

1986 No. 247

HEALTH AND SAFETY

**Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
(Northern Ireland) 1986**

Made 30th July 1986

Coming into operation 1st November 1986

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The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(a), in exercise of the powers conferred by Articles 17(1), (2), (3), (4), and (6) of, and paragraphs 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate hereby make the following Regulations:—

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

Citation and commencement

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986 and shall come into operation on 1st November 1986.

Interpretation

2.—(1) In these Regulations,

“approved” means approved by the Department of Economic Development;

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

(a) Part I of Schedule 1;

(b) Part II of Schedule 1 and takes place at a mine;

(c) Part III of Schedule 1 and takes place at a quarry;

(d) Part IV of Schedule 1 and takes place on a railway;

“Department” means the Department of Economic Development;

“mine” means a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969(a) and for the purposes of these Regulations includes a closed tip within the meaning of section 128(3) of the Mines Act (Northern Ireland) 1969 which is associated with that mine;

“operator” means in relation to a vehicle to which paragraph 13 of Schedule 1, Part I applies—

(a) a person who holds, or is required by section 17 of the Transport Act (Northern Ireland) 1967(b) to hold, a vehicle licence for the use of that vehicle for the carriage of goods on a road; or

(b) where no such licence is required, the keeper of the vehicle;

“quarry” means a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(c) and for the purposes of these Regulations includes a closed tip within the meaning of Article 9(4) of the Quarries (Northern Ireland) Order 1983 which is associated with that quarry;

“railway” means a railway having a gauge of 350 millimetres or more used for the purposes of public transport, whether passenger, goods, or other traffic and includes—

(a) a tramway;

(b) a railway laid on a beach or pier; and

(c) a railway providing communication between the top and bottom of a cliff;

“responsible person” means—

(a) in the case of—

(i) a mine, the manager of that mine;

(ii) a quarry, the owner, occupier or agent;

(iii) a closed tip, the owner of the mine or the owner, occupier or agent of the quarry with which that tip is associated;

(a) 1969 c. 6 (N.I.)

(b) 1967 c. 37 (N.I.)

(c) S.I. 1983/150 (N.I. 4)

- (iv) a pipe-line within the meaning of section 33(1) of the Petroleum and Submarine Pipe-lines Act 1975(a), the owner of that pipe-line;
- (v) a vehicle to which paragraph 13 of Schedule 1, Part I applies, the operator of the vehicle;
- (b) where sub-paragraph (a) above does not apply, in the case of any event (other than a dangerous occurrence) reportable under regulation 3, or any case of disease reportable under regulation 5, involving—
 - (i) an employee at work (including any person who is to be treated as an employee by virtue of any relevant statutory provision), his employer;
 - (ii) a person (excluding one who is to be treated as an employee by virtue of any relevant statutory provision) undergoing training for employment, the person whose undertaking makes the immediate provision of that training;
- (c) in any other case, the person for the time being having control of the premises in connection with the carrying on by him of any trade, business or other undertaking (whether for profit or not) at which, or in connection with the work at which, the accident or dangerous occurrence reportable under regulation 3, or case of disease reportable under regulation 5, happened;

“training” includes work experience received as part of a training programme; it does not include training on a course at university, polytechnic, college, school or similar educational or technical institute where that body is the immediate provider of the training; but it does include training at a training centre or other training establishment run by the Department;

“work” means work as an employee, as a self-employed person or as a person undergoing training for employment (whether or not under any scheme administered by the Department).

(2) In these Regulations any reference to an accident or a dangerous occurrence which arises out of or in connection with work shall include a reference to an accident, or as the case may be, a dangerous occurrence attributable to the manner of conducting an undertaking, the plant or substances used for the purposes of an undertaking and the condition of the premises so used or any part of them.

Notification and reporting of injuries and dangerous occurrences

3.—(1) Subject to regulation 10, where any person as a result of an accident arising out of or in connection with work, dies or suffers any of the injuries or conditions specified in paragraph (2) or where there is a dangerous occurrence, the responsible person shall—

- (a) forthwith notify the enforcing authority thereof by the quickest practicable means; and
- (b) within 7 days send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.
- (2) The injuries and conditions referred to in paragraph (1) are—
 - (a) fracture of the skull, spine or pelvis;
 - (b) fracture of any bone—
 - (i) in the arm or wrist, but not a bone in the hand; or
 - (ii) in the leg or ankle, but not a bone in the foot;
 - (c) amputation of—
 - (i) a hand or foot; or

- (ii) a finger, thumb or toe, or any part thereof if the joint or bone is completely severed;
- (d) the loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to an eye;
- (e) either injury (including burns) requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact;
- (f) loss of consciousness resulting from lack of oxygen;
- (g) decompression sickness (unless suffered during an operation to which the Diving Operations at Work Regulations (Northern Ireland) 1983(a) apply) requiring immediate medical treatment;
- (h) either acute illness requiring medical treatment, or loss of consciousness, resulting in either case from the absorption of any substance by inhalation, ingestion or through the skin;
- (i) acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material;
- (j) any other injury which results in the person injured being admitted immediately into hospital for more than 24 hours.

(3) Subject to regulation 10, where a person at work is incapacitated for work of a kind which he might reasonably be expected to do, either under his contract of employment, or, if there is no such contract, in the normal course of his work, for more than 3 consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury (other than one specified in paragraph (2)) resulting from an accident at work the responsible person shall within 7 days of the accident send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.

Reporting of the death of an employee

4. Subject to regulation 10, where an employee, as a result of an accident at work, has suffered an injury or condition reportable under regulation 3 which is a cause of his death within one year of the date of that accident, the employer shall inform the enforcing authority in writing of the death as soon as it comes to his knowledge, whether or not the accident has been reported under regulation 3.

Reporting of cases of disease

5.—(1) Subject to paragraphs (2) and (3) and to regulation 10, where a person at work suffers from one of the diseases specified in column 1 of Schedule 2 and his work involves one of the activities specified in the corresponding entry in column 2 of that Schedule, the responsible person shall forthwith send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.

(2) Paragraph (1) shall apply only if—

- (a) in the case of an employee or a person undergoing training, the responsible person has received a written statement prepared by a registered medical practitioner diagnosing the disease as one of those specified in column 1 of Schedule 2; or
- (b) in the case of a self-employed person, that person has been informed by a registered medical practitioner that he is suffering from a disease so specified.

(3) In the case of a self-employed person, it shall be a sufficient compliance with paragraph (1) if that person makes arrangements for the report to be sent to the enforcing authority by some other person.

Reporting of gas incidents

6.—(1) Whenever a supplier of flammable gas through a fixed pipe distribution system, or a filler, importer or supplier (other than by means of retail trade) of a refillable container containing liquefied petroleum gas receives notification of any death, or any injury or condition specified in regulation 3(2) which has arisen out of or in connection with the gas supplied, filled or imported, as the case may be, by that person, he shall forthwith notify the Department of the incident, and shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation.

(2) Whenever a supplier of flammable gas through a fixed pipe distribution system has in his possession sufficient information for it to be reasonable for him to decide that gas fittings as defined by Article 2 of the Gas (Northern Ireland) Order 1977(a) or any flue or ventilation used in connection with these fittings by reason of its design, construction, manner of installation, modification or servicing, is or has been likely to cause death, or any injury or condition specified in regulation 3(2) by reason of—

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

he shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation, unless he has previously reported such information.

(3) Nothing which is notifiable or reportable elsewhere in these Regulations shall be reportable under this regulation.

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

Records

7.—(1) The responsible person shall keep a record of—

- (a) any event which is required to be reported under regulation 3, which shall contain the particulars specified in Part I of Schedule 3; and
- (b) any case of disease required to be reported under regulation 5, which shall contain the particulars specified in Part II of that Schedule.

(2) Any person sending a form to the Department under regulation 6 shall keep a record of the information provided on that form.

(3) Any record of deaths or injuries at work which an employer is required to keep by virtue of any other enactment shall, if it covers the injuries recordable under these Regulations and includes the particulars specified in Schedule 3, be sufficient for the requirements of paragraph (1)(a).

(4) The records referred to in paragraph (1) shall be kept at the place where the work to which they relate is carried on or, if this is not reasonably practicable, at the usual place of business of the responsible person and an entry in either of such records shall be kept for at least 3 years from the date on which it was made.

(5) The responsible person shall send to the enforcing authority such extracts from the records required to be kept under paragraph (1) as the enforcing authority may from time to time require.

(a) S.I. 1977/596 (N.I. 7)

Additional provisions relating to mines

8. The provisions of Schedule 4 (which contains additional provisions relating to mines) shall have effect.

Requirement for further information

9. The Department may, by notice in writing served on any person who has furnished a report under regulation 3 or 5, require that person to give to the Department in an approved form such of the information specified in Schedule 5 as may be specified in the notice within such time as may be specified in that notice.

Restrictions to the application of regulations 3, 4 and 5

10.—(1) The requirements of regulation 3 relating to any death, injury or condition shall not apply to a patient when undergoing treatment in a hospital or in the surgery of a doctor or a dentist.

(2) The requirements of regulations 3 and 4 relating to the death, injury or condition of a person as a result of an accident, shall apply to an accident arising out of or in connection with the movement of a vehicle on a road (within the meaning of Article 2 of the Road Traffic (Northern Ireland) Order 1981(a)) only if that person—

- (a) was killed or suffered an injury or condition as a result of exposure to a substance being conveyed by the vehicle; or
- (b) was either himself engaged in, or was killed or suffered an injury or condition as a result of the activities of another person who was at the time of the accident engaged in, work connected with the loading or unloading of any article or substance onto or off the vehicle; or
- (c) was either himself engaged in, or was killed or suffered an injury or condition as a result of the activities of another person who was at the time of the accident engaged in, work on or alongside a road, being work concerned with the construction, demolition, alteration, repair or maintenance of—
 - (i) the road or the markings or equipment thereon;
 - (ii) the verges, fences, hedges or other boundaries of the road;
 - (iii) pipes or cables on, under, over or adjacent to the road; or
 - (iv) buildings or structures adjacent to or over the road.

(3) The requirements of regulations 3, 4 and 5 relating to any death, injury or condition, or case of disease, shall not apply to a member of the armed forces of the Crown or visiting forces who was on duty at the relevant time.

(4) Regulations 3, 4 and 5 shall not apply to anything which is required to be notified under any of the enactments or instruments specified in Schedule 6.

(5) Regulation 3(1)(a) shall not apply to a self-employed person who is injured at premises of which he is the owner or occupier, but regulation 3(1)(b) shall apply to such a self-employed person (other than in the case of death) and it shall be sufficient compliance with that sub-paragraph if that self-employed person makes arrangements for the report to be sent to the enforcing authority by some other person.

Defence in proceedings for an offence contravening these Regulations

11. It shall be a defence in proceedings against any person for an offence under these Regulations for that person to prove that he was not aware of the event requiring him to notify or send a report to the enforcing authority and that he had taken all reasonable steps to have all such events brought to his notice.

Repeals, revocations, modifications and savings

12.—(1) The enactment specified in Part I of Schedule 7 in column 1 is hereby repealed to the extent specified in the corresponding entries in column 3.

(2) The instruments specified in Part II of Schedule 7 in column 1 are hereby revoked to the extent specified in the corresponding entries in column 3.

(3) The enactments and instruments specified in Part III of Schedule 7 shall be modified to the extent specified in that Part.

(4) Any record or register required to be kept under any enactment or instrument repealed or, as the case may be, revoked by these Regulations, shall be kept in the same manner and for the same period as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Agriculture on 30th July 1986.

(L.S.)

B. R. Cummings

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 30th July 1986.

(L.S.)

Suzanna Cooper

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 30th July 1986.

(L.S.)

J. M. Irvine

Assistant Secretary

SCHEDULE 1

Regulation 2(1)

Dangerous Occurrences

PART I — GENERAL

Lifting machinery etc.

1. The collapse of, the overturning of, or the failure of any load bearing part of—
 - (a) any lift, hoist, crane, derrick or mobile powered access platform, but not any winch, teagle, pulley block, gin wheel, transporter or runway;
 - (b) any excavator; or
 - (c) any pile driving frame or rig having an overall height, when operating, of more than 7 metres.

Passenger carrying amusement device

2. The following incidents at a fun fair (whether or not a travelling fun fair) while the relevant device is in use or under test—
 - (a) the collapse of, or the failure of any load bearing part of, any amusement device provided as part of the fun fair which is designed to allow passengers to move or ride on it or inside it; or
 - (b) the failure of any safety arrangements connected with such a device, which is designed to restrain or support passengers.

Pressure vessels

3. Explosion, collapse or bursting of any closed vessel, including a boiler or boiler tube, in which the internal pressure was above or below atmospheric pressure, which might have been liable to cause the death of, or any of the injuries or conditions covered by regulation 3(2) to, any person, or which resulted in the stoppage of the plant involved for more than 24 hours.

Electrical short circuit

4. Electrical short circuit or overload attended by fire or explosion which resulted in the stoppage of the plant involved for more than 24 hours and which, taking into account the circumstances of the occurrence, might have been liable to cause the death of, or any of the injuries or conditions covered by regulation 3(2) to, any person.

Explosion or fire

5. An explosion or fire occurring in any plant or place which resulted in the stoppage of that plant or suspension of normal work in that place for more than 24 hours, where such explosion or fire was due to the ignition of process materials, their by-products (including waste) or finished products.

Escape of flammable substances

6. The sudden, uncontrolled release of one tonne or more of highly flammable liquid, within the meaning of regulation 2 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975(a), flammable gas or flammable liquid above its boiling point from any system or plant or pipe-line.

Collapse of scaffolding

7. A collapse or partial collapse of any scaffold which is more than 5 metres high which results in a substantial part of the scaffold falling or over-turning; and where the scaffold is slung or suspended, a collapse or partial collapse of the suspension arrangements (including any outrigger) which causes a working platform or cradle to fall more than 5 metres.

Collapse of building or structure

8. Any unintended collapse or partial collapse of—
 - (a) any building or structure under construction, reconstruction, alteration or demolition, or of any false-work, involving a fall of more than 5 tonnes of material; or

- (b) any floor or wall of any building being used as a place of work, not being a building under construction, reconstruction, alteration or demolition.

Escape of a substance or pathogen

9. The uncontrolled or accidental release or the escape of any substance or pathogen from any apparatus, equipment, pipework, pipe-line, process plant, storage vessel, tank, in-works conveyance tanker, land-fill site, or exploratory land drilling site, which having regard to the nature of the substance or pathogen and the extent and location of the release or escape, might have been liable to cause the death of, any of the injuries or conditions covered by regulation 3(2) to, or other damage to the health of, any person.

Explosives

10. Any ignition or explosion of explosives, where the ignition or explosion was not intentional.

Freight containers

11. Failure of any freight container or failure of any load bearing part thereof while it is being raised, lowered or suspended and in this paragraph "freight container" means a container as defined in Article II of the International Convention for Safe Containers (CSC) except any container specially designed for air transport or any skip or cage used in a mine or quarry.

Pipe-lines

12. Either of the following incidents in relation to a pipe-line as defined by section 33(1) of the Petroleum and Submarine Pipe-lines Act 1975(a)—

- (a) the bursting, explosion or collapse of a pipe-line or any part thereof; or
- (b) the unintentional ignition of anything in a pipe-line, or of anything which immediately before it was ignited was in a pipe-line.

Conveyance of dangerous substances by road

13.—(1) Any incident involving a vehicle conveying a dangerous substance by road where there is—

- (a) an uncontrolled release or escape from any package or container of the dangerous substance being conveyed; or
- (b) a fire which involves the dangerous substance being conveyed.

(2) In this paragraph "dangerous substance" means a substance which is dangerous for conveyance as defined in Regulation 2(1) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(b).

Breathing apparatus

14. Any incident where breathing apparatus, while being used to enable the wearer to breathe independently of the surrounding environment, malfunctions in such a way as to be likely either to deprive the wearer of oxygen or, in the case of use in a contaminated atmosphere, to expose the wearer to the contaminant, to the extent in either case of posing a danger to his health, except that this paragraph shall not apply to such apparatus while it is being—

- (a) used in a mine; or
- (b) maintained or tested.

Overhead electric lines

15. Any incident in which plant or equipment either comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts, or causes an electrical discharge from such an electric line by coming into close proximity to it, unless in either case the incident was intentional.

(a) 1975 c. 74

(b) S.R. 1985 No. 81

Locomotives

16. Any case of an accidental collision between a locomotive or a train and any other vehicle at a factory or at dock premises which might have been liable to cause the death of, or any of the injuries or conditions covered by regulation 3(2) to, any person.

PART II — DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO MINES

Fire or ignition of gas

1. The ignition, below ground, of any gas (other than gas in a safety lamp) or of any dust.
2. The accidental ignition of any gas in part of a firedamp drainage system on the surface or in an exhauster house.
3. The outbreak of any fire below ground.
4. An incident where any person in consequence of any smoke or any other intention that a fire may have broken out below ground has been caused to leave any place pursuant to either regulation 13(1) of the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970(a) or section 79 of the Mines Act (Northern Ireland) 1969(b).
5. The outbreak of any fire on the surface endangering 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.

Escape of gas

6. Any violent outburst of gas together with coal or other solid matter into the mine workings except when such outburst is caused intentionally.

Failure of plant or equipment

7. The breakage of any rope, chain, coupling, balance rope, guide rope, suspension gear or other gear used for or in connection with the carrying of persons through any shaft or staple shaft.
8. The breakage or unintentional uncoupling of any rope, chain, coupling, rope tensioning system or other gear used for or in connection with the transport of persons below ground, or breakage, while men are being carried, of any belt, rope or other gear used for or in connection with a belt conveyor designated by the mine manager as a man-riding conveyor.
9. An incident where any conveyance being used for the carriage of persons is overwound; or any conveyance not being so used is overwound and becomes detached from its winding rope; or any conveyance operated by means of the friction of a rope on a winding sheave is brought to rest by the apparatus provided in the headframe of the shaft or in the part of the shaft below the lowest landing for the time being in use, being apparatus provided for bringing the conveyance to rest in the event of its being overwound.

10. The stoppage of any ventilating apparatus (other than an auxiliary fan) causing a substantial reduction in ventilation of the mine lasting for a period exceeding 30 minutes, except when for the purpose of planned maintenance.

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

Breathing apparatus

12. At any mine an incident where—

- (a) breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self rescuer, while being used, fails to function safely or develops a defect likely to affect its safe working; or

(a) S.R. 1970 No. 129

(b) 1969 c. 6 (N.I.)

- (b) immediately after using and arising out of the use of breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer, any person receives first-aid or medical treatment by reason of his unfitness or suspected unfitness at the mine.

Injury by explosion of blasting material etc

13. An incident in which any person suffers an injury (not being an injury covered by regulation 3(2) or one reportable under regulation 3(3)) resulting from an explosion or discharge of any blasting material or device within the meaning of section 69(4) of the Mines Act (Northern Ireland) 1969 for which he receives first-aid or medical treatment at the mine.

Use of emergency escape apparatus

14. An incident where any apparatus is used (other than for the purpose of training and practice) which has been provided at the mine in accordance with any scheme made pursuant to the Mines (Emergency Egress) Regulations (Northern Ireland) 1975(a) or any other arrangements are carried out in accordance with the scheme whereby persons employed below ground in the mine use means of egress therefrom in an emergency.

Inrush of gas or water

15. Any inrush of noxious or flammable gas from old workings.

16. Any inrush of water or material which flows when wet from any source.

Insecure tip

17. Any movement of material or any fire or any other event which indicates that a tip to which Part XI of the Mines Act (Northern Ireland) 1969(b) applies is, or is likely to become, insecure.

Locomotives

18. Any incident where an underground locomotive when not used for shunting or testing purposes is brought to rest by means other than its safety circuit protective devices or normal service brakes.

PART III — DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO QUARRIES

1. The collapse of any storage bunker.
2. The sinking or overturning of any waterborne craft or hovercraft.
3. An incident in which any person suffers an injury (not being an injury covered by regulation 3(2) or one reportable under regulation 3(3)) resulting from an explosion or discharge of any blasting material or device within the meaning of section 69(4) of the Mines Act (Northern Ireland) 1969 for which he receives first-aid or medical treatment at the quarry.
4. An occurrence in which any substance is ascertained to have been projected beyond a quarry boundary as a result of blasting operations in circumstances in which any person was, or might have been, endangered.
5. Any movement of material or any fire or any other event which indicates that a tip to which Article 9 of the Quarries (Northern Ireland) Order 1983(c) applies is, or is likely to become, insecure.

(a) S.R. 1975 No. 35

(b) 1969 c. 6 (N.I.)

(c) S.I. 1983/150 (N.I. 4)

PART IV — DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO RAILWAYS

1.—(1) Any of the following incidents which, taking into account the circumstances, might have been liable to cause the death of, or any of the injuries or conditions covered by regulation 3(2) to, any person—

(a) failure of—

(i) a locomotive;

(ii) a railway vehicle; or

(iii) a rope haulage system used in working an inclined railway; or any part thereof;

(b) failure of a structure or part of the permanent way or formation, including any tunnel or cutting; or

(c) any train or railway vehicle striking an obstruction on the line.

(2) Any case of collision, derailment, or a train unintentionally becoming divided, except one occurring on a siding or during shunting operations when there were no passengers on the train or other vehicles involved.

(3) Failure of the equipment of any level crossing or a train running onto a level crossing when not authorised to do so.

SCHEDULE 2

Regulation 5(1) and
(2) and Schedule 3

Reportable Diseases

<i>Column 1</i>	<i>Column 2</i>
<p><i>Poisonings</i></p> <p>1. Poisonings by any of the following:</p> <ul style="list-style-type: none"> (a) Acrylamide monomer; (b) Arsenic or one of its compounds; (c) Benzene or a homologue of benzene; (d) Beryllium or one of its compounds; (e) Cadmium or one of its compounds; (f) Carbon disulphide; (g) Diethylene dioxide (dioxan); (h) Ethylene oxide; (i) Lead or one of its compounds; (j) Manganese or one of its compounds; (k) Mercury or one of its compounds; (l) Methyl bromide; (m) Nitrochlorobenzene, or a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene; (n) Oxides of nitrogen; (o) Phosphorus or one of its compounds. 	<p>Any activity.</p>
<p><i>Skin diseases</i></p> <p>2. Chrome ulceration of:</p> <ul style="list-style-type: none"> (a) the nose or throat; or (b) the skin of the hands or forearm. <p>3. Folliculitis. } 4. Acne. } 5. Skin cancer. }</p> <p>6. Inflammation, ulceration or malignant disease of the skin.</p>	<p>Work involving exposure to chromic acid or to any other chromium compound.</p> <p>Work involving exposure to mineral oil, tar, pitch or arsenic.</p> <p>Work with ionising radiation.</p>
<p><i>Lung diseases</i></p> <p>7. Occupational asthma.</p>	<p>Work involving exposure to any of the following agents—</p> <ul style="list-style-type: none"> (a) isocyanates; (b) platinum salts; (c) fumes or dusts arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylenetetramine; (d) fumes arising from the use of rosin as a soldering flux;

Column 1	Column 2
	<p>(e) proteolytic enzymes;</p> <p>(f) animals or insects used for the purposes of research or education or in laboratories;</p> <p>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize, or the handling, milling, transport or storage of meal or flour made therefrom.</p>
<p>8. Extrinsic alveolitis (including Farmer's lung).</p>	<p>Exposure to moulds or fungal spores or heterologous proteins during work in—</p> <p>(a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working; or</p> <p>(b) loading or unloading or handling in storage mouldy vegetable matter or edible fungi; or</p> <p>(c) caring for or handling birds; or</p> <p>(d) handling bagasse.</p>
<p>9. Pneumoconiosis (excluding asbestosis).</p>	<p>1. (a) The mining, quarrying or working of silica rock or the working of dried quartzose sand or any dry deposit or dry residue of silica or any dry admixture containing such materials (including any activity in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock);</p> <p>(b) the handling of the materials specified in the foregoing subparagraph in or incidental to any of the operations mentioned therein, or substantial exposure to the dust arising from such operations.</p> <p>2. The breaking, crushing or grinding of flint or the working or handling of broken, crushed or ground flint or materials containing such flint, or substantial exposure to the dust arising from any of such operations.</p> <p>3. Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint, or substantial exposure to the dust arising from such sand blasting.</p> <p>4. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:</p>

Column 1	Column 2
10. Byssinosis.	<p>(a) the freeing of steel castings from adherent siliceous substance;</p> <p>(b) the freeing of metal castings from adherent siliceous substance;</p> <p>(i) by blasting with an abrasive propelled by compressed air, by steam or by a wheel; or</p> <p>(ii) by the use of power-driven tools.</p> <p>5. The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles), and any activity involving substantial exposure to the dust arising therefrom.</p> <p>6. The grinding of mineral graphite, or substantial exposure to the dust arising from such grinding.</p> <p>7. The dressing of granite or any igneous rock by masons or the crushing of such materials, or substantial exposure to the dust arising from such operations.</p> <p>8. The use, or preparation for use, of a grind-stone, or substantial exposure to the dust arising therefrom.</p> <p>9. (a) Work underground in any mine in which one of the objects of the mining operations is the getting of any mineral;</p> <p>(b) the working or handling above ground at any coal or tin mine of any minerals extracted therefrom, or any operation incidental thereto;</p> <p>(c) the trimming of coal in any ship, barge, or lighter, or in any dock or harbour or at any wharf or quay;</p> <p>(d) the sawing, splitting or dressing of slate, or any operation incidental thereto.</p> <p>10. The manufacture, or work incidental to the manufacture, of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide, and any activity involving substantial exposure to the dust arising therefrom.</p> <p>11. Boiler scaling or substantial exposure to the dust arising therefrom.</p> <p>Work in any room where any process up to and including the weaving process is performed in a factory in which the spinning or manipulation of raw or waste cotton or of flax, or the weaving of cotton or flax, is carried on.</p>

Column 1	Column 2
11. Mesothelioma. } 12. Lung cancer. } 13. Asbestosis. }	(a) The working or handling of asbestos or any admixture of asbestos; (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; (d) substantial exposure to the dust arising from any of the foregoing operations.
14. Cancer of a bronchus or lung.	Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.
<i>Infections</i>	
15. Leptospirosis.	Handling animals, or work in places which are or may be infested by rats.
16. Hepatitis.	Work involving exposure to human blood products or body secretions and excretions.
17. Tuberculosis.	Work with persons or animals or with human or animal remains or with any other material which might be a source of infection.
18. Any illness caused by a pathogen referred to in column 2, opposite.	Work involving a pathogen which presents a hazard to human health.
19. Anthrax.	Any activity.
<i>Other conditions</i>	
20. Malignant disease of the bones. } 21. Blood dyscrasia. }	Work with ionising radiation.
2. Cataract.	Work involving exposure to electromagnetic radiation (including radiant heat).
23. Decompression sickness. } 24. Barotrauma. }	Breathing gases at increased pressure.
25. Cancer of the nasal cavity or associated air sinuses.	1. (a) Work in or about a building where wooden furniture is manufactured; (b) work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or (c) work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.

Column 1	Column 2
26. Angiosarcoma of the liver.	<p>2. Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.</p> <p>(a) Work in or about machinery or apparatus used for the polymerization of vinyl-chloride monomer, a process which, for the purposes of this provision, comprises all operations up to and including the drying of the slurry produced by the polymerization and the packaging of the dried product; or</p> <p>(b) work in a building or structure in which any part of that process takes place.</p>
27. Cancer of the urinary tract.	<p>Work involving exposure to any of the following substances—</p> <p>(a) alpha-naphthylamine, beta-naphthylamine or methylene-bis-orthochloroaniline;</p> <p>(b) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine);</p> <p>(c) any of the substances mentioned in sub-paragraph (b) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups;</p> <p>(d) the salts of any of the substances mentioned in sub-paragraphs (a) to (c) above;</p> <p>(e) auramine or magenta.</p>
28. Vibration white finger.	<p>(a) The use of hand-held chain saws in forestry; or</p> <p>(b) the use of hand-held rotary tools in grinding or in the sanding or polishing of metal, or the holding of material being ground, or metal being sanded or polished, by rotary tools; or</p> <p>(c) the use of hand-held percussive metal-working tools, or the holding of metal being worked upon by percussive tools, in riveting, caulking, chipping, hammering, fettling or swaging; or</p> <p>(d) the use of hand-held powered percussive drills or hand-held powered percussive hammers in</p>

<i>Column 1</i>	<i>Column 2</i>
	mining, quarrying, demolition, or on roads or footpaths, including road construction; or (e) the holding of material being worked upon by pounding machines in shoe manufacture.

SCHEDULE 3

Regulation 7

Records**PART I — PARTICULARS TO BE KEPT IN RECORDS OF ANY EVENT WHICH IS REPORTABLE UNDER REGULATION 3**

1. Date and time of accident or dangerous occurrence.
2. The following particulars of the person affected:—
 - (a) full name;
 - (b) occupation;
 - (c) nature of injury or condition.
3. Place where the accident or dangerous occurrence happened.
4. A brief description of the circumstances.

PART II — PARTICULARS TO BE KEPT IN RECORDS OF INSTANCES OF ANY OF THE DISEASES SPECIFIED IN SCHEDULE 2 AND REPORTABLE UNDER REGULATION 5

1. Date of diagnosis of the disease.
2. Occupation of the person affected.
3. Name or nature of the disease.

SCHEDULE 4

Regulation 8

Additional Provisions Relating to Mines

1. In this Schedule,

“nominated person” means the person 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, by that association or body;
- (b) in any other case, jointly by associations or bodies which are together representative of such a majority,

to receive on behalf of the persons so employed notices under this Schedule.

2. Where at a mine any person, as a result of an accident arising out of or in connection with work, dies or suffers any of the injuries or conditions specified by regulation 3(2), or where there is a dangerous occurrence, the responsible person shall—

- (a) forthwith notify the nominated person thereof by the quickest practicable means; and
- (b) within 7 days send a report thereof to the nominated person on a form approved for the purposes of regulation 3.

3. Where there is a non-fatal injury to any person at a mine which is reported in accordance with paragraph 2, after which that person dies and his death is as a result of the accident, then as soon as it comes to his knowledge the responsible person shall give notice of the death to the nominated person.

4.—(1) Where there is an accident or dangerous occurrence in relation to which paragraph 2 applies no person shall disturb the place where it happened or tamper with anything at that place before—

- (a) the expiration of 3 clear days after the matter to which paragraph 2 applies has been notified in accordance with these Regulations; or
- (b) the place has been visited by an inspector and by workmen’s inspectors exercising the powers conferred on them by Section 105 of the Mines Act (Northern Ireland) 1969(a);

whichever is the sooner.

(2) The requirements of sub-paragraph (1) shall not apply to an accident or to a dangerous occurrence, other than one of those specified in paragraphs 1, 3 and 9 of Part II of Schedule 1, if—

- (a) the manager of the mine is satisfied that disturbing the site is unlikely to prejudice any investigation by an inspector into the circumstances of the accident or dangerous occurrence; and
- (b) he has notified a person appointed for that mine under section 105 of the Mines Act (Northern Ireland) 1969, if a person has been so appointed, of the proposed disturbance and that person, whether or not he has inspected the site, has raised no objection to the proposed disturbance; and
- (c) before the site is disturbed, a plan, signed by the person preparing it, is made showing the nature and position of equipment relevant to the accident or dangerous occurrence immediately after it happened; and
- (d) the manager ensures that any equipment relevant to the accident or dangerous occurrence is kept as it was immediately after the incident until an inspector agrees that it may be disposed of.

(3) It shall be a defence in proceedings against any person for contravening sub-paragraph (1) of this paragraph in any case which consists of the doing of any act, for this person to prove that the doing of that act was necessary for securing the safety of the mine or of any person.

5. The record kept under regulation 7, excluding any health record of an identifiable individual, shall be available for inspection by—

- (a) the nominated person;
- (b) workmen’s inspectors exercising the powers conferred on them by section 105 of the Mines Act (Northern Ireland) 1969.

SCHEDULE 5

Regulation 9

Matters which the Department may require to be notified

1. Further details of the circumstances leading up to the reported incident.
2. Further details about the nature or design or both of any plant involved in the reported incident.
3. Safety systems and procedures for the control of the plant or substance involved in the reported incident.
4. Qualifications, experience and training of staff having use or control of any plant or substance or concerned with safety systems or procedures.
5. Design and operation documentation.
6. Arrangements for the protection of personnel from any plant or substance concerned with the reported incident.
7. Details of any examination of, or tests carried out on, any plant or installation involved in the reported incident.
8. Any available information about levels of exposure of persons at the work place to airborne substances.

SCHEDULE 6

Regulation 10(4)

Provisions requiring the notification of events which are not required to be notified or reported under these Regulations

1 <i>Title of instrument</i>	2 <i>Reference</i>
The Regulation of Railways Act 1871 and Orders or Regulations made or to be made thereunder.	1871 c. 78.
The Explosives Act 1875.	1875 c. 17.
The Merchant Shipping Acts 1894 to 1979 and Orders and Regulations made or to be made thereunder.	The relevant enactments are— 1894 c. 60. 1970 c. 36. 1979 c. 39.
The Railway Employment (Prevention of Accidents) Act 1900.	1900 c. 27.
The Hydrogen Cyanide (Fumigation) Act (Northern Ireland) 1938.	1938 c. 4 (N.I.)
The Nuclear Installations Act 1965 and Orders and Regulations made or to be made thereunder.	1965 c. 57.
The Civil Aviation (Investigation of Accidents) Regulations 1969.	S.I. 1969/833.
The Air Navigation (Investigation of Combined Military and Civil Air Accidents) Regulations 1969.	S.I. 1969/1437.
The Ionising Radiations Regulations (Northern Ireland) 1985.	S.R. 1985 No. 273.

SCHEDULE 7

Regulation 13

PART I — REPEALS

Column 1 <i>Short title</i>	Column 2 <i>Chapter</i>	Column 3 <i>Extent of Repeal</i>
The Factories Act (Northern Ireland) 1965	1965 c. 20 (N.I.)	Section 80 Section 140(1)(c)

PART II — REVOCATIONS

Column 1 <i>Short title</i>	Column 2 <i>Chapter</i>	Column 3 <i>Extent of Repeal</i>
1 Title or short title of instrument	2 Reference	3 Extent of Revocation
Order dated November 27th, 1915 applying s. 73 of the Factory and Workshop Act 1901 to cases of Toxic Jaundice.	S.R. & O. 1915/1170	The whole Order.
Order dated November 28th, 1919 applying s. 73 of the Factory and Workshop Act 1901 to certain diseases.	S.R. & O. 1919/1775.	The whole Order.
The Factory and Workshop (Notification of Diseases) Order (Northern Ireland) 1925	S.R. & O. (N.I.) 1925 No. 49	The whole Order.
The Factories (Notification of Diseases) Regulations (Northern Ireland) 1939.	S.R. & O. (N.I.) 1939 No. 77	The whole Regulations
The Factories (Notification of Diseases) Regulations (Northern Ireland), 1944.	S.R. & O. (N.I.) 1944 No. 39	The whole Regulations.
The Factories (Notification of Diseases) Regulations (Northern Ireland) 1967.	S.R. & O. (N.I.) 1967 No. 91	The whole Regulations.
The Notice of Industrial Diseases Order (Northern Ireland) 1979.	S.R. 1979 No. 185	The whole Order.
The Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981.	S.R. 1981 No. 339	The whole Regulations.
Abstract of Factories Act (Northern Ireland) Order 1969.	S.R. & O. (N.I.) 1969 No. 46	Paragraph 13.
The Factory General Register Order (Northern Ireland) 1966.	S.R. & O. (N.I.) 1966 No. 304	Part 4 of the Schedule.

PART III — MODIFICATIONS

1. The Mines Act (Northern Ireland) 1969(a) shall be modified as follows:—

- (a) in section 22(2)(b) (which relates to the giving of notice to the nominated person that a shaft or outlet is unavailable) for 'the Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981' substitute 'the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986';
- (b) in section 105(3) (which relates to the giving of notice of an accident or other occurrence) for 'the Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981' substitute 'the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986'.

2. Regulation 13(2) of the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970(b) (relating to precautions in case of outbreak or suspected outbreak of fire) shall be modified as follows, for 'the Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981' substitute 'the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986'.

3. Regulation 5(3) of the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985(c) (which relates to the notification of major accidents) shall be modified as follows, for the "Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981" substitute "the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986".

(a) 1969 c. 6 (N.I.); the relevant amending instrument is S.R. 1981 No. 339

(b) S.R. & O. (N.I.) 1970 No. 129; the relevant amending instrument is S.R. 1981 No. 339

(c) S.R. 1985 No. 175

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact with modifications the Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981 (S.R. 1981 No. 339) which imposed duties on persons responsible for the activities of persons at work and on self-employed persons to report accidents resulting in death or major injury arising out of or in connection with work, and to report specified dangerous occurrences. Additionally they required certain particulars of accidents at work reported to the Department of Health and Social Services to be sent to the Department of Economic Development(a) and required records to be kept. The changes of substances are—

- (a) reporting of injuries to certain trainees (whether or not they are trainees under the Youth Training Programme) is now required;
- (b) the number of types of injury at work which are reportable is increased;
- (c) the procedure for reporting over-3-day absences from work resulting from injuries at work is changed to direct reporting to the enforcing authority under the Health and Safety at Work (Northern Ireland) Order 1978;
- (d) certain gas incidents and dangerous gas fittings are now reportable by suppliers of gas through a fixed pipe distribution system, and, in the case of incidents only, by fitters, importers and certain suppliers of liquefied petroleum gas cylinders;
- (e) the requirement for keeping records is extended to gas suppliers, importers and fillers;
- (f) power is given to the Department of Economic Development to require further information specified in Schedule 5;
- (g) the list of reportable dangerous occurrences is extended.

The Regulations also repeal sections 80 and 140(1)(c) of the Factories Act (Northern Ireland) 1965, and replace them with a requirement on the responsible person, as defined in the Regulations, to send a report to the enforcing authority in the event of receiving a written statement prepared by a medical practitioner diagnosing a specified disease in any of his employees or trainees, or himself. They also revoke other instruments listed in Schedule 7.

Copies of the International Convention for Safe Containers (CSC) mentioned in paragraph 11 of Schedule 1 can be obtained from the Inter-Governmental Maritime Consultative Organisation, 101 Piccadilly, London W1.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding £2,000, or on conviction on indictment to a fine.

(a) Formerly the Department of Manpower Services: *see* S.I. 1982/846 (N.I. 11) Article 3

1986 Nos. 248, 249, 250, 251, 252

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.