

Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions



Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions

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the Secretary of State for Transport under regulation 11(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended; and

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Introduction

This document is issued in accordance with regulation 11(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended (CDG 2009); regulation 8(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 as amended (CDG 2010) and regulation 12(3) of the Carriage of Explosives Regulations (Northern Ireland) 2010 (CE 2010).

It sets out the circumstances under which particular types of carriage or carriage in particular circumstances are exempt from requirements and prohibitions arising under CDG 2009, CDG 2010 and CE 2010. It also provides for alternative requirements and prohibitions to apply.

This document should be read in conjunction with CDG 2009 for Great Britain and with CDG 2010 and CE 2010 for Northern Ireland. It is legally binding and enforceable in the same way as if its provisions were included in the text of CDG 2009, CDG 2010 or CE 2010. Where a reference is made in this document to a provision of RID or ADR, it is to that provision as applied by CDG 2009, CDG 2010 and CE 2010.

1. Derogations for transport by road

The following derogations are those derogations for carriage by road referred to in regulation 11(2) of CDG 2009; regulation 8(2) of CDG 2010; and regulation 12(2) of CE 2010. Consequently, carriage to which the derogations apply is exempt from Part 2 of CDG 2009, Part 2 of CDG 2010 and Part 2 of CE 2010 to the extent that these derogations conflict with the requirements and prohibitions arising under those parts. Carriage is only exempt; however, if any requirements and prohibitions provided for in the derogations are complied with.

The derogations only apply in relation to carriage by road wholly within the United Kingdom.

The reference relating to the specific derogation contained in the Directive 2008/68/EC on the inland transport of dangerous goods is shown in brackets.

Road Derogation 1

Certain commercial products containing radioactive material

(RO-a-UK-1)

- 1) The requirements and prohibitions of Part 2 of CDG 2009, Part 2 of CDG 2010 and Part 2 of CE 2010 do not need to be complied with if no more than:
 - a) 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or
 - b) five gaseous tritium light devices with an individual activity not exceeding 10GBq,are carried in a vehicle.

Road Derogation 2

Exemptions from the need to carry transport documents

(RO-a-UK-2)

- 1) For goods of Classes 2 to 6, 8 and 9: the documents required to be carried on the transport unit by ADR 8.1.2.1(a) need not be carried where the quantity of dangerous goods being carried on that transport unit does not exceed the maximum total quantity for those goods calculated in accordance with ADR 1.1.3.6.
- 2) For Class 1 goods the documents need not be carried if the goods being carried are listed in the following tables. However, this only applies to:
 - a) goods specified in Table 2 or 3 , if the net mass of explosive material is not more than 50 kilograms; or
 - b) goods specified in Table 4, if the net mass of explosive material is not more than 5 kilograms.

Table 1

| Goods | UN number |
|----------------------|------------------------|
| Cable cutters | 0070 |
| Cap primers | 0044 |
| Cartridge cases | 0055 |
| Cartridges | 0012, 0014, 0323, 0405 |
| Fireworks | 0337 |
| Flares | 0404 |
| Fuse | 0105 |
| Fuse lighters | 0131 |
| Igniters | 0454 |
| Pyrotechnic articles | 0432 |
| Signals | 0193, 0373, 0506, 0507 |

Table 2

| Goods | UN number |
|-----------------|------------------------|
| Cartridge cases | 0379 |
| Cartridges | 0327, 0328, 0338, 0339 |
| Fireworks | 0333, 0334, 0335, 0336 |
| Signals | 0191, 0195 |

Table 3

| Goods | UN number |
|-----------------------------------|--|
| Cartridge cases | 0446, 0447 |
| Cartridges | 0054, 0275, 0276, 0277, 0278, 0312, 0381 |
| Flares | 0092, 0093, 0403 |
| Flash powder | 0094, 0305 |
| Fuse | 0101 |
| Igniter cord and igniters | 0066, 0121, 0314, 0315, 0325 |
| Primers | 0377, 0378 |
| Pyrotechnic articles | 0428, 0429, 0430, 0431 |
| Rockets | 0238, 0240, 0453 |
| Signals | 0192, 0194, 0196, 0197, 0505 |
| 5-mercaptotetrazole-1-acetic acid | 0448 |
| Dinitrosobenzene | 0406 |
| Sodium dinitro-o-cresolate | 0234 |
| Sodium picramate | 0235 |
| Tetrazol-1-acetic acid | 0407 |
| Zirconium picramate | 0236 |

Table 4

| Goods | UN number |
|------------------|------------------|
| Black powder | 0027, 0028 |
| Smokeless powder | 0160, 0161 |

Road Derogation 3

Exemption from the requirements relating to fire-fighting equipment for the carriage of certain Class 7 goods by road

(RO-a-UK-3)

- 1) Radioactive materials UN 2908, UN 2909, UN 2910 or UN 2911 or any combination of these dangerous goods are exempt from the requirements of ADR 8.1.4 relating to fire fighting equipment.
- 2) Dangerous goods specified in paragraph 1 may be carried with dangerous goods of other classes, without fire-fighting equipment, provided they are:
 - a) exempted from the provisions of ADR by application of special provisions; or
 - b) packaged in limited quantities in accordance with ADR 3.4; or
 - c) packaged in excepted quantities in accordance with ADR 3.5.

Road Derogation 4

Retail distribution by road

(RO-a-UK-4)

- 1) This derogation does not apply to the carriage of Class 1, 4.2, 6.2 or 7 goods.
- 2) Subject to paragraph 1, the requirement for packaging to be a combination package as specified in ADR 3.4.2 or 4.1 and for markings to be affixed for the final stages of the carriage operation in ADR 5.2 and 6.1.3 do not need to be complied with if:
 - a) the goods for carriage by road were originally packed in limited quantities in accordance with ADR 3.4 or combination packagings in accordance with ADR 4.1; and
 - b) the quantity carried on the transport unit does not exceed 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article, and a total of 333 kilograms or litres per transport unit; and
 - c) the goods have been removed from their outer packaging for the final stages of the carriage operation between a distribution centre and a retailer or end-user, or a retailer and end-user, or between an end-user and retailer or distribution centre.

Road Derogation 5

Load thresholds for Class 1 goods

(RO-a-UK-5)

- 1) ADR 1.1.3 may be applied with the following modifications to the table in 1.1.3.6.3:
 - a) in the second row, omit the entry for Class 1;
 - b) after the second row, insert a new row:

| | | |
|-----|---|-----|
| "1A | Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D | 50" |
|-----|---|-----|

- c) in the third row, omit the entry for Class 1;
- d) after the third row, insert a new row :

| | | |
|-----|--------------------------------|------|
| "2A | Class 1: 1.4B to 1.4G and 1.6N | 500" |
|-----|--------------------------------|------|

- e) at the end, in the note "a" omit "0081,0082,0084,0241,0331,0332,0482".
- 2) In 1.1.3.6.4:
 - a) after "multiplied by "20""; insert:

"– The quantity of substances and articles of transport category 1A multiplied by "20""; and

- b) after “multiplied by “3””, omit “and” and insert:
“– The quantity of substances and articles of transport category 2A multiplied by “2”; and “.

Road Derogation 6

Quantities of Class 1 explosive articles

(RO-a-UK-6)

The table in ADR 7.5.5.2.1 may be treated as being amended so that the total quantity of class 1 explosive articles in compatibility groups C, D, E or J and division 1.1 carried on one EX/II vehicle shall not exceed 5,000 kilograms.

Road Derogation 7

Supervision requirements for vehicles carrying Class 1 goods

(RO-a-UK-7)

- 1) In relation to the carriage of Class 1 goods, ADR 8.4 and special provision S1:(6) of ADR 8.5 need not be complied with if the requirements set out in paragraphs 2 to 7 of this derogation are met.
- 2) The vehicle is at a stop within–
 - a) a safe and secure place; or
 - b) premises which are under the control of the Secretary of State for Defence; and
- 3) The Class 1 goods being carried are listed in table 1, 2 or 3 of Road Derogation 2; or
- 4) The load consists of:
 - a) demolition charges (UN 0048) or blasting explosives (UN 0081, UN 0082, UN 0083, UN 0084, UN 0241, UN 0331 and UN 0332) of a net mass of explosive substance of not more than 50 kilograms;
 - b) detonating cord (UN 0065 and UN 0289) of a net mass of explosive substance of not more than 10 kilograms;
 - c) detonators or detonator assemblies (UN 0029, UN 0030, UN 0255, UN 0267, UN 0360, UN 0361, UN 0455, UN 0456 and UN 0500) of a net mass of explosive substance of not more than 100 grams and not more than 100 in number; or
 - d) any combination of the goods mentioned above provided that the weight or quantity specified is not exceeded; and
- 5) The dangerous goods or any of them are to be used on the day of carriage; and
- 6) Adequate measures for the security of the goods in relation to the vehicle have been taken; and
- 7) The vehicle is parked on site.

Road Derogation 8

Mixing rules for vehicles carrying Class 1 goods

(RO-a-UK-8)

- 1) ADR 7.5.2 may be applied in accordance with paragraphs 2 to 5, providing all measures that are reasonably practicable have been taken to prevent the Class 1 goods being brought into contact with, otherwise endangering, or being endangered by, other dangerous goods.
- 2) Explosives allocated on classification to:
 - a) UN 0065, UN 0104, UN 0289 and UN 0290;
 - b) UN 0042 and UN 0283;
 - c) UN 0029, UN 0030, UN 0255, UN 0267, UN 0360 and UN 0361; and
 - d) UN 0081, UN 0082, UN 0241, UN 0331 and UN 0332

may be carried in the same vehicle with UN 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D. Note d to the table in ADR 7.5.2.1 applies.

- 3) Explosives allocated on classification to:
 - a) UN 0191 and UN 0197;
 - b) UN 0312;
 - c) UN 0336;
 - d) UN 0403;
 - e) UN 0431;
 - f) UN 0453; and
 - g) UN 0505

may be carried in the same vehicle with dangerous goods in transport category 2 (except flammable gases, Class 6.1 or 6.2 goods) and transport category 3, providing the maximum total quantity of goods in transport category 2 does not exceed 500 kilograms or litres, or a combined total of 500 kilograms and litres; and the maximum total quantity of Class 1 goods does not exceed 500 kilograms.

- 4) Explosives of 1.4G may be carried with:
 - a) flammable liquids and flammable gases in transport category 2; and
 - b) non-flammable, non-toxic gases that are of group A or O (as per ADR 2.2.2.1.3) and in transport category 3;

providing the maximum total quantity of dangerous goods per transport unit does not exceed 200 kilograms or litres, or a combined total of 200 kilograms and litres, of which the Class 1 goods do not exceed 20 kilograms.

- 5) Explosive articles allocated on classification to UN 0106, UN 0107 and UN 0257 (FUZES, DETONATING) in compatibility group B may be carried with explosive articles in compatibility groups D, E or F for which they are component parts. Class 1 goods in compatibility group F may be carried with explosive articles in compatibility groups C, D or E.

Road Derogation 9

Alternative to the requirement to comply with ADR 5.3.2. relating to orange – coloured plates etc when carrying Class 7 goods by road

(RO-a-UK-9)

- 1) In relation to the carriage of Class 7 goods, a notice complying with the conditions set out in paragraph 2 may be displayed instead of complying with the requirements of ADR 5.3.2. if:
 - a) the transport unit used for carrying the goods has a maximum permissible mass which does not exceed 3.5 tonnes;
 - b) the packages being carried contain only Class 7 goods that are fissile-excepted, not fissile or a combination of these two;
 - c) the number of packages does not exceed 10; and
 - d) the sum of the transport indexes of the packages does not exceed 3.
- 2) The conditions are:
 - a) the notice shall include the words (using capital letters as indicated) “This vehicle is carrying RADIOACTIVE MATERIAL” and “In case of accident get in touch at once with THE POLICE”;
 - b) the capital letters in the word “RADIOACTIVE” shall be a minimum of 12mm high and all other capital letters in the notice shall be a minimum of 5mm high;
 - c) the notice shall state the name, address and telephone number of a person capable of providing advice that would be of assistance in an emergency;
 - d) all lettering on the notice shall be embossed or stamped as well as being black, bold and legible; and
 - e) the notice shall be not less than 12cm square, fireproof to the extent that the words on the notice shall remain legible after exposure to a fire involving the vehicle, securely posted in the vehicle in a position where it is plainly visible to the driver but does not obscure his view of the road and displayed only when the vehicle is carrying radioactive material.
- 3) The term “fissile-excepted” shall be construed in accordance with ADR 6.4.11.2.

Road Derogation 10

Exemption from certain requirements for certain metal drums and metal IBCs

(RO-a-UK-10)

This derogation is now obsolete and has been removed. The numbering is reserved.

Road Derogation 11

The crossing of public roads

(RO-bi-UK-1)

- 1) The prohibitions and requirements arising under Part 2 of CDG 2009, CDG 2010 and Part 2 of CE 2010 do not need to be complied with in relation to the carriage of Class 2 to 6, 8 or 9 goods in a vehicle which is used for:
 - a) delivering goods between private premises and a vehicle in the immediate vicinity of those premises; or
 - b) passing between one part of private premises and another part of those premises, situated in the immediate vicinity of the first part, where both parts are occupied by the same person even if the parts are separated by a road.
- 2) If Class 1 or 7 goods are being carried in a vehicle used for the same purposes as in paragraph 1, the following ADR provisions do not need to be complied with:
 - a) ADR 1.8.3.1 and 1.8.3.3 to 1.8.3.9 relating to the appointment and duties of safety advisers;
 - b) ADR 4.1.1 to 4.1.8 and 4.1.10 relating to the use of packaging and packages;
 - c) ADR 5.3 relating to the requirement to display a hazard identification number;
 - d) ADR 5.4 relating to the requirement for the consignment to be accompanied by documentation ;
 - e) ADR 8.1.2 and 8.1.3 in relation to the requirements relating to documents to be carried and placarding and marking; and
 - f) ADR 8.2.1 in relation to training.

Road Derogation 12

Exemption from the prohibition on opening packages

(RO-bi-UK-2)

In relation to goods other than Class 7 goods, ADR 8.3.3 does not need to be complied with if the carrier has authorised the driver or the driver's assistant to open a package.

Road Derogation 13

The carriage of alcohol in wooden casks

(RO-bi-UK-3)

- 1) The derogations in paragraph 2 apply to the carriage of wooden casks containing UN 3065 of packing group III if:
 - a) the wooden casks have a capacity of not more than 1,000 litres;
 - b) the packages are carried in a closed vehicle;
 - c) no other goods are carried on the transport unit; and
 - d) the transport unit complies with the requirements of this document in relation to regulation 6 of CDG 2009 or regulation 6 of CDG 2010.
- 2) The following ADR provisions do not need to be complied with:
 - a) ADR 1.4.2.1.1 (c) in relation to approved wooden casks bearing the prescribed ADR marks and compliance with packaging conditions required by 1.4.3.2 (a);
 - b) ADR 4.1.1.3 and 4.1.1.9 in relation to requirements of design type and testing of wooden casks;
 - c) ADR 5.2.1 and 5.2.2 in relation to the requirements for marking and labelling of packages; and
 - d) ADR 5.3.1 and 5.3.2 in relation to the requirements for displaying placards, marks, labels and hazard identification numbers as per columns 5 and 20 of Table A in Chapter 3.2.

Road Derogation 14

The carriage of UN 0335 FIREWORKS by road

(RO-bi-UK-4)

Table A of ADR 3.2 may be applied as if column (6) of the row relating to UN 0335 includes the entry "651".

Road Derogation 15

The collection of used batteries for disposal or recycling

(RO-bi-UK-5)

- 1) Used lithium and lithium-ion cells and batteries (UN 3480, UN 3481, UN 3090 and UN 3091) collected and presented for carriage for disposal between the consumer collecting point and the intermediate processing facility, together with other non-lithium cells or batteries (UN 2800 and UN3028), are not subject to the prohibitions and requirements of ADR provided they meet the conditions in paragraph 2.
- 2) The conditions are:
 - a) they shall be packed in IH2 drums or 4H2 boxes conforming to the packing group II performance level for solids;
 - b) not more than 5% of each package shall be lithium and lithium ion batteries;
 - c) the maximum gross mass of each package shall not exceed 25kg;
 - d) the total quantity of packages per transport unit shall not exceed 333kg; and
 - e) no other dangerous goods are carried.

Road Derogation 16

Application of ADR Part 9 to vehicles constructed before 1997 and FL, OX and AT vehicles

- 1) If a vehicle was constructed before 1 January 1997, compliance with Part 9 of ADR is not required. However, the carrier must ensure that the vehicle is suitable for the safe carriage of the dangerous goods carried.
- 2) If an FL,OX or AT vehicle–
 - a) is used or intended to be used to carry UK only tanks, as defined in Part 3 of this document, that were not constructed to the requirements of ADR but which comply with the requirements in Part 3 of this document (see page 23); and
 - b) does not meet all of the requirements in ADR 9.7.2 and 9.7.3 applicable to such tanks and fastenings attaching them to vehicles,

the requirement for that vehicle to be subject to an annual technical inspection in accordance with ADR 9.1.2.3 does not apply.
- 3) Any vehicle carrying a tank constructed and certified to the requirements of ADR that has been tested and inspected to a written scheme of examination as a UK tank and not in accordance with provisions of ADR, need not comply with the provisions of ADR 9.1.2.3 until the time of the vehicle's next annual statutory inspection following inspection of the tank as an ADR tank.

Road Derogation 17

Transport of waste arising from care activities involving a risk of infection covered by UN 3291 with a mass less than or equal to 15 kg

(RO-a-UK-10)

- 1) Health care workers do not need to comply with the requirement of ADR 8.1.4.1 to carry a 2 kg fire extinguisher (or equivalent capacity for any other suitable extinguishant agent), when necessarily carrying small amounts of UN 3291 (clinical waste) as part of their duties, subject to the following conditions:
 - a) Clinical waste shall be packaged in accordance with ADR 7.3.2.6 and shall be less than or equal to 15 kg;
 - b) The vehicle used for carriage is an M1 vehicle (private car) or car derived van; and
 - c) Clinical waste shall only be that which has of necessity to be carried from the site of any treatment for disposal but recognising that more than one patient may be treated before the waste is taken for disposal.

2. Derogations for transport by rail

The following derogations are the derogations for carriage by rail referred to in regulation 11(2) of CDG 2009, regulation 8(2) of CDG 2010 and 12(2) of CE 2010. Consequently, carriage to which the derogations apply is exempt from Part 2 of CDG 2009 and Part 2 of CDG 2010 and Part 2 of CE 2010 to the extent that the derogations conflict with the requirements and prohibitions arising under those Parts. Carriage is only exempt however, if any requirements and prohibitions provided for in the derogations are complied with.

The derogations only apply in relation to carriage by rail wholly within the United Kingdom.

The reference relating to the specific derogation contained in the Directive is shown in brackets.

Rail Derogation 1

Certain commercial products containing radioactive material

(RA-a-UK-1)

- 1) The prohibitions and requirements of Part 2 of CDG 2009 and Part 2 of CDG 2010 and Part 2 of CE 2010 need not be complied with if no more than:
 - a) 500 smoke detectors for domestic use with an individual activity not exceeding 40kBq; or
 - b) five gaseous tritium light devices with an individual activity not exceeding 10GBq;are carried in a railway vehicle.

Rail Derogation 2

Mixing rules for wagons carrying Class 1 goods

(RA-a-UK-2)

- 1) RID 7.5.2 may be applied in accordance with paragraph 2, providing all measures that are reasonably practicable have been taken to prevent the Class 1 goods being brought into contact with, otherwise endangering or being endangered by other dangerous goods.
- 2) Explosive articles allocated on classification to UN 0106, UN 0107 and UN 0257 (FUZES, DETONATING) in compatibility group B may be carried with explosive articles in compatibility group D, E or F for which they are component parts. Class 1 goods in compatibility group F may be carried with explosive articles in compatibility groups C, D or E.

Rail Derogation 3

Load threshold for Class 1 goods

(RA-a-UK-3)

- 1) RID 1.1.3 may be applied with the following modifications to the table in 1.1.3.6.3:
 - a) in the second row, omit the entry for Class 1;
 - b) after the second row, insert a new row–

| | | |
|-----|---|-----|
| "1A | Class 1: 1.1B to 1.1J/1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D | 50" |
|-----|---|-----|

- c) in the third row, omit the entry for Class 1;
- d) after the third row, insert a new row :

| | | |
|-----|--------------------------------|------|
| "2A | Class 1: 1.4B to 1.4G and 1.6N | 500" |
|-----|--------------------------------|------|

- e) at the end, in the note "a" omit "0081,0082,0084,0241,0331,0332,0482".
- 2) In 1.1.3.6.4–
 - a) after "multiplied by "20"", insert:

– The quantity of substances and articles of transport category 1A multiplied by "20"; and
 - b) after "multiplied by "3"", omit "and" and insert:

– The quantity of substances and articles of transport category 2A multiplied by "2", and ".

Rail Derogation 4

Display of information during piggyback carriage

(RA-a-UK-4)

- 1) The requirements set out in RID 1.1.4.4 in relation to placarding and marking need not be complied with if a vehicle being carried on a wagon by means of piggyback transport displays in a clearly visible manner:
 - a) the placards, marks, labels, plate markings and hazard identification numbers required to be displayed by RID 5.3; or
 - b) the hazard warning panels required to be displayed by regulation 6 of CDG 2009 or regulation 6 of CDG 2010.

Rail Derogation 5

Retail distribution by rail

(RA-a-UK-5)

- 1) This derogation does not apply to the carriage of Class 1, 4.2, 6.2 or 7 goods by rail.
- 2) Subject to paragraph 1, the requirement for markings to be affixed for the final stages of the carriage operation in RID 5.2 and 6.1.3 do not need to be complied with if:
 - a) the goods for carriage by rail are packed in limited quantities in accordance with RID 3.4 or combination packagings in accordance with RID 4.1;
 - b) the quantity carried on the transport unit does not exceed 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article, and a total of 333 kilograms or litres per transport unit; and
 - c) the goods have been removed from their outer packaging for the final stages of the carriage operation between a distribution centre and a retailer or end-user, or a retailer and end-user.

Rail Derogation 6

Exemption from certain requirements for certain metal drums and metal IBCs

This derogation is now obsolete and has been removed. The numbering is reserved.

3. Requirements for tanks other than RID or ADR tanks used or intended to be used for the carriage of dangerous goods in the United Kingdom

Definition

A UK tank is a tank, including pressure receptacles forming the elements of a battery vehicle or battery-wagon constructed and used, or intended to be used, for the carriage of dangerous goods which are liquid, gaseous, powdery or granular material; and which:

- a. was not constructed to provisions of RID, ADR or the Transportable Pressure Equipment Directive (TPED) or subsequently reassessed and certified to RID, ADR or TPED; and
- b. constructed before 10 May 2004, or, in Northern Ireland, before 31 July 2006 to the requirements of UK legislation in force at the time of construction; or
- c. constructed on or after 10 May 2004, or, in Northern Ireland, on or after 31 July 2006 to EN 12493 Annex C as permitted under the transitional provisions with regards to the reference temperature in Directive 2008/68/EC; and is suitable for use in the UK only.

Any tank constructed and certified to the provisions of RID or ADR that has been tested and inspected in accordance with a written scheme of examination, as set out in “Guidance for a suitable written scheme: Examination, Testing and Certification of “Old Tanks” e.g. (tanks constructed on or before 10 May 2004, or in Northern Ireland, before 31 July 2006)”, and not in accordance with provisions of RID or ADR is not a UK tank under CDG 2009, CDG 2010 or this document, except that any such tank may be treated as a UK tank until:

- d. the day of the next inspection at the intervals specified in RID or ADR for that type of tank; or
- e. if the inspection specified in the written scheme of examination was before 1 July 2010, the first inspection occurring on or after 1 July 2010 in accordance with the intervals specified in RID or ADR.

A vehicle carrying a tank constructed and certified to the requirements of ADR that has been tested and inspected in accordance with a written scheme of examination may continue to be treated as a UK tank for the purposes of Road Derogation 16 (see page 15) until the date of vehicle’s next annual statutory inspection.

Subject to paragraph 5, a UK tank may be carried on national carriage in UK providing it remains safe and suitable for purpose, and complies with requirements 1 to 3 below.

Requirements 1 to 3 below do not apply to a UK tank that:

- f. is being used for the carriage of gas oil, diesel or heating oil with a flash point of more than 60°C and not more than 100°C (UN 1202), and remains safe and suitable for that purpose; or
- g. is not being used at work.

Requirement 1

From 1 July 2013 a UK tank shall be inspected by an inspection body appointed by the Secretary of State in GB, or the HSENI in NI, at the intervals and to the requirements set out in the VCA document “Procedures for Inspection Bodies: Testing and Inspection of UK Tanks”.

Until the date of the issue of a certificate following an examination by an appointed inspection body to the requirements of the “Procedures for Inspection Bodies: Testing and Inspection of UK Tanks”, there shall be a written scheme of examination setting out the requirements for ensuring the tank remains safe for the purpose of carrying the dangerous goods for which it is used. The scheme must make provision for the examination, testing and approval of the tank for continued use by a person appointed by the competent authority under regulation 29(2) of CDG 2009 or regulation 25 (2) of CDG 2010.

Requirement 2

The operator of the tank has in their possession and available to them the report of the most recent examination and test held in accordance with the written scheme of examination or “Procedures for Inspection Bodies: Testing and Inspection of UK Tanks” which states:

1. the date and the result of the examination and test;
2. the date before which any further examination and test must be carried out and the interval to which shall be as specified in the written scheme or such other period as the person carrying out the approval may specify;
3. that the tank remains suitable for the purposes set out in the certificate issued before it was used for the first time or, if it is no longer suitable for any of these purposes, then stating the purposes for which it is suitable; and
4. in the case of a pressure vessel for carriage by road, the maximum working pressure to which the vessel may be safely subjected.

Requirement 3

The tank has not been damaged, modified or repaired in such a way as might affect its safety since the most recent report referred to at requirement 2 was issued and, in the case of a pressure vessel for carriage by road, the pressure in the vessel does not exceed the maximum safe working pressure specified in the report.

3a. Requirements for MOD tanks in the United Kingdom

Definition

An 'MOD tank' means a tank, other than a tank for the carriage of gas, which is owned by the Secretary of State for Defence and is used by Her Majesty's Forces, provided under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the tank, including a conditional-sale agreement, a credit-sale agreement, a hire-purchase agreement and a contract for sale that is fixed to or carried on an MOD vehicle

Requirement 1

Notwithstanding requirements for UK tanks, an MOD tank may be inspected and certified in accordance with MOD Army Equipment Support Publication 2320-A-100-522 "Chapter 8: Certification and Written Scheme".

4. Exemption from the requirement to fit sheet steel spark-guards

Special provisions W2 and W8 of RID 7.2 regarding the fitment of regulation sheet spark-guards need not be complied with in respect of wagons constructed before 1 January 1997.

5. Mobile Explosive Manufacturing Units (MEMUs) in Great Britain

- 1) MEMUs constructed to UK requirements prior to the mandatory application of the ADR 2009 provisions, which have not been constructed or certified to those provisions may continue to be used in GB provided they remain safe for their intended purpose.
- 2) MEMUs that have been certified in accordance with Part 9 of ADR other than as a MEMU may no longer be recertified and if compliance with Part 9 of ADR is required it shall be to the current ADR provisions.
- 3) MEMUs imported into GB that are not certified as MEMUs in accordance with the provisions of ADR 2009, or later editions, shall not be used in GB without the specific approval of the competent authority.

5a. Mobile Explosive Manufacturing Units (MEMUs) in Northern Ireland

- 1) MEMUs constructed to UK requirements prior to the mandatory application of the ADR 2009 provisions, which have not been constructed or certified to those provisions shall be inspected in NI by the competent authority or body appointed by the competent authority.
- 2) The vehicle shall be inspected to a combination of the requirements for the ADR vehicle types that are indicated by the material and method of carriage of the loads carried by the unit; and
 - a) shall be done no later than the date of the vehicle's next annual inspection; and
 - b) if found to be safe and suitable for purpose a certificate shall be issued with validity in NI.
- 3) MEMUs imported into NI that are not certified as MEMUs in accordance with the provisions of ADR 2009, or later editions, shall not be used in NI without the specific approval of the competent authority.

This document is issued in accordance with regulation 11(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended (CDG 2009); regulation 8(3) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 as amended (CDG 2010) and regulation 12(3) of the Carriage of Explosives Regulations (Northern Ireland) 2010 (CE 2010).

It sets out the circumstances under which particular types of carriage or carriage in particular circumstances are exempt from requirements and prohibitions arising under CDG 2009, CDG 2010 and CE 2010. It also provides for alternative requirements and prohibitions to apply.

This document should be read in conjunction with CDG 2009 for Great Britain and with CDG 2010 and CE 2010 for Northern Ireland. It is legally binding and enforceable in the same way as if its provisions were included in the text of CDG 2009, CDG 2010 or CE 2010. Where a reference is made in this document to a provision of RID or ADR, it is to that provision as applied by CDG 2009, CDG 2010 and CE 2010.

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