

Health and Safety Authority

Industry Notice

EC (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011

Transfer of Duties Using a “Contract of Carriage”

The carriage of dangerous goods by road regulations legislate for the control of the transport of dangerous goods with rigorous regard for the safety of those who are handling those goods, the wider general public, property and the environment.

The regulations place specific duties on participants, such as manufacturers and distributors (consignors), transport operators (carriers, fillers, packers, loaders and unloaders), drivers and dangerous goods safety advisers.

In circumstances where a participant wishes to transfer some or all of their duties specified in law to another participant or agent to act on their behalf, this must be by agreement and set down in writing in a formal contract. For example, a consignor who would normally prepare a transport document, due to a change in procedure is no longer in a position to enter some of the information required, such as consignee information, may agree with another participant (e.g. a loader, filler or carrier) who has access to the relevant information, that they will complete the transport document.

When a contract is drawn up between two or more participants, the contract must specify the arrangement of duties allocated to each participant and must be signed by all parties concerned. Those accepting duties must recognise the legal burden and must have the competence and ability to fulfil any such duty.

Subsequent transfer of duties affecting the initial contract may be arranged but must be addressed in a new contract, again agreed by all parties concerned.

In the absence of a contract of carriage a duty holder will be identified in accordance with current legal definitions.

For further information contact your dangerous goods safety adviser or the Health and Safety Authority.