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STATUTORY INSTRUMENTS

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**2005 No. 1992**

**The Railways (Accident Investigation  
and Reporting) Regulations 2005**

**Duty to notify the Rail Accident Investigation Branch of accidents and incidents**

4.—(1) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 1 on a railway or on railway property other than within the Channel Tunnel system shall notify the Branch of its occurrence immediately it learns of the occurrence and by the quickest means available.

(2) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 2 on a railway or railway property other than within the Channel Tunnel system shall notify the Branch of its occurrence as soon as is reasonably practicable and in any event within three working days of its occurrence.

(3) Where staff or property of a railway industry body have in any month been involved in an accident or incident of a type listed in Schedule 3 on a railway or railway property other than within the Channel Tunnel System, the body shall notify the Branch of every such occurrence during that month no later than 10 days after the end of the month and in accordance with paragraph (9).

(4) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 4 within the Channel Tunnel system shall notify the Branch of its occurrence immediately it learns of the occurrence and by the quickest means available.

(5) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 5 within the Channel Tunnel system shall notify the Branch of its occurrence as soon as is reasonably practicable and in any event within three working days of its occurrence.

(6) The duty in paragraphs (1), (2), (4) and (5) to notify the Branch of an accident or incident involving the death or serious injury of a person in circumstances described in Schedules 1, 2, 4 or 5, respectively, shall not arise where the railway industry body reasonably believes that—

- (a) the death or serious injury of that person was a result of natural causes, assault, suicide or attempted suicide;
- (b) the accident or incident—
  - (i) caused the death of or serious injury to a member of staff; and
  - (ii) did not involve the movement of rolling stock; or
- (c) the accident or incident caused the death or serious injury of a person who at the time of the accident or incident was on railway property involved in the accident or incident without lawful authority.

(7) A notification given under paragraph (1), (2), (4) or (5) shall contain as much of the following information relating to the accident or incident as the railway industry body is reasonably able to provide at the time of the notification—

- (a) the geographical position of the accident or incident and the nearest point of access to that position;

- (b) the date and time of the accident or incident;
  - (c) the point of departure and intended destination of any rolling stock involved in the accident or incident;
  - (d) brief details of the accident or incident and the sequence of events leading to it;
  - (e) in the case of an accident, an estimate of the number of people seriously or fatally injured;
  - (f) an estimate of the number of passengers on board any rolling stock involved at the time of the accident or incident;
  - (g) the extent of damage caused to any railway, railway property or the environment by the accident or incident;
  - (h) the weather conditions at the time of the accident or incident;
  - (i) the type, and an estimate of the quantity, of any dangerous goods on board the rolling stock involved at the time of the accident or incident;
  - (j) the number of crew on board the rolling stock involved at the time of the accident or incident;
  - (k) the name of the railway industry body whose property is involved in the accident or incident;
  - (l) the names and roles of staff with responsibility for the movement of rolling stock involved in the accident or incident;
  - (m) the vehicle numbers and type of any rolling stock involved;
  - (n) details of any emergency service attending the site of the accident or incident; and
  - (o) contact details of the person in command or control of the accident or incident site.
- (8) The railway industry body that notifies the Branch in accordance with paragraph (1), (2), (4) or (5) shall provide—
- (a) as soon as reasonably practicable after the notification, such of the information referred to in paragraph (7) that it has not supplied with it; and
  - (b) within such time as the Branch specifies, such further information about the accident or incident as the Branch may reasonably require.
- (9) A notification referred to in paragraph (3) shall contain a list of every occurrence during the month in question and shall specify the date, time and place of each occurrence.
- (10) Where the railway industry body does not know the extent of a person’s injuries, it shall regard that person as having suffered a serious injury if—
- (a) the person has been removed from the site of the accident or incident to a hospital; and
  - (b) the railway industry body suspects that the person has sustained a serious injury.
- (11) In this regulation “staff” means a person engaged in work for the railway industry body where such work was connected with the operation of the railway or railway property involved in the accident or incident at the time of its occurrence.
- (12) A railway industry body that fails to notify the Branch of an accident or incident in accordance with paragraphs (1) to (5) and (7) to (9) shall be guilty of an offence.