

1988 No. 145

RAILWAYS

Railways (Notice of Accidents) Order (Northern Ireland) 1988

Made 7th April 1988

Coming into operation 1st June 1988

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) 1988 and shall come into operation on 1st June 1988.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(e) 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;

“major injury” means—

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

(b) fracture of a bone—

(i) in the arm or wrist, but not a bone in the hand; or

(ii) in the leg or ankle, but not a bone in the foot;

(c) amputation of—

(i) a hand or a foot; or

(ii) a finger, thumb or toe, or any part thereof if the joint or bone is completely severed;

(d) the loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to an eye;

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

- (e) injury (including burns) requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact;
- (f) loss of consciousness resulting from lack of oxygen;
- (g) decompression sickness (unless suffered during a diving operation to which the Diving Operations at Work Regulations (Northern Ireland) 1983(a) apply) requiring immediate medical treatment;
- (h) acute illness requiring medical treatment, or loss of consciousness, resulting in either case from the absorption of any substance by inhalation, ingestion or through the skin;
- (i) acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material; or
- (j) any other injury which results in the person injured being admitted immediately into hospital as an in-patient for more than 24 hours unless that person is detained only for observation;

“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;

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

and any reference to a train includes a reference to a locomotive or other power unit and to a vehicle used on a railway.

Additional kinds of accidents requiring notification

3. The kinds of accidents described in the Schedule are specified for the purposes of section 6(4) of the 1871 Act.

Accidents requiring notification by telegraph

4. 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 which is of a serious or unusual character or likely to lead to prolonged disruption of a rail service.

Revocation

5. The Railways (Notice of Accidents) Order (Northern Ireland) 1985(b) is revoked.

(a) S.R. 1983 No. 209

(b) S.R. 1985 No. 10

No. 145

Railways

817

Sealed with the Official Seal of the Department of the Environment on 7th
April 1988.

(L.S.)

Trevor Pearson

Assistant Secretary

Additional Kinds of Accidents Requiring Notification**1. Accidents not involving passenger trains**

- (a) A collision on a running line where a vehicle sustains damage as a result of the collision, and any collision in a siding which results in a running line being obstructed;
- (b) a derailment on a running line, except a derailment which occurs during shunting operations and does not obstruct another running line;
- (c) a derailment in a siding which results in a running line being obstructed.

2. Accidents involving any kind of train

- (a) A train striking a buffer stop, other than in a siding, where damage is caused to the train;
- (b) a train on a running line striking or being struck by an object which causes damage (other than damage consisting solely in the breakage of glass) necessitating immediate temporary or permanent repair or which might have been liable to derail the train;
- (c) a train striking any cattle or horse, whether or not damage is caused to the train, or striking any other animal if, in consequence, damage (other than damage consisting solely in the breakage of glass) is caused to the train necessitating immediate temporary or permanent repair;
- (d) a passenger train, or any other train not fitted with continuous self-applying brakes, becoming divided.

3. Accidents and incidents at level crossings

- (a) A train striking a road vehicle or a gate at a level crossing;
- (b) a train running onto a level crossing when not authorised to do so;
- (c) failure of the equipment at a level crossing which could endanger users of the road or path crossing the railway.

4. Accidents involving a locomotive or other power unit or any rolling stock

Any of the following classes of accident is notifiable if it occurs or is discovered whilst the vehicle is on a running line:—

- (a) failure of an axle;
- (b) failure of a wheel or tyre, including a tyre loose on its wheel;
- (c) failure of a rope or the fastenings thereof in working an incline;
- (d) a fire, severe electrical arcing or fusing in or on any part of a passenger train;
- (e) in the case of a train other than a passenger train, severe electrical arcing, fusing, or a fire which was extinguished by a fire-fighting service;
- (f) any other failure of a part of a train which is likely to cause an accident to that or another train or to kill or injure a person.

5. Accidents involving the permanent way and other works on or connected with a railway

- (a) The failure of a rail in a running line, which results in a complete fracture through its cross-section or in a piece becoming detached from the rail;
- (b) a buckle of a running line which necessitates the immediate imposition of a speed restriction lower than that currently in force;

- (c) an aircraft or vehicle landing on, running onto or coming to rest foul of the line, or damaging the line, causing damage which obstructs the line or damaging railway equipment at a level crossing;
- (d) the runaway of an escalator, lift or passenger conveyor;
- (e) a fire or severe arcing or fusing which seriously affects the functioning of electrical signalling equipment;
- (f) any other fire affecting the permanent way or works of the railway which necessitates the suspension of services over a line, or the closure of part of a station, signalbox or other premises for a period—
 - (i) in the case of a fire affecting any part of the railway below ground, of more than 30 minutes; and
 - (ii) in any other case, of more than 1 hour.

6. *Accidents involving failure of the works on or connected with the railway*

The following kinds of accident require notification if they are likely either to cause an accident to a train or personal injury to a person:—

- (a) failure of a tunnel, bridge, viaduct, culvert, station, or other structure or any part thereof including the fixed electrical equipment of an electrified railway;
- (b) slipping of a cutting or of an embankment;
- (c) flooding of the permanent way;
- (d) striking of a bridge by a road vehicle or its load;
- (e) failure of any other 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 and provides for the manner in which certain railway accidents are to be reported. The Order supersedes the Railways (Notice of Accidents) Order (Northern Ireland) 1985.

The principal changes are—

1. The definition of “major injury” has been revised to correspond almost entirely with the description of injuries and conditions in regulation 3(2) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986 (S.R. 1986 No. 247) (Article 2(2)).
2. The list of additional kinds of accident which have to be reported has been reformulated, omitting occurrences which are not sufficiently serious to warrant the requirement of being reported (Article 3 and Schedule).