

ROAD TRAFFIC ACT
(Cap. 69:01)

**ROAD TRAFFIC (TRANSPORTATION OF HAZARDOUS GOODS)
REGULATIONS, 2013**
(Published on 7th June, 2013)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Transportation of hazardous goods prohibited
4. Exemptions
5. Duties of operator, consignor and consignee
6. Hazardous goods to be compatible
7. Authority for classification and certification of hazardous goods
8. Driver to undergo training
9. Documents to be held by driver
10. Hazardous goods inspectors
11. Powers, duties and functions of hazardous goods inspectors
12. Report of accident by driver or operator
13. Penalties

IN EXERCISE of the powers conferred on the Minister of Transport and Communications by section 130 of the Road Traffic Act, the following Regulations are hereby made —

- Citation 1. These Regulations may be cited as the Road Traffic (Transportation of Hazardous Goods) Regulations, 2013.
- Interpretation 2. In these Regulations, unless the context otherwise requires —
“consignor” means a person who offers hazardous goods for transportation and includes the manufacturer or his agent, duly appointed as such;
“consignee” means a person who accepts hazardous goods which have been transported;
“consignment note” means a document prepared by a consignor and countersigned by the carrier as a proof of receipt of consignment for delivery of hazardous goods at the destination;
“emergency 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 from the tremcards the nature of the hazard presented and identify the emergency action to be taken to neutralize the danger;
“incident” means an unplanned event during the transportation or storage of hazardous goods which involves leakage or spillage of hazardous goods or risk thereof;
“multiload” means more than one type or class of hazardous goods or substances carried together; and
“tremcard” means the transport emergency card listing the classification and emergency information for hazardous goods being transported.

3. A person shall not transport by a vehicle, hazardous goods on a road unless in accordance with these Regulations:	Transportation of hazardous goods prohibited
Provided that —	
(a) hazardous goods shall be transported in a vehicle in respect of which standard specifications shall be according to the Botswana Bureau of Standards; and	
(b) a vehicle carrying hazardous goods in respect of which a placard is required to be fitted, shall be fitted with the appropriate placards prescribed in the Act.	
4. The Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he may deem fit, by way of Notice published in the <i>Gazette</i> —	Exemptions
(a) grant exemption in respect of a specific consignment of hazardous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of these Regulations; and	
(b) subject to giving reasonable notice, amend or cancel any exemption so granted.	
5. (1) The operator, consignor and consignee may nominate a qualified person to perform such tasks with regard to the transportation of hazardous goods.	Duties of operator, consignor and consignee
(2) Subject to the provisions of subregulation (1), the operator, consignor and the consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of hazardous goods.	
6. The consignor shall ensure that a multiload of hazardous goods transported on a vehicle is compatible to the standards prescribed by the Botswana Bureau of Standards.	Hazardous goods to be compatible
7. (1) If there is any doubt as to the appropriate classification of hazardous goods, such hazardous goods shall be classified by an approved classification authority in accordance with the code of conduct as prescribed by the Botswana Bureau of Standards.	Authority for classification and certification of hazardous goods
(2) Hazardous goods shall be packaged in a manner approved by an authorized representative of the Botswana Bureau of Standards and marked in the manner set out in the code of conduct as prescribed by the Botswana Bureau of Standards.	
8. (1) An operator shall ensure that, a driver employed by the operator of the vehicle undergoes theoretical and practical training at an accredited training institution for the specific class or classes of hazardous goods and for the specific type of vehicle or class or description of vehicle that the driver shall drive.	Driver to undergo training
(2) A training institution shall —	
(a) be approved by the Botswana Training Authority;	
(b) ensure that the syllabus contains standards as prescribed by the Botswana Bureau of Standards; and	
(c) submit a syllabus of training of drivers to an approved training authority for approval 30 days before training commences at those institutions for a particular year.	

- (3) The syllabus for the training of drivers shall contain at least —
- (a) the interpretation and implementation of the instructions on the tremcard;
 - (b) theoretical and practical training relevant to the type of vehicle and class of hazardous goods;
 - (c) detailed instructions on the emergency response system and procedures in place for the specific kind of hazardous goods and practical training on the emergency action to be taken for the various incidents which may occur with regard to the hazardous goods;
 - (d) duties of the driver before proceeding on a route, including —
 - (i) the condition of the vehicle transporting hazardous goods,
 - (ii) the tremcards and consignment notes to be kept in the vehicle transporting hazardous goods,
 - (iii) instructions regarding the route to be taken,
 - (iv) warning signs and warning devices to be displayed or stored in the vehicle transporting hazardous goods,
 - (v) the correct type and number of fire extinguishers to be fitted to the vehicle transporting hazardous goods, and
 - (vi) protective clothing to be used when responding to an incident;
 - (e) behaviour expected of the driver on the route, including —
 - (i) planning of stops for deliveries,
 - (ii) checking of the tyres and vehicle transporting hazardous goods,
 - (iii) procedure to be followed in the event of stops,
 - (iv) periods of driving allowed, and
 - (v) action to be taken in the event of an incident occurring;
 - (f) procedure to be followed by the driver on reaching his destination;
 - (g) first aid course; and
 - (h) spill management training.

(4) An institution referred to in subregulation (1) shall issue drivers with a certificate for the successful completion of training.

Documents to be held by drivers

9. (1) The driver of a vehicle transporting hazardous goods shall ensure that tremcards and consignment notes which are required in terms of this regulation, and which pertain to the hazardous goods carried on such vehicle are held in the designated space in the vehicle at such time as hazardous goods are being transported in such vehicle.

(2) The driver of a vehicle transporting hazardous goods shall produce on demand —

- (a) a professional driving permit for hazardous goods;
- (b) a document containing a clear indication of the route to be followed by the vehicle, planned in accordance with the code of conduct “Transportation of hazardous goods-operational requirements for road vehicles”, prescribed by the Botswana Bureau of Standards; and
- (c) the tremcards and consignment notes referred to in subregulation (1).

10. (1) The Minister shall appoint a hazardous goods inspector, by Notice published in the *Gazette*.

(2) A person shall be eligible for appointment as a hazardous goods inspector if he has —

- (a) undergone training in the transportation of hazardous goods; or
- (b) obtained a qualification as may be determined by the Minister.

(3) A hazardous goods inspector shall be issued with an identity document.

Hazardous goods inspectors

- (4) The identity document issued under subregulation (3) shall reflect —
(a) his designation;
(b) the classes of hazardous goods in respect of which he has been appointed;
and
(c) the powers to be exercised by him.

(5) A hazardous goods inspector shall produce the identity document issued to him, if he intends to exercise or perform any power or function under these Regulations in the presence of any person affected thereby.

11. (1) A hazardous goods inspector shall —

- (a) monitor operators, consignors and consignee to determine their compliance with the provisions of these Regulations and the standard specifications which shall be according to Botswana Bureau of Standards;
(b) conduct investigations into the procedures followed by a person or body of persons in relation to the requirements for the transportation of hazardous goods;
(c) keep a database of —
(i) every incident that is to be reported in terms of the Botswana Bureau of Standards “Transportation of hazardous goods-operational requirements for road vehicles”,
(ii) hazardous goods regulated under these Regulations and exempt consignments thereof,
(iii) routes frequently used for the transportation of hazardous goods,
(iv) operators transporting hazardous goods, and
(v) offences and infringements related to the transportation of hazardous goods;
(d) advise the Minister on matters related to the transportation of hazardous goods;
(e) assist police officers and any other officers in the execution of their powers and duties in respect of transportation of hazardous goods; and
(f) keep abreast with international developments concerning the transportation of hazardous goods.
- (2) A hazardous goods inspector may —
(a) search any motor vehicle in which any substance suspected to be a hazardous good is suspected to be transported;
(b) enter and search any premises in which any operation or activity relating to any substance suspected to be a hazardous good or the transportation of such substance is suspected to be carried out;
(c) extract and examine samples of, or direct an approved authority to extract and examine any substance found in or upon such premises, motor vehicle, or any packagings, receptacles, unit loads, bulk containers, bulk transportation equipment which is suspected to be used or intended for use in the transportation of hazardous goods or any operation or activity relating to such goods;
(d) open or direct an approved authority to open any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such hazardous goods;

Powers, duties and functions of hazardous goods inspectors

- (e) assist the police officer to detain the driver of a vehicle suspected of not complying with these Regulations, for the purposes of exercising any of the powers of a hazardous goods inspector under this regulation;
 - (f) demand from the driver, operator or any person in charge of the vehicle or premises to produce any document prescribed under these Regulations;
 - (g) 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;
 - (i) 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;
 - (j) examine or make copies of, or take extracts from, any document found in 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;
 - (k) demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge of such documents, an explanation of any entry therein;
 - (l) inspect any operation or process carried out in the vehicle or premises in connection with any activity referred to in this regulation;
 - (m) demand from the operator or person in charge of the vehicle or premises or any person carrying out or is in charge of the carrying out such operation or process any information regarding the operation or process referred to in this regulation; and
 - (n) seize any substance, document or other packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of contravention of any provision of this regulation.
- (3) Notwithstanding the provisions of this regulation, a hazardous goods inspector or an approved authority shall not open hazardous goods packages or unload or decant hazardous goods unless —
- (a) the driver or the operator was duly notified;
 - (b) such opening, unloading, or decanting of packages is authorized by the local authority where the hazardous goods are located; and
 - (c) a qualified person supervises the opening, unloading or decanting of the packages.

12. (1) The driver or operator of a vehicle transporting hazardous goods shall report on any accident that he has been involved in, to the nearest police station, within 12 hours.

- (2) Subject to the provisions of subregulation (1) —
- (a) the driver or operator shall state in full, the particulars of the consignment; and
 - (b) the operator shall state in full, the remedial measures to be taken by the company if hazardous goods have spilled onto the road or caused damage to the environment.

(3) The driver or operator who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of not less than P1000, but not exceeding P5000, or to imprisonment for a term not less than three months but not exceeding two years, or to both.

13. Any person who contravenes or fails to comply with provisions of these Regulations shall be guilty of an offence and liable to a fine of not less than P1000 but not exceeding P5000, or to imprisonment for a term not less than three months but not exceeding two years, or to both.

Penalties

MADE this 22nd day of May, 2013.

NONOFO E. MOLEFHI,
Minister of Transport and Communications.