

National Road Traffic Act 93 of 96 and amendments

National Road Traffic Regulations

CHAPTER VIII:

TRANSPORTATION OF DANGEROUS GOODS AND SUBSTANCES BY ROAD

This legislation became effective from 3 August 2001:

Government Gazette 22544 dated 1 August 2001

Government Gazette 22553 dated 3 August 2001

Which indicated the proclamation of the Act

Updated by amendment: Government Gazette 25484

dated 25 September 2003

Regulation 273 : Definitions

For the purposes of this Chapter--

"competent authority" means the competent authority listed in supplement 1 of the code of practice SANS 10229 "Packaging of dangerous goods for road and rail transportation in South Africa";

"consignor" means the person who offers dangerous goods for transport in a vehicle referred to in regulation 274(1), and includes the manufacturer or his or her agent, duly appointed as such;

"consignee" means the person who accepts dangerous goods which have been transported in a vehicle referred to in regulation 274(1);

"dangerous goods inspector" means a person appointed as such under section 55 of the Act;

"emergency action response system" means a system designed to enable emergency crews arriving on the scene of an incident to determine, from coded placarding on the vehicle, or failing that, from the Tremcard or manifest, the identity of the cargo carried, the nature of the hazard presented and the emergency action to be taken to neutralize the danger, and is as prescribed in codes of practice :

SANS 10232-1 "Transportation of dangerous goods - Emergency information systems", Part 1: "Emergency information system for road transportation"

SANS 10232-3 "Transportation of dangerous goods - Emergency information systems" Part 3: "Emergency action codes"; "exempt quantities" means those quantities that are exempt in accordance with code of practice

SANS 10232-1 "Transportation of Dangerous Goods - Emergency information systems";

"incident" means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage of dangerous goods or risk thereof;

"multi load" means more than one type or hazard class of dangerous goods or substances carried together;

"premises" means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle;

"qualified person" means a person trained to perform any specific task, nominated by the operator, consignor or consignee under regulation 277;

"Tremcard" means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

Regulation 273A : Incorporation of standards

SANS 11398 "Road tank vehicles for petroleum-based flammable liquids"

SANS 11518 "Transportation of dangerous goods - design requirements for road tankers", and Codes of Practice

SANS 10228 "The identification and classification of dangerous substances and goods",

SANS 10229 "Packaging of dangerous goods for road and rail transportation in South Africa",

SANS 10230 "Transportation of dangerous goods - Inspection requirements for road vehicles",

SANS 10231 "Transportation of dangerous goods - Operational requirements for road vehicles",

SANS 10232-1 "Transportation of dangerous goods -Emergency information systems" Part 1: Emergency information system for road transportation" ,

SANS 10232-3 "Transportation of dangerous goods -Emergency information systems" Part 3: "Emergency action codes"

SANS 10233 "Intermediate bulk containers for dangerous substances" is incorporated into these regulations by notice published by the chief executive officer in the Gazette;

Regulation 274 : Application

(1) Subject to sub regulation (2), this Chapter applies to all vehicles registered in the Republic, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which dangerous goods are transported, and to such dangerous goods.

(2) These regulations do not apply in respect of dangerous goods which are transported in quantities which do not exceed the exempt quantities.

Regulation 274A Other legislation applicable

If a provision in this Chapter is in conflict with a provision of :

Explosives Act, 1956 (Act No. 26 of 1956), the Nuclear Energy Act, 1993 (Act No. 131 of 1993)

Fire Brigade Services Act, 1987 (Act No. 99 of 1987),

Mines and Works Act, 1956 (Act No. 27 of 1956),

Environment Conservation Act, 1989 (Act No. 73 of 1989),

Occupational Health and Safety Act, 1993 (Act No. 85 of 1993),

Hazardous Substances Act, 1973 (Act No. 15 of 1973),

Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), the latter provision shall take precedence.

Regulation 275 : Transportation of dangerous goods prohibited

**Dangerous goods may not be transported unless in accordance with this Chapter:
Provided that--**

Dangerous Goods which is required under this Chapter to be transported in a vehicle in respect of which standard specifications :

SANS 11398 "Road tank vehicles for petroleum-based flammable liquids" or

SANS 11518 "Transportation of dangerous goods - design requirements for road tankers", apply--

may be transported in such a vehicle from the date of commencement of these regulations;

shall be so transported in accordance with the said appropriate code of practice if the vehicle in which the said dangerous goods is being transported was registered on or after 1 January 2000;

shall be transported in accordance with the said appropriate standard specifications after a date to be determined by the Minister by notice in the Gazette;

vehicles carrying dangerous goods in respect of which a placard is required to be fitted to such vehicle, may be fitted with, but shall after 1 January 2001 be fitted, with the appropriate placards prescribed in code of practice :

**SANS 10232-1 "Transportation of dangerous goods -Emergency information systems",
Part 1: Emergency information system for road transportation".**

Regulation 276 : Exemptions

(Clause 2 added in as per amendment dated 25 September 2003)

(1) The Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the Gazette, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of these regulations, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.

(2) The dangerous goods listed in code of practice SANS 10232.1 " Transportation of Dangerous Goods - Emergency information systems " are exempt from the provisions of these Regulations with regard to quantity or in its entirety , or the quantities of a multi load as determined by the factor , as indicated in that Code of Practice , and for the purpose of the Act , one litre of a substance , is equal to one kilogram of a substance "

Regulation 277 : Duties of operator, driver, consignor and consignee

(1) The duties of the operator, driver, consignor and consignee with regard to the transportation of dangerous goods by road shall be as prescribed in this Chapter.

(2) The operator, consignor or consignee shall nominate a qualified person to perform such tasks with respect to the transportation of dangerous goods as are prescribed to be so performed in this Chapter.

(3) Subject to the provisions of sub regulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.

Regulation 278 : Dangerous goods to be compatible

The consignor shall ensure that a multi load of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice :

**SANS 10232-1 "Transportation of dangerous goods -Emergency information systems",
Part 1: "Emergency information system for road transportation".**

Regulation 279 : Authority for classification and certification of dangerous goods

(1) If there is any doubt as to the appropriate classification of dangerous goods, such dangerous goods shall be classified by an approved classification authority in accordance with code of practice SANS 10228 "The identification and classification of dangerous substances and goods".

(2) Dangerous goods shall be presented by the consignor for transportation packed in packaging that has been approved by an approved test station and by the approved certification authority and marked in the manner contemplated in code of practice

SANS 10233 "Intermediate bulk containers for dangerous substances" and code of practice

SANS 10229 "Packaging of dangerous goods for road and rail transportation in South Africa".

Regulation 280: Driver to undergo training

(Completely replaced by amendment dated 25 September 2003)

(1) An operator shall ensure that, after a date to be determined by the Minister by notice in the Gazette, the drivers of the vehicles of which he or she is the operator that has to obtain a professional driving permit as referred to in regulation 115 (1)(f) , undergo training at an approved training body to comply with regulation 117 (e).

(2) Each approved training body shall submit a syllabus for the training of the drivers referred to in sub regulation (1) to the Shareholders Committee for approval , and resubmit such syllabus for approval , within 90 days after legislation or SANS specifications , influencing the training material , has been amended.

(3) The syllabus for the training of drivers shall contain at least :

a) The interpretation and implementation of the instructions on a Tremcard

b) General duties of the driver before proceeding on a route concerning , specifically , but not limited to , the condition of the vehicle , the documents to be kept in the vehicle , instructions regarding the route to be taken , warning signs and warning devices to be displayed or stored in the vehicle , the correct type and number of fire extinguishers to be fitted to the vehicle and protective clothing used

c) General behaviour expected of the driver on the route , amongst other things , planning of stops for deliveries or checking of the tyres and vehicle , and procedure to be followed in the event of stops , periods of driving allowed , action to be taken in the event of an incident occurring

d) General procedure to be followed by the driver on reaching his or her destination

e) General procedure to be followed when loading or offloading dangerous goods

(4) A training body referred to in sub regulation (2) shall issue drivers with a certificate for the successful completion of training for purposes of regulation 117 (e)

(5) An operator shall ensure that a driver undergoes theoretical and practical training at an approved training body for the specific class of dangerous goods that he or she shall be responsible for transporting

Regulation 281 : Documents to be held by driver

(1) The driver of a vehicle referred to in regulation 274(1) shall ensure that such Tremcards and manifests as are required in terms of this Chapter, and which pertain to the dangerous goods carried on such vehicle are held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.

(2) The driver of a vehicle referred to in regulation 274(1) shall produce on demand-

a) a professional driving permit, if applicable;

b) the documents referred to in sub regulation (1), whenever he or she is operating a vehicle referred to in regulation 274(1).

(The need to have a route plan in the vehicle cab has been removed by the amendment dated 25 September 2003 , a vehicle trip sheet would be acceptable)

Regulation 282 : Dangerous goods inspectors

(Completely replaced by amendment dated 25 September 2003)

(1) A dangerous goods inspector shall be appointed by the Minister

(2) The minimum requirements for appointment as a dangerous goods inspector shall be that the applicant :

(a) Has obtained a qualification as determined by the Minister

(b) Is , in the opinion of the Minister , a fit and proper person

(c) Has undergone training in relation to the laws , policy and operational requirements applicable to the transportation of dangerous goods

(3) A certificate of appointment shall be issued to a dangerous goods inspector appointed under sub section (1) , and that inspector shall carry the certificate with him or her in the course of his or her duties.

Regulation 283 : Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors

(Completely replaced by amendment dated 25 September 2003)

(1) The dangerous goods inspectorate shall :

(a) Evaluate consignors , consignees and operators to determine their compliance with the provisions of the Act and the standard specifications

(b) Conduct investigations into the procedures followed by a person or body of persons in relation the requirements for the transportation of dangerous goods

(c) Keep a data base of :

**(i) Every incident that must be reported in terms of SANS 10231 :
Transportation of dangerous goods - Operational requirements for road vehicles**

(ii) Dangerous goods regulated under these Regulations and exempt quantities thereof

(iii) Routes frequently used for the transportation of dangerous goods

(iv) Operators transporting dangerous goods

(v) Offences and infringements related to the transportation of dangerous goods

(d) Advise the Minister on matters related to the transportation of dangerous goods

(e) Assist traffic officers in the execution of their powers and duties in respect of the transportation of dangerous goods

(e) Keep abreast with international developments concerning the transportation of dangerous goods

(2) A dangerous goods inspector employed by the dangerous goods inspectorate may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported , or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is suspected to be carried out , and may , subject to the provisions of the Act :

(a) Inspect or search the vehicle or premises , or examine , or extract , take and remove samples of , or direct an approved authority to examine , extract or remove any substances found in or upon such premises , or any packaging , receptacles , unit loads , bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used , or destined or intended for use , for , in or in connection with the transport of dangerous goods , or for , or in connection with any other operation or

activity with or in connection with the transport of dangerous goods , or open or direct an approved authority to open any packaging , receptacles , unit loads , bulk containers and bulk transportation equipment suspected to contain such dangerous goods

(b) Detain a vehicle which is on reasonable grounds suspected of not complying with these regulations , for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation

(c) Demand from the driver , operator or any person in charge of the vehicle or premises , to produce any document prescribed under these regulations

(d) Demand any information regarding any substance or packaging , receptacles , unit loads , bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises

(e) Weigh , count , measure , mark or seal , or direct an approved authority to weigh , count , measure , mark or seal , any substance or packaging , receptacles , unit loads , bulk containers , bulk transportation equipment or other objects or lock , secure , seal or close any door or opening giving access to it

(f) Examine or make copies of , or take extracts from , any book , statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance , packaging , receptacles , unit loads , bulk containers , bulk transportation equipment or other objects

(g) Demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge such book , statement or document , an explanation of any entry therein

(h) Inspect any operation or process carried out in or upon the vehicle or premises in connection with any activity referred to in paragraph (a)

(i) Demand any information regarding the operation or process referred to in paragraph (viii) from the operator or person in charge of the vehicle or premises or from any person carrying out or in charge of the carrying out of such operation or process

(j) Seize any substance , book , statement or document or other packaging , receptacles , unit loads , bulk containers , bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of this Act

(3) If a dangerous goods inspector intends to exercise or perform any power , duty or function under these regulations in the presence of any person affected thereby , he or she shall , on demand , produce the appointment certificate issued to him or her under regulation 282

(4) Notwithstanding the provisions of this regulation , a dangerous goods inspector or an approved authority shall not open dangerous goods packages , or unload or decant dangerous goods unless :

(a) The operator was duly notified

(b) Such unloading , decanting or opening of packages is authorised by the local authority concerned

(c) A qualified person supervises the unloading , decanting or opening of packages

(5) If the dangerous goods inspectorate finds after an investigation in terms of these Regulations , that an operator has committed an offence in terms of these Regulations or does not comply with these Regulations , it must request the MEC concerned to act in terms of section 50 of the Act , providing reasons for the request

Regulation 283A: Powers, duties and functions of traffic officers in relation to dangerous goods

(New regulation added by amendment dated 25 September 2003)

(1) A traffic officer may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported , or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out , and may , subject to the provisions of the Act :

(a) Demand from any driver , operator or any person in charge of the vehicle or premises , to produce any document prescribed under these regulations

(b) Demand any information regarding any substance or packaging , receptacles , unit loads , bulk containers , bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises

(c) Determine the quantity or volume of any dangerous goods

(d) Examine or make copies of , or take extracts from , any book , statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance , packaging , receptacles , unit loads , bulk containers , bulk transportation equipment or other objects

(2) Notwithstanding the provisions of this regulation , a traffic officer or an approved authority shall not open dangerous goods packages , or unload or decant dangerous goods unless :

- (a) The operator was duly notified**
- (b) Such unloading , decanting or opening of packages is authorised by the local authority concerned**

- (c) A qualified person supervises the unloading , decanting or opening of packages**

- (d) The dangerous goods inspectorate is notified**

Regulation 283B : Presumption regarding the transportation of dangerous goods and the quantity of such goods

(New regulation added by amendment dated 25 September 2003)

Where in any prosecution for an alleged contravention of any provision in this Act , it is alleged that dangerous goods , as listed in SANS 10228 : The identification and classification of dangerous substances , were transported and that such goods were in excess of the exempt quantity , as stipulated in SANS 10232.1 : Transportation of dangerous goods - Emergency Information Systems

(A) Any document or a copy or extract out of any document , purporting to have been issued by the consignor of such goods or operator of such vehicle , stating the nature of goods and the quantity thereof

(B) Any extract from the packaging of any goods transported , identifying or marking , such goods as dangerous goods , and any UN number reflected on such packaging ,

Shall be presumed , in absence of evidence to the contrary , to be prima facia proof that such goods were dangerous goods and the quantity of such goods was in excess of the exempt quantity.