

2013 No. 1471

HEALTH AND SAFETY

**The Reporting of Injuries, Diseases and Dangerous Occurrences
Regulations 2013**

<i>Made</i>	- - - -	<i>12th June 2013</i>
<i>Laid before Parliament</i>		<i>20th June 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15(1), (2), (3)(a), (4)(a), (5)(a) and (b), (6)(b), (9) and 52(2) of, and paragraphs 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”).

The Regulations give effect without modification to proposals submitted to the Secretary of State by the Health and Safety Executive (“the Executive”) under section 11(3) of the 1974 Act(b).

Before submitting those proposals to the Secretary of State, the Executive consulted the bodies that appeared to it to be appropriate as required by section 50(3) of the 1974 Act(c).

Citation and commencement

1.—(1) These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

(2) Subject to paragraph (3), these Regulations come into force on 1st October 2013.

(3) Regulation 18(2) comes into force immediately after the coming into force of the other regulations.

Interpretation

2.—(1) In these Regulations—

“the 1954 Act” means the Mines and Quarries Act 1954(d);

“the 1969 Act” means the Mines and Quarries (Tips) Act 1969(e);

-
- (a) 1974 c.37; section 15(1) was inserted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 6; section 15(4)(a) was amended by S.I. 2008/960; the general purposes of Part I referred to in section 15 of the 1974 Act, and the effect of that Part, were extended by section 1(1) of the Offshore Safety Act 1992 (c.15) and by section 117(1) and (2) of the Railways Act 1993 (c.43).
- (b) Section 11(3) was inserted by S.I. 2008/960.
- (c) Section 50(3) was amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 16(3); it was further amended by the Health and Social Care Act 2012 (c.7), Schedule 7, paragraph 6.
- (d) 1954 c.70; section 180 was amended by S.I. 1974/2013, S.I. 1993/1897 and S.I. 1999/2024; section 123 was amended by S.I. 1985/2023 and S.I. 1999/2024; there are other amending instruments but none is relevant.
- (e) 1969 c.10; section 2(2) was amended by S.I. 1999/2024; there are other amending instruments but none is relevant.

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1999 Regulations” means the Quarries Regulations 1999(a);

“the 2002 Regulations” means the Control of Substances Hazardous to Health Regulations 2002(b);

“the 2006 Regulations” means the Railways and Other Guided Transport Systems (Safety) Regulations 2006(c);

“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(d);

“accident” includes an act of non-consensual physical violence done to a person at work;

“approved manner” means published in a form considered appropriate and approved for the time being for the purposes of these Regulations—

- (a) by the Executive; or
- (b) in relation to activities covered by regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(e), by the ORR;

“biological agent” has the meaning given by regulation 2(1) of the 2002 Regulations;

“carcinogen” has the meaning given by regulation 2(1) of the 2002 Regulations;

“consecutive days” includes any days which are not or would not have been working days;

“construction site” has the meaning given by regulation 2(1) of the Construction (Design and Management) Regulations 2007(f);

“dangerous occurrence” means an occurrence which arises out of or in connection with work and is of a class specified in—

- (a) Part 1 of Schedule 2;
- (b) Part 2 of Schedule 2 and takes place anywhere except an offshore workplace;
- (c) Part 3 of Schedule 2 and takes place at a mine;
- (d) Part 4 of Schedule 2 and takes place at a quarry;
- (e) Part 5 of Schedule 2 and takes place where a relevant transport system is operated; or
- (f) Part 6 of Schedule 2 and takes place at an offshore workplace;

“disease” includes a medical condition;

“diagnosis” means a registered medical practitioner’s identification (in writing, where it pertains to an employee) of—

- (a) new symptoms; or
- (b) symptoms which have significantly worsened;

“diving contractor” and “diving project” have the meanings they are given by regulation 2(1) of the Diving at Work Regulations 1997(g);

“dock” means any place to which section 125(1) of the Factories Act 1961(h) applies;

“the Executive” means the Health and Safety Executive;

“explosives” has the meaning given by regulation 2(1) of the Manufacture and Storage of Explosives Regulations 2005(i);

(a) S.I. 1999/2024; to which there are amendments not relevant to these Regulations.

(b) S.I. 2002/2677; regulation 2(1) was amended by S.I. 2003/978; there are other amending instruments but none is relevant.

(c) S.I. 2006/599; to which there are amendments not relevant to these Regulations.

(d) S.I. 2013/240.

(e) S.I. 2006/557.

(f) S.I. 2007/320.

(g) S.I. 1997/2776.

(h) 1961 c.34; section 175 was amended by S.I. 1983/978; there are other amending instruments but none is relevant.

(i) S.I. 2005/1082.

“factory” has the meaning given by section 175 of the Factories Act 1961;

“flammable gas” and “flammable liquid” have the meanings associated with those hazard classes in Part 2 of Annex I of Regulation (EC) No 1272/2008 (the CLP Regulation)(a);

“mine” has the meaning given by section 180 of the 1954 Act and for the purposes of these Regulations includes a closed tip within the meaning of section 2(2)(b) of the 1969 Act which is associated with such a mine;

“mutagen” has the meaning given by regulation 2(1) of the 2002 Regulations;

“nominated person” means, in relation to a mine or quarry, the person (if any) who is for the time being nominated—

(a) in a case where there is an association or body representative of a majority of the total number of persons employed at a mine or quarry, by that association or body; or

(b) in any other case, jointly by associations or bodies which are together representative of such a majority,

to receive notices under paragraph 4 of Part 1 of Schedule 1 on behalf of the persons employed at that mine or quarry;

“non-passenger train” means any train except a passenger train;

“offshore installation” has the meaning given by article 4(2) of the 2013 Order;

“offshore workplace” means any place where activities are carried on, or any premises, such that prescribed provisions of the 1974 Act are applied to those activities or premises by article 4, 5 or 6 of the 2013 Order (which for this purpose are deemed to apply to activities or premises within Great Britain which are in tidal waters or on the foreshore or other land intermittently covered by such waters as they apply to activities or premises within territorial waters or a designated area within the meaning of article 2(1) of that Order);

“operator” means—

(a) in relation to a pipeline, the person identified as such by regulation 2(1) of the Pipelines Safety Regulations 1996(b); and

(b) in relation to a quarry, the person in overall control of the working of the quarry;

“the ORR” means the Office of Rail Regulation;

“owner” in relation to a mine means the person who is for the time being entitled to work it;

“passenger train” means a train carrying passengers or made available for that purpose;

“pipeline” and “pipeline works” have the meanings given by article 6(2) of the 2013 Order;

“quarry” means a quarry to which the 1999 Regulations apply;

“railway” has the meaning given by regulation 2(1) of the 2006 Regulations;

“relevant transport system” means—

(a) a railway;

(b) a tramway as defined by regulation 2(1) of the 2006 Regulations;

(c) a trolley vehicle system as defined by section 67 of the Transport and Works Act 1992(c), except when it operates on a road; or

(d) any other system using guided transport as defined by regulation 2(1) of the 2006 Regulations,

except at a factory, dock, construction site, mine or quarry, and does not include a guided bus system as defined by regulation 2(1) of the 2006 Regulations;

“reportable incident” means an incident giving rise to a notification or reporting requirement under these Regulations;

(a) OJ No L 353, 31.12.2008, p1. Annex I is amended from time to time.

(b) S.I. 1996/825.

(c) 1992 c.42.

“reporting procedure” means, in relation to—

- (a) an injury, death or dangerous occurrence (except at a mine or quarry), the procedure described in paragraph 1 of Part 1 of Schedule 1;
- (b) an occupational disease or a disease offshore, the procedure described in paragraph 2 of Part 1 of Schedule 1;
- (c) exposure to a carcinogen, mutagen or biological agent, the procedure described in paragraph 3 of Part 1 of Schedule 1; or
- (d) an injury, death or dangerous occurrence at a mine or quarry, the procedure described in paragraph 4 of Part 1 of Schedule 1;

“responsible person” means the person identified in accordance with regulation 3;

“road” includes bridges over which a road passes, and—

- (a) in relation to England and Wales, means any highway and any other road to which the public has access;
- (b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984(a) and any other way to which the public has access;

“road vehicle” means any vehicle on a road, other than a train;

“routine work” means work which a person might reasonably be expected to do, either under that person’s contract of employment, or, if there is no such contract, in the normal course of that person’s work;

“running line” means any line ordinarily used for the passage of trains which is not a siding;

“specified injury” means any injury or condition specified in regulation 4(1)(a) to (h);

“train” includes a locomotive, tramcar or other power unit, and any vehicle used on a relevant transport system;

“well” includes any structures and devices on top of a well;

“workmen’s inspectors” means workmen’s inspectors exercising the powers conferred on them by either section 123 of the 1954 Act or regulation 40 of the 1999 Regulations;

“work-related accident” means an accident arising out of or in connection with work.

(2) In these Regulations, any reference to a work-related accident or dangerous occurrence includes an accident or dangerous occurrence attributable to—

- (a) the manner of conducting an undertaking;
- (b) the plant or substances used for the purposes of an undertaking; or
- (c) the condition of the premises used for the purposes of an undertaking or any part of them.

(3) For the purposes of these Regulations, a person at an offshore workplace is deemed to be at work at all times when that person is at that workplace in connection with that person’s work.

Responsible person

3.—(1) In these Regulations, the “responsible person” is—

- (a) in relation to an injury, death or dangerous occurrence reportable under regulation 4, 5, 6 or 7 or recordable under regulation 12(1)(b) involving—
 - (i) an employee, that employee’s employer; or
 - (ii) a person not at work or a self-employed person, or in relation to any other dangerous occurrence, the person who by means of their carrying on any undertaking was in control of the premises where the reportable or recordable incident happened, at the time it happened; or

(a) 1984 c.54; the definition of “road” in section 151 was amended by paragraph 94 of Schedule 8 to the New Roads and Street Works Act 1991 (c.22); there are other amending instruments but none is relevant.

- (b) in relation to a diagnosis reportable under regulation 8, 9 or 10 in respect of—
 - (i) an employee, that employee’s employer; or
 - (ii) a self-employed person, that self-employed person.
- (2) Despite paragraph (1), in these Regulations the “responsible person” is—
 - (a) in relation to a mine, the manager of that mine;
 - (b) in relation to a closed tip, the owner of the mine with which that tip is associated;
 - (c) in relation to a quarry, the operator of that quarry;
 - (d) in relation to a dangerous occurrence—
 - (i) at a pipeline, the operator of that pipeline; or
 - (ii) at a well, the person appointed to organise and supervise the drilling of, and operations using, that well by any person granted a licence under section 3 of the Petroleum Act 1998(a), or where no such person is appointed, that licensee; or
 - (e) except in relation to a diagnosis reportable under regulation 8, 9 or 10—
 - (i) at an offshore installation, the duty holder for the purposes of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995(b) (provided that for the purposes of this provision regulation 3(2)(c) of those Regulations is deemed not to apply); or
 - (ii) in relation to a diving project, the diving contractor.

Non-fatal injuries to workers

- 4.—**(1) Where any person at work, as a result of a work-related accident, suffers—
- (a) any bone fracture diagnosed by a registered medical practitioner, other than to a finger, thumb or toe;
 - (b) amputation of an arm, hand, finger, thumb, leg, foot or toe;
 - (c) any injury diagnosed by a registered medical practitioner as being likely to cause permanent blinding or reduction in sight in one or both eyes;
 - (d) any crush injury to the head or torso causing damage to the brain or internal organs in the chest or abdomen;
 - (e) any burn injury (including scalding) which—
 - (i) covers more than 10% of the whole body’s total surface area; or
 - (ii) causes significant damage to the eyes, respiratory system or other vital organs;
 - (f) any degree of scalping requiring hospital treatment;
 - (g) loss of consciousness caused by head injury or asphyxia; or
 - (h) any other injury arising from working in an enclosed space which—
 - (i) leads to hypothermia or heat-induced illness; or
 - (ii) requires resuscitation or admittance to hospital for more than 24 hours,

the responsible person must follow the reporting procedure.

(2) Where any person at work is incapacitated for routine work for more than seven consecutive days (excluding the day of the accident) because of an injury resulting from an accident arising out of or in connection with that work, the responsible person must send a report to the relevant enforcing authority in an approved manner as soon as practicable and in any event within 15 days of the accident.

(3) This regulation is subject to regulations 14 and 15.

(a) 1998 c.17.

(b) S.I. 1995/738; to which there are amendments not relevant to these Regulations.

Non-fatal injuries to non-workers

5. Where any person not at work, as a result of a work-related accident, suffers—
- (a) an injury, and that person is taken from the site of the accident to a hospital for treatment in respect of that injury; or
 - (b) a specified injury on hospital premises,

the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

Work-related fatalities

6.—(1) Where any person dies as a result of a work-related accident, the responsible person must follow the reporting procedure.

(2) Where any person dies as a result of occupational exposure to a biological agent, the responsible person must follow the reporting procedure.

(3) Where an employee has suffered an injury reportable under regulation 4 which is a cause of his death within one year of the date of the accident, the employer must notify the relevant enforcing authority of the death in an approved manner without delay, whether or not the injury has been reported under regulation 4.

(4) This regulation is subject to regulations 14 and 15, and does not apply to a self-employed person who suffers a fatal accident or fatal exposure on premises controlled by that self-employed person.

Dangerous occurrences

7. Where there is a dangerous occurrence, the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

Occupational diseases

8. Where, in relation to a person at work, the responsible person receives a diagnosis of—
- (a) Carpal Tunnel Syndrome, where the person's work involves regular use of percussive or vibrating tools;
 - (b) cramp in the hand or forearm, where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm;
 - (c) occupational dermatitis, where the person's work involves significant or regular exposure to a known skin sensitizer or irritant;
 - (d) Hand Arm Vibration Syndrome, where the person's work involves regular use of percussive or vibrating tools, or the holding of materials which are subject to percussive processes, or processes causing vibration;
 - (e) occupational asthma, where the person's work involves significant or regular exposure to a known respiratory sensitizer; or
 - (f) tendonitis or tenosynovitis in the hand or forearm, where the person's work is physically demanding and involves frequent, repetitive movements,

the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

Exposure to carcinogens, mutagens and biological agents

9. Where, in relation to a person at work, the responsible person receives a diagnosis of—
- (a) any cancer attributed to an occupational exposure to a known human carcinogen or mutagen (including ionising radiation); or
 - (b) any disease attributed to an occupational exposure to a biological agent,

the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

Diseases offshore

10. Where, in relation to a person at an offshore workplace, the responsible person receives a diagnosis of any of the diseases listed in Schedule 3, the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

Gas-related injuries and hazards

11.—(1) Where a conveyor of flammable gas through a fixed pipe distribution system, or a filler, importer or supplier (except by retail) of a refillable container containing liquefied petroleum gas, receives notification of the death, loss of consciousness or taking to hospital of a person because of an injury arising in connection with that gas, that person must—

- (a) notify the Executive of the incident without delay; and
- (b) send a report of the incident to the Executive in an approved manner within 14 days of the incident.

(2) Where an approved person has sufficient information to decide that the design, construction, manner of installation, modification or servicing of a gas fitting is or could have been likely to cause the death, loss of consciousness or taking to hospital of a person because of—

- (a) the accidental leakage of gas;
- (b) the incomplete combustion of gas; or
- (c) the inadequate removal of the products of combustion of gas,

the approved person must send a report of that information to the Executive in an approved manner within 14 days of acquiring that information.

(3) Nothing is reportable—

- (a) under this regulation, if it is notifiable or reportable elsewhere in these Regulations;
- (b) under paragraph (2), in relation to any gas fitting undergoing testing or examination at a place set aside for that purpose; or
- (c) under paragraph (2), if the approved person has previously reported that information.

(4) In this regulation—

“approved person” means an employer or self-employed person who is a member of a class of persons approved by the Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(a);

“gas fitting” means a gas fitting defined in those Regulations or any flue or ventilation used in connection with that fitting; and

“liquefied petroleum gas” means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture of them) or commercial propane (that is, a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture of them) or any mixture of commercial butane and commercial propane.

Recording and record-keeping

12.—(1) The responsible person must keep a record of any—

- (a) reportable incident under regulation 4, 5, 6 or 7, which contains the particulars specified in paragraphs 5 to 11 of Part 2 of Schedule 1;
- (b) diagnosis reportable under regulation 8, 9 or 10, which contains the particulars specified in paragraphs 12 to 17 of Part 2 of Schedule 1;

(a) S.I. 1998/2451.

- (c) injury to a person at work resulting from an accident arising out of or in connection with that work, incapacitating that person for routine work for more than three consecutive days (excluding the day of the accident), which contains the particulars specified in paragraphs 18 to 21 of Part 2 of Schedule 1; and
 - (d) other particulars approved by the Executive or the ORR for demonstrating compliance with the approved manner of reporting under Part 1 of Schedule 1.
- (2) An entry in the record referred to in paragraph (1) must be kept for at least three years from the date on which it was made, and the record must be—
- (a) kept at the place where the work to which it relates is carried on, or at the usual place of business of the responsible person; and
 - (b) in the case of a mine or quarry, available for inspection by any nominated person and workmen's inspectors (excluding any health record of an identifiable individual).
- (3) The responsible person must send to the relevant enforcing authority such extracts from the record required to be kept under paragraph (1) as that enforcing authority may require.
- (4) Any record of injuries, deaths, dangerous occurrences or diseases which the responsible person keeps for any other purpose satisfies the requirements of paragraph (1) if it covers the injuries recordable under these Regulations and includes the particulars specified in Part 2 of Schedule 1.

Mines, quarries and offshore site disturbance

- 13.—**(1) Where there is a reportable incident under regulation 4, 5 or 6 at a mine, quarry or offshore workplace, or where there is a dangerous occurrence at a mine or quarry, then the place where it happened must not be disturbed, or anything at that place tampered with before—
- (a) the expiration of three clear days after the matter has been notified in accordance with these Regulations; or
 - (b) the place has been visited by an inspector and, in the case of a mine or quarry, by workmen's inspectors, if that is sooner.
- (2) Nothing in this regulation prohibits any person doing anything by or with the consent of an inspector, or which was necessary—
- (a) in the case of a mine or quarry, to secure the safety of the mine or quarry, or of any person; or
 - (b) in the case of an offshore workplace, to secure the safety or integrity of the workplace or of any person, plant, vessel or well.
- (3) In relation to a mine or quarry, this regulation does not apply if an appropriate person—
- (a) has taken adequate steps to ascertain that disturbing the site—
 - (i) is unlikely to prejudice any investigation by an inspector into the circumstances of the reportable incident; and
 - (ii) is necessary to secure the safety of any person at the mine or quarry or to avoid disrupting the normal working of the mine or quarry;
 - (b) has notified any nominated person, or any person designated in writing by a nominated person to receive any such notification, of the proposed disturbance, and gives such a person a reasonable opportunity to visit the site before it is disturbed (except in the case of a non-fatal accident or dangerous occurrence where any nominated person or person designated by them cannot be contacted within a reasonable time);
 - (c) has taken adequate steps to ensure that such information is obtained as will enable the preparation, without delay, of a full and accurate plan showing the position of any equipment or item relevant to the reportable incident immediately after it happened;
 - (d) ensures that that plan is signed by the person who prepared it and bears the date on which it was prepared, and that a copy of that plan is supplied on request to any nominated person or any inspector; and

- (e) ensures that any equipment or item relevant to the reportable incident is kept as it was immediately after the incident, until an inspector agrees that it may be disposed of.
- (4) In paragraph (3), “appropriate person” means the responsible person or—
 - (a) in the case of a coal mine, a person appointed in the management structure of that mine established pursuant to regulation 10(1) of the Management and Administration of Safety and Health at Mines Regulations 1993(a); or
 - (b) in the case of a quarry, a person appointed in the management structure of that quarry established pursuant to regulation 8(1) of the 1999 Regulations.

Restrictions on the application of regulations 4 to 10

14.—(1) Where the injury or death of a person arises out of the conduct of any operation on, or any examination or other medical treatment of, that person (such operation, examination or other treatment being conducted by or under the supervision of a registered medical practitioner or a registered dentist), the requirements of regulations 4, 5, 6(1) and 12(1)(b) do not apply.

(2) In paragraph (1), “registered dentist” has the meaning given by section 53(1) of the Dentists Act 1984(b).

(3) Where the injury or death of a person arises out of or in connection with the movement of a vehicle on a road, the requirements of regulations 4, 5, 6 and 12(1)(b) do not apply, unless that person—

- (a) was injured or killed by an accident involving a train;
- (b) was injured or killed by exposure to a substance being conveyed by the vehicle;
- (c) was engaged in work connected with the loading or unloading of any article or substance onto or off the vehicle at the time of the accident, or was injured or killed by the activities of another person who was so engaged; or
- (d) was engaged in, or was injured or killed by the activities of another person who was at the time of the accident engaged in, work on or alongside a road.

(4) In paragraph (3)(d), “work on or alongside a road” means work concerned with the construction, demolition, alteration, repair or maintenance of—

- (a) the road or the markings or equipment on the road;
- (b) the verges, fences, hedges or other boundaries of the road;
- (c) pipes or cables on, under, over or adjacent to the road; or
- (d) buildings or structures adjacent to or over the road.

(5) The injury, death or diagnosis of a member of the armed forces of the Crown or of a visiting force, on duty at the time, is not subject to the requirements of regulation 4, 6, 8, 9, 10 or 12(1)(b) (and for the purposes of this paragraph a visiting force has the meaning given by section 12(1) of the Visiting Forces Act 1952(c)).

(6) Except in relation to an offshore workplace, regulations 4 to 9 do not apply to anything which must be notified under—

- (a) the Nuclear Installations Act 1965(d);
- (b) the Merchant Shipping Act 1988(e);
- (c) Orders and Regulations made or to be made under the enactments in (a) and (b);
- (d) the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996(f);

(a) S.I. 1993/1897.

(b) 1984 c.24.

(c) 1952 c.67; the definition of “visiting force” was amended by paragraph 14(1) of Schedule 15 to the Criminal Justice Act 1988 (c.33).

(d) 1965 c.57.

(e) 1988 c.12.

(f) S.I. 1996/2798; to which there are amendments not relevant to these Regulations.

- (e) the Ionising Radiations Regulations 1999(a);
- (f) the Electricity Safety, Quality and Continuity Regulations 2002(b); or
- (g) the Civil Aviation (Investigation of Military Air Accidents at Civil Aerodromes) Regulations 2005(c).

Restriction on parallel requirements

15.—(1) Where the responsible person is under more than one requirement to make a notification under these Regulations, only one notification is required if the conditions in paragraph (3) are met.

(2) Where the responsible person is under more than one requirement to make a report under these Regulations, only one report is required if the conditions in paragraph (3) are met.

(3) The conditions referred to in paragraphs (1) and (2) are—

- (a) the facts giving rise to each requirement are identical;
- (b) the information required to be provided by each requirement is provided;
- (c) where the requirements have different time limits, the shortest time limit is complied with; and
- (d) in the case of a mine or quarry, all steps referred to in paragraph 4 of Part 1 of Schedule 1 are complied with.

(4) Where the responsible person is under more than one requirement to keep a record under these Regulations, only one record is required if the facts giving rise to each requirement are identical and the particulars required by each requirement are contained in the record.

Defence

16. In proceedings against any person for failing to comply with a requirement of these Regulations(d), it is a defence for that person to prove that they were not aware of the circumstances which gave rise to that requirement, so long as that person had taken all reasonable steps to be made aware, in sufficient time, of such circumstances.

Certificates of exemption

17.—(1) Subject to paragraph (2)—

- (a) the Executive; and
- (b) in relation to activities covered by regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006, the ORR,

may exempt any person or class of persons from any requirement of these Regulations by a certificate in writing, and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) Such an exemption may not be granted by the Executive or the ORR unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any relevant enactments,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(a) S.I. 1999/3232; to which there are amendments not relevant to these Regulations.

(b) S.I. 2002/2665; to which there are amendments not relevant to these Regulations.

(c) S.I. 2005/2693.

(d) These Regulations do not contain any offences. However, the contravention of any of these Regulations, or any requirement or prohibition imposed under them, is an offence under section 33(1) of the 1974 Act.

Revocations, amendments and savings

- 18.**—(1) The revocations listed in Table 1 of Schedule 4 have effect.
- (2) The amendments listed in Table 2 of Schedule 4 have effect.
- (3) Any record or register required to be kept under any instrument revoked by these Regulations must be kept for the same period as if these Regulations had not been made.

Extension outside Great Britain

19. These Regulations apply to premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the 2013 Order as they apply within Great Britain.

Review

- 20.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of that review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how—
- (a) Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work^(a) (which is implemented by means of regulations 4 and 6);
 - (b) Council Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling^(b) (which is implemented by means of regulations 4, 6 and 7);
 - (c) Council Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries^(c) (which is implemented by means of regulations 4, 6 and 7);
 - (d) Directive 2000/54/EC of the European Parliament and of the Council on the protection of workers from risks related to exposure to biological agents at work^(d) (which is implemented by means of regulations 7 and 9);
 - (e) Directive 2004/37/EC of the European Parliament and of the Council on the protection of workers from the risks related to exposure to carcinogens or mutagens at work^(e) (which is implemented by means of regulation 9);
 - (f) Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification^(f) (which is implemented by means of regulations 4, 6 and 7);
 - (g) Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work^(g) (which is implemented by means of regulations 4, 6, 8 and 12); and

(a) OJ No L 183, 29.6.1989, p1.
(b) OJ No L 348, 28.11.1992, p9.
(c) OJ No L 404, 31.12.1992, p10.
(d) OJ No L 262, 17.10.2000, p21.
(e) OJ No L 229, 29.6.2004, p23.
(f) OJ No L 220, 21.6.2004, p16.
(g) OJ No L 354, 31.12.2008, p70.

(h) Council Directive 2010/32/EU implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU^(a) (which is implemented by means of regulation 7),
are implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Work and Pensions.

12th June 2013

Mark Hoban
Minister of State,
Department for Work and Pensions

^(a) OJ No L 134, 1.6.2010, p66.

SCHEDULE 1

REPORTING AND RECORDING PROCEDURES

PART 1

REPORTING PROCEDURE

Regulations 4 to 10

Injuries, fatalities and dangerous occurrences

1.—(1) Where required to follow the reporting procedure by regulation 4, 5, 6 or 7 (except in relation to a mine or quarry), the responsible person must—

- (a) notify the relevant enforcing authority of the reportable incident by the quickest practicable means without delay; and
- (b) send a report of that incident in an approved manner to the relevant enforcing authority within 10 days of the incident.

(2) Sub-paragraph (1)(a) does not apply to a self-employed person who is injured at premises owned or occupied by that self-employed person, and it is sufficient compliance with sub-paragraph (1)(b) for a self-employed person to make arrangements for the report to be sent to the relevant enforcing authority by some other person.

Diseases

2.—(1) Where required to follow the reporting procedure by regulation 8 or 10, the responsible person must send a report of the diagnosis in an approved manner to the relevant enforcing authority without delay.

(2) It is sufficient compliance with sub-paragraph (1) for a self-employed person to make arrangements for the report to be sent to the relevant enforcing authority by some other person.

Carcinogens, mutagens and biological agents

3. Where required to follow the reporting procedure by regulation 9 the responsible person must notify the relevant enforcing authority in an approved manner.

Mines and quarries

4.—(1) Where required to follow the reporting procedure by regulation 4, 5, 6 or 7 in the case of a mine or quarry, the responsible person must—

- (a) notify the relevant enforcing authority and any nominated person of the reportable incident by the quickest practicable means without delay; and
- (b) send a report of that incident in an approved manner—
 - (i) to any nominated person within seven days of the incident; and
 - (ii) to the relevant enforcing authority within 10 days of the incident.

(2) Where the responsible person becomes aware of a person subsequently dying as the result of an accident which gave rise to an injury reported in accordance with sub-paragraph (1), the responsible person must notify any nominated person of the death.

PART 2

RECORDS

Regulation 12

Particulars to be kept in records of any reportable incident under regulations 4 to 7

5. The date and time of the accident or dangerous occurrence.
6. In respect of an accident injuring a person at work, that person's—
 - (a) full name;
 - (b) occupation;
 - (c) injury.
7. In respect of an accident injuring a person not at work, that person's—
 - (a) full name;
 - (b) status (for example “passenger”, “customer”, “visitor” or “bystander”); and
 - (c) injury,

unless these are not known and it is not reasonably practicable to ascertain them.

8. The place where the accident or dangerous occurrence happened.
9. A brief description of the circumstances in which the accident or dangerous occurrence happened.
10. The date on which the accident or dangerous occurrence was first notified or reported to the relevant enforcing authority.
11. The method by which the accident or dangerous occurrence was first notified or reported.

Particulars to be kept in records of any diagnosis reportable under regulations 8 to 10

12. The date of diagnosis of the disease.
13. The name of the person affected.
14. The occupation of the person affected.
15. The name or nature of the disease.
16. The date on which the disease was first reported to the relevant enforcing authority.
17. The method by which the disease was reported.

Particulars to be kept in records of any injuries to be recorded under regulation 12(1)(c)

18. The date and time of the accident.
19. The following particulars of the injured person—
 - (a) full name;
 - (b) occupation;
 - (c) injury.
20. The place where the accident happened.
21. A brief description of the circumstances in which the accident happened.

SCHEDULE 2

Regulation 7

DANGEROUS OCCURRENCES

PART 1

GENERAL

Lifting equipment

1. The collapse, overturning or failure of any load-bearing part of any lifting equipment, other than an accessory for lifting.

Pressure systems

2. The failure of any closed vessel or of any associated pipework (other than a pipeline) forming part of a pressure system as defined by regulation 2(1) of the Pressure Systems Safety Regulations 2000(a), where that failure could cause the death of any person.

Overhead electric lines

3. Any plant or equipment unintentionally coming into—

- (a) contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or
- (b) close proximity with such an electric line, such that it causes an electrical discharge.

Electrical incidents causing explosion or fire

4. Any explosion or fire caused by an electrical short circuit or overload (including those resulting from accidental damage to the electrical plant) which either—

- (a) results in the stoppage of the plant involved for more than 24 hours; or
- (b) causes a significant risk of death.

Explosives

5. Any unintentional—

- (a) fire, explosion or ignition at a site where the manufacture or storage of explosives requires a licence or registration, as the case may be, under regulation 9, 10 or 11 of the Manufacture and Storage of Explosives Regulations 2005; or
- (b) explosion or ignition of explosives (unless caused by the unintentional discharge of a weapon, where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to),

except where a fail-safe device or safe system of work prevented any person being endangered as a result of the fire, explosion or ignition.

6. The misfire of explosives (other than at a mine or quarry, inside a well or involving a weapon) except where a fail-safe device or safe system of work prevented any person being endangered as a result of the misfire.

7. Any explosion, discharge or intentional fire or ignition which causes any injury to a person requiring first-aid or medical treatment, other than at a mine or quarry.

(a) S.I. 2000/128; regulation 2(1) was amended by S.I. 2004/568; there are other amending instruments but none is relevant.

8.—(1) The projection of material beyond the boundary of the site on which the explosives are being used, or beyond the danger zone of the site, which caused or might have caused injury, except at a quarry.

(2) In this paragraph, “danger zone” means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives.

9. The failure of shots to cause the intended extent of collapse or direction of fall of a structure in any demolition operation.

Biological agents

10. Any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

Radiation generators and radiography

11.—(1) The malfunction of—

- (a) a radiation generator or its ancillary equipment used in fixed or mobile industrial radiography, the irradiation of food or the processing of products by irradiation, which causes it to fail to de-energise at the end of the intended exposure period; or
- (b) equipment used in fixed or mobile industrial radiography or gamma irradiation, which causes a radioactive source to fail to return to its safe position by the normal means at the end of the intended exposure period.

(2) In this paragraph, “radiation generator” means any electrical equipment emitting ionising radiation and containing components operating at a potential difference of more than 5kV.

Breathing apparatus

12. The malfunction of breathing apparatus—

- (a) where the malfunction causes a significant risk of personal injury to the user; or
- (b) during testing immediately prior to use, where the malfunction would have caused a significant risk to the health and safety of the user had it occurred during use,

other than at a mine.

Diving operations

13. The failure, damaging or endangering of—

- (a) any life support equipment, including control panels, hoses and breathing apparatus; or
- (b) the dive platform, or any failure of the dive platform to remain on station,

which causes a significant risk of personal injury to a diver.

14. The failure or endangering of any lifting equipment associated with a diving operation.

15. The trapping of a diver.

16. Any explosion in the vicinity of a diver.

17. Any uncontrolled ascent or any omitted decompression which causes a significant risk of personal injury to a diver.

Collapse of scaffolding

18. The complete or partial collapse (including falling, buckling or overturning) of—

- (a) a substantial part of any scaffold more than 5 metres in height;

- (b) any supporting part of any slung or suspended scaffold which causes a working platform to fall (whether or not in use); or
- (c) any part of any scaffold in circumstances such that there would be a significant risk of drowning to a person falling from the scaffold.

Train collisions

19. The collision of a train with any other train or vehicle, other than a collision reportable under Part 5 of this Schedule, which could have caused the death, or specified injury, of any person.

Wells

- 20.** In relation to a well (other than a well sunk for the purpose of the abstraction of water)—
- (a) a blow-out (which includes any uncontrolled flow of well-fluids from a well);
 - (b) the coming into operation of a blow-out prevention or diversion system to control flow of well-fluids where normal control procedures fail;
 - (c) the detection of hydrogen sulphide at a well or in samples of well-fluids where the responsible person did not anticipate its presence in the reservoir drawn on by the well;
 - (d) the taking of precautionary measures additional to any contained in the original drilling programme where a planned minimum separation distance between adjacent wells was not maintained; or
 - (e) the mechanical failure of any part of a well whose purpose is to prevent or limit the effect of the unintentional release of fluids from a well or a reservoir being drawn on by a well, or whose failure would cause or contribute to such a release.

Pipelines or pipeline works

- 21.** In relation to a pipeline or pipeline works—
- (a) any damage to, accidental or uncontrolled release from or inrush of anything into a pipeline;
 - (b) the failure of any pipeline isolation device, associated equipment or system; or
 - (c) the failure of equipment involved with pipeline works,

which could cause personal injury to any person, or which results in the pipeline being shut down for more than 24 hours.

22. The unintentional change in position of a pipeline, or in the subsoil or seabed in the vicinity, which requires immediate attention to safeguard the pipeline's integrity or safety.

PART 2

DANGEROUS OCCURENCES REPORTABLE EXCEPT IN RELATION TO AN OFFSHORE WORKPLACE

Structural collapse

- 23.** The unintentional collapse or partial collapse of—
- (a) any structure, which involves a fall of more than 5 tonnes of material; or
 - (b) any floor or wall of any place of work,

arising from, or in connection with, ongoing construction work (including demolition, refurbishment and maintenance), whether above or below ground.

24. The unintentional collapse or partial collapse of any falsework.

Explosion or fire

25. Any unintentional explosion or fire in any plant or premises which results in the stoppage of that plant, or the suspension of normal work in those premises, for more than 24 hours.

Release of flammable liquids and gases

26. The sudden, unintentional and uncontrolled release—

- (a) inside a building—
 - (i) of 100 kilograms or more of a flammable liquid;
 - (ii) of 10 kilograms or more of a flammable liquid at a temperature above its normal boiling point;
 - (iii) of 10 kilograms or more of a flammable gas; or
- (b) in the open air, of 500 kilograms or more of a flammable liquid or gas.

Hazardous escapes of substances

27. The unintentional release or escape of any substance which could cause personal injury to any person other than through the combustion of flammable liquids or gases.

PART 3

DANGEROUS OCCURRENCES REPORTABLE IN RELATION TO A MINE

Fires or ignition of gas

28. Any outbreak of fire below ground.

29. Any person being caused to leave any place pursuant to regulation 11(1) of the Coal and Other Mines (Fire and Rescue) Regulations 1956(a) or section 79 of the 1954 Act, as a result of smoke or other indication that a fire may have broken out below ground.

30. Any fire on the surface which endangers the operation of any winding or haulage apparatus installed at a shaft or unwalkable outlet or of any mechanically operated apparatus for producing ventilation below ground.

31. The ignition of any gas (other than in a safety lamp) or dust below ground.

32. The unintentional ignition of any gas in part of a firedamp drainage system on the surface or in an exhaustor house.

Escapes of gas with solid matter

33. The violent unintentional escape of gas together with coal or other solid matter into the mine workings.

Failures of plant or equipment

34. The breakage or unintentional uncoupling of any belt, rope, chain, coupling, balance rope, guide rope, rope tensioning system, suspension gear or other gear used for or in connection with—

- (a) carrying persons through any shaft or staple shaft;
- (b) transporting persons below ground; or

(a) The Coal and Other Mines (Fire and Rescue) Regulations 1956 are the First Schedule to S.I. 1956/1768.

(c) a belt conveyor designated by the mine manager as a man-riding conveyor.

35. The overwinding of—

- (a) any conveyance being used for the carriage of persons; or
- (b) any other conveyance, which becomes detached from its winding rope.

36. The bringing to rest of any conveyance operated using the friction of a rope on a winding sheave by the apparatus provided—

- (a) in the headframe of the shaft; or
- (b) in the part of the shaft below the lowest landing for the time being in use,

for the purpose of bringing the conveyance to rest in the event of it being overwound.

37. The stoppage of any ventilating apparatus (other than an auxiliary fan) for over 30 minutes, except for planned maintenance, which causes a reduction in mine ventilation resulting in dangerous levels of noxious or flammable gases.

38. The collapse of any headframe, winding engine house, fan house or storage bunker.

Breathing apparatus

39. The malfunction of, or development of a defect in, breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer where—

- (a) the malfunction or defect causes, or is likely to cause, a significant risk of personal injury to the user; or
- (b) immediately after use and as a result of its use any person receives first-aid or medical treatment because of that person's unfitness or suspected unfitness.

Emergency escape apparatus

40. The use of any apparatus—

- (a) provided at a mine in accordance with regulation 4 of the Mines (Safety of Exit) Regulations 1988(a); or
- (b) used to leave a mine when apparatus and equipment normally so used is unavailable,

other than for the purpose of training and practice.

Inrushes of gas or flowing material

41. The inrush of noxious or flammable gas from old workings.

42. The inrush of water or material which flows when wet from any source.

Insecure tips

43. Any event (including any movement of material or any fire) which indicates that a tip to which Part 1 of the 1969 Act applies is or is likely to become insecure.

Locomotives

44. The bringing to rest of an underground locomotive by means other than its safety circuit protective devices or normal service brakes, when not used for testing purposes.

(a) S.I. 1988/1729.

Falls of ground

45. Any fall of ground which—

- (a) results from a failure of an underground support system; and
- (b) prevents persons travelling through the area affected by the fall, or otherwise exposes them to danger,

other than one which is part of the normal operations at a mine.

Accidents causing specified injuries

46. Any accident in which any person suffers a specified injury.

PART 4

DANGEROUS OCCURENCES WHICH ARE REPORTABLE IN RELATION TO A QUARRY

Collapse of storage bunkers

47. The collapse of any storage bunker.

Sinking of craft

48. The sinking of any water-borne craft or hovercraft.

Projection of substances outside quarry

49.—(1) Following a blasting operation, the projection of any material beyond the designated danger zone or the projection of any material which caused or might have caused injury.

(2) In this paragraph, “danger zone” means the area determined for each blast under the shotfiring rules required by regulation 25(2)(a)(i) and (b) of the 1999 Regulations.

Misfires

50. Any misfire, as defined by regulation 2(1) of the 1999 Regulations.

Insecure tips

51. Any event (including any movement of material or any fire) which indicates that a tip to which the 1999 Regulations apply is or is likely to become insecure.

Movement of slopes or faces

52. Any movement or failure of an excavated slope or face which—

- (a) could cause the death of any person; or
- (b) adversely affects any building, contiguous land, transport system, footpath, public utility or service, watercourse, reservoir or area of public access.

Explosion or fire in vehicles or mobile plant

53. Any explosion or fire in—

- (a) a dump truck with a load capacity of at least 50 tonnes; or
- (b) an excavator with a bucket capacity of at least 5 cubic metres,

which results in the stoppage of that vehicle or plant for more than 24 hours, and which affects—

- (i) any place where persons normally work; or
- (ii) the route of egress from such a place.

PART 5

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RESPECT OF A RELEVANT TRANSPORT SYSTEM

Collision or derailment of passenger trains

54. Any collision between a passenger train and another train.

55. The derailment of the whole or part of a passenger train.

Collision or derailment not involving passenger trains

56. Any collision between non-passenger trains—

- (a) on a running line, which causes damage to a train; or
- (b) in a siding, which causes damage to a train and an obstruction to a running line.

57. The derailment of a non-passenger train—

- (a) on a running line, except a derailment during shunting operations which does not obstruct any other running line; or
- (b) in a siding, which causes an obstruction to a running line.

Accidents involving any train

58. Any collision between a train and a buffer stop which causes damage to the train, except a collision in a siding.

59. A train striking any cattle or horse, whether or not damage is caused to the train, or striking any other animal which causes damage necessitating immediate temporary or permanent repair (including damage to the windows of the driver's cab but excluding other damage consisting solely in the breakage of glass).

60. A train on a running line striking or being struck by any object which causes damage necessitating immediate temporary or permanent repair (including damage to the windows of the driver's cab but excluding other damage consisting solely in the breakage of glass) or which might have been liable to derail the train.

61. A train, other than one on a railway, striking or being struck by a road vehicle.

62. A passenger train, or a non-passenger train not fitted with continuous self-applying brakes, becoming unintentionally divided.

Failure of train parts

63. The failure of—

- (a) an axle;
- (b) a wheel or tyre, including a tyre loose on its wheel;
- (c) a rope or the rope's fastenings;
- (d) a winding plant or equipment involved in working an incline; or
- (e) any part of a train which is likely to cause an accident to that or any other train, or to cause personal injury to any person,

which occurs or is discovered whilst the train is on a running line.

Fire

64. Any fire—

- (a) in or on any part of a passenger train or a train carrying dangerous goods within the meaning of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(a);
- (b) in or on any part of a non-passenger train which was extinguished by a fire-fighting service;
- (c) seriously affecting the functioning of signalling equipment;
- (d) affecting the permanent way or works of a relevant transport system which necessitates the suspension of services over any line, or the closure of any part of a station or signal box or other premises, for a period—
 - (i) of more than 30 minutes in the case of any part of a relevant transport system below ground; and
 - (ii) in any other case, of more than 1 hour; or
- (e) causing damage which could affect the running of a relevant transport system.

Severe electrical arcing or fusing

65. Severe electrical arcing or fusing—

- (a) in or on any part of any train; or
- (b) which seriously affects the functioning of signalling equipment.

Level crossings

66. Any train striking a road vehicle or gate at a level crossing.

67. Any train running onto a level crossing when not authorised to do so.

68. The failure of equipment at a level crossing which could cause a significant risk of personal injury to users of the road or path crossing the railway.

The permanent way and other works

69. The failure of a rail in a running line or of a rack rail, which results in—

- (a) a complete fracture of the rail through its cross-section; or
- (b) in a piece becoming detached from the rail which requires the immediate stoppage of traffic or the immediate imposition of a lower speed restriction.

70. The buckle of a running line which requires the immediate stoppage of traffic or the immediate imposition of a lower speed restriction.

71. An aircraft or vehicle of any kind either landing on, running onto or coming to rest across the line, or damaging the line, so as to cause damage—

- (a) which obstructs the line; or
- (b) to any railway equipment at a level crossing.

72. The runaway of an escalator, lift or passenger conveyor.

(a) S.I. 2009/1348; regulations 2, 3, 11, 12, 19, 20, 21, 22, 25, 29, 32 and 34, and paragraph 4 of Schedule 2 were amended by S.I. 2011/1885, which also inserted regulations 19A, 19B, 19C, 19D, 19E and 19F.

73. The following classes of accident where they are likely to cause an accident to a train or a significant risk of personal injury to any person—

- (a) the failure of a tunnel, bridge, viaduct, culvert, station or other structure or any part of it including the fixed electrical equipment of an electrified relevant transport system;
- (b) any failure in the signalling system which could cause a significant risk to the safe passage of trains other than a failure of a traffic light controlling the movement of vehicles on a road;
- (c) a slip of a cutting or of an embankment;
- (d) flooding of the permanent way;
- (e) the striking of a bridge by a vessel or by a road vehicle or its load; or
- (f) the failure of any other portion of the permanent way or works.

Incidents of signals passed without authority

74. Any train, travelling on a running line or entering a running line from a siding, passing a signal displaying a stop aspect without authority, unless the stop aspect was not displayed in sufficient time for the driver to stop safely at the signal.

PART 6

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RESPECT OF AN OFFSHORE WORKPLACE

Release of petroleum hydrocarbon

75. The unintentional release of petroleum hydrocarbon on or from an offshore installation which—

- (a) results in—
 - (i) a fire or explosion; or
 - (ii) the taking of action to prevent or limit the consequences of a potential fire or explosion; or
- (b) could cause a specified injury to, or the death of, any person.

Fire or explosion

76. Any fire or explosion at an offshore installation, other than one caused by the release of petroleum hydrocarbon, which results in the stoppage of plant or the suspension of normal work.

Release or escape of dangerous substances

77. The unintentional or uncontrolled release or escape of any substance (other than petroleum hydrocarbon) on or from an offshore installation which could cause a significant risk of personal injury to any person.

Collapses

78. Any unintentional collapse or partial collapse of any offshore installation or of any plant on an offshore installation which jeopardises the overall structural integrity of the installation.

Equipment

79. The failure of equipment required to maintain a floating offshore installation on station which could cause a specified injury to, or the death of, any person.

Dropping objects

80. The dropping of any object on an offshore installation or on an attendant vessel or into the water adjacent to an installation or vessel which could cause a specified injury to, or the death of, any person.

Weather damage

81. Any damage to or on an offshore installation caused by adverse weather conditions and which could cause a specified injury to, or the death of, any person.

Collisions

82. Any collision between a vessel or aircraft and an offshore installation which causes damage to the installation, the vessel or the aircraft.

83. Any occurrence with the potential for a collision between a vessel and an offshore installation where, had a collision occurred, it might have jeopardised the overall structural integrity of the installation.

Subsidence or collapse of seabed

84. Any subsidence or collapse of the seabed likely to affect the foundations or the overall structural integrity of an offshore installation.

Loss of stability or buoyancy

85. Any incident which causes the loss of stability or buoyancy of a floating offshore installation.

Evacuation

86. The partial or complete evacuation of an offshore installation in the interests of safety.

Falls into water

87. Any fall of a person into water from more than 2 metres.

SCHEDULE 3

Regulation 10

DISEASES REPORTABLE OFFSHORE

- 1.** Chickenpox.
- 2.** Cholera.
- 3.** Diphtheria.
- 4.** Dysentery (amoebic or bacillary).
- 5.** Acute encephalitis.
- 6.** Erysipelas.
- 7.** Food poisoning.
- 8.** Legionellosis.
- 9.** Malaria.

10. Measles.
11. Meningitis.
12. Meningococcal septicaemia (without meningitis).
13. Mumps.
14. Paratyphoid fever.
15. Plague.
16. Acute poliomyelitis.
17. Rabies.
18. Rubella.
19. Scarlet fever.
20. Tetanus.
21. Tuberculosis.
22. Typhoid fever.
23. Typhus.
24. Viral haemorrhagic fevers.
25. Viral hepatitis.

SCHEDULE 4

REVOCATIONS AND AMENDMENTS

Regulation 18

Table 1

Revocations

<i>Instrument</i>	<i>Reference</i>	<i>Revocation</i>
The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	S.I. 1995/3163	The whole instrument
The Diving at Work Regulations 1997	S.I. 1997/2776	Paragraph 5 of Schedule 2
The Quarries Regulations 1999	S.I. 1999/2024	The entries in Schedule 5 relating to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
The Railway Safety Regulations 1999	S.I. 1999/2244	Regulation 7
The Ionising Radiations Regulations 1999	S.I. 1999/3232	Paragraph 6 of Schedule 9
The Radiation (Emergency Preparedness and Public Information) Regulations 2001	S.I. 2001/2975	Paragraph 10 of Schedule 11
The Manufacture and Storage of Explosives Regulations 2005	S.I. 2005/1082	Paragraph 40 of Part 2 of Schedule 5

The Offshore Installations (Safety Case) Regulations 2005	S.I. 2005/3117	Paragraph 4 of Schedule 9
The Railways and Other Guided Transport Systems (Safety) Regulations 2006	S.I. 2006/599	Paragraph 1 of Schedule 6
The Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012	S.I. 2012/199	The whole instrument

Table 2

Amendments

<i>Instrument</i>	<i>Reference</i>	<i>Amendment</i>
The Safety Representatives and Safety Committees Regulations 1977	S.I. 1977/500	For the first “a” in regulation 6(1) substitute “an over three day injury,”; and for regulation 6(3) substitute “(3) In this regulation— “notifiable accident or dangerous occurrence” and “notifiable disease” mean any accident, dangerous occurrence or disease, as the case may be, notice of which is required to be given by virtue of any of the relevant statutory provisions within the meaning of section 53(1) of the 1974 Act; and “over three day injury” means an injury required to be recorded in accordance with regulation 12(1)(b) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.”.
The Mines (Safety of Exit) Regulations 1988	S.I. 1988/1729	In regulation 3(4)(c) for the words “person, if any, for the time being nominated under Schedule 4 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985” substitute “nominated person, if any, within the meaning of regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”; and in regulation 7(5)(b) for the words “person, if any, nominated under Schedule 4 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985” substitute “nominated person, if any, within the meaning of regulation 2(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989	S.I. 1989/971	After “notifiable incident” in regulation 17(3)(a) insert “or an over three day injury”; and for regulation 17(6) substitute “(6) In this regulation— “notifiable incident” means any death, injury, disease or dangerous occurrence which is required to be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013; and “over three day injury” means an injury

		required to be recorded in accordance with regulation 12(1)(b) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.”.
The Gas Safety (Management) Regulations 1996	S.I. 1996/551	In regulation 7(14) for the words “regulation 6(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “regulation 11(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996	S.I. 1996/913	In regulation 9(2) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Health and Safety (Consultation with Employees) Regulations 1996	S.I. 1996/1513	In regulation 5(2)(b) for the words “regulation 7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “regulation 12 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Control of Major Accident Hazards Regulations 1999	S.I. 1999/743	In regulation 15(4) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Quarries Regulations 1999	S.I. 1999/2024	In regulation 40(3) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.
The Construction (Design and Management) Regulations 2007	S.I. 2007/320	In regulation 19(2)(d) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995” substitute “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (S.I. 1995/3163) (“the 1995 Regulations”) and the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012 (S.I. 2012/199) (“the 2012 Regulations”). They maintain requirements that the responsible person must notify, and subsequently send a report to, the relevant enforcing authority by an approved means in relation to fatal and certain non-fatal work-related accidents, specified diseases contracted by persons at work and certain specified dangerous occurrences.

Regulation 2 defines certain terms in these Regulations, including “dangerous occurrence”, “offshore workplace”, “relevant transport system” and the “reporting procedure” (contained in Schedule 1). Regulation 3 defines the “responsible person” on whom most requirements in these Regulations are imposed. The responsible person is, with some exceptions, the employer of an employee involved in an accident or dangerous occurrence, or diagnosed with a reportable disease, or the person controlling the place in which an accident or dangerous occurrence takes place.

Regulations 4, 5 and 6 identify reportable accidents arising out of or in connection with work. Accidents involving workers which give rise to certain specified injuries, accidents after which non-workers are taken to a hospital and any accident resulting in a fatality are all reportable. It is intended that non-statutory guidance will clarify how burns are to be considered in relation to those specified as reportable. Regulation 7 further provides that the “dangerous occurrences” identified in Schedule 2 are reportable. Regulations 8, 9 and 10 identify diseases which are reportable where a person undertakes specific kinds of work, where they are attributable to an occupational exposure to a biological agent, carcinogen or mutagen, or where they occur at an offshore workplace.

Regulation 11 describes situations in which deaths, losses of consciousness or injuries resulting in any person being taken to hospital in connection with gas that has been distributed, filled, imported or supplied are reportable by the gas worker involved in the distribution, filling, import or supply of that gas. It further provides that persons approved under the Gas Safety (Installation and Use) Regulations 1998 must report any information leading them to believe that the design, construction, installation, modification or servicing of a gas fitting might or might have caused the death, loss of consciousness or taking to hospital of any person because of the accidental leakage, inadequate combustion or inadequate removal of the products of gas.

Regulation 12 establishes that the responsible person must keep a record of reportable incidents containing the particulars specified in Part 2 of Schedule 1. Regulation 13 maintains identical requirements from the 1995 Regulations not to disturb the site of a reportable incident occurring at a mine, quarry or offshore workplace until certain steps have been taken – unless necessary to ensure the safety of any person or of the workplace.

Regulation 14 contains certain restrictions on the application of these Regulations, including accidents occurring out of medical treatment being undertaken by or under the supervision of a registered medical practitioner, certain road-related accidents, accidents involving members of the armed forces and anything which is already notifiable by means of certain other enactments. Regulation 15 further establishes that parallel requirements do not apply more than once where the same incident gives rise to more than one requirement. The defence in regulation 16 provides for persons who have failed to comply with these Regulations because of a lack of knowledge of the facts giving rise to the requirements. The defence only applies where the person upon whom the requirement is imposed had taken all reasonable steps to have been made aware of such facts. Regulation 17 allows the Health and Safety Executive or ORR to grant individual certificates of exemption from any requirement of these Regulations to any person or class of persons.

Regulation 18 provides for the revocation of the 1995 and 2012 Regulations, together with enactments amending them in other instruments. It also re-enacts certain amendments made by the 2012 Regulations and provides for other consequential amendments (the details of which are contained in Schedule 4). These amendments come into force immediately after the rest of the

Regulations, such that where amending provisions are being revoked they cease to have effect before the new (re-enacted) amendments come into effect. Regulation 18 also provides that records which were required to be maintained by the Regulations which these Regulations revoke must continue to be kept. Regulation 19 provides for the application of these Regulations outside Great Britain in accordance with provisions of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013 (S.I. 2013/240).

Regulation 20 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these Regulations or to amend them.

A full impact assessment of the effect that these Regulations will have on the costs of business is available from the Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS. A copy is available in the Library of each House of Parliament and is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£5.75

UK2013061417 06/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/1471>

ISBN 978-0-11-110005-9



9 780111 100059