
STATUTORY INSTRUMENTS

1995 No. 3163

**The Reporting of Injuries, Diseases and
Dangerous Occurrences Regulations 1995**

Citation and commencement

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 and shall come into force on 1 April 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(1);

“accident” includes

- (a) an act of non-consensual physical violence done to a person at work; and
- (b) an act of suicide which occurs on, or in the course of the operation of, a relevant transport system;

“approved” means approved for the time being in writing for the purposes of these Regulations by the Executive and published in such form as the Executive considers appropriate;

“biological agent” has the meaning assigned to it by regulation 2(1) of the Control of Substances Hazardous to Health Regulations 1994(2);

“construction site” means any place where there are carried out building operations or works of engineering construction such that those operations or works fall within section 127(1) of the Factories Act 1961(3);

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

- (a) paragraphs 1—17 of Part I of Schedule 2;
- (b) paragraphs 18—21 of Part I of Schedule 2 and takes place elsewhere than at an offshore workplace;
- (c) paragraphs 22—40 of Part II of Schedule 2 and takes place at a mine;
- (d) paragraphs 41—48 of Part III of Schedule 2 and takes place at a quarry;
- (e) paragraphs 49—72 of Part IV of Schedule 2 and takes place where a relevant transport system is operated (other than at a factory, dock, construction site, mine or quarry); or
- (f) paragraphs 73—83 of Part V of Schedule 2 and takes place at an offshore workplace;

“disease” includes a medical condition;

(1) S.I. 1995/263.
(2) S.I. 1994/3246.
(3) 1961 c. 34.

“diving contractor” and “diving operation” have the meaning assigned to them by the Diving Operations at Work Regulations 1981(4);

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

“the Executive” means the Health and Safety Executive;

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961;

“guided transport system” means a system using a mode of guided transport prescribed under regulation 3 of the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994(5);

“major injury” means an injury or condition specified in Schedule 1;

“mine” or “quarry” means a mine or, as the case may be, a quarry within the meaning of section 180 of the Mines and Quarries Act 1954(6) and for the purposes of these Regulations includes a closed tip within the meaning of section 2(2)(b) of the Mines and Quarries (Tips) Act 1969(7) which is associated with that mine or that quarry;

“offshore installation” has the meaning assigned to it by article 4(2) of the 1995 Order but excluding the fixed structures specified in article 4(2)(a) of that 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 virtue of articles 4, 5 or 6 of the 1995 Order, and for this purpose those articles shall be 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 and premises within territorial waters or a designated area;

“operator”, in relation to a vehicle to which paragraph 16 or 17 of Part I of Schedule 2 applies, means—

- (a) a person who holds an operator’s licence (granted under Part V of the Transport Act 1968)(8) for the use of that vehicle for the carriage of goods on a road; except that where by virtue of regulation 32(1) to (3) of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984(9) the vehicle is included in a licence held by a holding company and that company is not operating the vehicle at the relevant time, the ‘operator’ shall be the subsidiary company specified in the application made under the said regulation 32(1) or, if more than one subsidiary company is so specified, whichever one is operating the vehicle at the relevant time, and in this sub-paragraph ‘holding company’ and ‘subsidiary company’ have the same meanings as in the said Regulations of 1984; or
- (b) where no such licence is held—
 - (i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle, or
 - (ii) (in the case of any other vehicle) the keeper of the vehicle; and for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper;

but where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (b)(i) above uses that vehicle for the carriage of any dangerous

(4) S.I. 1981/399; to which there are amendments not relevant to these Regulations.

(5) S.I. 1994/157.

(6) 1954 c. 70; section 180(1) was modified by S.I. 1993/1897.

(7) 1969 c. 10; relevant amending instruments are S.I. 1974/2013 and S.I. 1975/1102.

(8) 1968 c. 73; section 60(1) was modified by S.I. 1980/637.

(9) 1984/176; relevant amending instrument is S.I. 1987/841.

substance on behalf of his employer, that employer shall (notwithstanding that sub-paragraph) be regarded as the operator of the vehicle concerned;

“owner” means—

- (a) in relation to a mine or quarry, the person who is for the time being entitled to work it;
- (b) in relation to a pipeline, the person who is for the time being entitled to control the flow of anything through that pipeline or through that pipeline once it is commissioned;

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

“pipeline” and “pipeline works” have the meaning assigned to them by article 6(2) of the 1995 Order;

“railway” has the meaning assigned to it by section 67 of the Transport and Works Act 1992⁽¹⁰⁾;

“relevant transport system” means a railway, tramway, trolley vehicle system or guided transport system;

“responsible person” means—

- (a) in the case of—
 - (i) a mine, the manager of that mine;
 - (ii) a quarry, the owner of that quarry;
 - (iii) a closed tip, the owner of the mine or quarry with which that tip is associated;
 - (iv) an offshore installation (otherwise than in the case of a disease reportable under regulation 5), the duty holder for the purposes of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995⁽¹¹⁾ provided that for the purposes of this provision regulation 3(2)(c) of those Regulations shall be deemed not to apply;
 - (v) a dangerous occurrence at a pipeline (being an incident to which paragraph 14(a) —(f) of Part I of Schedule 2 applies), the owner of that pipeline;
 - (vi) a dangerous occurrence at a well, the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by the well or, where no such person has been appointed, the concession owner (and for this purpose “concession owner” means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at any time, the well is, or is to be, used in the exercise of that right);
 - (vii) a diving operation (otherwise than in the case of a disease reportable under regulation 5), the diving contractor;
 - (viii) a vehicle to which paragraph 16 or 17 of Part I of Schedule 2 applies, the operator of the vehicle;
- (b) (where sub-paragraph (a) above does not apply) in the case of the death of or other injury to an employee reportable under regulation 3 or of a disease suffered by an employee reportable under regulation 5, his employer; and
- (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

⁽¹⁰⁾ 1992 c. 42.

⁽¹¹⁾ S.I. 1995/738.

or dangerous occurrence reportable under regulation 3, or case of disease reportable under regulation 5, happened;

“road” has the meaning assigned to it by section 192(1) of the Road Traffic Act 1988⁽¹²⁾;

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

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

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

“tramway” has the meaning assigned to it by section 67 of the Transport and Works Act 1992⁽¹³⁾;

“trolley vehicle system” has the meaning assigned to it by section 67 of the Transport and Works Act 1992;

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

(2) In these Regulations, unless the context otherwise requires, any reference to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears; and
- (c) 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.

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

Notification and reporting of injuries and dangerous occurrences

3.—(1) Subject to regulation 10, where—

- (a) any person dies as a result of an accident arising out of or in connection with work;
- (b) any person at work suffers a major injury as a result of an accident arising out of or in connection with work;
- (c) any person not at work suffers an injury as a result of an accident arising out of or in connection with work and that person is taken from the site of the accident to a hospital for treatment in respect of that injury;
- (d) any person not at work suffers a major injury as a result of an accident arising out of or in connection with work at a hospital; or
- (e) there is a dangerous occurrence,

the responsible person shall—

- (i) forthwith notify the relevant enforcing authority thereof by the quickest practicable means; and
- (ii) within 10 days send a report thereof to the relevant enforcing authority on a form approved for the purposes of this sub-paragraph, unless within that period he makes a report thereof to the Executive by some other means so approved.

⁽¹²⁾ 1988 c. 52; as amended by the Road Traffic Act 1991 (1991 c. 40), section 48 and Schedule 4, paragraph 78(2).

⁽¹³⁾ 1992 c. 42.

(2) 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 three consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury resulting from an accident arising out of or in connection with work (other than one reportable under paragraph (1)), the responsible person shall as soon as practicable and, in any event, within 10 days of the accident send a report thereof to the relevant enforcing authority on a form approved for the purposes of this regulation, unless within that period he makes a report thereof to the Executive by some other means so approved.

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 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 relevant 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) a person at work suffers from any of the occupational diseases specified in column 1 of Part I of Schedule 3 and his work involves one of the activities specified in the corresponding entry in column 2 of that Part; or
- (b) a person at an offshore workplace suffers from any of the diseases specified in Part II of Schedule 3,

the responsible person shall forthwith send a report thereof to the relevant enforcing authority on a form approved for the purposes of this regulation, unless he forthwith makes a report thereof to the Executive by some other means so approved.

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

- (a) in the case of an employee, the responsible person has received a written statement prepared by a registered medical practitioner diagnosing the disease as one of those specified in Schedule 3; 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 relevant enforcing authority by some other person.

Reporting of gas incidents

6.—(1) Whenever a conveyor 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 major injury which has arisen out of or in connection with the gas distributed, filled, imported or supplied, as the case may be, by that person, he shall forthwith notify the Executive of the incident, and shall within 14 days send a report of it to the Executive on a form approved for the purposes of this regulation.

(2) Whenever an employer or self-employed person who is a member of a class of persons approved by the Executive for the purposes of paragraph (3) of regulation 3 of the Gas Safety (Installation and Use) Regulations 1994(14) has in his possession sufficient information for it to

(14) S.I. 1994/1886.

be reasonable for him to decide that a gas fitting as defined in the said Regulations or any flue or ventilation used in connection with that fitting, by reason of its design, construction, manner of installation, modification or servicing, is or has been likely to cause death, or any major injury 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 Executive on a form approved for the purposes of this regulation, unless he has previously reported such information.

(3) Nothing shall be 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, flue or ventilation undergoing testing or examination at a place set aside for that purpose.

(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 4;
- (b) any case of disease required to be reported under regulation 5(1), which shall contain the particulars specified in Part II of Schedule 4; and
- (c) such other particulars as may be approved by the Executive for the purpose of demonstrating that any approved means of reporting under regulations 3 or 5(1) has been complied with.

(2) Any record of deaths, injuries at work or disease which the responsible person keeps for any other purpose shall, if it covers the injuries recordable under these Regulations and includes the particulars specified in Schedule 4, be sufficient for the requirements of paragraph (1).

(3) The record referred to in paragraph (1) shall be kept either 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 an entry in such a record shall be kept for at least three years from the date on which it was made.

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

Additional provisions relating to mines and quarries

8. The provisions of Schedule 5 (which contains additional provisions relating to mines and quarries) shall have effect.

Additional provisions relating to offshore workplaces

9. The provisions of Schedule 6 (which contains additional provisions relating to offshore workplaces) shall have effect.

Restrictions on the application of regulations 3, 4 and 5

10.—(1) The requirements of regulation 3 relating to the death or injury of a person as a result of an accident shall not apply to an accident causing death or injury to a person arising out of the conduct of any operation on, or any examination or other medical treatment of, that person which is administered by, or conducted under the supervision of, a registered medical practitioner or a registered dentist (and for the purposes of this paragraph a registered dentist has the meaning assigned to it by section 53(1) of the Dentists Act 1984⁽¹⁵⁾).

(2) The requirements of regulations 3 and 4 relating to the death or injury 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 only if that person—

- (a) was killed or suffered an injury 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 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 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; or
- (d) was killed or suffered an injury as a result of an accident involving a train.

(3) The requirements of regulations 3, 4 and 5 relating to any death, injury or case of disease shall not apply to a member of the armed forces of the Crown or of a visiting force who was on duty at the relevant time (and for the purposes of this paragraph a visiting force has the meaning assigned to it by section 12(1) of the Visiting Forces Act 1952⁽¹⁶⁾).

(4) Regulations 3, 4 and 5 shall not apply otherwise than in respect of offshore workplaces to anything which is required to be notified under any of the enactments or instruments specified in Schedule 7.

(5) Regulation 3(1)(i) 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)(ii) 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 relevant 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 relevant enforcing authority and that he had taken all reasonable steps to have all such events brought to his notice.

⁽¹⁵⁾ 1984 c. 24.

⁽¹⁶⁾ 1952 c. 67; as amended by section 170(1) of, and paragraph 14 of Schedule 15 to, the Criminal Justice Act 1988 (1988 c. 33).

Extension outside Great Britain

12. These Regulations shall apply to and in relation to the premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the 1995 Order as they apply within Great Britain.

Certificates of exemption

13.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Executive may, by a certificate in writing, exempt any person or class of persons from any requirement imposed by these Regulations 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) The Executive shall not grant any such exemption 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 enactments which apply to the case,

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.

Repeal and amendment of provisions in the Regulation of Railways Act 1871, the Railway Employment (Prevention of Accidents) Act 1900 and the Transport and Works Act 1992

14.—(1) Section 6 (Companies to make returns of accidents to Board of Trade) of the Regulations of Railways Act 1871(17), section 13(2) of the Railway Employment (Prevention of Accidents) Act 1900(18) and sections 43 (Accidents etc.) and 44 (Accidents etc: consequential amendments) of the Transport and Works Act 1992(19) are hereby repealed.

(2) The Regulation of Railways Act 1871 shall be amended as follows:—

- (a) in section 2 (Interpretation) there shall be added at the end the words “The term ‘relevant transport system’ has the meaning assigned to it by regulation 2 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.”;
- (b) in section 7 (Inquiry into accidents and formal investigation in serious cases) 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 from the operation of a relevant transport system and which is required to be reported by regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995”;
- (c) in section 7, after the word “accident”, in each place where it subsequently occurs, there shall be added the words “or occurrence”;
- (d) in section 8 (Appointment of an assessor to coroner) for the words “accident, of which notice for the time being is 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—

(17) 1871 c. 78; section 6 (as extended by section 13(2) of the Railway Employment (Protection of Accidents) Act 1900 (c. 27), modified in its effect by section 43(1) of the Road and Rail Traffic Act 1933 (c. 53) and amended by the Railways Act 1993 (Consequential Modifications) Order 1994 (S.I. 1994/857)) was to be repealed, from a day to be appointed, by section 44(1) of the Transport and Works Act 1992 (1992 c. 42).

(18) 1900 c. 27; section 13(2) was to be repealed, from a day to be appointed, by section 68(1) of, and Part I of Schedule 4 to, the Transport and Works Act 1992.

(19) 1992 c. 42; sections 43 and 44 have not been brought into force.

- (a) which arises from the operation of a relevant transport system, and
- (b) which is required to be reported under regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995,”; and
- (e) in section 8, after the word “accident”, in the second place where it occurs, there shall be inserted the words “or occurrence”.

Revocations, amendments and savings

15.—(1) The instruments specified in column 1 of Part I of Schedule 8 are hereby revoked to the extent specified in the corresponding entries in column 3 of that Part.

(2) The instruments specified in Part II of Schedule 8 are hereby amended to the extent specified in that Part.

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

Signed by authority of the Secretary of State.

6th December 1995

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment