

# Review

## Construction, Engineering and Projects



### RECENT DEVELOPMENTS IN NUCLEAR TRANSPORTATION

New regulations have been brought into force which are bound to present challenges for both the industry and the regulators requiring intuitive solutions to the issues surrounding moving dangerous substances from A to B. The new regulations will provide closer links with United Nations model conditions which are adopted broadly throughout the EU and prevalent across the world, providing opportunities for international transportation from the UK.

The regulation of the carriage of dangerous goods has undergone important changes and the responsibilities of consignor, carrier and owner set out in previous versions of the regulations have been largely swept away. This means that the Regulator is free to investigate any incident involving dangerous goods and prosecute the person who caused the breach, as well as those responsible for that act or omission rather than being confined to the formula laid down in the detailed provisions of the old regulations. This broad approach is a significant change from the traditional way Health and Safety law is written.

### THE NEW REGULATIONS

The new regulations consolidate five previous regulations resulting in one all encompassing set of regulations covering all classes of dangerous goods. They also directly reference the new technical annexes of the UN model conditions - international carriage of dangerous goods by rail (RID) and road (ADR). Thus the UN model conditions are referred to directly in UK legislation bringing international law into the domestic arena.

The new regulations further remove some of the additional domestic requirements that were over and above the UN model conditions. These include:

- (a) Miscellaneous security requirements for carriage of class 1 goods by rail;
- (b) Carriage of class 1 goods in vehicles used to carry passengers for hire or reward;
- (c) Carriage of class 1 goods by road in motor vehicles;
- (d) Marshalling and formation of trains.

### WHAT CHANGES DO YOU NEED TO MAKE?

Organisations transporting dangerous goods need to review their procedures to ensure they are compliant with the new regulations. As part of this process, documents could be future-proofed to align them directly with RID/ADR as the Regulator is looking to consolidate further in 2010 and beyond by simpler direct referencing of RID and ADR.

The documents could also be drafted in a format that would facilitate updates consistent with evolving technical standards. Advance notice of what these evolutions are likely to entail are available from the International Atomic Energy Agency (IAEA) Working Committees which feed in recommendations to the UN on improved safety and security measures.

### HOW CAN INDUSTRY MAKE THE MOST OF THIS OPPORTUNITY?

As a review of existing documents is required, this is also a good opportunity to streamline existing procedures and paperwork to ensure that efficiency savings available from the alignment of cross border legislation are found. The regulatory interface can also be improved by dialogue and agreement on how best to take these advantages forward.

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### BACKGROUND

The UK acts in accordance with international agreements based on the UN Transport of Dangerous Goods Model Regulations, implemented via EU Directives to regulate the transport of dangerous goods. The most recent EU Directive in this process is the Dangerous Goods Directive ("the DG Directive"). By virtue of the DG Directive, the UK is required to implement the requirements of UN specifications for domestic as well as for international carriage of dangerous goods by rail (RID) and road (ADR). These have now been transposed into UK law by The Carriage of Regulations 2009 Dangerous Goods and Use of Transportable Pressure Equipment (CDG 2009), which came into force on 1 July 2009.

The DG Directive is the latest in a succession of Directives applying RID and ADR. They are amended primarily to take into account technical progress in UN standards and to ensure the continued safe and secure transport of dangerous goods.

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## FURTHER INFORMATION

For more information relating to this newsletter, please contact:

### MANCHESTER:

#### Claire Harvey

Consultant

T: +44 (0)161 830 5071

E: [claire.harvey@hammonds.com](mailto:claire.harvey@hammonds.com)

### LONDON:

#### Carol Lim Apel

Senior Associate

T: +44 (0)207 655 0288

E: [carol.limapel@hammonds.com](mailto:carol.limapel@hammonds.com)



### The Restructuring of the Nuclear Directorate

Full details of the new body are expected to be announced shortly. What is known is that the newly structured Nuclear Directorate will bring together expertise in safety regulation and transport regulation, particularly in respect of the transportation of dangerous goods that contain radioactive substances.

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