



DANGEROUS GOODS PANEL (DGP)

TWENTY-THIRD MEETING

Montréal, 11 to 21 October 2011

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2013-2014 Edition

“ON THE PERSON”

(Presented by A. Tušek)

1. INTRODUCTION

1.1 Considerable work was done to reformat Part 8; 1 Provisions for dangerous goods carried by passengers and crew. This was first discussed at DGP-WG/10 and a new proposal submitted at DGP-WG/11.

1.2 The reformatting of the Provisions for dangerous goods carried by passengers and crew into a Table includes a column with the title “on the person”.

1.3 Discussion at DGP-WG/11 resulted in a request that Panel Members should consider the need for a Note to the Table that gives guidance as to what is meant by “on the person”. See 3.2.54.2 of the Report of the Meeting in DGP-WG/11-WP/71.

1.4 In Australia we have a variety of legislation relating to criminal offences such as the possession of illicit drugs, weapons, housebreaking implements, and other offences where the term ‘actual possession’ or ‘possession’ is used. The term ‘on the person’ is not specifically defined but often forms part of the definition of ‘possession’. The dictionary definition of ‘on the person’ would therefore be used to assist a court along with what was intended by the legislation and the actual physical circumstances of someone having possession of something. The term ‘on the person’ is also used for offences relating to carrying a concealed firearm but again the term ‘concealed’ gets defined and includes something being carried ‘on the person’.

1.5 In developing the meaning presented below, the use of the term ‘on the person’ having regard to Part 8 and its intention was the main consideration.

1.6 The ability for an article of dangerous goods to be carried on the person at a particular moment in time is essential to the meaning. This is because an article 'on the person' at one moment can become carried in 'carry-on baggage' the next.

2. DEFINITION FOR ON THE PERSON

2.1 The following definition is provided as a source for discussion and consideration as a note in Part 8 of the Technical Instructions.

Note.— On the person means, in relation to an article of dangerous goods permitted to be carried in accordance with Part 8, an article that is at that time worn, held in the hand, attached to the person, or in the pocket of or attached to any clothing that is being worn by the person. It does not include an article in or attached to clothing, a satchel, envelope, bag, handbag, pouch, back pack, trolley bag, wheel aboard bag or any other similar kind of bag with the person which is not at that time actually being carried by that person.

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