
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (S.I. 1995/3163) (“the 1995 Regulations”) and the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012 (S.I. 2012/199) (“the 2012 Regulations”). They maintain requirements that the responsible person must notify, and subsequently send a report to, the relevant enforcing authority by an approved means in relation to fatal and certain non-fatal work-related accidents, specified diseases contracted by persons at work and certain specified dangerous occurrences.

Regulation 2 defines certain terms in these Regulations, including “dangerous occurrence”, “offshore workplace”, “relevant transport system” and the “reporting procedure” (contained in Schedule 1). Regulation 3 defines the “responsible person” on whom most requirements in these Regulations are imposed. The responsible person is, with some exceptions, the employer of an employee involved in an accident or dangerous occurrence, or diagnosed with a reportable disease, or the person controlling the place in which an accident or dangerous occurrence takes place.

Regulations 4, 5 and 6 identify reportable accidents arising out of or in connection with work.

Accidents involving workers which give rise to certain specified injuries, accidents after which non-workers are taken to a hospital and any accident resulting in a fatality are all reportable. It is intended that non-statutory guidance will clarify how burns are to be considered in relation to those specified as reportable. Regulation 7 further provides that the “dangerous occurrences” identified in Schedule 2 are reportable. Regulations 8, 9 and 10 identify diseases which are reportable where a person undertakes specific kinds of work, where they are attributable to an occupational exposure to a biological agent, carcinogen or mutagen, or where they occur at an offshore workplace.

Regulation 11 describes situations in which deaths, losses of consciousness or injuries resulting in any person being taken to hospital in connection with gas that has been distributed, filled, imported or supplied are reportable by the gas worker involved in the distribution, filling, import or supply of that gas. It further provides that persons approved under the Gas Safety (Installation and Use) Regulations 1998 must report any information leading them to believe that the design, construction, installation, modification or servicing of a gas fitting might or might have caused the death, loss of consciousness or taking to hospital of any person because of the accidental leakage, inadequate combustion or inadequate removal of the products of gas.

Regulation 12 establishes that the responsible person must keep a record of reportable incidents containing the particulars specified in Part 2 of Schedule 1. Regulation 13 maintains identical requirements from the 1995 Regulations not to disturb the site of a reportable incident occurring at a mine, quarry or offshore workplace until certain steps have been taken – unless necessary to ensure the safety of any person or of the workplace.

Regulation 14 contains certain restrictions on the application of these Regulations, including accidents occurring out of medical treatment being undertaken by or under the supervision of a registered medical practitioner, certain road-related accidents, accidents involving members of the armed forces and anything which is already notifiable by means of certain other enactments.

Regulation 15 further establishes that parallel requirements do not apply more than once where the same incident gives rise to more than one requirement. The defence in regulation 16 provides for persons who have failed to comply with these Regulations because of a lack of knowledge of the facts giving rise to the requirements. The defence only applies where the person upon whom the requirement is imposed had taken all reasonable steps to have been made aware of such facts. Regulation 17 allows the Health and Safety Executive or ORR to grant individual certificates of exemption from any requirement of these Regulations to any person or class of persons.

Changes to legislation: There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. (See end of Document for details)

Regulation 18 provides for the revocation of the 1995 and 2012 Regulations, together with enactments amending them in other instruments. It also re-enacts certain amendments made by the 2012 Regulations and provides for other consequential amendments (the details of which are contained in Schedule 4). These amendments come into force immediately after the rest of the Regulations, such that where amending provisions are being revoked they cease to have effect before the new (re-enacted) amendments come into effect. Regulation 18 also provides that records which were required to be maintained by the Regulations which these Regulations revoke must continue to be kept. Regulation 19 provides for the application of these Regulations outside Great Britain in accordance with provisions of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013 (S.I. 2013/240).

Regulation 20 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these Regulations or to amend them.

A full impact assessment of the effect that these Regulations will have on the costs of business is available from the Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS. A copy is available in the Library of each House of Parliament and is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

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