

The National Road Traffic Act 93 of 96

Chapter VIII of the Regulations: Transportation of Dangerous Goods and Substances by Road

As published in Gov Gaz 20963 of 17 March 2000, enacted on 3 August 2001 by proclamation in Gov Gaz 22553 of that date and as further amended in Gov Gaz 25484 of 25 September 2003, Gov Gaz 28916 of 4 August 2006 and Gov Gaz 32258 of 27 May 2009)

273. Definitions

For the purposes of this Chapter—

“**competent authority**” means the competent authority listed in supplement 1 of the code of practice SABS 0229 “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 dangerous goods declaration, 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 code of practice SABS 0232-1 “Transportation of dangerous goods - Emergency information systems”, Part 1: “Emergency information system for road transportation” and code of practice SABS 0232-3 “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 SABS 0232-1 “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;

“**multiload**” 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; and

“**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;

“**transport emergency card**” means a card which can either be generated from the European Council of Chemical Manufacturers’ Federation system, or in accordance with SANS 10232-4, 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.

273A. Incorporation of standards

Standard specifications SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” and SABS 1518 “Transportation of dangerous goods – design requirements for road tankers”, and codes of practice SABS 0228 “The identification and classification of dangerous substances and goods”, SABS 0229 “Packaging of dangerous goods for road and rail transportation in South Africa”, SABS 0230 “Transportation of dangerous goods – Inspection requirements for road vehicles”, SABS 0231 “Transportation of dangerous goods – Operational requirements for road vehicles”, SABS 0232-1 “Transportation of dangerous goods -Emergency information systems”, Part 1: “Emergency information system for road transportation”, SABS 0232-3 “Transportation of dangerous goods – Emergency information systems”, Part 3: “Emergency action codes” and SABS 0233 “Intermediate bulk containers for dangerous substances” is incorporated into these regulations by notice published by the Minister in the Gazette;

274. Application

- (1) Subject to subregulation (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.

274A. Other legislation applicable

If a provision in this Chapter is in conflict with a provision of the Explosives Act, 1956 (Act No 26 of 1956), the Nuclear Energy Act, 1993 (Act No 131 of 1993), the Fire Brigade Services Act, 1987 (Act No 99 of 1987), the Mines and Works Act, 1956 (Act No 27 of 1956), the Environment Conservation Act, 1989 (Act No 73 of 1989), the Occupational Health and Safety Act, 1993 (Act No 85 of 1993), the Hazardous Substances Act, 1973 (Act No 15 of 1973), or the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947), the latter provision shall take precedence.

275. Transportation of dangerous goods prohibited

No person shall operate on a public road any vehicle in or on which dangerous goods is transported, unless such dangerous goods is transported in accordance with this Chapter: Provided that—

- (a) dangerous goods which is required under this Chapter to be transported in a vehicle in respect of which standard specification SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” or SABS 1518 “Transportation of dangerous goods - design requirements for road tankers”, apply—
 - (i) may be transported in such a vehicle; and
 - (ii) shall be so transported in accordance with the said appropriate standard specification if the vehicle in which the said dangerous goods is being transported was registered for the first time on and after 1 October 2001; and
- (b) 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 October 2001 be fitted, with the appropriate placards prescribed in code of practice SABS 0232-1 “Transportation of dangerous goods – Emergency information systems”, Part 1: “Emergency information system for road transportation”.

276. Exemptions

- (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 this Chapter, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.
- (2) The dangerous goods listed in code of practice SABS 0232-1 “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 multiload 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.

277. Duties of operator, driver, consignor and consignee

- (1) The operator, driver, consignor and consignee shall, subject to any provision to the contrary contained in this Chapter, comply with the requirements with respect to the transportation of dangerous goods in or on a vehicle on a public road, as determined in the standard specifications and codes of practice referred to in regulation 273A.
- (2) The operator, consignor or consignee, as the case may be, shall nominate a qualified person in the circumstances and with respect to the tasks pertaining to the transportation of dangerous goods, as determined in the standard specifications and codes of practice referred to in regulation 273A.
- (3) Subject to the provisions of subregulation (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.

278. Dangerous goods to be compatible

The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice SABS 0232-1 “Transportation of dangerous goods – Emergency information systems”, Part 1: “Emergency information system for road transportation”.

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 SABS 0228 “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 SABS 0233 “Intermediate bulk containers for dangerous substances” and code of practice SABS 0229 “Packaging of dangerous goods for road and rail transportation in South Africa”.

280. Driver to undergo training

- (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 subregulation (1) to the Shareholders Committee for approval, and resubmit such syllabus for approval, within 90 days after relevant legislation or SABS specifications, influencing the training material, have 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 to be 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; and
 - (e) general procedure to be followed when loading or offloading dangerous goods.
- (4) A training body referred to in subregulation (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 undergo theoretical and practical training at an approved training body for the specific class of dangerous goods that he or she shall be responsible for and practical training by an accredited body for the specific type of vehicle that he or she shall drive.

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 dangerous goods declarations 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; and
 - (b) deleted by Gov Gaz 25484 of 25 September 2003
 - (c) the documents referred to in subregulation (1),
 whenever he or she is operating a vehicle referred to in regulation 274 (1). 282. Dangerous goods inspectors
- (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; and
 - (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 subsection (1), and that inspector shall carry the certificate with him or her in the course of his or her duties.

283. Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors

(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 to the requirements for the transportation of dangerous goods;
- (c) keep a database of—
 - (i) every incident that must be reported in terms of SABS 0231 “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; and
 - (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; and
- (f) 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 or 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 substance 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 packagings, 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 packagings, 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;
- (e) weigh, count, measure, mark or seal, or direct an approved authority to weigh, count, measure, mark or seal, any substance or packagings, 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, packagings, 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 (h) 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; and
 - (j) seize any substance, book, statement or document or other packagings, 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 persons 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; and
 - (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.

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

- (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 the 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 packagings, 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, packagings, 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; and
 - (d) the dangerous goods inspectorate is notified.

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

Where in any prosecution for an alleged contravention of any provision in this Act, it is alleged that dangerous goods, as listed in SABS 0228: The identification and classification of dangerous substances, were transported and that such goods were in excess of the exempt quantity, as stipulated in “SABS 0232-1: Transportation of dangerous goods – Emergency information system”,—

- (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; or
- (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 facie proof that such goods were dangerous goods and the quantity of such goods was in excess of the exempt quantity.