STATUTORY INSTRUMENTS

1985 No.1939

CIVIL AVIATION

The Air Navigation (Dangerous Goods) Regulations 1985

Made - - - -	10*th December* 1985
Coming into Operation	1*st January* 1986

The Secretary of State for Transport, in exercise of his powers under Article 44(1) of the Air Navigation Order 1985 (**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 1985 and shall come into operation on 1st January 1986.

Revocation

2. The following Regulations are hereby revoked, that is to say—

The Air Navigation (Dangerous Goods) Regulations 1984 (**b**)
The Air Navigation (Dangerous Goods) (Amendment) Regulations 1984 (**c**).

Interpretation

3.—(1) In these Regulations:-

"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 not more than 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, not being an air waybill, which is required by Regulation 5 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, and "packed" shall be construed accordingly;

"Technical Instructions" means the 1986 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air

(**a**) S.I. 1985/1643. (**b**) S.I. 1984/231. (**c**) S.I. 1984/1792.

approved and published by decision of the Council of the International Civil Aviation Organization;

"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 1985.

(3) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

Carriage of dangerous goods

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

(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:

(a) take or cause to be taken on board,

(b) suspend or cause to be suspended beneath, or

(c) deliver or cause to be delivered for loading on or suspension beneath

an aircraft 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 Chapters 2.3 and 2.4.2 of Part 1 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of the aforesaid Chapters 2.3 and 2.4.2:

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

(b) solely for the personal use of or for sale to the passengers or crew members of the aircraft.

Documentation

5.—(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 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 shall be completed in duplicate by the shipper and shall:

(a) describe the dangerous goods in accordance with and contain such information as is required by the provisions 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) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document which has been furnished to him in accordance with this regulation.

Shipper's responsibilities

6. 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 dangerous goods transport document required by regulation 5 of these Regulations has been completed and that the declaration therein has been signed by him.

Operator's responsibilities

7.—(1) The operator of an aircraft in or under 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 or before suspending or causing the package to be suspended beneath the aircraft, as the case may be;

(iii) upon unloading the package from or from beneath 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 or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.

(2)*(a)* For the purpose of each of the inspections required by paragraphs (1)*(a)* and (1)*(b)*(i) of this regulation, the operator of an aircraft shall

use an acceptance check list and shall record thereon and in accordance with the form thereof the results of that inspection.

(b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that document.

(c) The operator of an aircraft shall preserve for not less than six months any acceptance check list used by him in accordance with this regulation.

(3) The operator shall not load or cause to be loaded on an aircraft or suspend or cause to be suspended beneath 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.

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

(5) The operator shall after unloading inspect for signs of damage or contamination any part of the aircraft, or any sling or other apparatus which has been used to suspend goods beneath 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.

(6) 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 or any sling or other apparatus attached to 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

8.—(1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath 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

9.—(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 and shall preserve a copy thereof for not less than six months.

(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, in each case, the agent thereof shall inform any employees whose duties include a function connected with the carriage of passengers or 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

10. 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:

(a) the written permission referred to in regulation 4(1) of these Regulations;

(b) the dangerous goods transport document in respect of any dangerous goods, referred to in regulation 5 of these Regulations;

(c) the acceptance check list in respect of any dangerous goods, referred to in regulation 7(2) of these Regulations;

(d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in regulation 9(1) of these Regulations.

Dropping articles for agricultural, horticultural or forestry purposes

11. Subject to the provisions of regulation 4(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.

10th December 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the Air Navigation (Dangerous Goods) Regulations 1984 as amended by the Air Navigation (Dangerous Goods) (Amendment) Regulations 1984.

In addition to some minor and drafting amendments the following changes are made:

(1) Amendments have been made so as fully to extend the provisions of the Regulations to dangerous goods carried underslung beneath an aircraft.

(2) The definition of "Technical Instructions" now refers to the 1986 English Language edition, approved and published by decision of the Council of the International Civil Aviation Organization. (regulation 3).

(3) The Regulations no longer require a shipper of dangerous goods to furnish an operator of an aircraft with an air waybill and consequently no longer set out what information shall be included on an air waybill. (regulation 5.)

(4) The operator of the aircraft must now use an acceptance check list to assist in inspecting dangerous goods before accepting them for carriage and the check list must be preserved for at least six months. (regulation 7.)

(5) The operator of an aircraft must now preserve for at least six months a copy of the written information provided to the commander of the aircraft. The requirement to inform employees of the provisions of the Technical Instructions and to establish and undertake training programmes for that purpose now extends to employees whose duties include a function connected with the carriage of passengers by air. (regulation 9.)

(6) Those documents which the operator of an aircraft must produce to an authorised person within a reasonable time of being requested so to do have been extended to include the acceptance check list and a copy of the written information provided to the commander of the aircraft. (regulation 10.)

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