

## 1985 No. 10

## RAILWAYS

**Railways (Notice of Accidents) Order (Northern Ireland) 1985**

*Made* . . . . . 15th January 1985

*Coming into operation* . . . . . 25th February 1985

The Department of the Environment in exercise of the powers conferred by section 6 of the Regulation of Railways Act 1871(a) as extended by section 13(2) of the Railway Employment (Prevention of Accidents) Act, 1900(b) and modified by section 3(1) of the Railways Act (Northern Ireland), 1934(c) and now vested in it(d) and of all other powers enabling it in that behalf orders and directs as follows:

*Citation and commencement*

1. This Order may be cited as the Railways (Notice of Accidents) Order (Northern Ireland) 1985 and shall come into operation on 25th February 1985.

*Revocation*

2. The Railways (Notice of Accidents) Order (Northern Ireland), 1934(e) is revoked.

*Interpretation*

3.—(1) The Interpretation Act (Northern Ireland) 1954(f) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the 1871 Act” means the Regulation of Railways Act 1871;

“the 1934 Act” means the Railways Act (Northern Ireland), 1934;

“Department” means the Department of the Environment;

“freight train” includes a mineral or empty stock train;

“major injury” means—

(a) fracture of the skull, spine or pelvis;

(b) fracture of any bone—

(i) in the arm, other than a bone in the wrist or hand,

(ii) in the leg, other than a bone in the ankle or foot;

(c) amputation of a hand or foot;

(d) the loss of sight of an eye; or

(e) any other personal injury which results in the person injured being admitted into hospital as an in-patient for more than 24 hours unless that person is detained only for observation;

(a) 1871 c. 78

(b) 1900 c. 27

(c) 1934 c. 5 (N.I.)

(d) 1926 c. 4 (N.I.) s. 1; 1935 c. 15 (N.I.) s. 53; S.R. & O. (N.I.) 1944 No. 111 Art. 2 (p. 100); S.R. & O. (N.I.) 1963 No. 29 Art. 2; S.R. & O. (N.I.) 1964 No. 205 Art. 6; S.R. & O. (N.I.) 1973 No. 504 Art. 4

(e) S.R. & O. (N.I.) 1934 No. 105 (p. 311)

(f) 1954 c. 33 (N.I.)

“minor injury” means a personal injury which is not a major injury and which, in the case of a person who is an employee of the railway or of a contractor to the railway, prevents that person for more than three days from earning full wages at the work at which he was employed.

*Additional kinds of accident requiring notification*

4. The additional kinds of accident described in the Schedule are hereby specified for the purposes of section 6(4) of the 1871 Act.

*Notification by telegraph*

5. Notice of the following classes of accident shall be sent by the company by telegraph to the Department:

- (a) an accident which causes the death of a person;
- (b) an accident to a train which causes major injury to a person;
- (c) an accident of a serious or unusual character or likely to lead to prolonged disruption of a rail service.

Sealed with the Official Seal of the Department of the Environment on 15th January 1985.

(L.S.)

*J. M. Irvine*

Assistant Secretary

## ADDITIONAL KINDS OF ACCIDENTS REQUIRING NOTIFICATION

1. *Accidents to rolling stock, obstructions on the permanent way and level crossing incidents*
  - (a) A collision other than in a siding where a passenger train is not involved and which does not take place in the course of shunting operations;
  - (b) a vehicle, other than a passenger train or a part of a passenger train, accidentally leaving the rails other than in a siding and which does not take place in the course of shunting operations;
  - (c) a train becoming divided (other than in a siding) otherwise than in the course of shunting operations;
  - (d) a collision, derailment or division which occurs in a siding and which results in a line which is not a siding becoming obstructed;
  - (e) a locomotive, train or railway vehicle striking any horse, cattle, sheep or other beast, buffer stop or any other structure or obstruction, other than in a siding;
  - (f) a locomotive, train or railway vehicle:
    - (i) striking the gate of a level crossing; or
    - (ii) running on to a level crossing when not authorised to do so;
  - (g) failure of the equipment of a level crossing which could endanger users of the road or footpath crossing the railway;
  - (h) an aircraft or vehicle of any kind landing on or running on to, and coming to rest foul of the permanent way.
2. *Accidents involving a locomotive or other power unit or rolling stock*
  - (a) The bursting of a boiler;
  - (b) the failure of a rope in working an incline;
  - (c) the failure of a wheel or tyre (including loose tyre unfit to run);
  - (d) the failure of an axle;
  - (e) the failure of a part of a traction unit or other vehicle which causes or is likely to cause an accident to a passenger train or to kill or injure a person;
  - (f) a fire, severe electrical arcing or fusing in a passenger train, severe electrical arcing or fusing in a freight train or in its power unit.
3. *Accidents involving the permanent way or works on or connected with a railway*
  - (a) The fracture of a rail in the permanent way other than in a siding;
  - (b) the buckling of the track other than in a siding;
  - (c) the failure of the roof or any important part of a station;
  - (d) the runaway of an escalator, lift or passenger conveyor;
  - (e) a serious fire in a signal box or at a station or involving damage to a bridge or viaduct on a railway, and a fire or severe arcing or fusing on a railway arising from electrical equipment or which seriously affects the functioning of electrical signalling equipment.
4. *Accidents involving the permanent way or works on or connected with a railway which cause or are likely to cause an accident to a train, locomotive or railway vehicle or to hazard the safety of a person*
  - (a) The failure of a tunnel, viaduct, culvert, or other structure or part of them including the fixed electrical equipment of an electrified railway;
  - (b) a landslip in a cutting or an embankment other than one which affects only sidings;
  - (c) the failure of a revetment wall other than one which affects only sidings;
  - (d) the flooding of a portion of the permanent way other than of sidings;
  - (e) the striking of a bridge by a road vehicle or its load;
  - (f) the failure of any portion of the permanent way or works not specified above.

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order specifies certain classes of accidents on railways and railway premises which require to be reported to the Department of the Environment in addition to those specified in section 6(1), (2) and (3) of the Regulation of Railways Act 1871. The Order applies to statutory railways and tramways and replaces the Railways (Notice of Accidents) Order (Northern Ireland), 1934.

The most significant change in the reporting of accidents brought about by this Order is that accidents on freight lines are now included among the kinds of accidents which are to be notified to the Department.