
STATUTORY INSTRUMENTS

1996 No. 2089

HEALTH AND SAFETY

The Carriage of Dangerous Goods by Rail Regulations 1996

<i>Made</i>	- - - -	<i>8th August 1996</i>
<i>Laid before Parliament</i>		<i>9th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

The Secretary of State, in exercise of powers conferred on him by section 15(1), (2), (3)(a), (4), (5) (b), (6)(b), 43(2) to (6) and 82(3)(a) of and paragraphs 1(1), (2), (3) and (4), 3, 4(1), 6, 12, 14 and 16 of Schedule 3 to the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the said Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

PART I:

INTERPRETATION AND APPLICATION

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods by Rail Regulations 1996 and shall come into force on 1st September 1996.

(2) In these Regulations, unless the context otherwise requires—

“the 1983 Regulations” means the Classification and Labelling of Explosives Regulations 1983(b);

“the 1991 Regulations” means the Packaging of Explosives for Carriage Regulations 1991(c);

“ADR” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

(a) 1974 c. 37; sections 15(1) and 50(3) were amended by the Employment Protection Act 1975 (1975 c. 71), Schedule 15, paragraphs 6 and 16(3) respectively. The general purposes of Part I referred to in section 15(1) were extended by section 117(2) of the Railways Act 1993 (1993 c. 43). Section 1(1)(c) of the Health and Safety at Work etc. Act 1974 was modified by The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 1996. (S.I. 1996/2075.)

“Approved Carriage List” means the list referred to in regulation 3(1)(a) as revised in accordance with regulation 3(2);

“approved documents” means the documents approved and published by the Health and Safety Commission in accordance with regulation 3(1) as revised in accordance with regulation 3(2);

“Approved Methods” means the document entitled “Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage” approved by the Health and Safety Commission under regulation 4(1) of the CDGCPL Regulations as revised in accordance with regulation 4(2) of those Regulations;

“approved person” means a person approved by the competent authority for the purpose of carrying out functions in connection with the examination, testing and certification of tanks, as specified by the competent authority in the approval;

“Approved Tank Requirements” means the document referred to and described in regulation 3(1)(b) as revised in accordance with regulation 3(2);

“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(d);

“carriage” means carriage by rail and shall be construed in accordance with regulation 2(8), and related words shall be construed accordingly;

“Carriage Information” means the information referred to and described in regulation 11(1) and (2);

“the CER Regulations” means the Carriage of Explosives by Road Regulations 1996(e);

“classification” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“classification code” in relation to dangerous goods means the code referred to in regulation 4(1)(a)(i)(cc) of the CDGCPL Regulations and any reference to “classification code” or “class” followed by a number means the particular classification code for those goods specified in the Approved Carriage List;

“Compatibility Group” and “Compatibility Group letter” have the meanings assigned to them in regulation 2(1) of the 1983 Regulations;

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of—

- (a) the examination, testing and certification of tanks; and
- (b) the approval of persons to carry out such examinations, test and certifications, and for Great Britain the competent authority means the Secretary of State;

“computer” means a computer system including its software;

“consignor” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“consignor’s declaration” means the declaration referred to and described in regulation 11(2)(b)(iv);

“container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“corrosive substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

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

“dangerous goods” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“danger sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations, except in the case of explosives where it has the meaning assigned to it in regulation 2(1) of the CER Regulations 1996;

“designation” means the designation for dangerous goods ascertained in accordance with regulation 5(4)(a) of the CDGCPL Regulations;

“the Directive” means Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;

“Division” and “Division number” have the meanings assigned to them in regulation 2(1) of the 1983 Regulations;

“emergency action code” means the code, ascertained in accordance with the Approved Carriage List, required to be displayed on tank containers and tank wagons which are being used for the carriage of certain dangerous goods;

“explosives” means explosive articles or explosive substances which—

- (a) have been assigned on classification to Class 1 in accordance with the 1983 Regulations;
or
- (b) are unclassified;

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

“explosive substance” means—

- (a) a solid or liquid substance; or
- (b) a mixture of solid or liquid substances or both,

which is 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 which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

“facility owner” has the meaning assigned to it by section 17(6) of the Railways Act 1993(g);

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961(h);

“flammable gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable liquid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“flammable solid” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“food” means food within the meaning of section 1(1) and (2) of the Food Safety Act 1990(i);

“fragile package” means a package containing a fragile receptacle which—

- (a) is made of glass, porcelain, stoneware or similar materials; and
- (b) is not enclosed in a packaging with complete sides protecting it effectively against shock;

“gas” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“gunpowder” and “smokeless powder” have the meanings assigned to them in regulation 2(1) of the Carriage of Explosives by Road Regulations 1996(j);

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

“hazardous properties” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“hazard warning panel” means the panel referred to and described in paragraph 7 of Schedule 5;

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

“infectious substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“infrastructure controller” has the meaning assigned to it in regulation 2(1) of the Railways (Safety Case) Regulations 1994(m);

“intermediate bulk container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“large container” means a container having an internal volume of more than 3 cubic metres;

“locomotive” has the meaning assigned to it in section 83(1) of the Railways Act 1993;

“military establishment” means an establishment intended for use for naval, military or air force purposes or the purposes of the department of the Secretary of State having responsibility for Defence;

“military explosive” has the meaning assigned to it in regulation 2(1) of the 1983 Regulations;

“mine” and “quarry” have the meanings assigned to them by section 180 of the Mines and Quarries Act 1954(n);

“motor vehicle” has the same meaning as in the Table contained in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(o);

“multi-load” means a load consisting of two or more dangerous goods carried other than in packages in—

- (a) separate containers or tanks of tank wagons; or
- (b) separate compartments of a container or tank of a tank wagon,

whether or not carried in conjunction with goods which are not dangerous goods;

“net explosive content” means the net mass of explosive substance in that explosive article;

“nominally empty” means in relation to a storage tank, that it is not in fact empty but that as much of the dangerous goods which the storage tank contained as it was reasonably practicable to discharge therefrom has been so discharged;

“non-flammable, non-toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“orange-coloured” means that colour which has the same colour and luminance properties as that of an orange-coloured panel;

“orange-coloured panel” means a non-reflectorised orange-coloured panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 1800(1) of Appendix VIII of the Annex to the Directive;

“organic peroxide” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“organic peroxide, type b or c” means dangerous goods whose designation includes the phrase “ORGANIC PEROXIDE TYPE B” or the phrase “ORGANIC PEROXIDE TYPE C”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“oxidizing substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“overpack” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“package” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packagings” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“packing group” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the phrase “packing group” followed by “I”, “II”, or “III”, in relation to certain dangerous goods, means the particular packing group for those goods ascertained in accordance with regulation 5 of those Regulations;

“piggyback transport” means the carriage of a road vehicle on a wagon;

“radioactive material” has the meaning assigned to it in section 1(1) of the Radioactive Material (Road Transport) Act 1991(**p**);

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

“railway” means a system of transport employing parallel rails which provide support and guidance for vehicles carried on flanged wheels, except any such system which—

(a) is a tramway within the meaning of section 67(1) of the Transport and Works Act 1992(**q**); or

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

“railway facility” has the meaning assigned to it by section 83(1) of the Railways Act 1993;

“receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“RID” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“risk group” means one of the risk groups referred to in the Approved Methods to which infectious substances are assigned and any reference to a risk group followed by a number means the specific risk group to which an infectious substance has been assigned in accordance with the said Approved Methods;

“road tanker” has the same meaning as in regulation 2(1) of the CDGCPL Regulations;

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

“self-reactive substance” means dangerous goods whose designation includes the phrase “SELF-REACTIVE” when classified in accordance with regulation 5 of the CDGCPL Regulations;

“small container” means a container having an internal volume of not more than 3 cubic metres;

“spontaneously combustible substance” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“storage tank” means a tank used or intended to be used solely for the storage of dangerous goods;

“subsidiary hazard” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“subsidiary hazard sign” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations, except in the case of explosives where it has the meaning assigned to it in regulation 2(1) of the CER Regulations;

“surveillance inspection” means an inspection of such premises, equipment and documents and the making of such enquiries as the person carrying out the inspection thinks appropriate for the purpose of verifying compliance by an approved person with regulation 9(11);

“tank” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“tank container” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“tank wagon” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“temperature controlled substance” means dangerous goods whose designation includes the phrase “TEMPERATURE CONTROLLED”, when classified in accordance with regulation 5 of the CDGCPL Regulations;

“toxic gas” means dangerous goods so classified in accordance with regulation 5 of the CDGCPL Regulations;

“toxic goods” means dangerous goods which, in accordance with regulation 5 of the CDGCPL Regulations, are either classified as “TOXIC SUBSTANCE” or have the subsidiary hazard “TOXIC”;

“train” has the meaning assigned to it by section 83(1) of the Railways Act 1993;

“train operator” in relation to any train, means any person who has the management of that train for the time being, and related expressions shall be construed accordingly;

“transportable pressure receptacle” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations;

“UN number” has the meaning assigned to it in regulation 2(1) of the CDGCPL Regulations and any reference to the letters “UN” followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

“wagon” means a railway vehicle, other than a tank wagon, used for the carriage of goods.

(3) For the purposes of these Regulations—

- (a) the operator of a container, tank container, tank wagon or wagon shall be either—
- (i) the person who, having a place of business in Great Britain, owns the container, tank container, tank wagon or wagon concerned, or
 - (ii) if no person satisfies the requirements of head (i) above, the person who, having a place of business in Great Britain, acts as agent for the owner of the said container, tank container, tank wagon or wagon, or
 - (iii) if no person satisfies the requirements of either head (i) or head (ii) above, the operator of the train on which the container or tank container is carried or of which the tank wagon or wagon forms part;
- (b) the members of the crew of a train shall include the driver, guard and any other person on board who has responsibilities in connection with the carriage of dangerous goods on that train, and related expressions shall be construed accordingly;
- (c) “carriage in bulk” means the carriage of solid dangerous goods without packagings;
- (d) any reference to dangerous goods being carried in a wagon or large container under sole use shall be a reference to the carriage of a load of dangerous goods which originate from one consignor in respect of which—
- (i) the use of the wagon or large container concerned is exclusively reserved; and
 - (ii) all operations for the loading and unloading are carried out in conformity with the instructions of the consignor or the consignee.

(4) For the purposes of paragraph (3)(a), a person to whom a container, tank container, tank wagon or wagon is leased or hired shall be deemed to be the owner thereof unless the lessor or, as the case may be, the hirer has made a written agreement with the person to whom he has leased or hired the container, tank container, tank wagon or wagon to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

(5) In these Regulations—

- (a) “a train owned by the armed forces” means a train which is owned by—
- (i) Her Majesty’s Forces,

- (ii) visiting forces within the meaning of Part I of the Visiting Forces Act 1952(r), or
 - (iii) any headquarters or organisation designated for the purposes of the International and Headquarters and Defence Organisations Act 1964(s);
- (b) “a train under the control of the armed forces” means a train on board which there is, as a member of its crew—
- (i) a member of Her Majesty’s Forces,
 - (ii) a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952, or
 - (iii) a civilian who is an employee of Her Majesty’s Forces, acting in the course of his duties
- (6) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Application

2.—(1) Subject to paragraphs (2) to (4), these Regulations shall apply to and in relation to the carriage of any dangerous goods in a container, package, tank container, tank wagon, or wagon, except where—

- (a) the goods (other than any liquid nitrogen in the jacket of the tank of a tank container or tank wagon which is being carried exclusively for the purpose of insulating any liquid helium or liquid hydrogen) are being carried in a locomotive, container, tank container, tank wagon or wagon solely for use in connection with the operation of the locomotive, container, tank container, tank wagon or wagon concerned;
- (b) the goods are being carried in a road vehicle and are intended for use solely in connection with the operation of that vehicle;
- (c) the goods are commercial butane, commercial propane, or any mixture thereof, and are being carried in a cylinder either—
 - (i) in a rail vehicle designed for a purpose which includes the use of such goods and the goods concerned are being carried solely for use in connection with the operation of that vehicle, or
 - (ii) as part of the equipment carried on that vehicle,

provided that the number of cylinders carried thus (including any spare cylinders) does not exceed two;

- (d) the goods, are—

UN 2900 INFECTIOUS SUBSTANCE, AFFECTING ANIMALS, only,

UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.*,

UN 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.*,

UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS,

being carried on a train owned by the armed forces or on a train under the control of the armed forces;

- (e) the goods are petroleum spirit, intended for use as fuel in any internal combustion engine and not wholly or partly for the purposes of sale, and are being carried in a receptacle which conforms with the requirements of—
 - (i) the Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929(t), or
 - (ii) regulation 3 to 7 of the Petroleum-spirit (Plastic Containers Regulations 1982(u);
 - (f) the goods are a pesticide or a plant protection product, (other than sulphuric acid or a wood preservative), diluted ready for use or otherwise in a condition ready for use and in relation to which there has been given an approval under regulation 5, and a consent under regulation 6, of the Control of Pesticides Regulations 1986(v) or an approval under regulation 5 of the Plant Protection Products Regulations 1995(w); and in this sub-paragraph “pesticide” has the meaning assigned to it in section 16(15) of the Food and Environment Protection Act 1985(x), “plant protection product” has the meaning assigned to it in regulation 2(1) of the Plant Protection Products Regulations 1995 and “wood preservative” means a pesticide for preserving wood;
 - (g) the goods are radioactive material;
 - (h) the goods are being carried solely for use in connection with the provision of train catering facilities;
 - (i) the carriage commences and terminates within the same factory, harbour area, military establishment, mine or quarry.
- (2) Regulations 3 to 14, 16 to 19 and 24 shall not apply to the carriage of dangerous goods where
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- (a) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement;
 - (b) the carriage forms part of an international transport operation within the meaning of COTIF and conforms in every respect with the provisions of RID; or
 - (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of COTIF to which the United Kingdom is a signatory and conforms with any conditions attached to that agreement.
- (3) Regulation 4(a) to (c) and regulation 9 and paragraph 1 of Schedule 1 shall not apply to or in relation to the carriage of a storage tank which is, nominally empty, provided—
- (a) in the case where the tank is subject to the Pressure Systems and Transportable Gas Containers Regulations 1989(y), it has been examined by a competent person and there is in existence a valid report of that examination in accordance with those Regulations;
 - (b) as much of the pipe-work which was connected to the tank as it was reasonably practicable to remove from it has been so removed;
 - (c) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
 - (d) subject to sub-paragraph (c) above, all openings in the tank and in any pipe-work attached thereto have been sealed to prevent the escape of any dangerous goods, insofar as it is reasonably practicable to do so.
- (4) Regulations 5 to 10, 16 and 19 shall not apply to or in relation to the carriage of dangerous goods in a road vehicle where, prior to being carried by rail, that road vehicle carried those goods by road in accordance with the Carriage of Dangerous Goods by Road Regulations 1996(z) or, in the

(z) S.I. 1996/2095.

case where the goods being carried in the road vehicle are explosives, the Carriage of Explosives by Road Regulations 1996(aa).

(5) Regulation 7(2) and (3) shall not apply to or in relation to the carriage of tanks constructed before 1st January 1999.

(6) Regulations 11 to 14 shall not apply to or in relation to the carriage of dangerous goods from a container, tank container, tank wagon or wagon which has been damaged as the result of an accident on a railway or has broken down on a railway, (other than on the siding on which it was loaded), to the nearest suitable, safe place with a view to that container, tank container, tank wagon or wagon or any other receptacle which is carrying those goods being repaired, cleaned or purged prior to the safe removal of those goods provided—

- (a) all reasonable steps have been taken to prevent any leakage of those goods; and
- (b) the prior consent is obtained of the train operator and each infrastructure controller on whose railway the goods are to be carried.

(7) Schedule 1 shall only apply to or in relation to the carriage of the tanks of tank containers and tank wagons constructed before 1st January 1999.

(8) For the purposes of these Regulations, a container, package, tank container, tank wagon or wagon shall be deemed to be engaged in the carriage of dangerous goods throughout the period commencing—

- (a) in the case where the relevant container, package, tank container, tank wagon or wagon has been loaded with the dangerous goods concerned before being brought onto the railway, from the time when the container, package, tank container, tank wagon or wagon is brought onto the railway for the purpose of carrying those goods; or
- (b) in the case where the relevant container, package, tank container, tank wagon or wagon has been brought onto the railway before the commencement of loading, from the commencement of loading the container, package, tank container, tank wagon or wagon with the dangerous goods concerned for the purpose of carrying them,

until the time when either—

- (c) the container, package, tank container, tank wagon or wagon is removed from the railway; or
- (d) the container, package, tank container, tank wagon or wagon and, where appropriate, any compartment of the same has been unloaded and, where necessary cleaned, purged or decontaminated so that any of the goods or their vapours which remain therein are not sufficient to create a significant risk to the health or safety of any person.

PART II:

APPROVED DOCUMENTS

Meaning of the Approved Carriage List and other approved documents

3.—(1) The Health and Safety Commission shall approve and publish for the purposes of these Regulations the following documents, in these Regulations referred to as the “approved documents”, entitled—

- (a) “Approved Carriage List”, which shall contain the information specified in regulation 4(1) (a) of the CDGCPL Regulations;
- (b) “Approved Tank Requirements”, which shall contain—

(aa) S.I. 1996/2093.

- (i) the requirements for the design and construction of tanks for the carriage of dangerous goods, other than explosives and radioactive material,
- (ii) the requirements for the filling of such tanks,
- (iii) the requirements for the examination, testing and certification of such tanks; and
- (iv) explanatory notes and other material requisite for the use of the document.

(2) The Health and Safety Commission may approve a revision of either of the approved documents referred to in paragraph (1) and, when it does so, the Commission shall within 3 months of the date of that approval publish in such manner as it considers appropriate a notice specifying the revision, the date on which it was approved and the date on which it takes effect, which last-mentioned date shall be not less than 6 months after the date of the approval of the revision.

Duties in relation to the approved documents

4. Without prejudice to the generality of the provisions contained in these Regulations—
- (a) the operator of a container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods shall take all reasonable steps to ensure that such of the requirements specified in any of the approved documents as are relevant to that container, tank container, tank wagon or wagon are complied with in relation thereto;
 - (b) the operator of any train which is being used for the carriage of dangerous goods in any container, tank container, tank wagon or wagon and each infrastructure controller on whose railway the goods are carried shall take all reasonable steps to ensure that such of the requirements specified in any of the approved documents as are relevant to that container, tank container, tank wagon or wagon are complied with in relation thereto;
 - (c) any person who designs, manufactures, imports, supplies, modifies, repairs, examines, tests, certifies or fills a tank which is intended to be, or is being, used for the carriage of dangerous goods shall ensure, insofar as they are matters within his control, that such of the requirements in the Approved Tank Requirements as are relevant to that tank are complied with in relation thereto.

PART III:

MODE OF CARRIAGE

Carriage in bulk in wagons and large containers

5. No operator of a wagon or large container shall cause or permit to be carried therein any dangerous goods in bulk unless—

- (a) the letter Y appears in column 8 of the Approved Carriage List in relation to those goods;
- (b) any requirements specified in Schedule 2 relating to the carriage of those goods in that wagon or container are complied with;
- (c) in the case of a wagon it is—
 - (i) closed,
 - (ii) open and sheeted, or
 - (iii) has a moveable roof; and
- (d) in the case of a large container it is—
 - (i) closed, or

- (ii) open and sheeted.

Carriage in small containers

6. No operator of a small container shall cause or permit to be carried therein any dangerous goods unless the requirements specified in Schedule 3 relating to those goods are complied with.

Carriage in tanks

7.—(1) No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless the letter Y appears in column 7 of the Approved Carriage List in relation to those goods.

(2) No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods if the pressure of that tank exceeds the maximum working pressure stated in the certificate referred to in regulation 9(2).

(3) No operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless the information relating to certification of tanks specified in the Approved Tank Requirements is indelibly marked on one or more corrosion-resistant plates which are securely fastened to the tank of the tank container or tank wagon concerned, or to a support which is welded to the tank, in a position readily accessible for inspection.

Suitability of containers, packages, tank containers, tank wagons and wagons

8.—(1) No operator of any container, tank container, tank wagon or wagon shall cause or permit to be carried therein any dangerous goods unless the container, tank container, tank wagon or wagon concerned—

- (a) is suitable for the purpose for such carriage; and
- (b) has been adequately maintained.

(2) No train operator shall cause or permit to be carried in his train any dangerous goods in any container, tank container, tank wagon or wagon unless he has taken all reasonable steps to ensure that paragraph (1) has been complied with.

(3) No train operator shall cause or permit to be carried in his train any dangerous goods in a package unless he has taken all reasonable steps to ensure that the package—

- (a) is suitable for such carriage; and
- (b) has been adequately maintained.

(4) In this regulation the expression “suitable for such carriage” means suitable having regard to—

- (a) the nature and circumstances of the journey to be undertaken; and
- (b) the hazardous properties and quantities of the dangerous goods and of all other goods to be carried with them.

Examination, testing and certification of tanks

9.—(1) The provisions of this Regulation shall only apply to or in relation to tanks constructed after 31st December 1998.

(2) No person shall manufacture, import or supply a tank intended for the use of the carriage of dangerous goods unless it is of a design in respect of which a certificate has been signed, dated and issued by the competent authority or an approved person stating that such a design (hereinafter referred to in these regulations as an “approved design”)—

- (a) conforms with such requirements concerning construction, equipment and the dangerous goods to be carried as have been approved and published in the Approved Tank Requirements; and
- (b) is suitable for the purpose for which it is intended.

(3) Subject to paragraph (11), no operator of a tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank of the tank container or tank wagon concerned—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements;
- (b) conforms to an approved design; and
- (c) is suitable for the purpose for which it is intended.

(4) Following the examination and test referred to in paragraph (3), the operator of a tank container or tank wagon which is being used for the carriage of dangerous goods shall ensure that a certificate has been signed, dated and issued by the competent authority or an approved person, at the intervals specified in the Approved Tank Requirements, stating that the tank of the tank container or tank wagon concerned—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with the Approved Tank Requirements; and
- (b) remains suitable for the purpose for which it is being used.

(5) Without prejudice to the generality of paragraph (4), the operator of a tank container or tank wagon whose tank has been damaged, modified or repaired in such a way as might impair its safety since the last certificate was issued in accordance with paragraph (4) shall ensure that dangerous goods are not carried therein until a further certificate has been signed, dated and issued by the competent authority or an approved person stating that the tank of the tank container or tank wagon concerned—

- (a) has been examined and tested by the competent authority or approved person, as the case may be, in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
- (b) remains suitable for the purpose for which it is being used.

(6) It shall be sufficient compliance with paragraphs (3) to (5), if the information required to be stated in the certificate is entered in a computer under the control of the operator by the competent authority or approved person who carried out the examination and test, or by another person acting on the instructions of that competent authority or approved person, provided that information—

- (a) is secure from unauthorised interference;
- (b) can be authenticated only by the authority or person who carried out the examination and test; and
- (c) is capable of being produced in the form of a certificate at the appropriate place referred to in paragraph (7).

(7) The certificates referred to in paragraphs (3) to (5) shall be kept by the operator of the tank container or tank wagon concerned—

- (a) at his principal place of business within Great Britain; or
- (b) at the address within Great Britain from which the deployment of the tank container or tank wagon is controlled.

(8) It shall be sufficient compliance with paragraph (7) in circumstances where the operator of that tank container or tank wagon is not the owner thereof, if either—

- (a) an authenticated photocopy of the relevant certificate is kept—
 - (i) at the operator's principal place of business within Great Britain; or
 - (ii) in the case where the operator does not have a place of business in Great Britain, on the tank container or tank wagon; or
- (b) the certificate is readily available from the owner of the tank container or tank wagon concerned.

(9) Where the operator of a tank container or tank wagon changes, the previous operator thereof, insofar as he was required to keep the certificates referred to in paragraphs (3) to (5) at an address in Great Britain in accordance with paragraph (8), shall give those certificates to the new operator.

(10) Where the information required for any of the certificates referred to in paragraphs (3), to (5) is entered in a computer in accordance with paragraph (6), it shall be sufficient compliance with paragraph (7) if that computer is kept at the appropriate place in the said paragraph (7); and without prejudice to the generality of paragraph (9), if the operator of the tank container or tank wagon changes in these circumstances, the previous operator thereof shall provide the new operator with that information in writing.

(11) Notwithstanding paragraphs (4) and (5), the operator of a tank container or tank wagon may transport by rail empty, uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing that certificate.

(12) Any approved person who examines, tests and certifies a tank under paragraphs (3) to (5) shall do so properly and in accordance with such criteria as have been approved and published in the Approved Tank Requirements.

(13) Following the approval of a person as an approved person, the competent authority or person acting on its behalf shall carry out, upon reasonable notice, a surveillance inspection of the approved person at such intervals as the competent authority considers appropriate and for that purpose the approved person shall afford, at his own cost, any facilities and assistance and make available any information which may reasonably be required by or on behalf of the competent authority.

(14) Schedule 4 shall have effect with respect to fees for approvals and surveillance inspections under this regulation.

PART IV: INFORMATION

Classification, packaging and labelling of dangerous goods

10. No operator of a container, tank container, tank wagon or wagon shall cause or permit to be carried therein any dangerous goods—

- (a) to which the 1983 Regulations apply, unless he has taken all reasonable steps to ensure that those goods have been classified and labelled in accordance with those Regulations;
- (b) to which the 1991 Regulations apply, unless he has taken all reasonable steps to ensure that those goods have been packaged in accordance with those Regulations;
- (c) to which the CDGCPL Regulations apply, unless he has taken all reasonable steps to ensure that those goods have been classified, packaged and labelled in accordance with those Regulations.

Carriage Information to be provided by consignors

11.—(1) Subject to paragraph (3), any consignor of dangerous goods shall ensure that any operator of a container, tank container, tank wagon or wagon engaged by him to carry those goods is provided with the information specified in paragraph (2), in these Regulations referred to as the Carriage Information.

(2) The Carriage Information shall be provided in documentary form prior to carriage and shall comprise—

- (a) in relation to each of the dangerous goods being consigned—
 - (i) the designation,
 - (ii) the classification code, preceded by the word “Class” or the classification,
 - (iii) the UN number, preceded by the letters “UN”,
 - (iv) the packing group, where appropriate,
- (v) in the case of explosives, the Compatibility Group and Division of each type of explosive carried and the net explosive content,
 - (vi) in the case of explosives within a Compatibility Group whose Compatibility Group letter is C, D or G, whether the explosives are explosive articles or explosive substances, and
 - (vii) the mass or volume of those goods;
- (b) in relation to the consignment as a whole—
 - (i) the total mass or volume of the dangerous goods consigned,
 - (ii) the name and address of the consignor,
 - (iii) the name and address of the consignee, if known,
 - (iv) the name and telephone number where specialist advice concerning the dangerous goods being carried can be obtained in English at any time,
- (v) such other information as will enable the operator to comply with regulation 12(1), and
 - (vi) a statement dated and signed or authenticated by or on behalf of the consignor, (in these Regulations referred to as “the consignor’s declaration”), confirming that in accordance with the relevant provisions of these Regulations, the 1983 Regulations, the 1991 Regulations and the CDGCPL Regulations—
 - (aa) the dangerous goods as presented may be carried,
 - (bb) the dangerous goods and any packaging, intermediate bulk container, tank container or tank wagon in which they are contained are in a fit condition for carriage and are properly labelled, and
 - (cc) where several packages are packed together in an overpack or in a single container, that this mixed packing is not prohibited.

(3) Paragraph (1) shall not apply in circumstances where the consignor is also the operator provided he is carrying those goods on his own behalf.

(4) No consignor or anyone acting on his behalf shall provide false or misleading information to any operator concerning the dangerous goods to be carried.

Carriage Information to be provided to operators and infrastructure controllers

12.—(1) Any operator of any container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods shall ensure that any train operator who has undertaken to carry that container, tank container, tank wagon or wagon is provided with the Carriage Information.

(2) Any consignor of dangerous goods for carriage other than in a container, tank container, tank wagon or wagon, shall ensure that any train operator engaged by him to carry those goods is provided with the Carriage Information.

(3) Any train operator who engages another train operator to carry dangerous goods shall ensure that that train operator is provided with the Carriage Information.

(4) The operator of any train which is being used for the carriage of dangerous goods shall ensure that each infrastructure controller on whose railway the dangerous goods are to be carried is provided with the Carriage Information.

(5) No operator of a container, tank container, tank wagon, wagon or train or anyone acting on his behalf shall provide false or misleading information to any other operator engaged by him concerning the dangerous goods to be carried.

Keeping of information by operators

13. The operator of any container, tank container, tank wagon or wagon which is used for the carriage of dangerous goods and the train operator on whose train such goods are carried shall keep a record of all the information contained within the Carriage Information in respect of each journey by train undertaken by the container, tank container, tank wagon or wagon concerned for a period of at least three months after the completion of the relevant journey.

Information to be displayed on containers, tank containers, tank wagons and wagons

14.—(1) The operator of any container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods shall ensure that information concerning those goods is displayed on the container, tank container, tank wagon or wagon concerned in accordance with Schedule 5.

(2) No person shall cause or permit any of the information referred to in Schedule 5 to be displayed on any container, tank container, tank wagon or wagon concerning any dangerous goods which are no longer being carried therein.

(3) No person shall cause or permit any information to be displayed on any container, tank container, tank wagon or wagon which would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 5.

(4) Nothing in these Regulations or in any of the approved documents shall prevent the display of information on any container, tank container, tank wagon or wagon, in addition to the information required to be displayed in accordance with Schedule 5, concerning any dangerous goods which are being carried therein, provided such information is not displayed on orange-coloured panels.

(5) The operator of any container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods shall ensure that any danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign affixed thereto in accordance with Schedule 5 is clean and free from obstruction when the container, tank container, tank wagon or wagon concerned is handed over to the train operator.

(6) No operator of a train shall cause or permit to be carried therein any dangerous goods in a container, tank container, tank wagon or wagon unless he has taken all reasonable steps to ensure that information concerning those goods is displayed on the container, tank container, tank wagon or wagon concerned in accordance with Schedule 5.

(7) The operator of any train which is being used for the carriage of dangerous goods in a container, tank container, tank wagon or wagon shall take all reasonable steps to ensure that any danger sign, hazard warning panel, orange-coloured panel and subsidiary hazard sign affixed thereto in accordance with Schedule 5 is kept clean and free from obstruction until the container, tank container, tank wagon or wagon concerned is handed over to the consignee.

(8) No person shall—

- (a) remove any danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign affixed in accordance with Schedule 5 from a container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods, except for the purpose of updating the information thereon;
- (b) falsify any of the information on any such panel or sign.

Information, instruction and training for train crews and other persons connected with the carriage of dangerous goods

15.—(1) The operator of any train which is being used for the carriage of dangerous goods shall ensure that those members of the crew of that train who have responsibilities in connection with the carriage of the dangerous goods concerned have received adequate information, instruction and training to enable them to understand—

- (a) the nature of the dangers to which the goods being carried may give rise and the action they should take in an emergency concerning them; and
- (b) their duties under these Regulations and sections 7 and 8 of the Health and Safety at Work etc. Act 1974.

(2) The train operator shall keep a record of any training received by members of a train crew pursuant to paragraph (1) whilst in his employment and shall make available a copy of that record to the crew members concerned.

(3) The infrastructure controller shall ensure that those of his employees who have responsibilities in connection with the carriage of dangerous goods on his railway have received adequate information, instruction and training to enable them to understand—

- (a) the nature of the dangers to which the goods being carried may give rise and the action they should take in an emergency concerning them; and
- (b) their duties under these Regulations and sections 7 and 8 of the Health and Safety at Work etc. Act 1974.

(4) The infrastructure controller shall keep a record of any training received by employees pursuant to paragraph (3), and shall make available a copy of that record to the employees concerned.

PART V:

LOADING AND UNLOADING

Prohibition on overfilling tank containers and tank wagons

16. No person shall cause or permit any tank container or tank wagon, or any compartment thereof, to be filled beyond its safe level with any dangerous goods.

Prohibitions on mixed loading and segregation of certain dangerous goods

17.—(1) No person shall cause or permit to be carried in any container or wagon any of the mixed loads of dangerous goods specified in Schedule 6.

(2) No train operator shall cause or permit to be carried in his train any consignment of dangerous goods unless that consignment is adequately segregated from any other consignment of dangerous goods carried with it in such a way as to prevent the creation of a significantly greater risk than each of the consignments of dangerous goods is liable to create separately.

Loading, stowage, unloading and cleaning of containers, tank containers, tank wagons and wagons

18.—(1) The operator of a container, tank container, tank wagon or wagon which is being used for the carriage of dangerous goods and any other person engaged in such carriage shall take such steps as it is reasonable for them respectively to take to ensure that nothing in the manner in which dangerous goods are loaded, stowed or unloaded from the container, tank container, tank wagon or wagon concerned is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person.

(2) Without prejudice to the generality of paragraph (1), no person shall cause or permit to be carried in any container or wagon—

- (a) any package containing dangerous goods unless any requirements specified in Part I of Schedule 7 relating to those goods have been complied with;
- (b) any empty, uncleaned packagings unless any requirements specified in Part II of Schedule 7 relating to the residues therein have been complied with.

(3) The operator of any container, tank container, tank wagon or wagon which is to be loaded with dangerous goods shall ensure that those goods will not, in conjunction with any product remaining in the container, tank container, tank wagon or wagon concerned, create a significant risk or significantly increase any existing risk to the health or safety of any person which arises out of the presence of that remaining product.

(4) No person shall cause or permit any food to be carried in any container, tank container, tank wagon or wagon which is being used for the carriage of toxic goods unless that food is effectively separated from those goods or is otherwise adequately protected from the risk of contamination by those goods.

Openings, valves and caps of tank containers and tank wagons to be securely closed

19.—(1) Subject to paragraph (3), the operator of a tank container or tank wagon which is to be used for the carriage of any dangerous goods shall ensure that—

- (a) all openings in the tank container or tank wagon concerned; and
- (b) in the case where any discharge or filling opening in the tank container or tank wagon concerned is fitted with more than one valve or is fitted with a cap, all such valves and that cap,

are securely closed prior to carriage.

(2) Subject to paragraph (3), the train operator whose train is being used to carry any tank container or tank wagon containing dangerous goods shall take all reasonable steps to ensure that—

- (a) all openings in the tank container or tank wagon concerned; and
- (b) in the case where any discharge or filling opening in the tank container or tank wagon concerned is fitted with more than one valve or is fitted with a cap, all such valves and that cap,

remain securely closed during carriage.

(3) Nothing in paragraphs (1) and (2) shall be taken as permitting the proper functioning of any safety device to be compromised.

PART VI: SECURITY AND OTHER SAFETY MEASURES AND EMERGENCY ARRANGEMENTS

Marshalling and formation of trains

20. The operator of a train which is being used for the carriage of dangerous goods shall ensure that all necessary precautions are taken during the marshalling or formation of that train to prevent the creation of a significant risk or the significant increase of any existing risk to the health or safety of any person.

Safe carriage and security

21. Every person engaged in the carriage of dangerous goods shall take all reasonable steps to ensure that—

- (a) nothing is done during that carriage to create a significant risk or significantly increase any existing risk to the health or safety of any person; and
- (b) unauthorised access to the dangerous goods concerned is prevented.

Prevention of fire, explosion and leakage

22. No person shall cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst dangerous goods are being carried in any container, package, tank container, tank wagon or wagon.

Emergency arrangements

23. Each train operator, facility owner and infrastructure controller shall—

- (a) draw up and, where appropriate, give effect to such safety systems and procedures as will adequately deal with any emergency involving dangerous goods—
 - (i) being carried by the relevant train,
 - (ii) present at the relevant railway facility, or
 - (iii) present on the relevant railway, and
- (b) co-operate with each other so as to ensure effective co-ordination of their respective safety systems and procedures.

PART VII: SPECIAL REQUIREMENTS CONCERNING THE CARRIAGE OF EXPLOSIVES

Restrictions on the carriage of explosives

- 24.**—(1) No person shall cause or permit to be carried any unclassified explosives.
- (2) No person shall cause or permit to be carried any explosives, except in accordance with these Regulations.
- (3) No person shall cause or permit to be carried any explosives in a tank container or tank wagon.
- (4) No person shall cause or permit to be carried any explosives within a Compatibility Group whose Compatibility Group letter is K unless—

- (a) the explosives are to be carried for the purpose of explosive ordnance disposal under the direction of a member of Her Majesty's Forces or a person authorised by the Secretary of State for Defence; and
 - (b) the approval has been obtained of—
 - (i) the train operator, in whose train the explosives are to be carried; and
 - (ii) the infrastructure controller, on whose railway those goods are to be carried.
- (5) No person shall cause or permit to be carried any explosive substances in an open container or open wagon.
- (6) No person shall cause or permit to be carried any explosive substances within a Compatibility Group whose Compatibility Group letter is A.
- (7) No person shall cause or permit to be carried in any container or wagon explosives with a net explosive content exceeding 20 tonnes unless such explosives are within a Division whose Division number is 1.4.
- (a) No person shall cause or permit to be carried in any adjacent group of containers or wagons explosives of the type specified in column 1 of Schedule 8 with a net explosive content exceeding that specified for that type of explosives in the corresponding entry in column 2 thereof;
 - (b) where a train comprises more than one such group of adjacent containers or wagons the train operator shall ensure that the minimum separation distance between the nearest parts of each such group shall be that specified in the corresponding entry in column 3 thereof.
- (9) Subject to paragraph (10), no person shall cause or permit to be carried any explosives within different Compatibility Groups, (other than those within a Division whose Division number is 1.4), in the same container or wagon unless effective measures have been taken to ensure that the carriage of such a mixed load is no more dangerous than the carriage of the same quantity of explosives within any one of the Compatibility Groups in the load would be.
- (10) Nothing in paragraph (9) shall apply to the carriage of explosives within different Compatibility Groups mixed in accordance with Schedule 9 to these Regulations.
- (11) No person shall cause or permit to be carried any explosive articles in an open container or open wagon unless, by reason of their packaged weight or dimension, it is not possible to carry the articles concerned in a closed container or closed wagon.
- (12) Any person who causes or permits to be carried any explosive articles in an open container or open wagon in accordance with paragraph (11) shall ensure that the articles concerned are completely covered by sheeting and that the sheeting is securely fixed to the open container or open wagon concerned except where—
- (a) it would not be reasonably practicable to cover the explosive articles with such sheeting; and
 - (b) it would not be necessary for their protection.

Carriage of explosives on passenger trains

- 25.—(1) Subject to paragraph (2), no person shall carry any explosives on a passenger train.
- (2) Notwithstanding paragraph (1),—
- (a) gunpowder or smokeless powder or any mixture thereof; and
 - (b) explosives within a Compatibility Group whose Compatibility Group letter is S;
- may be carried in a passenger train provided the conditions specified in paragraph (3) are complied with.
- (3) The conditions referred to in paragraph (2) are—

- (a) subject to paragraph (4), the person concerned has obtained the approval of the train operator;
 - (b) subject to paragraph (4), the explosives are kept with the person concerned and are kept properly packed;
 - (c) the net explosive content of explosives carried by the person concerned does not exceed 2 kilograms; and
 - (d) all reasonable precautions are taken by the person concerned to prevent accidents arising from the explosives being carried.
- (4) Nothing in sub-paragraphs (a) and (b) of paragraph (3) shall apply to the carriage of railway fog signals.

Loading and stowage requirements for explosives for carriage in containers and wagons

26.—(1) The consignor of explosives, other than explosives contained in a sealed container or sealed wagon, shall—

- (a) appoint a responsible person; and
 - (b) ensure that that person is in constant attendance during the loading of those explosives.
- (2) The consignee of the explosives referred to in paragraph (1) shall—
- (a) appoint a responsible person; and
 - (b) ensure that that person is in constant attendance during the unloading of those explosives.

(3) The operator of a container or wagon which is being used for the carriage of explosives shall ensure that—

- (a) prior to loading, the floor of the container or wagon concerned is properly cleaned;
- (b) the explosives are stowed in the container or wagon so that they cannot move or shift in such a way as to create a significant risk or significantly increase any existing risk to the health or safety of any person during carriage.

(4) No person, other than any person directly concerned with the carriage of the explosives, shall come within 25 metres of those explosives without reasonable cause whilst they are being loaded into or unloaded from any container or wagon.

(5) No person shall smoke or carry any source of ignition in the vicinity of explosives whilst they are being loaded into or unloaded from any container or wagon.

Security measures for explosives

27.—(1) Where explosives are to be carried in a closed container or closed wagon the operator thereof shall ensure that the container or wagon concerned is sealed prior to carriage to prevent unauthorised access.

(2) The train operator and the infrastructure controller shall ensure that the security of any container or wagon which is being used for the carriage of explosives is maintained whenever the train is stationary.

(3) The train operator shall ensure that the carriage of the explosives is completed within a reasonable length of time, having regard to the distance involved.

(4) The consignee of explosives which have been carried by train shall ensure that the explosives are removed from the railway facility to which they have been carried as soon as is practicable after their arrival there.

Interpretation of this Part of the Regulations

28.—(1) For the purposes of regulations 25 to 28, where explosives are being carried by a passenger, the members of the crew of the train on which they are being carried shall not be treated as though they too are carrying those explosives.

(2) In regulations 25 to 28—

- (a) “railway fog signal” means a railway signals explosive within a Division whose Division number is 1.4, within a Compatibility Group whose Compatibility Group Letter is S and with a UN number 0193;
- (b) “unclassified” in relation to any explosives means those explosives which have not been classified in accordance with the 1983 Regulations.

PART VIII:

GENERAL CARRIAGE PROHIBITION

Prohibition on carriage of temperature controlled substances

29. No person shall cause or permit to be carried any temperature controlled substances.

PART IX:

MISCELLANEOUS AND GENERAL

Exemption certificates

30.—(1) Subject to paragraph (2), and to any provisions imposed by the Communities in respect of the transport of dangerous goods by rail, the Health and Safety Executive may, by a certificate in writing, exempt—

- (a) any person or class of persons;
- (b) any dangerous goods or class of dangerous goods; or
- (c) any container, package, tank container, tank wagon or wagon,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(2) The Health and Safety Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) any conditions which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that neither the health or safety of persons who are likely to be affected by the exemption, nor in the case of explosives the security of those explosives, will be prejudiced in consequence of it.

(3) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any person from all or any of the requirements or prohibitions imposed by these Regulations insofar as they relate to the carriage of any dangerous goods and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State at any time by a further certificate in writing.

Defence

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

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

(2) The person charged shall not be entitled to rely upon the defence referred to in paragraph (1) without leave of the court unless, within a period ending seven clear days—

- (a) before the hearing to determine the mode of trial, where the proceedings are in England or Wales; or
- (b) before the trial, where the proceedings are in Scotland,

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

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the Health and Safety at Work etc. Act 1974, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

International provisions

32.—(1) Where, in relation to the carriage of any dangerous goods, any provision of regulations 3 to 14, 16 to 19 or 24 applies to a matter to which any specified international provision applies, it shall be sufficient compliance, in relation to that matter, with the provision of the particular regulation if the specified international provision is satisfied in respect of that matter.

(2) For the purposes of paragraph (1), the specified international provision means any provision of—

- (a) ADR;
- (b) the IMDG Code; or
- (c) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as revised or re-issued from time to time by the International Civil Aviation Organisation(**ab**).

Transitional defence

33. In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations prior to 1st January 1997 it shall be a defence for the accused to prove that the goods were carried, or in the case of an alleged contravention of regulation 11 intended to be carried before 1st January 1997, in a container, tank container, tank wagon or wagon in accordance with the Carriage of Dangerous Goods by Rail Regulations 1994.**(ac)**

Repeals, revocations and amendments

34.—(1) Section 35 of the Explosives Act 1875(**ad**) is hereby repealed to the extent that it imposes a duty upon every railway company over whose railway any explosives are carried and in

(ac) S.I. 1994/670.

(ad) 1875 (38 & 39 Vict. c.17).

this paragraph the expression “railway company” has the meaning assigned to it in section 108 of that Act.

(2) The Conveyance by Rail of Military Explosives Regulations 1977(**ae**) are hereby revoked.

(3) The Carriage of Dangerous Goods by Rail Regulations 1994(**af**) are hereby revoked.

(4) In sub-paragraph (2) of paragraph 59 of Schedule 2 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(**ag**), for the words “has the same meaning as in regulation 1(2) of the Carriage of Dangerous Goods Regulations 1994” there shall be substituted the words “have the meaning assigned to it in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 (S.I. [1996/2092](#).)”.

Signed by the authority of the Secretary of State for Transport.

Department of Transport.
8th August 1996

John Bowis
Parliamentary Under Secretary of State,

(**ae**) S.I. [1977/889](#).
(**af**) S.I. [1994/670](#).
(**ag**) S.I. [1995/3163](#).

SPECIAL REQUIREMENTS IN RELATION TO THE TANKS OF TANK
CONTAINERS AND TANK WAGONS CONSTRUCTED BEFORE 1st JANUARY 1999

Testing, examination and maintenance of tank containers and tank wagons

1.—(1) No train operator or operator of any tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless—

- (a) for the purpose of ensuring that it is properly maintained, there has been prepared and there is carried into effect (in each case by or on behalf of the operator of the tank container or tank wagon concerned) a suitable written scheme for—
 - (i) the initial and periodic examination, and
 - (ii) the initial and, where appropriate, periodic testing,
- (a) of the tank of the tank container or tank wagon concerned by a competent person;
- (b) prior to being used for the first time for the carriage of dangerous goods, a competent person acting on behalf of the operator of the tank container or tank wagon concerned has issued a certificate stating that the tank of the tank container or tank wagon concerned is suitable for the purposes specified therein;
- (c) there is in the possession of the operator of the tank container or tank wagon concerned a current report signed by the competent person who carried out the most recent examination and test in accordance with the scheme required by paragraph (a) above, stating—
 - (i) the date or dates on which the said examination and test were carried out and the results thereof,
 - (ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in paragraph (a) of this sub-paragraph or such longer interval as the competent person may specify, and
 - (iii) that the tank of the tank container or tank wagon concerned remains suitable for the purposes specified in the certificate for that tank referred to in paragraph (b) above or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable.

(2) Subject to sub-paragraph (3), no train operator or operator of any tank container or tank wagon shall cause or permit to be carried therein any dangerous goods if the tank of the tank container or tank wagon concerned or any fittings attached to that tank have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, where the tank is such as is specified in sub-paragraph (7) below, the tank and its fittings were last examined under—

- (a) ADR;
- (b) RID; or
- (c) the IMDG Code.

(3) A train operator may carry dangerous goods in a tank container or tank wagon where the tank of the tank container or tank wagon concerned is in a state of disrepair, for the sole purpose of transporting such tank to a place for repair, provided it is safe to do so.

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

- (a) the competent person referred to in that sub-paragraph first enters his report in a computer under the control of the operator of the tank container or tank wagon concerned and then duly authenticates it; or

- (b) in the case where the competent person does not enter it in a computer under the control of the operator of the tank container or tank wagon concerned, the report is transferred to such a computer by or on the instructions of the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.
- (5) The relevant procedure referred to in sub-paragraph (4) may only be used if the report—
- (a) is capable of being reproduced in written form;
 - (b) is secure from unauthorised interference; and
 - (c) can be authenticated only by the competent person.
- (6) Where, since the report referred to in sub-paragraph (1)(c) was issued, the tank of a tank container or tank wagon or any fittings attached to the tank concerned have fallen into a state of disrepair, or have been modified or repaired in such a way as might affect the safety of the said tank, the provisions of sub-paragraph (1) shall apply in respect of any such tank as if it had not previously been used for the carriage of dangerous goods.
- (7) Sub-paragraph (1) above shall not apply to the tank of a tank container or tank wagon used for the carriage of any dangerous goods where such a tank and its fittings have been examined and tested in accordance with the requirements of—
- (a) ADR;
 - (b) RID; or
 - (c) the IMDG Code.

Certification of testing, examination and maintenance of tank containers and tank wagons

2. No operator of any tank container or tank wagon shall cause or permit to be carried therein any dangerous goods unless he certifies to the operator of the train on which that tank container is to be carried or of which that tank wagon is to form part that he has complied with paragraph 1 in respect of the tank of the tank container or tank wagon concerned.

Keeping of documents

3. The operator of any tank container or tank wagon shall ensure that all the documents referred to in paragraph 1 are kept throughout the period that they remain valid at the address within Great Britain from which the deployment of the tank container or tank wagon concerned is controlled.

(2) It shall be sufficient compliance with sub-paragraph (1) in circumstances where (by virtue of the fact that the owner does not have a place of business in Great Britain) the operator of the tank container or tank wagon is not its owner, if—

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

REQUIREMENTS FOR THE CARRIAGE IN BULK OF CERTAIN
DANGEROUS GOODS IN WAGONS AND LARGE CONTAINERS

Flammable solids (classification code 4.1)

1.—(1) Carriage in bulk of the goods UN 1334 NAPHTHALENE, CRUDE OR NAPHTHALENE REFINED shall be in—

- (a) steel wagons with a movable-roof; or
 - (b) open, steel, large containers or wagons covered with non-flammable sheets.
- (2) Carriage of the following goods in bulk shall be in—
- (a) sheeted, open large containers;
 - (b) moveable-roof wagons; or
 - (c) wagons with adequate ventilation—

UN 3175 SOLIDS CONTAINING FLAMMABLE LIQUID, N.O.S.

UN 3178 FLAMMABLE SOLID, INORGANIC, N.O.S.,

and in the case of UN 3178 FLAMMABLE SOLID, INORGANIC, N.O.S. suitable measures shall be taken to ensure that those goods cannot escape.

Substances liable to spontaneous combustion (classification code 4.2)

2. Where the following goods are carried in bulk in—
- (a) sheeted, open large containers;
 - (b) moveable-roof wagons; or
 - (c) other wagons—

the large containers or wagons concerned shall be metal—

UN 1361 CARBON OR CARBON BLACK

UN 1362 CARBON, ACTIVATED

UN 1363 COPRA

UN 1364 COTTON WASTE, OILY

UN 1365 COTTON, WET

UN 1373 FABRICS, ANIMAL, VEGETABLE OR SYNTHETIC

UN 1376 IRON OXIDE, SPENT OR IRON SPONGE, SPENT

UN 1379 PAPER, UNSATURATED OIL, TREATED

UN 1386 SEEDCAKE

UN 2217 SEEDCAKE

UN 2793 FERROUS METAL BORINGS, SHAVINGS, TURNINGS, OR CUTTINGS.

Substances which, in contact with water, emit flammable gases (classification code 4.3)

3.—(1) Carriage in bulk of any of the following goods shall be in large containers or wagons designed and constructed so that the openings for loading and unloading can be closed hermetically —

UN 1394 ALUMINIUM CARBIDE

UN 1398 ALUMINIUM SILICON POWDER, UNCOATED

UN 1402 CALCIUM CARBIDE

UN 1405 CALCIUM SILICIDE

UN 1435 ZINC ASHES

UN 1436 ZINC POWDER OR ZINC DUST

UN 2813 WATER-REACTIVE SOLID, N.O.S.

UN 2844 CALCIUM MANGANESE SILICON

UN 2950 MAGNESIUM GRANULES, COATED

UN 2968 MANEB, STABILIZED AND MANEB PREPARATION, STABILIZED

UN 3170 ALUMINIUM SMELTING BY-PRODUCTS OR ALUMINIUM RE-MELTING BY-PRODUCTS

UN 3208 METALLIC SUBSTANCE, WATER-REACTIVE, N.O.S.

UN 3209 METALLIC SUBSTANCE, WATER-REACTIVE, SELF-HEATING N.O.S.

(2) Carriage of the goods UN 3170 ALUMINIUM SMELTING BY-PRODUCTS or ALUMINIUM RE-MELTING BY-PRODUCTS in bulk shall be in moveable-roof wagons.

Oxidizing substances (classification code 5.1)

4.—(1) Where OXIDIZING SUBSTANCES are being carried in bulk in metal wagons or large containers, measures shall be taken to prevent those substances from coming into contact with any other combustible dangerous goods or any wooden part of the wagon or container concerned.

(2) Where OXIDIZING SUBSTANCES are being carried in bulk in wooden lined containers or wooden wagons their flooring and sides shall be completely covered with a waterproof and incombustible lining, or with a coating of sodium silicate or a similar product.

Toxic substances (classification code 6.1)

5. Wagons or large containers used for the carriage of the goods UN 3243 SOLIDS CONTAINING TOXIC LIQUID, N.O.S. in bulk shall be leak-proof or made leak-proof.

Infectious substances (classification code 6.2)

6.—(1) Carriage in bulk of the goods UN 3291 CLINICAL WASTE, UNSPECIFIED, N.O.S. shall be in large containers or wagons designed and constructed so that the openings for loading and unloading can be closed hermetically.

(2) The goods in sub-paragraph (1) above shall be loaded in such a way that dangers to man, animals and the environment are avoided.

Corrosive substances (classification code 8)

7. Wagons or large containers used for the carriage of the goods UN 3244 SOLIDS CONTAINING CORROSIVE LIQUIDS, N.O.S. in bulk shall be leak-proof or made leak-proof.

Miscellaneous dangerous substances and articles (classification code 9)

8. Wagons or large containers used for the carriage of the goods UN 2211 POLYMERIC BEADS, EXPANDABLE shall be properly ventilated.

SCHEDULE 3

Regulation 6

REQUIREMENTS FOR THE CARRIAGE IN SMALL
CONTAINERS OF CERTAIN DANGEROUS GOODS

Explosive substances and articles (classification code 1)

1.—(1) The carriage of EXPLOSIVE SUBSTANCES OR ARTICLES in small containers is permitted provided the goods are contained in packages.

(2) Where explosive substances of Division 1.1C, 1.1D, 1.1G, 1.3C and 1.3G and fireworks of Division 1.1G, 1.2G and 1.3G are carried in small containers the floor of those containers shall have a non-metallic surface or covering.

Gases: compressed, liquefied or dissolved under pressure (classification code 2)

2. The carriage of packages containing GASES: COMPRESSED, LIQUEFIED OR DISSOLVED UNDER PRESSURE in small containers is permitted, with the exception of the following gases—

ARGON

CARBON DIOXIDE

HELIUM

KRYPTON

NEON

NITROGEN

NITROUS OXIDE N₂O (OXIDIZING)

OXYGEN (OXIDIZING)

XENON

MIXTURES OF ANY OF THE ABOVE

AIR

Flammable liquids (classification code 3)

3. The carriage of packages containing FLAMMABLE LIQUIDS in small containers is permitted.

Flammable solids (classification code 4.1)

4.—(1) The carriage of packages containing FLAMMABLE SOLIDS, other than UN 3221 SELF-REACTIVE LIQUID TYPE B AND UN 3222 SELF-REACTIVE SOLID TYPE B, in small containers is permitted, provided the packages are not fragile packages.

(2) The carriage in bulk of any of the following goods in small containers is permitted provided the containers are of the closed type with complete sides.

UN 1309 ALUMINIUM POWDER, COATED
UN 1312 BORNEOL
UN 1313 CALCIUM RESINATE
UN 1314 CALCIUM RESINATE, FUSED
UN 1318 COBALT RESINATE, PRECIPITATED
UN 1325 FLAMMABLE SOLID, ORGANIC, N.O.S.
UN 1328 HEXAMETHYLENETETRAMINE
UN 1330 MANGANESE RESINATE
UN 1332 METALDEHYDE
UN 1338 PHOSPHORUS, AMORPHOUS
UN 1346 SILICON POWDER, AMORPHOUS
UN 1350 SULPHUR
UN 1869 MAGNESIUM AND MAGNESIUM ALLOYS
UN 2001 COBALT NAPHTHENATES
UN 2213 PARAFORMALDEHYDE
UN 2538 NITRONAPHTHALENE
UN 2687 DICYCLOHEXYLAMMONIUM NITRITE
UN 2714 ZINC RESINATE
UN 2715 ALUMINIUM RESINATE
UN 2717 CAMPHOR, SYNTHETIC
UN 2858 ZIRCONIUM, DRY
UN 2878 TITANIUM SPONGE, POWDER OR GRANULES
UN 2989 LEAD PHOSPHITE, DIBASIC
UN 3089 METAL POWDER, FLAMMABLE, N.O.S.
UN 3178 FLAMMABLE SOLID, INORGANIC, N.O.S.
UN 3181 METAL SALTS OF ORGANIC COMPOUNDS, FLAMMABLE, N.O.S.
UN 3182 METAL HYDRIDES, FLAMMABLE N.O.S.

Substances liable to spontaneous combustion (classification code 4.2)

5.—(1) The carriage of packages containing SUBSTANCES LIABLE TO SPONTANEOUS COMBUSTION in small containers is permitted.

(2) The carriage in bulk of any of the following goods in small containers is permitted provided the containers are of the closed type with complete walls and are made of metal.

UN 1361 CARBON
UN 1361 CARBON BLACK
UN 1362 CARBON ACTIVATED
UN 1363 COPRA
UN 1364 COTTON WASTE, OILY
UN 1365 COTTON, WET

UN 1373 FIBRES, ANIMAL, VEGETABLE OR SYNTHETIC N.O.S., impregnated with oil
UN 1373 FABRICS, ANIMAL, VEGETABLE OR SYNTHETIC, N.O.S., impregnated with oil
UN 1376 IRON OXIDE, SPENT
UN 1376 IRON SPONGE, SPENT
UN 1379 PAPER, UNSATURATED OIL TREATED, incompletely dried
UN 1386 SEEDCAKE, with more than 1.5% (mass) oil and not more than 11% (mass) moisture
UN 2217 SEEDCAKE, with not more than 1.5% (mass oil) and not more than 11% (mass) moisture
UN 2793 FERROUS METAL BORINGS, SHAVINGS, TURNINGS OR CUTTINGS

Substances which, in contact with water, emit flammable gases (classification code 4.3)

6.—(1) The carriage of packages containing SUBSTANCES WHICH, IN CONTACT WITH WATER, EMIT FLAMMABLE GASES in small containers is permitted.

(2) The carriage in bulk of any of the following goods in small containers is permitted provided the containers are so constructed that the openings designed for loading and unloading can be closed hermetically.

UN 1394 ALUMINIUM CARBIDE
UN 1398 ALUMINIUM SILICON POWDER, UNCOATED
UN 1402 CALCIUM CARBIDE
UN 1405 CALCIUM SILICIDE
UN 1435 ZINC ASHES
UN 1436 ZINC POWDER OR ZINC DUST
UN 2813 WATER REACTIVE SOLID, N.O.S.
UN 2844 CALCIUM MANGANESE SILICON
UN 2950 MAGNESIUM GRANULES, COATED
UN 2968 MANEB, STABILIZED AND MANEB PREPARATION, STABILIZED
UN 3170 ALUMINIUM SMELTING BY-PRODUCTS OR ALUMINIUM RE-MELT ING BY-PRODUCTS
UN 3209 METALLIC SUBSTANCE, WATER-REACTIVE, SELF-HEATING, N.O.S.

Oxidizing substances (classification code 5.1)

7.—(1) The carriage of packages containing OXIDIZING SUBSTANCES, (other than HYDROGEN PEROXIDE, SOLUTIONS OF HYDROGEN PEROXIDE OR TETRAMETHYLENE), in small containers is permitted, provided the packages are not fragile packages.

(2) The carriage in bulk of any of the following goods in small containers is permitted provided the containers are of the closed type with complete walls and are made of metal—

UN 1438 ALUMINIUM NITRATE
UN 1442 AMMONIUM PERCHLORATE
UN 1444 AMMONIUM PERSULPHATE
UN 1450 BROMATES, INORGANIC, N.O.S.
UN 1451 CAESIUM NITRATE
UN 1452 CALCIUM CHLORATE
UN 1454 CALCIUM NITRATE

UN 1455 CALCIUM PERCHLORATE
UN 1458 CHLORATE AND BORATE MIXTURE
UN 1459 CHLORATE AND MAGNESIUM CHLORIDE MIXTURE
UN 1461 CHLORATES, INORGANIC, N.O.S.
UN 1465 DIDYMIUM NITRATE
UN 1466 FERRIC NITRATE
UN 1467 GUANIDINE NITRATE
UN 1473 MAGNESIUM BROMATE
UN 1474 MAGNESIUM NITRATE
UN 1475 MAGNESIUM PERCHLORATE
UN 1477 NITRATES, INORGANIC, N.O.S.
UN 1481 PERCHLORATES, INORGANIC, N.O.S.
UN 1484 POTASSIUM BROMATE
UN 1485 POTASSIUM CHLORATE
UN 1486 POTASSIUM NITRATE
UN 1489 POTASSIUM PERCHLORATE
UN 1492 POTASSIUM PERSULPHATE
UN 1494 SODIUM BROMATE
UN 1495 SODIUM CHLORATE
UN 1498 SODIUM NITRATE
UN 1499 SODIUM NITRATE AND POTASSIUM NITRATE MIXTURE
UN 1502 SODIUM PERCHLORATE
UN 1505 SODIUM PERSULPHATE
UN 1506 STRONTIUM CHLORATE
UN 1507 STRONTIUM NITRATE
UN 1508 STRONTIUM PERCHLORATE
UN 1513 ZINC CHLORATE
UN 1942 AMMONIUM NITRATE
UN 2067 AMMONIUM NITRATE FERTILIZERS, TYPE A1
UN 2068 AMMONIUM NITRATE FERTILIZERS, TYPE A2
UN 2069 AMMONIUM NITRATE FERTILIZERS, TYPE A3
UN 2070 AMMONIUM NITRATE FERTILIZERS, TYPE A4
UN 2469 ZINC BROMATE
UN 2720 CHROMIUM NITRATE
UN 2721 COPPER CHLORATE
UN 2722 LITHIUM NITRATE
UN 2723 MAGNESIUM CHLORATE
UN 2724 MANGANESE NITRATE
UN 2725 NICKEL NITRATE
UN 2728 ZIRCONIUM NITRATE

UN 3215 PERSULPHATES, INORGANIC, N.O.S.

Organic Peroxides (classification code 5.2)

8. The carriage of packages containing ORGANIC PEROXIDES, (other than UN 3101 ORGANIC PEROXIDE TYPE B, LIQUID and UN 3102 ORGANIC PEROXIDE TYPE B, LIQUID), in small containers is permitted, provided the packages are not fragile packages.

Toxic substances (classification code 6.1)

9.—(1) The carriage of packages containing TOXIC SUBSTANCES in small containers is permitted.

(2) The carriage in bulk of any of the following goods in small containers is permitted provided the containers are of the closed type with complete walls and shall be leak-proof or made leak-proof.

UN 1564 BARIUM COMPOUND, N.O.S.

UN 1884 BARIUM OXIDE

UN 3243 SOLIDS CONTAINING TOXIC LIQUID, N.O.S.

(3) Small containers which have contained TOXIC SUBSTANCES shall be checked after unloading for any residue of the load, and, if there has been a leak, shall not be re-used until thoroughly cleaned and, if necessary, decontaminated.

Infectious substances (classification code 6.2)

10.—(1) The carriage of packages containing INFECTIOUS SUBSTANCES in small containers is permitted.

(2) In the event of a spillage from a package containing INFECTIOUS SUBSTANCES which is being carried in a small container—

- (a) the small container shall not be re-used until it has been thoroughly cleaned and, if necessary, disinfected;
- (b) any wooden parts of the small container which have come into contact with such substances shall be removed and burnt,

Corrosive substances (classification code 8)

11.—(1) The carriage of packages containing CORROSIVE SUBSTANCES in small containers is permitted provided such containers are of the closed type, with complete walls and a suitable lining.

(2) The carriage of any of the following goods in bulk in small containers is permitted provided the containers are of the closed type with complete sides and are leak-proof or made leak-proof.

UN 2506 AMMONIUM HYDROGEN SULPHATE

UN 2509 POTASSIUM HYDROGEN SULPHATE

UN 3244 SOLIDS CONTAINING CORROSIVE LIQUID, N.O.S.

Miscellaneous dangerous substances and articles (classification code 9)

12.—(1) The carriage of packages containing MISCELLANEOUS DANGEROUS SUBSTANCES OR ARTICLES in small containers is permitted.

(2) Small containers containing UN 2211 POLYMERIC BEADS, EXPANDABLE shall bear the following marking—

“Keep away from sources of ignition”

SCHEDULE 4

Regulation 9

FEES FOR APPROVALS AND SURVEILLANCE INSPECTIONS

1. On the making of an application under regulation 9 to the competent authority for the approval of a person as an approved person there shall be payable by the applicant in connection with the performance by or on behalf of the competent authority of its functions in relation to that application, a fee or fees to be determined in accordance with paragraphs 2 to 5.

2. On receipt of the application referred to in paragraph 1 the competent authority shall prepare and send to the applicant an estimate of the cost to it of the work necessary for the determination of the application, and subject to paragraph 4, the amount so estimated shall be the amount of the initial fee payable and shall be paid forthwith to the competent authority.

3. On determination of the application referred to in paragraph 1 the competent authority shall prepare and send to the applicant a detailed statement of the work carried out for the determination of the application and of the cost reasonably incurred by it in carrying out that work or in having it carried out on its behalf.

4. If the cost so stated in accordance with paragraph 3 differs from the amount estimated in accordance with paragraph 2—

- (a) where it is greater, the amount of the difference shall be the amount of the final fee payable and shall be paid forthwith; and
- (b) where it is less, the initial fee shall be re-determined accordingly and the amount of the difference shall be paid forthwith to the applicant by the competent authority.

5. In estimating or stating the cost of carrying out any work the competent authority may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

6. Following a surveillance inspection of an approved person in accordance with regulation 9(13), the competent authority shall prepare and send to that person a statement of the cost of the performance by or on behalf of the competent authority of its functions in relation to that inspection, and the amount so stated shall be the fee payable for that inspection and shall be paid forthwith.

SCHEDULE 5

Regulation 14

INFORMATION TO BE DISPLAYED ON CONTAINERS, TANK CONTAINERS, TANK WAGONS AND WAGONS

Information

- 1.—(1) The information specified in sub-paragraph (2) below shall be displayed on—
- (a) containers, tank containers, tank wagons and wagons which are being used for the carriage of dangerous goods; and
 - (b) empty, uncleaned containers, tank containers, tank wagons and wagons which contain the residues of dangerous goods,

in accordance with this Schedule.

- (2) The information referred to in sub-paragraph (1) above is as follows—
 - (a) the UN Number for the goods specified in the Approved Carriage List;
 - (b) the emergency action code, if any, ascertained in accordance with the Approved Carriage List;
 - (c) the danger sign for the goods ascertained in accordance with regulation 5 of the CDGCPL Regulations, except in the case of explosives where the danger sign shall be ascertained in accordance with paragraphs 10 to 11 of Schedule 5 to the CER Regulations;
 - (d) the subsidiary hazard sign for the goods, if any, ascertained in accordance with regulation 5 of the CDGCPL Regulations, except in the case of explosives where the subsidiary hazard sign shall be ascertained in accordance with paragraphs 13—14 of Schedule 5 to the CER Regulations; and
 - (e) a telephone number where specialist advice concerning the goods can be obtained in English at any time during carriage.
- (3) The information referred to in sub-paragraph (2) above shall be displayed as follows—
 - (a) the UN Number and, subject to paragraph (b) below, the emergency action code shall consist of black digits or letters of 100 mm height and 15 mm stroke thickness;
 - (b) where the emergency action code in column 5 of the Approved Carriage List indicates a white letter on a black background, that letter shall be displayed as an orange letter on a black rectangle having a height and width at least 10 mm greater than the height and width of the letter;
 - (c) subject to paragraph 7, the danger sign and the subsidiary hazard sign, if any, shall have sides which measure not less than 250 mm;
 - (d) the telephone number shall consist of black digits of 30 mm high and shall be displayed on an orange-coloured background.

Panels

2. The orange-coloured panels and hazard warning panels referred to in this Schedule shall be—
 - (a) subject to paragraph 8, in the form of a plate;
 - (b) rigid or fixed to be rigid and securely attached in a substantially vertical plane; and
 - (c) clearly visible.

Tank containers and tank wagons carrying dangerous goods

3.—(1) Subject to sub-paragraphs (2) and (3) below and to paragraph 7, tank containers and tank wagons used for the carriage of dangerous goods shall display—

- (a) an orange-coloured panel, conforming to figure 1, on each side of the tank of the tank container, or the frame of the container on which the tank sits, or on each side of the tank wagon, as the case may be, bearing the UN Number and the emergency action code;
- (b) the danger sign and subsidiary hazard sign, if any, adjacent to each orange-coloured panel;
- (c) the telephone number, in the immediate vicinity of each orange-coloured panel.

(2) Where a number of different dangerous goods, other than those goods specified in sub-paragraph (3) below, are carried in separate compartments of the same tank container or tank wagons an orange-coloured panel, conforming to figure 1, (bearing the UN Number and the emergency action code), the danger sign, the subsidiary hazard sign, if any, and the telephone number shall

be affixed on each side of each compartment of the tank container or tank wagon, parallel to the longitudinal axis of the tank container or tank wagon, so as to be clearly visible.

(3) Where two or more of these goods are being carried in a multi-compartment tank container or tank wagon—

UN 1202 DIESEL FUEL or GAS OIL or HEATING OIL, LIGHT

UN 1203 PETROL OR MOTOR SPIRIT OR GASOLINE

UN 1223 KEROSENE

(a) paragraph 3(1)(a) shall apply as though the tank container or tank wagon were carrying only one of the dangerous goods listed in the Approved Carriage List; and

(b) any reference in paragraph 3(1)(a) to—

(i) the UN number shall be taken as a reference to the UN number of the most hazardous of the goods being carried, and

(ii) the emergency action code shall be taken as a reference to the emergency action code of the most hazardous of the goods present.

Containers and wagons carrying dangerous goods in bulk

4. Subject to paragraph 7, containers and wagons used for the carriage of dangerous goods in bulk shall display—

(a) an orange-coloured panel, conforming to figure 1, on each side of the container or wagon concerned, bearing the emergency action code and the UN number; and

(b) the danger sign and the subsidiary hazard sign, if any, adjacent to each orange-coloured panel.

Containers and wagons carrying dangerous goods in packages

5.—(1) Where dangerous goods are being carried in packages in a container or wagon and those dangerous goods are such that a danger sign or a subsidiary hazard sign is required by the CDGCPL Regulations or, in the case of explosives, the CER Regulations, to be displayed on packages containing those goods, subject to paragraphs (2) and (3) below, the same signs shall also be affixed or displayed to the outside of the container or wagon concerned as follows—

(a) the danger sign on each side of the container or wagon; and

(b) the subsidiary hazard sign, if any, adjacent to and on the same horizontal plane as each danger sign.

(2) Where explosives with different Compatibility Groups are being carried in the same container or wagon the Compatibility Group Letters for those Groups shall not be shown on the danger sign required to be affixed on the container or wagon concerned.

(3) Where explosives with different Division numbers are being carried in the same container or wagon the Division number amongst them which comes highest in the following list, (that is 1.1 (highest), 1.5, 1.2, 1.3, 1.6 and 1.4 (lowest)), shall be shown on the danger sign required to be affixed on the container or wagon concerned, except that where explosives with a Division number of 1.2 are carried together with explosives with a Division number of 1.5 the Division number of 1.1 shall be shown on the danger sign.

Piggyback transport

6. Subject to paragraph 9, where dangerous goods are being carried by piggyback transport the wagon shall display—

- (a) the danger sign on each side; and
- (b) the subsidiary hazard sign, if any, adjacent to and on the same horizontal plane as the danger sign.

Exceptions

7.—(1) Notwithstanding paragraphs 3(1) and (2) and 4,—

- (a) the information required to be displayed on an orange-coloured panel;
- (b) the danger sign; and
- (c) the telephone number,

may be displayed on a hazard warning panel, which panel shall conform to figure 2 and be orange-coloured, except that part of it which incorporates the danger sign, which part shall be coloured white.

(2) Notwithstanding paragraph 1(3)(c), where a hazard warning panel is displayed—

- (a) the danger sign incorporated within the panel shall have—
 - (i) sides which measure not less than 200 mm, and
 - (ii) a line of the same colour as the symbol not more than 12.5 mm inside the edge and running parallel to it; and
- (b) the subsidiary hazard sign, if any, shall be the same size as the danger sign and shall be displayed adjacent to it and in the same horizontal plane.

(3) Wherever an orange-coloured panel is required to be displayed at the sides of the container, tank container, tank wagon or wagon, the hazard warning panel may be displayed instead at the sides of the container, tank container, tank wagon or wagon concerned.

8. Where dangerous goods are being carried in a tank container or tank wagon or in bulk in a container or wagon, the orange-coloured panels may be replaced by—

- (a) self-adhesive sheets;
- (b) paint; or
- (c) any other equivalent process,

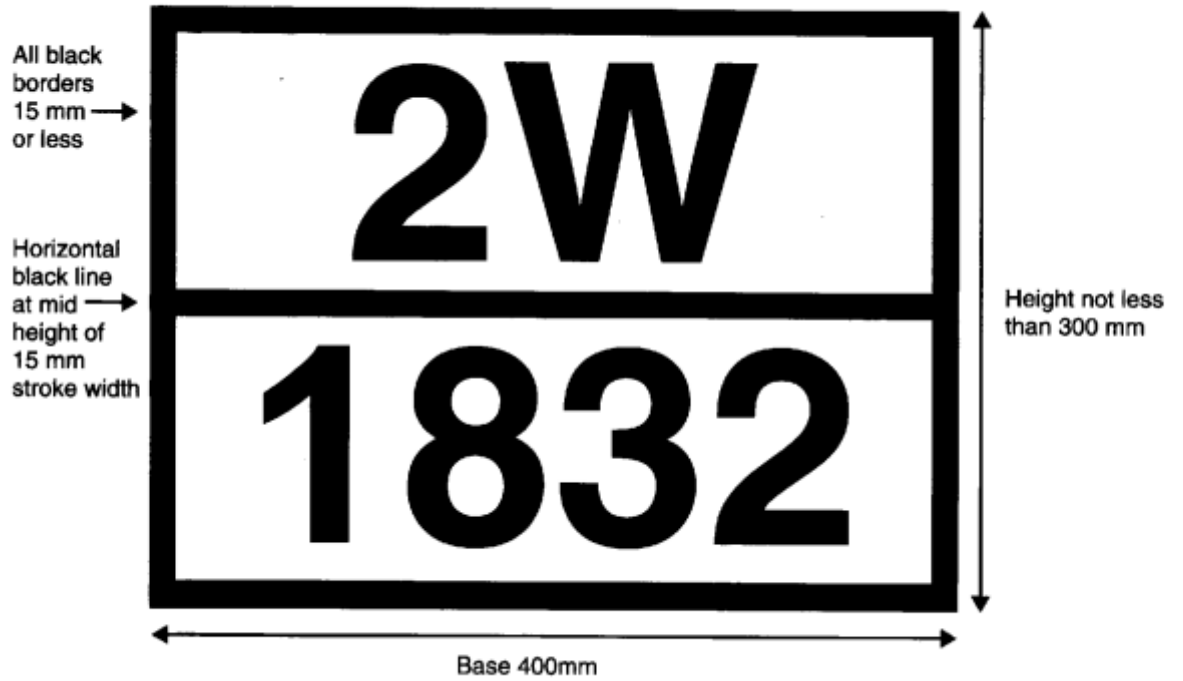
of the same dimensions as the orange-coloured panels, provided the material used for this purpose is weather-resistant and ensures durable marking.

9. Paragraph 6 shall not apply where the road vehicle being carried displays information concerning the goods being carried in accordance with regulation 18 of the Carriage of Dangerous Goods by Road Regulations 1996 and that information is clearly visible.

Figure 1 Orange-coloured panel displaying the emergency action code and the UN number
The emergency action code shall be inscribed in the

upper half and the UN number shall be inscribed in the lower

Figure 1
Orange-coloured panel displaying the emergency action code and the UN number

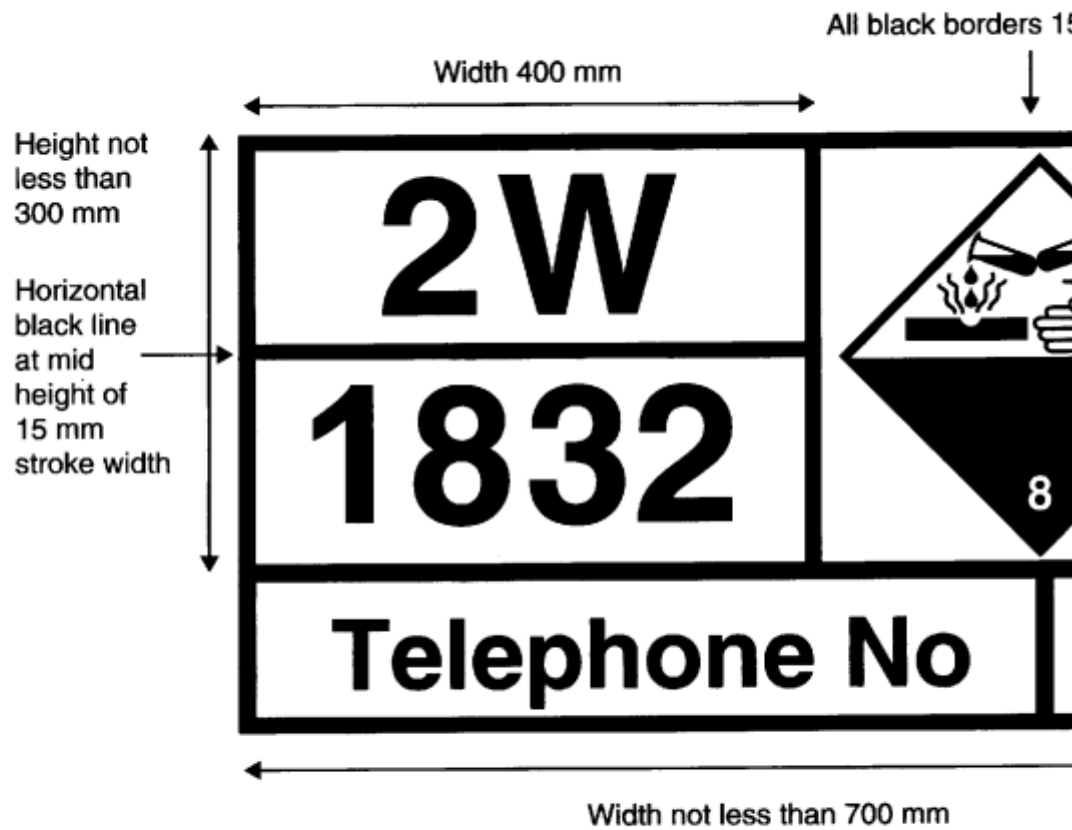


half.

Figure 2 Hazard warning panelThe emergency action code shall be inscribed in the upper half and the UN number in the lower half of the orange-coloured

panel and the telephone number beneath the UN

Figure 2
Hazard warning panel



The emergency action code shall be inscribed in the upper half and the UN number in the lower half of the orange panel.

number.

SCHEDULE 6

Regulation 17

PROHIBITIONS ON MIXED LOADING OF CERTAIN DANGEROUS GOODS

1. A package bearing a danger sign with a classification code specified in column 1 shall not be loaded in the same container or wagon together with any package or small container bearing a danger sign with any of the classification codes specified in the corresponding entry in column 2.

2. A small container bearing a danger sign with a classification code specified in column 1 shall not be loaded in the same container or wagon together with any package or small container bearing a danger sign with any of the classification codes specified in the corresponding entry in column 2.

<i>Column 1</i>	<i>Column 2</i>
<i>Classification code</i>	<i>Classification code</i>
1, 1.4, 1.5, 1.6 or 01	2, 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 6.2, 7, 8 or 9
2	1, 1.4, 1.5, 1.6 or 01
3	1, 1.4, 1.5, 1.6 or 01
4.1	1, 1.4, 1.5, 1.6 or 01
4.2	1, 1.4, 1.5, 1.6 or 01
4.3	1, 1.4, 1.5, 1.6 or 01
5.1	1, 1.4, 1.5, 1.6 or 01
5.2	1, 1.4, 1.5, 1.6 or 01
6.1	1, 1.4, 1.5, 1.6 or 01
6.2	1, 1.4, 1.5, 1.6 or 01
8	1, 1.4, 1.5, 1.6 or 01
9	1, 1.4, 1.5, 1.6 or 01

SCHEDULE 7

Regulation 18

REQUIREMENTS FOR THE LOADING, STOWAGE, UNLOADING AND CLEANING OF CONTAINERS AND WAGONS CARRYING CERTAIN DANGEROUS GOODS

PART I PACKAGES

General requirements

1.—(1) Unless requirements to the contrary appear in this Schedule, packages labelled as containing dangerous goods may be loaded—

- (a) in containers;
- (b) in unsheeted, open wagons;
- (c) in sheeted, open wagons; or
- (d) in closed wagons.

(2) Packages labelled as containing dangerous goods whose packagings are made of materials sensitive to moisture shall be loaded in containers, sheeted, open wagons or closed wagons.

(3) Packages labelled as containing dangerous goods shall be protected against damage that may be caused by other packages.

(4) Packages labelled as containing dangerous goods shall be loaded into containers or wagons so that they cannot shift dangerously, tip over or fall.

(5) Packages labelled as containing dangerous goods shall not be thrown or subjected to impact.

(6) Packages labelled as containing dangerous goods with a classification code of 4.1 (other than SELF-REACTIVE SUBSTANCES), 4.2, 4.3, 6.2 or 9 shall be loaded in containers, sheeted, open wagons or closed wagons.

(7) Packages labelled as containing SELF-REACTIVE SUBSTANCES or dangerous goods with a classification code 5.2 shall be loaded in large containers or, closed wagons with adequate ventilation.

Explosives (classification code 1)

2.—(1) The following sub-paragraphs of this paragraph shall only apply to large containers and wagons constructed after 31 December 1996.

(2) No metal objects shall be allowed to protrude in the interior of any large container or wagon used for the carriage of explosives, other than those metal objects which form part of the construction of the large container or wagon concerned.

(3) Packages labelled as containing explosive articles or substances in a Division whose Division number is 1.1, 1.2, 1.3, 1.5 or 1.6 shall only be carried in wagons or large containers which have been fitted with regulation sheet steel spark-guards.

(4) The regulation sheet steel spark-guards referred to in sub-paragraph (3) above shall not be fixed directly to the floor of the wagon or large container concerned where that floor is made of wood.

Gases: compressed, liquefied or dissolved under pressure (classification code 2)

3.—(1) Receptacles containing GASES: COMPRESSED, LIQUEFIED OR DISSOLVED UNDER PRESSURE shall be stowed in large containers or wagons in compliance with the following requirements—

- (a) cylinders with a capacity not exceeding 150 litres shall be laid parallel to or at right angles to the longitudinal axis of the large container or wagon, except that those situated near the end walls shall be laid at right angles to the said axis;
- (b) short cylinders of diameter of 30 centimetres or over may be stowed longitudinally with their valve protective devices directed towards the middle of the large container or wagon;
- (c) cylinders which are sufficiently stable or which are carried in suitable devices which prevent them from overturning may be placed upright;
- (d) cylinders which are laid flat shall be so wedged, made fast or otherwise suitably and securely fixed that they cannot shift;
- (e) receptacles containing any of the following goods shall always be placed in the position for which they were designed and protected against any possibility of being damaged by other packages—

ARGON

CARBON DIOXIDE

HELIUM

KRYPTON

NEON

NITROGEN

NITROUS OXIDE N₂O (oxidizing)

OXYGEN (oxidizing)

XENON

Any mixture of the goods above

AIR

- (f) receptacles designed to be rolled shall be laid with their longitudinal axis parallel to that of the large container or wagon and shall be secured against any lateral movement.
- (2) Where pallets loaded with metal aerosol dispensers (grouped together in units on trays and sealed with a suitable plastic wrapping) are stacked, each tier of pallets shall be evenly distributed over the lower tier, if necessary by the interposition of a material of adequate strength.

Flammable solids (classification code 4.1)

4.—(1) Packages containing any of the following goods shall be loaded in containers or wagons which are closed and adequately ventilated—

- UN 3221 SELF-REACTIVE LIQUID TYPE B
- UN 3222 SELF-REACTIVE SOLID TYPE B
- UN 3223 SELF-REACTIVE LIQUID TYPE C
- UN 3224 SELF-REACTIVE SOLID TYPE C
- UN 3225 SELF-REACTIVE LIQUID TYPE D
- UN 3226 SELF-REACTIVE SOLID TYPE D
- UN 3227 SELF-REACTIVE LIQUID TYPE E
- UN 3228 SELF-REACTIVE SOLID TYPE E
- UN 3229 SELF-REACTIVE LIQUID TYPE F
- UN 3230 SELF-REACTIVE SOLID TYPE F

(2) Packages containing FLAMMABLE SOLIDS shall be loaded in—

- (a) sheeted, open containers;
- (b) sheeted, open wagons;
- (c) closed containers; or
- (d) closed wagons.

(3) Packages labelled as containing FLAMMABLE SOLIDS and displaying the subsidiary hazard sign “liable to explosion” shall be loaded so that a free circulation of air within the loading space provides a uniform temperature for the load.

(4) Where the contents of a container or wagon exceed 5000 kg of FLAMMABLE SOLIDS in packages and the packages display the subsidiary hazard sign “liable to explosion”, the load shall be divided into stacks of not more than 5000 kg separated by air spaces of at least 0.05 m.

Oxidizing substances (classification code 5.1)

5.—(1) Containers and wagons shall be thoroughly cleaned and in particular be free of any combustible debris before they are loaded with packages containing OXIDIZING SUBSTANCES.

(2) The use of straw or any other readily combustible material for stowing packages containing OXIDIZING SUBSTANCES is prohibited.

(3) Where flexible intermediate bulk containers are used for the carriage of any of the following goods—

- UN 1442 AMMONIUM PERCHLORATE
- UN 1450 BROMATES, INORGANIC, N.O.S.
- UN 1452 CALCIUM CHLORATE

UN 1455 CALCIUM PERCHLORATE
UN 1458 CHLORATE AND BORATE MIXTURES
UN 1459 CHLORATE AND MAGNESIUM CHLORIDE MIXTURE
UN 1461 CHLORATES, INORGANIC, N.O.S.
UN 1473 MAGNESIUM BROMATE
UN 1475 MAGNESIUM PERCHLORATE
UN 1481 PERCHLORATES, INORGANIC, N.O.S.
UN 1484 POTASSIUM BROMATE
UN 1485 POTASSIUM CHLORATE
UN 1489 POTASSIUM PERCHLORATE
UN 1494 SODIUM BROMATE
UN 1495 SODIUM CHLORATE
UN 1502 SODIUM PERCHLORATE
UN 1506 STRONTIUM CHLORATE
UN 1508 STRONTIUM PERCHLORATE
UN 1513 ZINC CHLORATE
UN 2427 POTASSIUM CHLORATE, AQUEOUS SOLUTION
UN 2428 SODIUM CHLORATE, AQUEOUS SOLUTION
UN 2429 CALCIUM CHLORATE, AQUEOUS SOLUTION
UN 2721 COPPER CHLORATE
UN 2723 MAGNESIUM CHLORATE
UN 3210 CHLORATES, INORGANIC, AQUEOUS SOLUTIONS, N.O.S.
UN 3211 PERCHLORATES, INORGANIC, AQUEOUS SOLUTIONS, N.O.S.—
UN 3213 BROMATES, INORGANIC, AQUEOUS SOLUTIONS, N.O.S.

- (a) they shall be carried in
 - (i) a container,
 - (ii) a closed wagon,
 - (iii) a moveable-roof wagon, or
 - (iv) an open wagon covered with an impermeable and non-combustible sheet, and
- (b) measures shall be taken to ensure that the goods cannot, in the event of a leak, come into contact with wood or any other combustible material.

Organic peroxides (classification code 5.2)

6.—(1) Containers and wagons shall be thoroughly cleaned before they are loaded with packages containing ORGANIC PEROXIDES.

(2) Packages containing ORGANIC PEROXIDES shall be so loaded that a free circulation of air within the loading space ensures the uniform temperature of the load.

(3) Where the contents of a container or wagon exceed 5000 kg of ORGANIC PEROXIDES in packages, the load shall be divided into stacks of not more than 5000 kg separated by air spaces of at least 0.05 m.

Toxic substances (classification code 6.1)

7.—(1) Where a container or wagon has been used for the carriage of TOXIC SUBSTANCES in packages it shall be checked after unloading for any signs of spillage or leakage of those goods.

(2) Where packages containing TOXIC SUBSTANCES have leaked and been spilled in a container or wagon—

- (a) all other goods and articles carried therein at the time of the leakage or spillage shall be examined for possible contamination; and
- (b) the container or wagon concerned shall not be re-used until after it has been thoroughly cleaned and, if necessary, decontaminated.

Infectious substances (classification code 6.2)

8.—(1) Packages containing INFECTIOUS SUBSTANCES shall be stowed in such a way as to be easily accessible.

(2) Where packages containing INFECTIOUS SUBSTANCES are being carried in a container or wagon they shall be kept apart from foodstuffs, other articles of consumption and animal feeding stuffs.

Corrosive substances (classification code 8)

9.—(1) Containers and wagons shall be thoroughly cleaned and in particular be free of all combustible debris before they are loaded with packages containing any of the following goods—

UN 1796 NITRATING ACID MIXTURE with more than 50% Nitric Acid

UN 1802 PERCHLORIC ACID

UN 1826 NITRATING ACID MIXTURE, SPENT WITH MORE THAN 50% NITRIC ACID

UN 2032 NITRIC ACID, RED FUMING

UN 3084 CORROSIVE SOLID, OXIDIZING, N.O.S.

UN 3093 CORROSIVE LIQUID, OXIDIZING, N.O.S.

(2) The use of combustible materials for stowing packages containing any of the goods listed in sub-paragraph (1) above is prohibited.

Miscellaneous dangerous substances and articles (classification code 9)

10.—(1) Where packages containing miscellaneous substances or articles are being carried in a container or wagon they shall be kept apart from foodstuffs, other articles of consumption and animal feedstuffs.

(2) Packages containing the goods UN 3245 GENETICALLY MODIFIED MICRO-ORGANISMS shall be stowed in such a way as to be readily accessible.

- (a) Where a container or wagon has been used for the carriage of MISCELLANEOUS DANGEROUS SUBSTANCES OR ARTICLES in packages as a full wagon load it shall be checked after unloading for any signs of spillage or leakage of those goods; and
- (b) where a spillage or leakage of the kind referred to in paragraph (a) above has occurred, the container or wagon concerned shall not be re-used until after it has been thoroughly cleaned and, if necessary, decontaminated.

PART II

EMPTY, UNCLEARED PACKAGINGS

Flammable solids (classification code 4.1)

11.—(1) Empty, uncleaned packagings, (including intermediate bulk containers), which contain the residues of any of the following goods shall not be accepted for carriage unless those residues are so packed that the content of water or other phlegmatizers added to them to render them inert cannot diminish.

- UN 1310 AMMONIUM PICRATE, WETTED, with not less than 10% (mass) water
- UN 1320 DINITROPHENOL, WETTED, with not less than 15% (mass) water
- UN 1321 DINITROPHENOLATES, WETTED, with not less than 15% (mass) water
- UN 1322 DINITRORESORCINOL, WETTED, with not less than 15% (mass) water
- UN 1326 HAFNIUM POWDER, WETTED, with not less than 25% (mass) water
- UN 1336 NITROGUANIDINE (PICRITE), WETTED, with not less than 20% (mass) water
- UN 1337 NITROSTARCH, WETTED, with not less than 20% (mass) water
- UN 1344 TRINITROPHENOL, WETTED, with not less than 30% (mass) water
- UN 1347 SILVER PICRATE, WETTED, with not less than 30% (mass) water
- UN 1348 SODIUM DINITRO-*o*-CRESOLATE, WETTED, with not less than 15% (mass) water
- UN 1349 SODIUM PICRAMATE, WETTED, with not less than 20% (mass) water
- UN 1352 TITANIUM POWDER, WETTED, with not less than 25% (mass) water
- UN 1354 TRINITROBENZENE, WETTED, with not less than 30% (mass) water
- UN 1355 TRINITROBENZOIC ACID, WETTED, with not less than 30% (mass) water
- UN 1356 TRINITROTOLUENE, WETTED, with not less than 30% (mass) water
- UN 1357 UREA NITRATE, WETTED, with not less than 20% (mass) water
- UN 1358 ZIRCONIUM POWDER, WETTED, with not less than 25% (mass) water
- UN 1517 ZIRCONIUM PICRAMATE, WETTED, with not less than 20% (mass) water
- UN 1571 BARIUM AZIDE, WETTED, with not less than 50% (mass) water
- UN 2555 NITROCELLULOSE, with not less than 25% (mass) water
- UN 2556 NITROCELLULOSE, with not less than 25% (mass) alcohol and not more than 12.6% nitrogen by dry mass
- UN 2557 NITROCELLULOSE, with not more than 12.6% nitrogen, by dry mass
- UN 2852 DIPICRYL SULPHIDE, WETTED, with not less than 10% (mass) water
- UN 2907 ISOSORBIDE DINITRATE MIXTURE, with not less than 60% lactose, mannose, starch or calcium hydrogen phosphate or with other phlegmatizers, provided that such phlegmatizers have inerting properties which are at least as effective

(2) Empty, uncleaned packagings which contain the residues of any of the following goods shall not be accepted for carriage unless steps have been taken to prevent their dangerous decomposition—

- UN 3221 SELF-REACTIVE LIQUID TYPE B
- UN 3222 SELF-REACTIVE SOLID TYPE B
- UN 3223 SELF-REACTIVE LIQUID TYPE C
- UN 3224 SELF-REACTIVE SOLID TYPE C

UN 3225 SELF-REACTIVE LIQUID TYPE D
 UN 3226 SELF-REACTIVE SOLID TYPE D
 UN 3227 SELF-REACTIVE LIQUID TYPE E
 UN 3228 SELF-REACTIVE SOLID TYPE E
 UN 3229 SELF-REACTIVE LIQUID TYPE F
 UN 3230 SELF-REACTIVE SOLID TYPE F

Toxic substances (classification code 6.1)

12. Empty, uncleaned packagings, (comprising bags or flexible intermediate bulk containers), which contain the residues of any TOXIC SUBSTANCES shall be placed in boxes or waterproof bags to prevent any leakage of those residues during carriage.

Miscellaneous dangerous substances and articles (classification code 9)

13. Empty, uncleaned packagings (comprising bags) which contain the residues of any MISCELLANEOUS DANGEROUS SUBSTANCES OR ARTICLES shall be placed in boxes or waterproof bags to prevent any leakage of those residues during carriage.

SCHEDULE 8

Regulation 24(8)

LIMITS ON NET EXPLOSIVE CONTENT OF EXPLOSIVES PERMITTED TO BE CARRIED IN CONTAINERS AND WAGONS AND SEPARATION DISTANCE

Where explosives within different Divisions are carried in the same container or wagon then, for the purpose of this Schedule, all the explosives, with the exception of those in Division 1.4, shall be deemed to be within the Division amongst them whose Division number comes highest in the following list, (that is Division number 1.1 (highest), 1.5, 1.2, 1.3 and 1.6 (lowest)); except that where explosives with a Division number of 1.2 are carried together with explosives with a Division number of 1.5 they shall all be deemed to be within the Division whose Division number is 1.1.

Column 1 <i>Type of explosive (Division number)</i>	Column 2 <i>Maximum net explosive content in tonnes in any group of adjacent containers or wagons</i>	Column 3 <i>Minimum separation distance in metres between groups of containers or wagons</i>
1.1	40	80
Any combination of 1.1, 1.3, and 1.5	Aggregate of 40	80
1.3 and 1.5 alone or mixed	120	40

SCHEDULE 9

Regulation 24(10)

PERMITTED MIXED LOADS OF EXPLOSIVES WITHIN DIFFERENT COMPATIBILITY GROUPS CARRIED IN CONTAINERS AND WAGONS

Regulation 24(9) shall not apply to the carriage of explosives mixed as follows—

- (a) detonating fuses within a Compatibility Group whose Compatibility Group Letter is B (with UN number 0106 or 0107) may be carried with explosive articles within a Compatibility Group whose Compatibility Group Letter is D, E or F of which the fuses are components provided the aggregate is treated as falling within a Compatibility Group whose Compatibility Group Letter is F;
 - (b) explosive substances within a Compatibility Group whose Compatibility Group Letter is C or D may be carried—
 - (i) together,
 - (ii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is C, D or E provided appropriate precautions are taken against harmful physical interactions including impact or friction by exposed metal, or
 - (iii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is G;
 - (c) explosive articles within a Compatibility Group whose Compatibility Group Letter is C, D or E may be carried—
 - (i) together,
 - (ii) with explosives within a Compatibility Group whose Compatibility Group Letter is F, or
 - (iii) with explosive articles within a Compatibility Group whose Compatibility Group Letter is G;
 - (d) explosives within a Compatibility Group whose Compatibility Group Letter is N may be carried together with explosives within a Compatibility Group whose Compatibility Group Letter is C, D or E.
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EXPLANATORY NOTE

(This note is not part of the Instrument)

1. These Regulations implement Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, insofar as it relates to the transport of dangerous goods (other than radioactive material). The Regulations impose requirements and prohibitions in relation to the carriage of dangerous goods by rail in a container, package, tank container, tank wagon or wagon. They revoke section 35 of the Explosives Act 1875 to the extent specified, the Conveyance by Rail of Military Explosives Regulations 1977 and the Carriage of Dangerous Goods by Rail Regulations 1994.

2. The terms and expressions used in the Regulations are defined in regulation 1 and the scope of the Regulations is defined in regulation 2.

3. The Regulations—

- (a) require the approval and publication by the Health and Safety Commission of the “approved documents”, comprising the “Approved Carriage List” and the “Approved Tank Requirements”, and set out the duties of specified persons involved in the carriage of dangerous goods in relation to the requirements of those documents (regulations 3 and 4);

- (b) prohibit the carriage of dangerous goods in wagons and large containers in bulk, in small containers and in tanks, unless in each case certain requirements are complied with (regulations 5—7);
- (c) require containers, packages, tank containers, tank wagons, and wagons used for the carriage of dangerous goods to be suitable for such carriage and adequately maintained (regulation 8);
- (d) require tanks constructed after 31st December 1998 and used for the carriage of dangerous goods to comply with specified provisions relating to their design and suitability, and to be examined, tested and certified, and provide for the keeping of certificates issued in connection therewith (regulation 9);
- (e) prohibit the carriage of dangerous goods in any container, tank container, tank wagon or wagon unless the operator thereof has taken all reasonable steps to ensure that those goods have been classified, packaged and labelled in accordance with specified Regulations (regulation 10);
- (f) require Carriage Information to be provided to operators of containers, tank containers, tank wagons and wagons, train operators, and infrastructure controllers prior to carriage and for that information to be kept (regulations 11—13);
- (g) require specified information to be displayed on any container, tank container, tank wagon or wagon used for the carriage of dangerous goods and impose duties in relation to that display (regulation 14 and schedule 5);
- (h) require train crew members and employees of infrastructure controllers who have responsibilities in connection with the carriage of dangerous goods to receive adequate information, instruction and training, and records of such training to be kept and made available to trainees (regulation 15);
- (i) prohibit the overfilling with dangerous goods of tank containers and tank wagons and the carriage of specified mixed or inadequately segregated loads (regulations 16 and 17 and schedule 6);
- (j) impose requirements in relation to the loading, stowage, unloading and cleaning of containers, tank containers, tank wagons and wagons used for the carriage of dangerous goods (regulation 18 and schedule 7);
- (k) require openings in any tank container or tank wagon and any valves and caps to be securely closed prior to and during carriage of dangerous goods (regulation 19);
- (l) require train operators to ensure the safe marshalling and formation of trains carrying dangerous goods (regulation 20);
- (m) impose requirements to ensure the safe carriage and security of dangerous goods and to prevent fire or explosion during carriage (regulations 21 and 22);
- (n) require train operators, facility owners and infrastructure controllers to draw up emergency arrangements and to co-operate with each other to ensure effective co-ordination of those arrangements (regulation 23);
- (o) impose—
 - (i) prohibitions and restrictions on the carriage of explosives (including on passenger trains),
 - (ii) requirements in relation to the loading, stowage, unloading and cleaning of containers and wagons used for the carriage of explosives, and
 - (iii) requirements in relation to security (regulations 24—28);
- (p) prohibit the carriage of temperature controlled substances (regulation 29);

- (q) permit the granting of exemptions by the Health and Safety Executive or the Secretary of State for Defence in given circumstances (regulation 30);
- (r) provide a defence to the Regulations, allow alternative compliance with specified international provisions, where those provisions apply to a matter to which these Regulations apply, and provide a transitional defence (regulations 31—33); and
- (s) set out repeals, revocations and consequential amendments (regulation 34).

4. Copies of relevant documents may be obtained as follows—

- (a) the Approved Carriage List, Approved Tank Requirements and Approved Requirements and Test Methods for the Classification and Packaging of Dangerous Goods for Carriage from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS; Dillons; Rymans the Stationer; and all good booksellers;
- (b) the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”) (1995 edition) [ISBN 0-11-551265-9] and the Convention concerning International Carriage by Rail (“COTIF”), Cmnd.5897, from Her Majesty’s Stationery Office;
- (c) the current edition of the International Maritime Dangerous Goods Code [volumes I to IV ISBN 92-801-1314-3, volume V ISBN 92-801-1316-X] from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
- (d) the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) (1995 edition) [ISBN 0-11-551266-7]; and
- (e) the current edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air [Doc 9284-AN/905 and supplement] from Civil Aviation Authority, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Gloucestershire GL50 2BN.

5. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Safety Policy Directorate, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.