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STATUTORY RULES OF NORTHERN IRELAND

2004 No. 196

HEALTH AND SAFETY

Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*28th April 2004*
Coming into operation	*2nd June 2004*

The Department for Regional Development(**1**) and the Department of Enterprise, Trade and Investment(**2**), acting jointly as the Department concerned(**3**), in exercise of the powers conferred by Articles 2(5), 17(1), (2), (3), (4), (5) and (6)(**4**) and 55(2) of, and paragraphs 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**5**), ("the 1978 Order"), and by section 1(3) of the Railway Safety Act (Northern Ireland) 2002(**6**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order(**7**) with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to them to be appropriate hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 2nd June 2004.

Amendment of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

2.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(**8**) shall be amended in accordance with the following paragraphs.

(**1**) The Department for Regional Development is concerned with matters under those provisions of the Railway Safety Act (Northern Ireland) 2002 which are, by section 1(1) and (4) of that Act, specified as existing statutory provisions within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978

(**2**) Formerly the Department of Economic Development; *see*S.I. 1982/846 (N.I. 11) Article 3 and S.I 1999/283 (N.I. 1) Article 3(5)

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

(**4**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2) and 2002 c. 8 section 1(3)

(**5**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1) and by 2002 c. 8 section 1(2)

(**6**) 2002 c. 8

(**7**) Article 46(1) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(**8**) S.R. 1997 No. 455, as amended by S.R. 1998 No. 375, S.R. 1999 No. 150, S.R. 2000 No. 375 and S.R.2001 No. 436

(2) In paragraph (1) of regulation 2 –

(a) at the end of the definition of "territorial waters", the word "and" shall be omitted; and

(b) there shall be inserted in the appropriate places in the alphabetical order of the definitions the following definitions –

""passenger train" means a train carrying passengers or made available for the carriage of passengers;

"railway" has the meaning assigned to it by section 6 of the Railway Safety Act (Northern Ireland) 2002;

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

"train" includes a reference to a locomotive; and".

(3) For paragraph 12 of Part I of Schedule 2 there shall be substituted the following paragraph –

"**Train collisions**

12. Any collision of a train with any other train or vehicle, other than a collision to which Part IV relates, which caused, or might have caused, the death of, or major injury to, any person."

(4) For Part IV of Schedule 2, there shall be substituted the following Part –

"PART IV

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO RAILWAYS

Accidents to passenger trains

48A. Any collision in which a passenger train collides with another train.

48B. Any case where a passenger train or any part of such a train leaves the rails otherwise than deliberately as part of normal railway operations.

Accidents not involving passenger trains

48C. Any collision between trains, other than one between a passenger train and another train, on a running line where any train sustains damage as a result of the collision, and any such collision in a siding which results in a running line being obstructed.

48D. Any derailment, of a train other than a passenger train, on a running line, except a derailment which occurs during shunting operations and does not obstruct any other running line.

48E. Any derailment, of a train other than a passenger train, in a siding which results in a running line being obstructed.

Accidents involving any kind of train

48F. Any case of a train striking a buffer stop, other than in a siding, where damage is caused to the train.

48G. Any case of a train striking any cattle or horse, whether or not damage is caused to the train, or striking any other animal if, in consequence, damage (including damage to the

windows of the driver's cab but excluding other damage consisting solely in the breakage of glass) is caused to the train necessitating immediate temporary or permanent repair.

48H. Any case of a train on a running line striking or being struck by any object which causes damage (including damage to the windows of the driver's cab but excluding other damage consisting solely in the breakage of glass) necessitating immediate temporary or permanent repair or which might have been liable to derail the train.

48I. Any case of a train, other than one on a railway, striking or being struck by a road vehicle.

48J. Any case of a passenger train, or any other train not fitted with continuous self-applying brakes, becoming divided.

48K.—(1) Any of the following classes of accident which occurs or is discovered whilst the train is on a running line –

(a) the failure of an axle;

(b) the failure of a wheel or tyre, including a tyre loose on its wheel;

(c) the failure of a rope or the fastenings thereof or of the winding plant or equipment involved in working an incline;

(d) any fire, severe electrical arcing or fusing in or on any part of a passenger train or a train carrying dangerous goods;

(e) in the case of any train other than a passenger train, any severe electrical arcing or fusing, or any fire which was extinguished by a fire-fighting service;

(f) any other failure of any part of a train which is likely to cause an accident to that or any other train or to kill or injure any person.

(2) In this paragraph "dangerous goods" has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**9**).

Accidents and incidents at level crossings

48L. Any case of a train striking a road vehicle or gate at a level crossing.

48M. Any case of a train running onto a level crossing when not authorised to do so.

48N. A failure of the equipment at a level crossing which could endanger users of the road or path crossing the railway.

Accidents involving the permanent way and other works on or connected with railway

48O. 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) a piece becoming detached from the rail which necessitates an immediate stoppage of traffic or the immediate imposition of a speed restriction lower than that currently in force.

48P. A buckle of a running line which necessitates an immediate stoppage of traffic or the immediate imposition of a speed restriction lower than that currently in force.

(**9**) S.R. 1997 No. 247

48Q. Any case of an aircraft or a vehicle of any kind landing on, running onto or coming to rest foul of the line, or damaging the line, which causes damage which obstructs the line or which damages any railway equipment at a level crossing.

48R. The runaway of an escalator, lift or passenger conveyor.

48S. Any fire or severe arcing or fusing which seriously affects the functioning of signalling equipment.

48T. Any fire affecting the permanent way or works of a railway 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 –

(a) in the case of a fire affecting any part of a railway below ground, of more than 30 minutes, and

(b) in any other case, of more than 1 hour.

48U. Any other fire which causes damage which has the potential to affect the running of a railway.

Accidents involving failure of the works on or connected with a railway

48V. The following classes of accident where they are likely either to cause an accident to a train or to endanger any person –

(a) the failure of a tunnel, bridge, viaduct, culvert, station, or other structure or any part thereof;

(b) any failure in the signalling system which endangers or which has the potential to endanger 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 not specified above.

Incidents of serious congestion

48W. Any case where planned procedures or arrangements have been activated in order to control risks arising from an incident of undue passenger congestion at a station unless that congestion has been relieved within a period of time allowed for by those procedures or arrangements.

Incidents of signals passed without authority

48X. Any case where a train, travelling on a running line or entering a running line from a siding, passes without authority a signal displaying a stop aspect unless the stop aspect was not displayed in sufficient time for the driver to stop safely at the signal.

(5) In Schedule 7, the entries relating to –

(a) the Regulation of Railways Act 1871 (1871 c. 78) and Orders and Regulations made or to be made thereunder; and

(b) the Railway Employment (Prevention of Accidents) Act 1900 (1900 c. 27),

shall be omitted.”.

Repeal and amendment of provisions in the Regulation of Railways Act 1871 and the Railway Employment (Prevention of Accidents) Act 1900

3.—(1) Section 6 (Companies to make returns of accidents to Board of Trade) of the Regulation of Railways Act 1871(**10**) and section 13(2) of the Railway Employment (Prevention of Accidents) Act 1900(**11**) are hereby repealed.

(2) Section 7 of the Regulation of Railways Act 1871 (Inquiry into accidents and formal investigation in serious cases) shall be amended as follows: –

(a) for the words "accident, of which notice is for the time being required by or in pursuance of this Act to be sent to the Board of Trade" there shall be substituted the words "accident or occurrence which arises and is required to be reported by regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997";

(b) after the word "accident", in each place where it subsequently occurs, there shall be added the words "or occurrence".

Revocation

4. The Railways (Notice of Accidents) Order (Northern Ireland) 1988(**12**) is hereby revoked.

Sealed with the Official Seal of the Department for Regional Development on 28th April 2004.

L.S.

R. E. Aiken
A Senior Officer of the
Department for Regional Development

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th April 2004.

L.S.

M. Bohill
A Senior Officer of the
Department of Enterprise, Trade and Investment

(**10**) 1871 c. 78
(**11**) 1900 c. 27
(**12**) S.R.1988 No. 145

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 ("the 1997 Regulations"), S.R. 1997 No. 455.

The Regulations –

(a) add new definitions relating to the operation of railways to regulation 2(1) (interpretation) of the 1997 Regulations (regulation 2(2));

(b) substitute paragraph 12 of Part I (Dangerous Occurrences – General) of Schedule 2 to the 1997 Regulations so as to introduce a general dangerous occurrence relating to collisions involving a train (regulation 2(3));

(c) substitute a more extensive Part for Part IV (Dangerous Occurrences which are Reportable in Relation to Railways) of Schedule 2 to the 1997 Regulations (regulation 2(4));

(d) remove provisions relating to railways from Schedule 7 (Statutory provisions requiring the notification of events) to the 1997 Regulations (regulation 2(5));

(e) repeal or amend certain provisions of section 6 of the Regulation of Railways Act 1871 and section 13(2) of the Railway Employment (Prevention of Accidents) Act 1900 (regulation 3); and

(f) revoke the Railways (Notice of Accidents) Order (Northern Ireland) 1988 (S.R. 1988 No. 145) (regulation 4).