

DFT DANGEROUS GOODS GUIDANCE NOTE 1: Are you involved in the carriage of diesel, petrol or kerosene by road?

NOTE: This guidance note answers some of the most frequently asked questions and provide pointers to the relevant legislation. It does not give an authoritative interpretation of the law, and is not a substitute for reading the legislation itself.

1. From 10 May 2004, diesel with a flash-point above 61°C and not more than 100°C has come into scope of dangerous goods carriage regulations for the first time.
2. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004¹ (the Carriage Regulations) could therefore impact on the way that you transport diesel (UN1202) by road within Great Britain.
3. The Carriage Regulations implement into domestic legislation ADR, an agreement under which countries in the European region have common standards for the international carriage of dangerous goods by road. However, authorisations issued by DfT/HSE allow for certain alternative provisions for the carriage of dangerous goods, provided the carriage takes place entirely within Great Britain.

What kind of diesel is covered by the Carriage Regulations?

- Diesel fuel - with a flash-point of not more than 61°C
 - Diesel fuel - complying with standard EN590: 1993
 - Diesel fuel - with a flash-point of more than 61°C and not more than 100°C
4. The authorisations apply only to the last two of these types of diesel. Diesel with a flash-point of 61°C or less is subject to the full requirements of ADR and the Carriage Regulations. Diesel with a flash-point above 100°C is not considered dangerous for carriage so is not covered by the Carriage Regulations.
 5. Note that 'red diesel' is also covered by these classifications. It is not a separate type of diesel for the purposes of carriage: it is a matter of fuel taxation (Customs and Excise) rather than safety.

How much diesel may I carry?

6. Diesel is assigned to Transport Category 3, which permits carriage of up to 1,000 litres in UN-approved packages per transport unit (*a motor vehicle with or without an attached trailer*) without most of the Carriage Regulations applying (see sub-section 1.1.3.6 of ADR). For example, there is no requirement for

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¹ Statutory Instrument No 568 / 2004

orange-coloured plates or placards, or for the driver to hold a Driver Training Certificate (sometimes referred to as an "ADR driver certificate"), or for a transport document and instructions in writing (sometimes referred to as a "Tremcard").

7. However, you will still need to comply with the packaging requirements (see ADR Part 4). In particular, diesel must be carried in suitable UN approved packaging, for example in UN approved jerrycans or drums.

What if I want to carry more than the 1000 litres?

8. Most of the Carriage Regulations and ADR requirements will apply. However, under Authorisation No. 2, there are time-limited alternative provisions for carriage within GB exempting the driver from the requirement to have a Driver Training Certificate; and for carriage in tanks, allowing use of alternative markings to the orange-coloured plate and disapplying the requirement to display a contact telephone number. Where carriage is in an Intermediate Bulk Container (IBC) then Authorisation No. 1 allows the use of non-ADR compliant IBCs.

What about bowzers?

9. Diesel is sometimes carried in bowzers. ADR does not recognise "bowzers" as receptacles for the carriage of dangerous goods. Therefore a "bowser" must be defined either as an IBC (i.e. a type of package) or as a tank.
10. Authorisation No. 1 sets out the criteria that a bowser must meet to be considered as an IBC for the purposes of carrying diesel. If the bowser does not meet these criteria then it is a tank and must meet the requirements and conditions of carriage for tanks in accordance with the Carriage Regulations.

What if I take diesel on a ferry?

11. You must comply with the provisions of the International Maritime Dangerous Goods (IMDG) Code for this leg of the journey--see Maritime and Coastguard Agency (MCA) website for further details www.mcga.gov.uk/c4mca/mcga-safety_information/mcga-dangerous_goods.htm

What about petrol and kerosene?

12. These are classified as different dangerous goods from diesel, reflecting their lower flash-points and other properties. The authorisations do not apply to them.
13. Petrol (UN1203) is more flammable than diesel. The ADR provisions for petrol are different from those of diesel, including a lower load threshold of 333 litres to qualify for exemptions from the Carriage Regulations and ADR.
14. While carriage of petrol by *private individuals* is not covered by ADR or the Carriage Regulations, there is other relevant legislation on storing it (see paragraph 17).

What is exempt from the Carriage Regulations?

- Carriage by private individuals of fuel packaged for retail sale and not intended for commercial use; however, measures should be taken to prevent leakage of the fuel.
 - Fuel contained within machinery or equipment carried by the vehicle; again, taking measures to prevent leakage of the fuel.
 - Carriage of packaged dangerous goods ancillary to your main business, providing that the amount does not exceed 450 litres per individual packaging and 1000 litres per transport unit. This applies only to a worker carrying the dangerous goods to a place of work for immediate use by that worker. It would not apply to a *driver delivering* goods for use by someone else.
 - Emergency transport intended to save lives or protect the environment; or breakdown vehicles (under the supervision of the emergency services) carrying vehicles containing dangerous goods (see ADR 1.1.3.1).
 - Carriage on private premises where the public has no right of access, OR on a public road immediately separating two parts of a private premises (no more than 400 metres away).
 - Carriage in an agricultural or forestry tractor, or trailer towed by it (Regulation 3 of the Carriage Regulations).
15. This is not an exhaustive list. Even if your carriage of diesel is not subject to the Carriage Regulations, you should still seek to ensure that it is carried out safely.

I'm carrying diesel/petrol for my own private use. Are there any laws I need to be aware of?

16. **Diesel:** Diesel carried by private individuals is not regulated as regards how much may be carried and how. Anyone contemplating carrying diesel in a vehicle should bear in mind the potential for fire and the likelihood of spillage from inadequate containment.
17. **Petrol:** Regulations made under the Petroleum (Consolidation) Act 1928 control the quantities of *petrol* permitted to be kept in containers for private use. This limit also applies to carriage. A maximum of two metal containers each up to 10 litres capacity, *plus* a maximum of two suitable and appropriately-marked plastic containers each up to five litres capacity, can be kept in a motor vehicle. For further information on portable petrol containers see the HSE website www.hse.gov.uk/lau/lacs/65-9.htm or contact your local Trading Standards Officer.

Where can I get further information?

Text of the Carriage Regulations:

www.legislation.hmso.gov.uk/si/si2004/20040568.htm

Text of 2003 ADR:

www.unece.org/trans/danger/publi/adr/adr2003/ContentsE.html

"Working with ADR" booklet available on the 'Dangerous goods transport' pages of DfT's website:

www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n=10449&l=1

These pages also contain other information, including the Authorisations.

Enquiry email address: dangerousgoods.roadrailuk@dft.gsi.gov.uk (preferred contact)

Enquiry telephone/fax: 020 7944 2755/2039

Health and Safety Executive

www.hse.gov.uk

Contact the relevant trade body for your industry

Worked examples

Example 1

Driver makes frequent trips with a vehicle towing a bowser containing 100 gallons of diesel to a building site. What needs to be complied with?

Firstly, the quantity of diesel/capacity of the bowser needs to be converted to litres: it is 454 litres. This is within the capacity for the definition of an IBC under Authorisation No. 1, so providing it also meets the other provisions of the authorisation 1 it can be considered as an IBC (package). The amount of diesel is also below the quantity per transport unit exemption threshold of 1000 litres. Therefore most of the requirements such as placarding do not apply. Carriage would not be entirely exempt from provisions of ADR and the Carriage Regulations, as it is not ancillary to the main business activity which the carriage is supporting.

Example 2

Driver makes the same kind of trips, but the bowser contains 1500 litres and the diesel's flash-point is under 61°C. What applies?

The bowser cannot be considered as an IBC as the *type of diesel* does not meet the criteria of Authorisation No. 1. In any case, as the *amount of diesel* is over the exemption threshold of 1000 litres, it could not benefit from the relevant provisions even if it was in packages. Under the criteria of Authorisation No. 2, the *type of diesel* also means that the carriage would not be exempt from ADR provisions relating to driver training and vehicle marking. Therefore the full requirements of the Carriage Regulations apply.

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