
STATUTORY INSTRUMENTS

2005 No. 1992

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

Conduct of investigations by the Rail Accident Investigation Branch

5.—(1) The Branch shall conduct every investigation of an accident or incident in a manner that will not undermine its independence from—

- (a) an infrastructure manager;
- (b) a railway undertaking;
- (c) a charging body;
- (d) an allocation body;
- (e) a notified body; or
- (f) any other party whose interests might conflict with the tasks of the Branch.

(2) The Branch shall not investigate occurrences other than accidents or incidents if such investigation could undermine its independence from any of the parties referred to in paragraph (1).

(3) The Branch shall make the necessary arrangements to commence an investigation of an accident or incident—

- (a) where the accident is a serious accident; or
- (b) where it is not a serious accident but is an accident or incident which, under slightly different conditions, might have led to a serious accident and the Branch has determined that it will conduct an investigation,

within seven days of being notified of the accident or incident.

(4) In making a determination under paragraph (3)(b) the Branch shall take into account—

- (a) the seriousness of the accident or incident;
- (b) whether it forms part of a series of accidents or incidents;
- (c) its impact on railway safety;
- (d) requests from railway industry bodies, the safety authority, or other member States;
- (e) the extent to which an investigation will improve the safety of railways and prevent accidents and incidents; and
- (f) any other matter that the Chief Inspector considers to be reasonable in the circumstances.

(5) The Branch may undertake a preliminary examination of the circumstances surrounding an accident or incident to determine—

- (a) whether it is a serious accident; or
- (b) where it is not a serious accident, whether an investigation is to be conducted.

(6) Within seven days of its determination to investigate an accident or incident the Branch shall provide the European Railway Agency with details of the date, time, place and type of the accident or incident, the number of persons injured or killed and the damage caused as a result of the accident or incident.

(7) Where an accident or incident of a type described in paragraph (3) occurs on or close to a border installation between the United Kingdom and another member State, the Branch—

- (a) shall use its best endeavours to agree with the investigating body of the other member State which accident investigating body will conduct the investigation;
- (b) shall permit the investigating body of the other member State to participate in an investigation of such accident or incident conducted by the Branch;
- (c) shall share the results of the investigation of such accident or incident by the Branch with the investigating body of the other member State; and
- (d) may agree to carry out the investigation of the accident or incident in co-operation with the investigating body of the other member State.

(8) Where an accident or incident of a type described in paragraph (3) involves a railway undertaking established and licensed in another member State, the Branch shall invite the investigating body in the other member State to participate in an investigation of that accident or incident.

(9) Where the accident or incident occurs within the part of the Channel Tunnel system which forms part of the United Kingdom and is either a serious accident or one which the Branch has determined it will investigate, the Branch shall invite and permit the rail accident investigating body in France to participate in the investigation of such accident or incident.

(10) During the course of its investigation, the Branch shall—

- (a) keep the persons referred to in regulation 13(2)(b) informed of its progress; and
- (b) so far as is reasonably practicable, take account of opinions relating to the investigation expressed by such persons.

(11) The Chief Inspector shall determine the extent of, and the procedure to be followed in carrying out, an investigation conducted by the Branch or by a person appointed pursuant to regulation 6(1); and in making this determination he shall take into account the principles and the objectives of articles 20 and 22 of the Safety Directive.

(12) The Branch shall conclude its examination at the site of an accident or incident in the shortest possible time in order to enable the infrastructure that is closed as a result of the accident or incident to be restored and opened to railway services as soon as possible.

(13) The Chief Inspector may discontinue an investigation conducted by the Branch at any time and shall publish his reasons for doing so.

(14) The Branch may undertake an investigation into the circumstances of an accident or incident where it has previously determined that no investigation will be conducted.