

**TRANSPORT OF DANGEROUS GOODS
ACT 2001**

Repealed by LN. 2010/122 as from 2.7.2010

Principal Act

Act. No. 2001-28	<i>Commencement (LN. 2005/118)</i>	11.8.2005
	<i>Assent</i>	30.11.2005

Amending
enactments

Relevant current
provisions

Commencement
date

None

English sources

None cited

ARRANGEMENT OF SECTIONS

Section

1. Title and commencement.
2. Interpretation.
3. Scope of Application.
4. Compliance with Annexes A and B.
5. Exceptions to compliance.
6. Safety advisers.
7. Application to Crown.
8. Offences.

AN ACT TO TRANSPOSE INTO THE LAW OF GIBRALTAR THE PROVISIONS OF COUNCIL DIRECTIVE 94/55/EC ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES WITH REGARD TO THE TRANSPORT OF DANGEROUS GOODS BY ROAD AND COUNCIL DIRECTIVE 96/35/EC ON THE APPOINTMENT AND VOCATIONAL QUALIFICATIONS OF SAFETY ADVISERS FOR THE TRANSPORT OF DANGEROUS GOODS BY ROAD, RAIL AND INLAND WATERWAY.

Title and commencement.

1. This Act may be cited as the Transport of Dangerous Goods Act 2001 and comes into operation on the day appointed by the Minister by notice in the Gazette and different days may be appointed for different purposes.

Interpretation.

2. In this Act, unless the context requires otherwise—

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30 September 1957;

“the ADR Directive” means Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;

“Annex A” and “Annex B” means those annexes to the ADR Directive as amended in accordance with the provisions of the ADR Directive;

“dangerous goods” means those substances and articles the transport of which is prohibited or authorised only in certain circumstances by Annexes A and B;

“the Minister” means the Minister with responsibility for Employment;

“the Safety Adviser Directive” means Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;

“transport” means any road transport operation performed by a vehicle wholly or partly on public roads in Gibraltar, including loading and unloading, covered by Annexes A and B, but does not include transport wholly performed within the perimeter of an enclosed area.

Scope of Application.

3. This Act applies to the transport of dangerous goods to which Annexes A and B apply.

Compliance with Annexes A and B.

4.(1) Subject to section 5, the transport of dangerous goods listed in Annex A shall comply with the conditions listed in Annexes A and B in particular as regards—

- (a) the packaging and labelling of the goods; and
- (b) the construction, equipment and proper operation of the vehicle carrying the goods.

(2) Subject to section 5, dangerous goods whose transport is prohibited by, or which do not comply with the conditions laid down, in Annexes A and B shall not be transported by road.

(3) The certificates and authorisations required by Annexes A and B shall be issued by such person or persons as the Minister may deem appropriate subject to the conditions required for such issue being complied with.

Exceptions to compliance.

5.(1) The Transport Commission may grant permission for a single journey within Gibraltar—

- (a) of dangerous goods whose transport is prohibited by Annexes A and B; or
- (b) carried out under different conditions from those laid down in Annexes A and B.

(2) Receptacles and tanks constructed before 1 January 1999 and maintained to the safety level required may continue to be used, even if they do not comply with Annexes A and B.

Safety advisers.

6.(1) An undertaking involved in the transport of dangerous goods shall appoint a person to act as “Dangerous Goods Safety Adviser” and shall, on request, inform the Minister of the Adviser’s identity.

(2) A person may only be appointed as a Dangerous Goods Safety Adviser if he holds the certificate provided for in Article 5 of the Safety Adviser Directive.

(3) The Minister may, by Notice in the Gazette, designate one or more bodies to conduct the examination and issue the certificate provided for in Article 5 of the Safety Adviser Directive.

(4) The Dangerous Goods Safety Adviser shall carry out the duties listed in Annex 1 of the Safety Adviser Directive.

Application to Crown.

7. This Act binds the Crown

Offences.

8. A person who transports dangerous goods otherwise than in accordance with the conditions laid down in Annexes A and B, or whose transport is prohibited, is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.