STATUTORY INSTRUMENTS

1984 No. 231

CIVIL AVIATION

The Air Navigation (Dangerous Goods) Regulations 1984

Made - - - -	*29th February* 1984
Coming into Operation	*9th March* 1984

The Secretary of State, in exercise of his powers under Article 42(1) of the Air Navigation Order 1980**(a)** and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations 1984 and shall come into operation on 9th March 1984.

Interpretation

2.—(1) In these Regulations:—

"cargo aircraft" means an aircraft flying for the purpose of carrying only goods;

"consignment" means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address for delivery to one consignee at one destination address and in respect of which there is one air waybill;

"dangerous goods" means any article or substance which is capable of posing significant risk to health, safety or property when carried by air and which is classified in Part 2 of the Technical Instructions;

"dangerous goods transport document" means a document, other than an air waybill, which is required by Regulation 4 of these Regulations to accompany a consignment of dangerous goods;

"package" means the packaging and the articles and substances contained therein including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

"packing" means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured;

(a) S.I. 1980/1965, amended by S.I. 1982/161 and 1983/1905.

"Technical Instructions" means the 1984 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation and issued in September 1983;

"unit load device" means any type of freight container including any container designed for loading on an aircraft.

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1980.

Carriage of dangerous goods

3.—(1) An aircraft shall not carry or have loaded therein any dangerous goods unless such goods are carried:

(*a*) with the written permission of the Authority and in accordance with any conditions to which such permission may be subject; and

(*b*) in accordance with the Technical Instructions and any conditions specified therein.

(2) A person shall not take or cause to be taken on board an aircraft or deliver or cause to be delivered for loading thereon any goods which he knows or ought to know or suspect to be dangerous goods unless the provisions of these Regulations are complied with.

(3) These Regulations shall not apply to dangerous goods of a type specified in Chapter 2.3 of Part 1 of the Technical Instructions which are carried or loaded with the consent of the operator in accordance with the provisions of the aforesaid Chapter 2.3:

(*a*) for the purpose of ensuring the proper navigation or safety of the aircraft; or

(*b*) solely for the personal use of the passengers and crew members of the aircraft.

Documents required

4.—(1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with:

(*a*) an air waybill, and

(*b*) a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2) The dangerous goods transport document required by paragraph (1)(*b*) of this Regulation shall be completed in duplicate by the shipper and shall:

(*a*) classify and describe the dangerous goods in accordance with the requirements of Chapter 4.1 of Part 4 of the Technical Instructions;

(*b*) contain a signed declaration that the Technical Instructions have been complied with in that the dangerous goods—

(i) are fully and accurately described, and

(ii) are correctly classified, packed, marked and labelled, and

(iii) are in a proper condition for carriage by air.

(3) An air waybill required by paragraph (1)(*a*) of this Regulation shall:

(*a*) refer to the particular dangerous goods transport document completed in respect of the dangerous goods;

(*b*) specify where appropriate that the dangerous goods are of a category or in a quantity required by the Technical Instructions to be loaded in and carried in a cargo aircraft only.

(4) The operator of an aircraft shall preserve for not less than six months any air waybill and dangerous goods transport document which has been furnished to him in accordance with this Regulation.

Shipper's responsibilities

5. Before consigning any package containing dangerous goods for carriage by air the shipper shall ensure that:

(*a*) the goods are not of a category whose carriage by air is prohibited by the provisions of Chapters 2.1 and 2.2 of Part 1 of the Technical Instructions;

(*b*) the goods are classified and packed in accordance with Parts 2 and 3 of the Technical Instructions and the packagings used are in accordance with such provisions of Part 7 of the Technical Instructions as apply to the goods;

(*c*) the package is marked and labelled in accordance with such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and in accordance with Chapters 2 and 3 of Part 4 of the Technical Instructions;

(*d*) the package is in a fit condition for carriage by air;

(*e*) the air waybill and the dangerous goods transport document required by Regulation 4 of these Regulations have been completed and that the declaration in the dangerous goods transport document has been signed by him.

Operator's responsibilities

6.—(1) The operator of an aircraft in which any package or unit load device containing dangerous goods is to be carried shall satisfy himself by making an inspection:

(*a*) that the package is marked and labelled in accordance with the provisions of these Regulations, such provisions of Chapter 11 of Part 2 and Part 3 as relate to marking and labelling and Chapters 2 and 3 of Part 4 of the Technical Instructions before accepting the package;

(*b*) that the package is not leaking or damaged so that the contents may escape—

(i) before accepting the package;

(ii) before loading or causing the package to be loaded on board the aircraft;

(iii) upon unloading the package from the aircraft;

(*c*) that the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft.

(2) The operator shall not load or cause to be loaded on an aircraft any package or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(3) The operator shall unload or cause to be unloaded any package containing dangerous goods which appears to be leaking or damaged on board an aircraft and shall ensure that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.

(4) The operator shall after unloading inspect for signs of damage or contamination any part of the aircraft in which:

(*a*) a unit load device containing dangerous goods was stowed, or

(*b*) any damaged or leaking package containing dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(5) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft unless the radiation level at any accessible surface and the non-fixed contamination are less than the values specified in Chapter 3.2 of Part 5 of the Technical Instructions.

Method of loading by operator

7.—(1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from an aircraft in accordance with the provisions in Chapter 2 of Part 5 of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 5 of the Technical Instructions.

Provision of information and training programmes by operators and shippers

8.—(1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the commander of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions.

(2) The operator of an aircraft in which passengers are to be carried or his agent shall notify them of the categories of dangerous goods which may not be taken on board an aircraft either as checked baggage or accompanying a passenger by displaying notices at places at an airport where the operator or his agent issues tickets, checks in baggage or maintains areas to assemble passengers to board the aircraft.

(3) The operator of an aircraft and a shipper of dangerous goods by air or agent thereof shall inform any employees whose duties include a function connected with the carriage of cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by Chapter 1 of Part 6 of the Technical Instructions, which shall be submitted to the Authority for approval on such occasions as the Authority may require and which shall be amended as the Authority may require.

Production of documents and records

9. The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person being documents required by or under these Regulations:

(*a*) the written permission referred to in Regulation 3(1) of these Regulations;

(*b*) the air waybill or dangerous goods transport document in respect of any dangerous goods, referred to in Regulation 4 of these Regulations.

Dropping articles for agricultural, horticultural or forestry purposes

10. Subject to the provisions of Regulation 3(1)(*a*) of these Regulations, nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture or forestry.

Nicholas Ridley,
Secretary of State for Transport.

29th February 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

(1) These Regulations define dangerous goods and the circumstances in which such goods may be carried by air by reference to the 1984 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation.

(2) Dangerous goods may only be carried by an aircraft in accordance with the written permission of the Civil Aviation Authority and the Technical Instructions. (Regulation 3).

(3) A shipper of dangerous goods must furnish the operator of the aircraft in which the goods are to be carried with an air waybill and a dangerous goods transport document. (Regulation 4).

(4) A shipper is required to classify, pack, mark and label a package containing dangerous goods in accordance with the Technical Instructions and to ensure that the package is in a fit condition for carriage by air. (Regulation 5).

(5) The Regulations require an operator to inspect a package containing dangerous goods before accepting the package, before loading it on the aircraft and upon unloading it to satisfy himself that it is not leaking or damaged. He is required to make a similar inspection of a unit load device containing dangerous goods before loading it on the aircraft. The operator must also satisfy himself by inspection that any such package is marked and labelled correctly before he accepts it. The operator must also inspect for signs of damage or contamination any part of the aircraft in which a unit load device or any damaged or leaking package containing dangerous goods was loaded. Any contamination or damage must be removed or repaired. (Regulation 6).

(6) An operator must ensure that dangerous goods are loaded, stowed and unloaded from an aircraft in accordance with the Technical Instructions. (Regulation 7).

(7) Before the flight commences the operator must provide the commander of an aircraft in which dangerous goods are to be carried with written information required by the Technical Instructions. The operator of a passenger aircraft or his agent must notify passengers what dangerous goods may not be taken on board an aircraft by displaying notices at places at an airport where the operator issues tickets, checks in baggage or maintains areas at which passengers assemble to board the aircraft. The operator, shipper of dangerous goods or agent thereof are required to inform such of their employees as are connected with the carriage of cargo by air of the provisions of the Technical Instructions. For this purpose they must establish and undertake training programmes as required by the Technical Instructions and such training programmes shall be submitted to the Authority for approval on such occasions as the Authority may require and shall be amended as the Authority may require. (Regulation 8).

(8) An authorised person may request the operator of an aircraft to produce a written permission issued by the Authority or the air waybill or dangerous goods transport document in respect of any dangerous goods. (Regulation 9).

(9) Aircraft flying in order to drop dangerous goods for the purposes of agriculture, horticulture or forestry are not subject to these Regulations except that the written permission of the Authority is required. (Regulation 10).

(10) The 1984 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, referred to in the Regulations, can be purchased from IAL, Merchandising Services, Aeradio House, Hayes Road, Southall, Middlesex UB2 5NJ.

SI 1984/231
ISBN 0-11-046231-9

