods (based on those originally prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods considered by the Economic and Social Committee of Experts at its twenty-third session (Resolution 645G (XXIII) of 26th April 1957))”(b) as revised or reissued from time to time.”.

The Health and Safety (Fees) Regulations 2010

- 2.—(1) The Health and Safety (Fees) Regulations 2010(c) are amended as follows.
 - (2) In regulation 9 —
 - (a) in paragraph (7), for “, 6 and 7” substitute “and 6”; and
 - (b) in paragraph (8) —
 - (i) for “, 6 and 7” substitute “and 6”; and
 - (ii) omit the words from “, save that where in column 2” to the end of that paragraph.
 - (3) In Schedule 8 —
 - (a) omit Part 7; and
 - (b) in Part 8, omit entry (c).

(a) S.I. 2003/1082.

- (b) Current edition: 2011, ISBN 9789211391411.
- (c) S.I. 2010/579.

The Pyrotechnic Articles (Safety) Regulations 2010

9.—(1) The Pyrotechnic Articles (Safety) Regulations 2010(a) are amended as follows.

(2) In regulation 46(5) insert at the end “or the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(b) on or after 24th October 2011”.

(3) For regulation 47(5) substitute—

“(5) A theatrical pyrotechnic article or another pyrotechnic article or a category 4 firework that falls within paragraph (1) benefits from that provision whether it is classified—

- (a) for the purposes of the Classification and Labelling of Explosives Regulations 1983(c) before 24th October 2011;
- (b) for the purposes of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991(d) before or after 4th July 2013; or
- (c) for the purposes of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 before or after 4th July 2013.”.

(a) S.I. 2003/1082.
(b) Current edition: 2011, ISBN 9789211391411.
(c) S.I. 2010/579.

EXPLANATORY NOTE (2009 CDG)

(This note is not part of the Regulations)

These Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by road and by rail and, in so far as they relate to safety advisers, by inland waterway. In doing so they implement certain Directives as respects Great Britain.

First, the Regulations implement Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (O.J. L260, 30.9.2008, p. 13). This Directive applies the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957, as amended (“ADR”) (Current Edition: 2009), the Annex to the Regulation concerning the International Carriage of Dangerous Goods by Rail (“RID”) which forms Appendix C to the Convention concerning International Carriage by Rail (“COTIF”) (Current Edition: 2009) and the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (“ADN”) (Current edition: 2009). These Regulations only apply the provisions of ADN in respect of safety adviser qualifications.

Secondly, the Regulations implement Council Directive 1999/36/EC of 29th April 1999 on transportable pressure equipment (O.J. No. L138, 1.6.1999, p. 20) as last amended by Commission Directive 2002/50/EC of 6 June 2002 (O.J. No. L149, 7.6.2002, p. 28).

Thirdly, the Regulations implement Article 5 of Title II (Prior Information) of Council Directive 89/618/Euratom of 27th November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency (O.J. No. L357, 7.12.1989, p. 31) and Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (O.J. No. L159, 29.6.1996, p. 1), in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

The implementation of 1999/36/EC, 89/618/Euratom and 96/29/Euratom replaces the implementation of the same Directives (or parts of Directives) made by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (the 2007 Regulations) (S.I. 2007/1573).

Part 1 of the Regulations contains introductory provisions. *Regulations 2 and 3* contain interpretation provisions. *Regulation 4* sets out the manner in which the Regulations apply.

Part 2 of the Regulations provides for prohibitions and requirements to apply in relation to the carriage of dangerous goods. *Regulation 5* prohibits carriage other than in accordance with ADR and RID. *Regulation 6* imposes, by reference to *Schedule 1*, different placarding requirements to

those in ADR and RID in respect of national carriage by certain vehicles. *Regulation 7* deems certain security requirements relating to class 1 goods to be requirements of ADR for the purposes of *regulation 5*. *Regulation 8* deems a requirement relating to access to goods to be a requirement of ADR and RID for the purposes of *regulation 5*. *Regulation 9* imposes the prohibitions and requirements of ADR on carriage by private individuals for the purposes of *regulation 5* unless certain conditions are met. *Regulation 10* imposes certain requirements of ADR (including deemed requirements) on carriage by certain enterprises for the purposes of *regulation 5*.

Part 3 of the Regulations provides for exemptions from *Part 2*. *Regulation 11* allows the Secretary of State for Transport to exempt carriage where such an exemption is permitted as a derogation or

a transitional provision under the Dangerous Goods Directive or where the exemption provides for carriage consistent with a derogation or transitional provision. *Regulation 12* provides that, in certain circumstances, the Secretary of State for Transport, the Secretary of State for Defence and the Health and Safety Executive may issue authorisations permitting carriage which would otherwise contravene *Part 2* of the Regulations. Other regulations provide for exemptions relating to reference temperatures and standards (*regulation 13*), old pressure receptacles (*regulation 14*), enclosed areas (*regulation 15*), carriage other than by vehicles (*regulation 16*), instruments of war (*regulation 17*) and nuclear material (*regulation 18*).

Part 4 of the Regulations applies the provisions of the Transportable Pressure Equipment Directive for placing transportable pressure equipment on the market (*regulations 19 and 20*), reassessing the conformity of existing transportable pressure equipment (*regulation 21*), inspections (*regulation 22*) and the restriction on the use of misleading markings (*regulation 23*).

Part 5 of the Regulations (*regulation 24*), by the introduction of Schedule 2, implements the requirements of Article 5 of Title II of 89/618/Euratom and Section 1 of Title IX of 96/29/Euratom in relation to carriage by road and by rail.

Part 6 of the Regulations sets out provisions and obligations in relation to competent authority functions. *Regulation 25* determines who the competent authority in Great Britain is. *Regulation*

26 provides that the competent authority in Great Britain is to perform the functions of a competent authority set out in ADR, RID and ADN (as applied by the Regulations). *Regulation 27* provides that fees may be charged in connection with the performance of competent authority functions arising under *regulation 26*. *Regulation 28* provides for a competent authority function in respect of reference temperatures and standards. *Regulation 29* allows for the appointment of people to approve equipment used in connection with the carriage of dangerous goods. *Regulation 30* deems certain functions done under the 2007 Regulations to be done under these Regulations.

Part 7 of the Regulations contains miscellaneous provisions concerning the keeping and provision of information (*regulation 31*), enforcement (*regulation 32*) and the revocation of the 2007 Regulations (*regulation 33*).

ADR and ADN (both the agreements and the Annexes) may be downloaded without charge from the relevant parts of the United Nations Economic Commission for Europe website which is:

for ADR:

http://www.unece.org/trans/danger/publi/adr/adr_

e.html for ADN:

<http://www.unece.org/trans/danger/adn-agree.html>

COTIF (including the protocol of Vilnius and Appendix C to COTIF (but not the text of the Annex to the Appendix)) may be downloaded without charge from the relevant part of the Intergovernmental Organisation for International Carriage by Rail (known as OTIF) website which is:

<http://www.otif.org/>

Print copies of the 2009 editions of ADR, RID (including the text of the Annex to Appendix C) and ADN are available for purchase, including from the Stationery Office:

<http://www.tsoshop.co.uk/bookstore.asp>

The European Directives referred to in these Regulations may be downloaded without charge from the European Union Law Website (EURLEX):

<http://eur-lex.europa.eu/en/index.htm>

A document issued by the Secretary of State for Transport pursuant to regulation 11(3) of these Regulations will be published by the Stationery Office. It will also be available to be downloaded from the Department for Transport website which is:

<http://www.dft.gov.uk/>

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a Transposition Note may be obtained from the Dangerous Goods Division of the Department for Transport, Zone 2/24, Great Minster House, 76 Marsham Street, London, SW1P 4DR. The telephone number is 020 7944 5706 and the e-mail address is dangerousgoods@dft.gsi.gov.uk. Both documents may also be downloaded from the Department for Transport website and are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

EXPLANATORY NOTE (2011 CDG)

(This note is not part of the Regulations)

These Regulations amend the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (“the 2009 Regulations”) in order to implement Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L165, 30.6.2010, p.1) (“the 2010 Directive”).

These Regulations also include provision relating to ADR, RID and ADN. These are terms defined in the Table in regulation 2(5) of the 2009 Regulations and refer to the technical requirements (as revised or reissued) annexed to the international agreements governing the transport of dangerous goods by, respectively, road, rail and inland waterway. In particular these Regulations enable ADR and RID to be interpreted in such a way as to ensure that class 1 goods are classified by the GB competent authority or the competent authority of another party to ADR or RID.

The Regulations also give the Secretary of State for Energy and Climate Change certain responsibilities in relation to class 7 goods, and make the Secretary of State for Defence an enforcing authority. They insert a review clause into the 2009 Regulations and make a number of minor changes.

Regulation 3 amends the Table in regulation 2 of the 2009 Regulations by inserting new defined terms and updating the meaning of the Transportable Pressure Equipment Directive so it refers to the 2010 Directive.

Regulation 4 amends regulation 3 of the 2009 Regulations in respect of the interpretation of ADR, RID and ADN for the purposes of those Regulations. A number of redundant provisions are removed and “EU” is substituted for “Communities” to reflect European institutional reform. References to “competent authority” are inserted in ADR and RID text relating to the classification of class 1 goods. This latter change allows for the revocation of the Classification and Labelling of Explosives Regulations 1983.

(a) S.I. 2010/1554.

(b) S.I. 2009/1348, as amended by S.I. 2011/1885.

(c) S.I. 1983/1140 as amended by the following S.I.s: 1996/2093, 1999/303, 2004/568, 2005/1082, 2007/1573 and 2010/1554. It was revoked by S.I. 2011/1885.

(d) S.R. (N.I.) 1991 No 516 as amended by S.R. (N.I.) 2006 No 182 and 2006 No 425.

Regulation 5 amends regulation 11(3) of the 2009 Regulations to change the name of the document which sets out the exemptions.

Regulation 6 amends regulation 12 of the 2009 Regulations allowing the Secretary of State for Energy and Climate Change to issue authorisations in relation to the national carriage of class 7 goods.

Regulation 7 replaces regulation 19 (conformity assessment) in the 2009 Regulations with regulations 19 to 19F. Regulation 19 sets out the equipment to which the general and specific obligations apply. Regulation 19A sets out the general obligations that apply where transportable pressure equipment is placed or made available on the market, put into service or used. Regulations 19B to 19F set out specific obligations on manufacturers, importers, distributors, owners and operators respectively.

Regulation 8 replaces regulation 20 (conformity assessment – national carriage), which is no longer allowed under the 2010 Directive, with a new regulation allowing a manufacturer to appoint an authorised representative to carry out some of its obligations and setting out the responsibilities of that authorised representative.

Regulations 9 and 10 amend regulations 21 and 22 of the 2009 Regulations to reflect the changes made by the 2010 Directive to the procedures for reassessment of conformity, and for periodic inspection and repeated use.

Regulation 11 amends regulation 25 of the 2009 Regulations making the Secretary of State for Energy and Climate Change a competent authority in relation to the carriage of class 7 goods, except for the register of driver training certificates.

Regulation 12 amends regulation 29 of the 2009 Regulations to update the procedure for appointing a person to carry out the functions of a notified body.

Regulation 13 amends regulation 32 of the 2009 Regulations to add the Secretaries of State for Defence, and Energy and Climate Change as enforcing authorities.

Regulation 14 inserts a requirement into the 2009 Regulations for the Secretary of State to review the operation and effect of those Regulations, and publish a report within five years after these Regulations come into force, and within every five years thereafter. Following each review, the Secretary of State will decide whether the 2009 Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke or amend the 2009 Regulations.

Regulation 15 amends Schedule 2 (Radiological Emergencies) to make the carrier jointly responsible with the consignor for ensuring an emergency plan is in place and for reviewing and revising that plan when necessary.

Regulations 16, 17 and the Schedule revoke the Classification and Labelling of Explosive Regulations 1983 and make provision for amendments to various legislative instruments as a consequence of their revocation.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector and a transposition note setting out how these Regulations transpose the provisions of Directive 2010/35/EU are available from the Department for Transport, Great Minster House, 76 Marsham Street, London,

SW1P 4DR and are annexed to the Explanatory Memorandum which is available alongside this instrument on the website, www.legislation.gov.uk.

A copy of Directive 2010/35/EU may be downloaded without charge from EURLEX, the European Law website (<http://eur-lex.europa.eu/en/index.htm>). ADR, RID, ADN and the United Nations Recommendations on the Transport of Dangerous Goods (the current edition of each is 2011) are available for purchase. The print versions of the 2011 editions have the following ISBN references; ADR - 9789211391404; RID - 9788086206400; ADN - 9789211391381; the United

Nations Recommendations - 9789211391411. The current editions of ADR and ADN may also be downloaded without charge from the dangerous goods section of the United Nations Economic Commission for Europe website (<http://live.unece.org/trans/danger/danger.html>).