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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 455**

**Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 and, subject to paragraph (2), shall come into operation on 1st April 1998.

(2) Regulations 14 and 15(3) and Schedule 9 shall come into operation on 1st December 1997.

**Interpretation**

2.—(1) In these Regulations—

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(1);

“the 1997 Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(2);

“accident” includes an act of non-consensual physical violence done to a person at work;

“ADR” has the meaning assigned to it by regulation 2(1) of the 1997 Regulations;

“agent”, in relation to a quarry, has the meaning assigned to it by Article 2(2) of the Quarries (Northern Ireland) Order 1983(3);

“approved” means approved for the time being in writing for the purposes of these Regulations by the Department and published in such form as the Department considers appropriate;

“biological agent” has the meaning assigned to it by regulation 2(1) of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995(4);

“carriage” has the meaning assigned to it by regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997(5);

“construction site” has the meaning assigned to it by regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996(6);

“dangerous goods” means any goods which fall within the definition of “dangerous goods” in regulation 2(1) of the 1997 Regulations other than—

- (i) explosives; or
- (ii) radioactive material (other than that which is being carried in accordance with the conditions specified in Schedules 1 to 4 of marginal 2704 to ADR);

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(1) S.R. 1995 No. 340, as amended by S.R. 1996 No. 228 regulation 26(2)

(2) S.R. 1997 No. 247, as amended by S.R. 1997 No. 360

(3) S.I. 1983/150 (N.I. 4)

(4) S.R. 1995 No. 51

(5) S.R. 1997 No. 248

(6) S.R. 1996 No. 510

“dangerous occurrence” means an occurrence which arises out of or in connection with work and is of a class specified in—

- (a) paragraphs 1 to 16 of Part I of Schedule 2;
- (b) paragraphs 17 to 20 of Part I of Schedule 2 and takes place elsewhere than at an offshore workplace;
- (c) paragraphs 21 to 39 of Part II of Schedule 2 and takes place at a mine;
- (d) paragraphs 40 to 47 of Part III of Schedule 2 and takes place at a quarry;
- (e) paragraph 48 of Part IV of Schedule 2 and takes place on a railway; or
- (f) paragraphs 49 to 59 of Part V of Schedule 2 and takes place at an offshore workplace;

“disease” includes a medical condition;

“diving contractor” and “diving operation” have the respective meanings assigned to them by the Diving Operations at Work Regulations (Northern Ireland) 1994<sup>(7)</sup>;

“dock” means any place to which section 123(1) of the Factories Act (Northern Ireland) 1965<sup>(8)</sup> applies;

“factory” has the meaning assigned to it by section 175 of the Factories Act (Northern Ireland) 1965;

“major injury” means an injury or condition specified in Schedule 1;

“mine” means a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969<sup>(9)</sup> and for the purposes of these Regulations includes a closed tip within the meaning of section 128(3) of that Act which is associated with that mine;

“occupier”, in relation to a quarry, has the meaning assigned to it by Article 2(2) of the Quarries (Northern Ireland) Order 1983;

“offshore installation” has the meaning assigned to it by regulation 3 of the 1995 Regulations;

“offshore workplace” means any premises specified in regulation 4 of the 1995 Regulations and any place where the activities specified in that regulation are carried on;

“operator” in relation to a vehicle to which paragraph 16 of Part I of Schedule 2 applies, means—

- (a) a person who holds a vehicle licence (granted under section 17 of the Transport Act (Northern Ireland) 1967<sup>(10)</sup>), for the use of the vehicle for the carriage of goods on a road; or
- (b) where no such licence is held—
  - (i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle; or
  - (ii) (in the case of any other vehicle) the keeper of the vehicle; and for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper;

but where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (b)(i) uses that vehicle for the carriage of any dangerous goods on behalf of his employer, that employer shall (notwithstanding that sub-paragraph) be regarded as the operator of the vehicle concerned;

“owner”—

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(7) S.R. 1994 No. 146, as amended by S.R. 1995 No. 340

(8) 1965 c. 20 (N.I.)

(9) 1969 c. 6 (N.I.)

(10) 1967 c. 37 (N.I.)

- (a) in relation to a mine, means the person who is for the time being entitled to work it;
- (b) in relation to a pipeline, means the person who is for the time being entitled to control the flow of anything through that pipeline or through that pipeline once it is commissioned;
- (c) in relation to a quarry, has the meaning assigned to it by Article 2(2) of the Quarries (Northern Ireland) Order 1983;

“pipeline” and “pipeline works” have the respective meanings assigned to them by regulation 2 of the 1995 Regulations;

“quarry” means a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983 and for the purposes of these Regulations includes a closed tip within the meaning of Article 9(4) of that Order which is associated with that quarry;

“railway” means any railway or tramway which in either case is used for the carriage of persons or goods;

“registered dentist” has the meaning assigned to it by section 53(1) of the Dentists Act 1984<sup>(11)</sup>;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983<sup>(12)</sup>;

“responsible person” means—

- (a) in the case of—
  - (i) a mine, the manager of that mine;
  - (ii) a quarry, the owner, occupier or agent of that quarry;
  - (iii) a closed tip, the owner of the mine or quarry with which that tip is associated;
  - (iv) an offshore installation (otherwise than in the case of a disease reportable under regulation 5), the duty holder for the purposes of the 1995 Regulations provided that for the purposes of this provision regulation 3(2)(c) of those Regulations shall be deemed not to apply;
  - (v) a dangerous occurrence at a pipeline (being an incident to which paragraph 14(1)(a) to (f) of Part I of Schedule 2 applies), the owner of that pipeline;
  - (vi) a dangerous occurrence at a well, the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out at the well or, where no such person has been appointed, the concession owner (and for this purpose “concession owner” means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and recover gas so stored if, at any time, the well is, or is to be, used in the exercise of that right);
  - (vii) a diving operation (otherwise than in the case of a disease reportable under regulation 5), the diving contractor;
  - (viii) a vehicle to which paragraph 16 of Part I of Schedule 2 applies, the operator of the vehicle;
- (b) (where sub-paragraph (a) does not apply) in the case of the death of or other injury to an employee reportable under regulation 3 or of a disease suffered by an employee reportable under regulation 5, his employer; and
- (c) in any other case, the person for the time being having control of the premises in connection with the carrying on by him of any trade, business or other undertaking

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(11) 1984 c. 24

(12) 1983 c. 54

(whether for profit or not) at which, or in connection with the work at which, the accident or dangerous occurrence reportable under regulation 3 or case of disease reportable under regulation 5, happened;

“road” has the meaning assigned to it by Article 2(2) of the Road Traffic (Northern Ireland) Order 1995(13);

“road tanker” has the meaning assigned to it by regulation 2(1) of the 1997 Regulations;

“tank container” has the meaning assigned to it by regulation 2(1) of the 1997 Regulations;

“territorial waters” has the meaning assigned to it by regulation 2 of the 1995 Regulations; and

“well” includes any structures and devices on top of a well.

(2) In these Regulations any reference to an accident or a dangerous occurrence which arises out of or in connection with work shall include a reference to an accident, or as the case may be, a dangerous occurrence attributable to the manner of conducting an undertaking, the plant or substances used for the purposes of an undertaking and the condition of the premises so used or any part of them.

(3) For the purposes of these Regulations, a person who is at an offshore workplace shall be deemed to be at work at all times when he is at that workplace in connection with his work.

### **Notification and reporting of injuries and dangerous occurrences**

3.—(1) Subject to regulation 10, where—

- (a) any person dies as a result of an accident arising out of or in connection with work;
- (b) any person at work suffers a major injury as a result of an accident arising out of or in connection with work;
- (c) any person not at work suffers an injury as a result of an accident arising out of or in connection with work and that person is taken from the site of the accident to a hospital for treatment in respect of that injury;
- (d) any person not at work suffers a major injury as a result of an accident arising out of or in connection with work at a hospital; or
- (e) there is a dangerous occurrence,

the responsible person shall—

- (i) forthwith notify the enforcing authority thereof by the quickest practicable means; and
- (ii) within 10 days send a report thereof to the enforcing authority on a form approved for the purposes of this sub-paragraph, unless within that period he makes a report thereof to the Department by some other means so approved.

(2) Subject to regulation 10, where a person at work is incapacitated for work of a kind which he might reasonably be expected to do, either under his contract of employment, or, if there is no such contract, in the normal course of his work, for more than three consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury resulting from an accident arising out of or in connection with work (other than one reportable under paragraph (1)), the responsible person shall as soon as practicable and, in any event, within 10 days of the accident send a report thereof to the enforcing authority on a form approved for the purposes of this regulation, unless within that period he makes a report thereof to the Department by some other means so approved.

### **Reporting of the death of an employee**

4. Subject to regulation 10, where an employee, as a result of an accident at work, has suffered an injury reportable under regulation 3 which is a cause of his death within one year of the date of that accident, the employer shall inform the enforcing authority in writing of the death as soon as it comes to his knowledge, whether or not the accident has been reported under regulation 3.

### **Reporting of cases of disease**

5.—(1) Subject to paragraphs (2) and (3) and to regulation 10, where—

- (a) a person at work suffers from any of the occupational diseases specified in column 1 of Part I of Schedule 3 and his work involves one of the activities specified in the corresponding entry in column 2 of that Part; or
- (b) a person at an offshore workplace suffers from any of the diseases specified in Part II of Schedule 3,

the responsible person shall forthwith send a report thereof to the enforcing authority on a form approved for the purposes of this regulation, unless he forthwith makes a report thereof to the Department by some other means so approved.

(2) Paragraph (1) shall apply only if—

- (a) in the case of an employee, the responsible person has received a written statement prepared by a registered medical practitioner diagnosing the disease as one of those specified in Schedule 3; or
- (b) in the case of a self-employed person, that person has been informed, by a registered medical practitioner, that he is suffering from a disease so specified.

(3) In the case of a self-employed person, it shall be a sufficient compliance with paragraph (1) if that person makes arrangements for the report to be sent to the enforcing authority by some other person.

### **Reporting of gas incidents**

6.—(1) Whenever a conveyor of flammable gas through a fixed pipe distribution system, or a filler, importer or supplier (other than by means of retail trade) of a refillable container containing liquefied petroleum gas receives notification of any death or any major injury which has arisen out of or in connection with the gas distributed, filled, imported or supplied, as the case may be, by that person, he shall forthwith notify the Department of the incident, and shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation.

(2) Whenever an employer or self-employed person who is a member of a class of persons approved by the Department for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997(14) has in his possession sufficient information for it to be reasonable for him to decide that a gas fitting as defined in those Regulations or any flue or ventilation used in connection with that fitting, by reason of its design, construction, manner of installation, modification or servicing, is or has been likely to cause death, or any major injury by reason of—

- (a) accidental leakage of gas;
- (b) inadequate combustion of gas; or
- (c) inadequate removal of the products of combustion of gas,

he shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation, unless he has previously reported such information.

(3) Nothing shall be reportable—

- (a) under this regulation if it is otherwise notifiable or reportable under these Regulations;
- (b) under paragraph (2) in relation to any gas fitting, flue or ventilation undergoing testing or examination at a place set aside for that purpose.

(4) In this regulation “liquefied petroleum gas” means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture thereof) or commercial propane (that is, a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture thereof) or any mixture of commercial butane and commercial propane.

### **Records**

7.—(1) The responsible person shall keep a record of—

- (a) any event which is required to be reported under regulation 3, which shall contain the particulars specified in Part I of Schedule 4;
- (b) any case of disease required to be reported under regulation 5(1), which shall contain the particulars specified in Part II of Schedule 4; and
- (c) such other particulars as may be approved by the Department for the purpose of demonstrating that any approved means of reporting under regulation 3 or 5(1) has been complied with.

(2) Any record of death, injury at work or disease which the responsible person keeps for any other purpose shall, if it covers death, injury or disease recordable under these Regulations and includes the particulars specified in Schedule 4, be sufficient for the requirements of paragraph (1).

(3) The record referred to in paragraph (1) shall be kept either at the place where the work to which it relates is carried on or at the usual place of business of the responsible person and an entry in such a record shall be kept for at least three years from the date on which it was made.

(4) The responsible person shall send to the enforcing authority such extracts from the record required to be kept under paragraph (1) as that enforcing authority may from time to time require.

### **Additional provisions relating to mines**

8. The provisions of Schedule 5 (which contains additional provisions relating to mines) shall have effect.

### **Additional provisions relating to offshore workplaces**

9. The provisions of Schedule 6 (which contains additional provisions relating to offshore workplaces) shall have effect.

### **Restrictions on the application of regulations 3, 4 and 5**

10.—(1) The requirements of regulation 3 relating to the death or injury of a person as a result of an accident shall not apply to an accident causing death or injury to a person arising out of the conduct of any operation on, or any examination or other medical treatment of, that person which is administered by, or conducted under the supervision of, a registered medical practitioner or a registered dentist.

(2) The requirements of regulations 3 and 4 relating to the death or injury of a person as a result of an accident, shall apply to an accident arising out of or in connection with the movement of a vehicle on a road only if that person—

- (a) was killed or suffered an injury as a result of exposure to a substance being conveyed by the vehicle;

- (b) was either himself engaged in, or was killed or suffered an injury as a result of the activities of another person who was at the time of the accident engaged in, work connected with the loading or unloading of any article or substance onto or off the vehicle; or
- (c) was either himself engaged in, or was killed or suffered an injury as a result of the activities of another person who was at the time of the accident engaged in, work on or alongside a road, being work concerned with the construction, demolition, alteration, repair or maintenance of—
  - (i) the road or the markings or equipment thereon;
  - (ii) the verges, fences, hedges or other boundaries of the road;
  - (iii) pipes or cables on, under, over or adjacent to the road; or
  - (iv) buildings or structures adjacent to or over the road.

(3) The requirements of regulations 3, 4 and 5 relating to any death, injury or case of disease shall not apply to a member of the armed forces of the Crown or of a visiting force who was on duty at the relevant time (and for the purposes of this paragraph a visiting force has the meaning assigned to it by section 12(1) of the Visiting Forces Act 1952(15)).

(4) Regulations 3, 4 and 5 shall not apply otherwise than in respect of offshore workplaces to anything which is required to be notified under any of the statutory provisions specified in Schedule 7.

(5) Regulation 3(1)(i) shall not apply to a self-employed person who is injured at premises of which he is the owner or occupier, but regulation 3(1)(ii) shall apply to such a self-employed person (other than in the case of death) and it shall be sufficient compliance with regulation 3(1)(ii) if that self-employed person makes arrangements for the report to be sent to the enforcing authority by some other person.

### **Defence in proceedings for an offence contravening these Regulations**

**11.** It shall be a defence in proceedings against any person for an offence under these Regulations for that person to prove that he was not aware of the event requiring him to notify or send a report to the enforcing authority and that he had taken all reasonable steps to have all such events brought to his notice.

### **Application to territorial waters**

**12.** These Regulations shall apply within territorial waters to and in relation to offshore workplaces.

### **Certificates of exemption**

**13.—**(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the encouragement of improvements in the safety and health of workers at work, the Department may, by a certificate in writing, exempt any person or class of persons from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked at any time by the Department by a further certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and, in particular, to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and

- (b) any other requirements imposed by or under any statutory provisions which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Repeal of Article 18(2) of the Quarries (Northern Ireland) Order 1983**

14. Article 18(2) of the Quarries (Northern Ireland) Order 1983<sup>(16)</sup> is hereby repealed.

### **Revocations, amendments and savings**

15.—(1) The Regulations specified in column 1 of Part I of Schedule 8 are hereby revoked to the extent specified in the corresponding entry in column 3 of that Part.

(2) The Act and the Regulations specified in Part II of Schedule 8 are hereby amended to the extent specified in that Part.

(3) For the Third Schedule to the Quarries (Returns and Records) Rules (Northern Ireland) 1963<sup>(17)</sup>, there shall be substituted the Schedule set out in Schedule 9.

(4) Any record or register required to be kept under any statutory provision revoked by these Regulations, shall be kept in the same manner and for the same period as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

15th October 1997.

*Philip B. Strong*  
Assistant Secretary

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<sup>(16)</sup> S.I. 1983/150 (N.I. 4)  
<sup>(17)</sup> S.R. & O. (N.I.) 1963 No. 41