EXPLANATORY NOTE

(This note is not part of the Regulations)


The Regulations maintain a requirement that the responsible person (as defined in regulation 2(1)) must notify, and subsequently send a report to, the Health and Safety Executive or, as the case may be, the local authority of fatal and certain non-fatal accidents arising out of or in connection with work, of certain specified diseases contracted by persons at work and of certain specified dangerous occurrences.

In addition to minor and drafting amendments, these Regulations make the following changes of substance—

(a) the definition of accident (regulation 2(1)) includes acts of violence done to persons at work and acts of suicide on railways or other relevant transport systems;

(b) the injuries reportable in respect of persons not at work are confined to deaths, those injuries which cause a person to be taken from the site of the accident to a hospital and major injuries arising out of or in connection with work at a hospital (regulation 3(1)(a), (c) and (d)). Accidents arising out of medical treatment by a doctor or dentist are excluded (regulation 10);

(c) the list of dangerous occurrences which must be reported (Schedule 2) has been updated: it consists of general provisions as well as additional occurrences reportable in respect of mines, quarries, relevant transport systems and offshore workplaces;

(d) the list of reportable diseases has been updated (regulation 5 and Schedule 2);

(e) the report required to be sent to the Health and Safety Executive or, as the case may be, the local authority may be sent either on a form approved by the Executive or by some other means approved by the Executive (regulation 3(1)(ii) and 5(1)). This enables the Executive to approve the sending of reports by, for instance, telephone;

(f) the persons responsible for the reporting of gas incidents include those approved under the Gas Safety (Installation and Use) Regulations 1994 (regulation 6(2));

(g) the Health and Safety Executive is given limited power to grant exemptions from requirements imposed by the Regulations (regulation 13); and

(h) certain provisions of the Regulation of Railways Act 1871, the Railway Employment (Prevention of Accidents) Act 1900 and the Transport and Works Act 1992 are repealed or amended (regulation 14).

A copy of the compliance cost assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.