

1989 No. 1457

**HEALTH AND SAFETY**

**The Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 1989**

*Made - - - - - 7th August 1989*

*Laid before Parliament 16th August 1989*

*Coming into force 11th September 1989*

The Secretary of State, in exercise of the powers conferred on him by section 15(1) and (2) of, and paragraphs 15(1), 16 and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(a)</sup> ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 1989 and shall come into force on 11th September 1989.

**Amendments to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985**

2. Schedule 4 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985<sup>(b)</sup> shall be amended as follows:

(a) in paragraph 1, there shall be inserted—

(i) immediately before the definition of "nominated person", the following definition—

" "appropriate person" means—

(a) in the case of a coal mine, the responsible person or any official superior to a person appointed as a deputy;

(b) in the case of any other mine, the responsible person;

(c) in the case of a quarry—

(i) the responsible person, or

(ii) (where there is a sole manager) that manager, or

(iii) (where there are two or more managers) the manager of the part of the quarry where the accident or dangerous occurrence happened, or

(iv) any person who is for the time being treated for the purposes of the Mines and Quarries Act 1954<sup>(c)</sup> as such a manager;" and

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(a) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.

(b) S.I. 1985/2023, to which there are amendments not relevant to these Regulations.

(c) 1954 c.70; the relevant amending instrument is S.I. 1985/2023.

- (ii) between "person" and "who" in the definition of "nominated person", the words "(if any)"; and
- (b) the following sub-paragraph shall be substituted for sub-paragraph (2) of paragraph 4—

“(2) The requirements of sub-paragraph (1) shall not apply to an accident or to a dangerous occurrence 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 accident or dangerous occurrence, and
  - (ii) is necessary to secure the safety of any person at the mine or quarry or to avoid disrupting the normal working thereof; and
- (b) (except in the case of a non-fatal accident or a dangerous occurrence, where the nominated person or any person designated by that nominated person pursuant to this sub-paragraph cannot be contacted within a reasonable time) has notified the nominated person, or any person designated in writing by the 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; and
- (c) has taken adequate steps to ensure that there is obtained such information as will enable a full and accurate plan to be prepared forthwith, which plan shall show the position of any equipment or other item relevant to the accident or dangerous occurrence immediately after it happened; and
- (d) ensures that any equipment or other item 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.”; and

- (c) the following sub-paragraphs shall be substituted for sub-paragraph (3) of paragraph 4:

“(3) The person who has taken the steps referred to in sub-paragraph (2)(c) of this paragraph shall ensure that the plan referred to in that sub-paragraph 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 inspector or to the nominated person.

(4) 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 that person to prove that the doing of that act was necessary for securing the safety of the mine or quarry or of any person.”.

Signed by order of the Secretary of State.

7th August 1989

*Strathclyde*  
Parliamentary Under Secretary of State,  
Department of Employment

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedule 4 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 (S.I. 1985/2023), which Schedule contains provisions relating to mines and quarries, so that—

- (a) it is made clear (by the amendment to paragraph 1 of that Schedule effected by regulation 2(a)(ii) of these Regulations) that any reference to “the nominated person” in any provision contained in that Schedule is a reference to the case where a person has in fact been nominated to receive notices under the said Schedule;
- (b) the restrictions on disturbing the place where an accident or dangerous occurrence has happened and tampering with anything at that place which are contained in sub-paragraph (1) of paragraph 4 of that Schedule are expressed not to apply to an accident or to a dangerous occurrence where an appropriate person (a definition of this phrase is inserted into paragraph 1 of the said Schedule 4 by regulation 2(a)(i) of these Regulations) has fulfilled the requirements contained in sub-paragraph (2) of the said paragraph 4 (as substituted by regulation 2(b) of these Regulations); and
- (c) the plan referred to in sub-paragraph (2)(c) of the said paragraph 4 must be signed, dated and supplied in accordance with sub-paragraph (3) of that paragraph (as substituted by regulation 2(c) of these Regulations).