

---

STATUTORY RULES OF NORTHERN IRELAND

---

**1997 No. 455**

**HEALTH AND SAFETY**

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

*Made - - - - 15th October 1997*

*Coming into operation—*

*Regulations 14 and 15(3)  
and Schedule 9*

*1st December 1997*

*The whole Regulations  
except regulations 14 and  
15(3) and Schedule 9*

*1st April 1998*

The Department of Economic Development, being the Department concerned<sup>(1)</sup>, in exercise of the powers conferred by Articles 2(5), 17(1), (2), (3), (4), (5) and (6)<sup>(2)</sup> and 55(2) of, and paragraphs 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(3)</sup>, (“the 1978 Order”) and by Article 3(2) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992<sup>(4)</sup>, and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

**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—

---

(1) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(2) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2)

(3) S.I. 1978/1039 (N.I. 9); the general purposes referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1)

(4) S.I. 1992/1728 (N.I. 17)

“the 1995 Regulations” means the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995<sup>(5)</sup>;

“the 1997 Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997<sup>(6)</sup>;

“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<sup>(7)</sup>;

“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<sup>(8)</sup>;

“carriage” has the meaning assigned to it by regulation 2(1) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997<sup>(9)</sup>;

“construction site” has the meaning assigned to it by regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996<sup>(10)</sup>;

“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);

“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>(11)</sup>;

“dock” means any place to which section 123(1) of the Factories Act (Northern Ireland) 1965<sup>(12)</sup> applies;

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

---

<sup>(5)</sup> S.R. 1995 No. 340, as amended by S.R. 1996 No. 228 regulation 26(2)

<sup>(6)</sup> S.R. 1997 No. 247, as amended by S.R. 1997 No. 360

<sup>(7)</sup> S.I. 1983/150 (N.I. 4)

<sup>(8)</sup> S.R. 1995 No. 51

<sup>(9)</sup> S.R. 1997 No. 248

<sup>(10)</sup> S.R. 1996 No. 510

<sup>(11)</sup> S.R. 1994 No. 146, as amended by S.R. 1995 No. 340

<sup>(12)</sup> 1965 c. 20 (N.I.)

“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>(13)</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>(14)</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”—

- (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>(15)</sup>;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983<sup>(16)</sup>;

“responsible person” means—

---

(13) 1969 c. 6 (N.I.)  
(14) 1967 c. 37 (N.I.)  
(15) 1984 c. 24  
(16) 1983 c. 54

- (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 (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(17);

“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(18) 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(19)).

(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>(20)</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>(21)</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.

---

<sup>(20)</sup> S.I. 1983/150 (N.I. 4)

<sup>(21)</sup> S.R. & O. (N.I.) 1963 No. 41



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

L.S.

15th October 1997.

*Philip B. Strong*  
Assistant Secretary

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE 1

Regulation 2(1)

### Major Injuries

1. Any fracture, other than to the fingers, thumbs or toes.
2. Any amputation.
3. Dislocation of the shoulder, hip, knee or spine.
4. Loss of sight (whether temporary or permanent).
5. A chemical or hot metal burn to the eye or any penetrating injury to the eye.
6. Any injury resulting from an electric shock or electrical burn (including any electrical burn caused by arcing or arcing products) leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours.
7. Any other injury—
  - (a) leading to hypothermia, heat-induced illness or to unconsciousness;
  - (b) requiring resuscitation; or
  - (c) requiring admittance to hospital for more than 24 hours.
8. Loss of consciousness caused by asphyxia or by exposure to a harmful substance or biological agent.
9. Either of the following conditions which result from the absorption of any substance by inhalation, ingestion or through the skin—
  - (a) acute illness requiring medical treatment; or
  - (b) loss of consciousness.
10. Acute illness which requires medical treatment where there is reason to believe that this resulted from exposure to a biological agent or its toxins or infected material.

## SCHEDULE 2

Regulation 2(1)

### Dangerous Occurrences

#### Part I

#### General

##### **Lifting machinery, etc.**

1. The collapse of, the overturning of, or the failure of any load-bearing part of any—
  - (a) lift or hoist;
  - (b) crane or derrick;
  - (c) mobile powered access platform;
  - (d) access cradle or window-cleaning cradle;
  - (e) excavator;

- (f) pile-driving frame or rig having an overall height, when operating, of more than 7 metres;  
or
- (g) fork lift truck.

### **Pressure systems**

2. The failure of any closed vessel (including a boiler or boiler tube) or of any associated pipework, in which the internal pressure was above or below atmospheric pressure, where the failure has the potential to cause the death of any person.

### **Freight containers**

3.—(1) The failure of any freight container in any of its load-bearing parts while it is being raised, lowered or suspended.

(2) In this paragraph, “freight container” means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(22).

### **Overhead electric lines**

4. Any unintentional incident in which plant or equipment either—
- (a) comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or
  - (b) causes an electrical discharge from such an electric line by coming into close proximity to it.

### **Electrical short circuit**

5. Electrical short circuit or overload attended by fire or explosion which results in the stoppage of the plant involved for more than 24 hours or which has the potential to cause the death of any person.

### **Explosives**

- 6.—(1) Any of the following incidents involving explosives—
- (a) the unintentional explosion or ignition of explosives other than one—
    - (i) caused by the unintentional discharge of a weapon where, apart from that unintentional discharge, the weapon and explosives functioned as they were designed to do; or
    - (ii) where a fail-safe device or safe system of work functioned so as to prevent any person from being injured in consequence of the explosion or ignition;
  - (b) a misfire (other than one at a mine or quarry or inside a well or one involving a weapon) except where a fail-safe device or safe system of work functioned so as to prevent any person from being endangered in consequence of the misfire;
  - (c) the failure of the shots in any demolition operation to cause the intended extent of collapse or direction of fall of a building or structure;
  - (d) the projection of material (other than at a quarry) beyond the boundary of the site on which the explosives are being used or beyond the danger zone in circumstances such that any person was or might have been injured thereby;

---

(22) S.R. 1992 No. 2

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (e) any injury to a person (other than at a mine or quarry or one otherwise notifiable or reportable under these Regulations) involving first-aid or medical treatment resulting from the explosion or discharge of any explosives or detonator.

(2) In this paragraph “explosives” means any explosive of a type which would, were it being transported, be assigned to Class 1 within the meaning of the Classification and Labelling of Explosives Regulations (Northern Ireland) 1991<sup>(23)</sup> and “danger zone” means the area from which persons have been excluded or forbidden to enter to avoid being endangered by any explosion or ignition of explosives.

### **Biological agents**

7. Any accident or incident which resulted or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

### **Malfunction of radiation generators, etc.**

8.—(1) Any incident in which—

- (a) the malfunction of a radiation generator or its ancillary equipment used in fixed or mobile industrial radiography, the irradiation of food or the processing of products by irradiation, causes it to fail to de-energise at the end of the intended exposure period; or
- (b) the malfunction of equipment used in fixed or mobile industrial radiography or gamma irradiation causes a radioactive source to fail to return to its safe position by the normal means at the end of the intended exposure period.

(2) In this paragraph, “radiation generator” has the same meaning as in regulation 2 of the Ionising Radiations Regulations (Northern Ireland) 1985<sup>(24)</sup>.

### **Breathing apparatus**

9.—(1) Subject to sub-paragraph (2), any incident in which breathing apparatus malfunctions—

- (a) while in use; or
- (b) during testing immediately prior to use in such a way that had the malfunction occurred while the apparatus was in use it would have posed a danger to the health or safety of the user.

(2) This paragraph shall not apply to breathing apparatus while it is being—

- (a) used in a mine; or
- (b) maintained or tested as part of a routine maintenance procedure.

### **Diving operations**

10. Any of the following incidents in relation to a diving operation—

- (a) the failure or the endangering of—
  - (i) any lifting equipment associated with the diving operation; or
  - (ii) life support equipment, including control panels, hoses and breathing apparatus, which puts a diver at risk;
- (b) any damage to, or endangering of, the dive platform, or any failure of the dive platform to remain on station, which puts a diver at risk;

---

<sup>(23)</sup> S.R. 1991 No. 516

<sup>(24)</sup> S.R. 1985 No. 273, to which there are amendments not relevant to these Regulations

- (c) the trapping of a diver;
- (d) any explosion in the vicinity of a diver; or
- (e) any uncontrolled ascent or any omitted decompression which puts a diver at risk.

### **Collapse of scaffolding**

11. The complete or partial collapse of—
- (a) any scaffold which is—
    - (i) more than 5 metres in height which results in a substantial part of the scaffold falling or overturning; or
    - (ii) erected over or adjacent to water in circumstances such that there would be a risk of drowning to a person falling from the scaffold into the water; or
  - (b) the suspension arrangements (including any outrigger) of any slung or suspended scaffold which causes a working platform or cradle to fall.

### **Locomotives**

12. Any case of an accidental collision between a locomotive or a train and any other vehicle, at a factory or at dock premises, other than one reportable under Part IV, which caused, or might have caused, the death of, or major injury to, any person.

### **Wells**

13. Any of the following incidents in relation to a well (other than a well sunk for the purpose of the abstraction of water)—
- (a) a blow-out (that is to say an uncontrolled flow of well-fluids from a well);
  - (b) the coming into operation of a blow-out prevention or diversion system to control a flow from a well where normal control procedures fail;
  - (c) the detection of hydrogen sulphide in the course of operations at a well or in samples of well-fluids from a well where the presence of hydrogen sulphide in the reservoir being drawn on by the well was not anticipated by the responsible person before that detection;
  - (d) the taking of precautionary measures additional to any contained in the original drilling programme following failure to maintain a planned minimum separation distance between wells drilled from a particular installation; or
  - (e) the mechanical failure of any safety critical element of a well (and for this purpose the safety critical element of a well is any part of a well whose failure would cause or contribute to, or whose purpose is to prevent or limit the effect of, the unintentional release of fluids from a well or a reservoir being drawn on by a well).

### **Pipelines or pipeline works**

- 14.—(1) Subject to sub-paragraph (2), any of the following incidents in respect of a pipeline or pipeline works—
- (a) the uncontrolled or accidental escape of anything from, or inrush of anything into, a pipeline, which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours;
  - (b) the unintentional ignition of anything in a pipeline or of anything which, immediately before it was ignited, was in a pipeline;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) any damage to any part of a pipeline which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours;
  - (d) any substantial and unintentional change in the position of a pipeline requiring immediate attention to safeguard the integrity or safety of a pipeline;
  - (e) any unintentional change in the subsoil or seabed in the vicinity of a pipeline which has the potential to affect the integrity or safety of a pipeline;
  - (f) any failure of any pipeline isolation device, equipment or system which has the potential to cause the death of, major injury or damage to the health of any person or which results in the pipeline being shut down for more than 24 hours; or
  - (g) any failure of equipment involved with pipeline works which has the potential to cause the death of, major injury or damage to the health of any person.
- (2) This paragraph shall not apply where the pipeline is—
- (a) of a type described in regulation 3(1)(a), (b) or (c) of the Pipelines Safety Regulations (Northern Ireland) 1997(25) (“the Pipelines Regulations”);
  - (b) part of a pipeline for supplying gas which is downstream of an emergency control (“gas” and “emergency control” having the meaning given by regulation 3(5) of the Pipelines Regulations); or
  - (c) of a type described in Schedule 1 to the Pipeline Regulations.

### **Fairground equipment**

15. The following incidents on fairground equipment in use or under test—
- (a) the failure of any load-bearing part;
  - (b) the failure of any part designed to support or restrain passengers; or
  - (c) the derailment or the unintended collision of cars or trains.

### **Carriage of dangerous goods by road**

- 16.—(1) Any incident involving a road tanker or tank container used for the carriage of dangerous goods in which —
- (a) the road tanker or vehicle carrying the tank container overturns (including turning onto its side);
  - (b) the tank carrying the dangerous goods is seriously damaged;
  - (c) there is an uncontrolled release or escape of the dangerous goods being carried; or
  - (d) there is a fire involving the dangerous goods being carried.
- (2) Any incident involving a vehicle used for the carriage of dangerous goods, other than a vehicle to which sub-paragraph (1) applies, where there is—
- (a) an uncontrolled release or escape of the dangerous goods being carried in such a quantity as to have the potential to cause the death of, or major injury to, any person; or
  - (b) a fire which involves the dangerous goods being carried.

## Dangerous Occurrences which are Reportable Except in Relation to Offshore Workplaces

### **Collapse of building or structure**

17. Any unintended collapse or partial collapse of—
- (a) any building or structure (whether above or below ground) under construction, reconstruction, alteration or demolition which involves a fall of more than 5 tonnes of material;
  - (b) any floor or wall of any building (whether above or below ground) used as a place of work; or
  - (c) any false-work.

### **Explosion or fire**

18. An explosion or fire occurring in any plant or premises which results in the stoppage of that plant or as the case may be the suspension of normal work in those premises for more than 24 hours, where the explosion or fire was due to the ignition of any material.

### **Escape of flammable substances**

- 19.—(1) The sudden, uncontrolled release—
- (a) inside a building—
    - (i) of 100 kilograms or more of a flammable liquid;
    - (ii) of 10 kilograms or more of a flammable liquid at a temperature above its normal boiling point; or
    - (iii) of 10 kilograms or more of a flammable gas; or
  - (b) in the open air, of 500 kilograms or more of any of the substances referred to in head (a).

(2) In this paragraph, “flammable liquid” and “flammable gas” mean respectively a liquid and a gas so classified in accordance with regulation 5(2), (3) or (5) of the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995<sup>(26)</sup>.

### **Escape of substances**

20. The accidental release or escape of any substance in a quantity sufficient to cause the death, major injury or any other damage to the health of any person.

## Part II

### Dangerous Occurrences which are Reportable in Relation to Mines

#### **Fire or ignition of gas**

21. The ignition, below ground, of any gas (other than gas in a safety lamp) or of any dust.
22. The accidental ignition of any gas in part of a firedamp drainage system on the surface or in an exhauster house.

---

(26) S.R. 1995 No. 60, as amended by S.R. 1996 No. 376, S.R. 1997 No. 247 and S.R. 1997 No. 398

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

23. The outbreak of any fire below ground.

24. An incident where any person in consequence of any smoke or any other indication that a fire may have broken out below ground has been caused to leave any place pursuant to either regulation 13(1) of the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970<sup>(27)</sup> or section 79 of the Mines Act (Northern Ireland) 1969<sup>(28)</sup>.

25. The outbreak of any fire on the surface which endangers the operation of any winding or haulage apparatus installed at a shaft or unwalkable outlet or of any mechanically operated apparatus for producing ventilation below ground.

### **Escape of gas**

26. Any violent outburst of gas together with coal or other solid matter into the mine workings except when such outburst is caused intentionally.

### **Failure of plant or equipment**

27. The breakage of any rope, chain, coupling, balance rope, guide rope, suspension gear or other gear used for or in connection with the carrying of persons through any shaft or staple shaft.

28. The breakage or unintentional uncoupling of any rope, chain, coupling, rope tensioning system or other gear used for or in connection with the transport of persons below ground, or breakage of any belt, rope or other gear used for or in connection with a belt conveyor designated by the mine manager as a man-riding conveyor.

29. An incident where any conveyance being used for the carriage of persons is overwound; or any conveyance not being so used is overwound and becomes detached from its winding rope; or any conveyance operated by means of the friction of a rope on a winding sheave is brought to rest by the apparatus provided in the headframe of the shaft or in the part of the shaft below the lowest landing for the time being in use, being apparatus provided for bringing the conveyance to rest in the event of its being overwound.

30. The stoppage of any ventilating apparatus (other than an auxiliary fan) which causes a substantial reduction in ventilation of the mine lasting for a period exceeding 30 minutes, except when for the purpose of planned maintenance.

31. The collapse of any headframe, winding engine house, fan house or storage bunker.

### **Breathing apparatus**

32. At any mine an incident where—

- (a) breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer, while being used, fails to function safely or develops a defect likely to affect its safe working; or
- (b) immediately after using and arising out of the use of breathing apparatus or a smoke helmet or other apparatus serving the same purpose or a self-rescuer, any person receives first-aid or medical treatment by reason of his unfitness or suspected unfitness at the mine.

### **Injury by explosion of blasting material etc.**

33. An incident in which any person suffers an injury (not being a major injury or one reportable under regulation 3(2)) which results from an explosion or discharge of any blasting material or device

---

<sup>(27)</sup> S.R. & O. (N.I.) 1970 No. 129

<sup>(28)</sup> 1969 c. 6 (N.I.)



within the meaning of section 69(4) of the Mines Act (Northern Ireland) 1969 for which he receives first-aid or medical treatment at the mine.

#### **Use of emergency escape apparatus**

34. An incident where any apparatus is used (other than for the purpose of training and practice) which has been provided at the mine in accordance with regulation 4 of the Mines (Emergency Egress) Regulations (Northern Ireland) 1975<sup>(29)</sup> or where persons leave the mine when apparatus and equipment normally used by persons to leave the mine is unavailable.

#### **Inrush of gas or water**

35. Any inrush of noxious or flammable gas from old workings.

36. Any inrush of water or material which flows when wet from any source.

#### **Insecure tip**

37. Any movement of material or any fire or any other event which indicates that a tip to which Part XI of the Mines Act (Northern Ireland) 1969 applies is, or is likely to become, insecure.

#### **Locomotives**

38. Any incident where an underground locomotive when not used for testing purposes is brought to rest by means other than its safety circuit protective devices or normal service brakes.

#### **Falls of ground**

39. Any fall of ground, not being part of the normal operations at a mine, which results from a failure of an underground support system and prevents persons travelling through the area affected by the fall or which otherwise exposes them to danger.

## **Part III**

### **Dangerous Occurrences which are Reportable in Relation to Quarries**

#### **Collapse of storage bunkers**

40. The collapse of any storage bunker.

#### **Sinking of craft**

41. The sinking of any water-borne craft or hovercraft.

#### **Injuries**

42.—(1) An incident in which any person suffers an injury (not otherwise reportable under these Regulations) which results from an explosion or from the discharge of any explosives for which he receives first-aid or medical treatment at the quarry.

(2) In this paragraph, “explosives” has the same meaning as in regulation 2(1) of the Quarries (Explosives) Regulations (Northern Ireland) 1991<sup>(30)</sup>.

---

<sup>(29)</sup> S.R. 1975 No. 35

<sup>(30)</sup> S.R. 1991 No. 233

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Projection of substances outside quarry**

43. Any incident in which any substance is ascertained to have been projected beyond a quarry boundary as a result of blasting operations in circumstances in which any person was or might have been endangered.

### **Misfires**

44. Any misfire, as defined by regulation 2(1) of the Quarries (Explosives) Regulations (Northern Ireland) 1991.

### **Insecure tip**

45. Any event (including any movement of material or any fire) which indicates that a tip to which Article 9 of the Quarries (Northern Ireland) Order 1983(31) applies is, or is likely to become, insecure.

### **Movement of slopes or faces**

46. Any movement or failure of an excavated slope or face which—
- (a) has the potential to cause the death of any person; or
  - (b) adversely affects any building, contiguous land, transport system, footpath, public utility or service, watercourse or reservoir or area of public access.

### **Explosions or fires in vehicles or plant**

47.—(1) Any explosion or fire occurring in any large vehicle or mobile plant which results in the stoppage of that vehicle or plant for more than 24 hours and which affects—

- (a) any place where persons normally work; or
  - (b) the route of egress from such a place.
- (2) In this paragraph, “large vehicle or mobile plant” means—
- (a) a dump truck having a load capacity of at least 50 tonnes; or
  - (b) an excavator having a bucket capacity of at least 5 cubic metres.

## **Part IV**

### **Dangerous Occurrences which are Reportable in Relation to Railways**

48.—(1) Any of the following incidents which, taking into account the circumstances, might have been liable to cause the death of, or major injury to, any person—

- (a) failure of—
  - (i) a locomotive;
  - (ii) a railway vehicle; or
  - (iii) a rope haulage system used in working an inclined railway; or any part thereof;
- (b) failure of a structure or part of the permanent way or formation, including any tunnel or cutting; or
- (c) any train or railway vehicle striking an obstruction on the line.

---

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

(2) Any case of collision, derailment, or a train unintentionally becoming divided, except one occurring on a siding or during shunting operations when there were no passengers on the train or other vehicles involved.

(3) Failure of the equipment of any level crossing or a train running onto a level crossing when not authorised to do so.

## Part V

### Dangerous Occurrences Reportable in Respect of an Offshore Workplace

#### **Release of petroleum hydrocarbon**

49. Any unintentional release of petroleum hydrocarbon from an offshore installation which—
- (a) results in—
    - (i) a fire or an explosion; or
    - (ii) the taking of action to prevent or limit the consequences of a potential fire or explosion; or
  - (b) has the potential to cause death or major injury to any person.

#### **Fire or explosion**

50. Any fire or explosion at an offshore installation, other than one to which paragraph 49 applies, which results in the stoppage of plant or the suspension of normal work.

#### **Release or escape of dangerous substances**

51. The uncontrolled or unintentional release or escape of any substance (other than petroleum hydrocarbon) on or from an offshore installation which has the potential to cause the death of, major injury to, or damage to the health of any person.

#### **Collapses**

52. Any unintended collapse of any offshore installation or any unintended collapse of any part thereof or any plant thereon which jeopardises the overall structural integrity of the installation.

#### **Dangerous occurrences**

53. Any of the following occurrences having the potential to cause death or major injury—
- (a) the failure of equipment required to maintain a floating offshore installation on station;
  - (b) the dropping of any object on an offshore installation or on an attendant vessel or into the water adjacent to an installation or vessel; or
  - (c) damage to or on an offshore installation caused by adverse weather conditions.

#### **Collisions**

54. Any collision between a vessel or aircraft and an offshore installation which results in damage to the installation, the vessel or the aircraft.

55. Any occurrence with the potential for a collision between a vessel and an offshore installation where, had a collision occurred, it would have been liable to jeopardise the overall structural integrity of the offshore installation.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Subsidence or collapse of seabed**

56. Any subsidence or local collapse of the seabed likely to affect the foundations of an offshore installation or the overall structural integrity of an offshore installation.

**Loss of stability or buoyancy**

57. Any incident involving loss of stability or buoyancy of a floating offshore installation.

**Evacuation**

58. Any evacuation (other than one arising out of an incident reportable under any other provision of these Regulations) of an offshore installation, in whole or part, in the interests of safety.

**Falls into water**

59. Any case of a person falling more than 2 metres into water (unless the fall results in death or injury required to be reported under regulation 3(1)(a) to (d)).

SCHEDULE 3

Regulation 5(1) and (2)

Reportable Diseases

Part I

Occupational Diseases

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
<i>Conditions due to physical agents and the physical demands of work</i>	
1. Inflammation, ulceration or malignant disease of the skin due to ionising radiation.	} Work with ionising radiation.
2. Malignant disease of the bones due to ionising radiation.	
3. Blood dyscrasia due to ionising radiation.	
4. Cataract due to electromagnetic radiation.	Work involving exposure to electro-magnetic radiation (including radiant heat).
5. Decompression illness.	} Work involving breathing gases at increased pressure (including diving).
6. Barotrauma resulting in lung or other organ damage.	
7. Dysbaric osteonecrosis.	
8. Cramp of the hand or forearm due to repetitive movements.	Work involving prolonged periods of handwriting, typing or other repetitive movements of the fingers, hand or arm.
9. Subcutaneous cellulitis of the hand ( <i>beat hand</i> ).	Physically demanding work causing severe or prolonged friction or pressure on the hand.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
10. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee ( <i>beat knee</i> ).	Physically demanding work causing severe or prolonged friction or pressure at or about the knee.
11. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow ( <i>beat elbow</i> ).	Physically demanding work causing severe or prolonged friction or pressure at or about the elbow.
12. Traumatic inflammation of the tendons of the hand or forearm or of the associated tendon sheaths.	Physically demanding work, frequent or repeated movements, constrained postures or extremes of extension or flexion of the hand or wrist.
13. Carpal tunnel syndrome.	Work involving the use of hand-held vibrating tools.
14. Hand-arm vibration syndrome.	Work involving: <ul style="list-style-type: none"> <li>(a) the use of chain saws, brush cutters or hand-held or hand-fed circular saws in forestry or woodworking;</li> <li>(b) the use of hand-held rotary tools in grinding material or sanding or polishing metal;</li> <li>(c) the holding of material being ground or metal being sanded or polished by rotary tools;</li> <li>(d) the use of hand-held percussive metal-working tools or the holding of metal being worked upon by percussive tools in connection with riveting, caulking, chipping, hammering, fettling or swaging;</li> <li>(e) the use of hand-held powered percussive drills or hand-held powered percussive hammers in mining, quarrying or demolition, or on roads or footpaths, (including road construction); or</li> <li>(f) the holding of material being worked upon by pounding machines in shoe manufacture.</li> </ul>
<i>Infections due to biological agents</i>	
15. Anthrax.	<ul style="list-style-type: none"> <li>(a) (a) Work involving handling infected animals, their products or packaging containing infected material; or</li> <li>(b) work on infected sites.</li> </ul>
16. Brucellosis.	Work involving contact with: <ul style="list-style-type: none"> <li>(a) animals or their carcasses (including any parts thereof) infected by brucella or the untreated products of same; or</li> </ul>

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	(b) laboratory specimens or vaccines of or containing brucella.
(a) (a) Avian chlamydiosis.	Work involving contact with birds infected with chlamydia psittaci, or the remains or untreated products of such birds.
(b) (b) Ovine chlamydiosis.	Work involving contact with sheep infected with chlamydia psittaci, or the remains or untreated products of such sheep.
18. Hepatitis.	Work involving contact with: (a) human blood or human blood products; or (b) any source of viral hepatitis.
19. Legionellosis.	Work on or near cooling systems which are located in the workplace and use water; or work on hot water service systems located in the workplace which are likely to be a source of contamination.
20. Leptospirosis.	(a) (a) Work in places which are or are liable to be infested by rats, fieldmice, voles or other small mammals; (b) work at dog kennels or involving the care or handling of dogs; or (c) work involving contact with bovine animals or their meat products or pigs or their meat products.
21. Lyme disease.	Work involving exposure to ticks (including in particular work by forestry workers, rangers, dairy farmers, game keepers and other persons engaged in countryside management).
22. Q fever.	Work involving contact with animals, their remains or their untreated products.
23. Rabies.	Work involving handling or contact with infected animals.
24. Streptococcus suis.	Work involving contact with pigs infected with streptococcus suis, or with the carcasses, products or residues of pigs so affected.
25. Tetanus.	Work involving contact with soil likely to be contaminated by animals.
26. Tuberculosis.	Work with persons, animals, human or animal remains or any other material which might be a source of infection.
27. Any infection reliably attributable to the performance of the work specified in the entry opposite hereto.	Work with micro-organisms; work with live or dead human beings in the course of providing any treatment or service or in conducting any investigation involving exposure to blood

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	or body fluids; work with animals or any potentially infected material derived from any of the above.
<i>Conditions due to substances</i>	
28. Poisonings by any of the following: <ul style="list-style-type: none"> <li>(a) acrylamide monomer;</li> <li>(b) arsenic or one of its compounds;</li> <li>(c) benzene or a homologue of benzene;</li> <li>(d) beryllium or one of its compounds;</li> <li>(e) cadmium or one of its compounds;</li> <li>(f) carbon disulphide;</li> <li>(g) diethylene dioxide (dioxan);</li> <li>(h) ethylene oxide;</li> <li>(i) lead or one of its compounds;</li> <li>(j) manganese or one of its compounds;</li> <li>(k) mercury or one of its compounds;</li> <li>(l) methyl bromide;</li> <li>(m) nitrochlorobenzene, or a nitro- or amino- or chloro-derivative of benzene or of a homologue of benzene;</li> <li>(n) oxides of nitrogen;</li> <li>(o) phosphorus or one of its compounds.</li> </ul>	Any activity.
29. Cancer of a bronchus or lung.	<ul style="list-style-type: none"> <li>(a) (a) Work in or about a building where nickel is produced by decomposition of a gaseous nickel compound or where any industrial process which is ancillary or incidental to that process is carried on; or</li> <li>(b) work involving exposure to bis (chloromethyl) ether or any electrolytic chromium processes (excluding passivation) which involve hexavalent chromium compounds, chromate production or zinc chromate pigment manufacture.</li> </ul>
30. Primary carcinoma of the lung where there is accompanying evidence of silicosis.	Any occupation in: <ul style="list-style-type: none"> <li>(a) glass manufacture;</li> <li>(b) sandstone tunnelling or quarrying;</li> <li>(c) the pottery industry;</li> <li>(d) metal ore mining;</li> <li>(e) slate quarrying or slate production;</li> <li>(f) clay mining;</li> <li>(g) the use of siliceous materials as abrasives;</li> </ul>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
31. Cancer of the urinary tract.	<p>(h) foundry work;</p> <p>(i) granite tunnelling or quarrying; or</p> <p>(j) stone cutting or masonry.</p> <p>1. Work involving exposure to any of the following substances:</p> <p>(a) beta-naphthylamine or methylene-bis- orthochloroaniline;</p> <p>(b) diphenyl substituted by at least one nitro or primary amino group or by at least one nitro and primary amino group (including benzidine);</p> <p>(c) any of the substances mentioned in head (b) if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; or</p> <p>(d) the salts of any of the substances mentioned in heads (a) to (c).</p> <p>2. The manufacture of auramine or magenta.</p>
32. Bladder cancer.	Work involving exposure to aluminium smelting using the Soderberg process.
33. Angiosarcoma of the liver.	<p>(a) (a) Work in or about machinery or apparatus used for the polymerisation of vinyl chloride monomer, a process which, for the purposes of this subparagraph, comprises all operations up to and including the drying of the slurry produced by the polymerisation and the packaging of the dried product; or</p> <p>(a) work in a building or structure in which any part of the process referred to in sub- paragraph (a) takes place.</p>
34. Peripheral neuropathy.	Work involving the use or handling of or exposure to the fumes of or vapour containing n-hexane or methyl n-butyl ketone.
35. Chrome ulceration of:	Work involving exposure to chromic acid or to any other chromium compound.
(a) the nose or throat; or	
(b) the skin of the hands or forearm.	
36. Folliculitis	} Work involving exposure to mineral oil, tar,
37. Acne.	pitch or arsenic.
38. Skin cancer.	
39. Pneumoconiosis (excluding asbestosis).	(a) (a) The mining, quarrying or working of silica rock or the working



Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	<p>of dried quartzose sand, any dry deposit or residue of silica or any dry admixture containing such materials (including any activity in which any of the aforesaid operations are carried out incidentally to the mining or quarrying of other minerals or to the manufacture of articles containing crushed or ground silica rock); or</p> <p>(b) the handling of any of the materials specified in head (a) in or incidentally to any of the operations mentioned therein or substantial exposure to the dust arising from such operations.</p> <p>2. The breaking, crushing or grinding of flint, the working or handling of broken, crushed or ground flint or materials containing such flint or substantial exposure to the dust arising from any of such operations.</p> <p>3. Sand blasting by means of compressed air with the use of quartzose sand or crushed silica rock or flint or substantial exposure to the dust arising from such sand blasting.</p> <p>4. Work in a foundry or the performance of, or substantial exposure to the dust arising from, any of the following operations:</p> <p>(a) the freeing of steel castings from adherent siliceous substance; or</p> <p>(b) the freeing of metal castings from adherent siliceous substance:</p> <p>(i) by blasting with an abrasive propelled by compressed air, steam or a wheel; or</p> <p>(ii) by the use of power-driven tools.</p> <p>5. The manufacture of china or earthenware (including sanitary earthenware, electrical earthenware and earthenware tiles) and any activity involving substantial exposure to the dust arising therefrom.</p> <p>6. The grinding of mineral graphite or substantial exposure to the dust arising from such grinding.</p> <p>7. The dressing of granite or any igneous rock by masons, the crushing of such materials</p>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	<p>or substantial exposure to the dust arising from such operations.</p> <p>8. The use or preparation for use of an abrasive wheel or substantial exposure to the dust arising therefrom.</p> <ul style="list-style-type: none"> <li>(a) (a) Work underground in any mine in which one of the objects of the mining operations is the getting of any material;</li> <li>(b) the working or handling above ground at any coal or tin mine of any materials extracted therefrom or any operation incidental thereto;</li> <li>(c) the trimming of coal in any ship, barge, lighter, dock or harbour or at any wharf or quay; or</li> <li>(d) the sawing, splitting or dressing of slate or any operation incidental thereto.</li> </ul> <p>10. The manufacture, or work incidental to the manufacture, of carbon electrodes by an industrial undertaking for use in the electrolytic extraction of aluminium from aluminium oxide and any activity involving substantial exposure to the dust therefrom.</p> <p>11. Boiler scaling or substantial exposure to the dust arising therefrom.</p>
40. Byssinosis.	<p>The spinning or manipulation of raw or waste cotton or flax or the weaving of cotton or flax, carried out in each case in a room in a factory, together with any other work carried out in such a room.</p>
41. Mesothelioma.	<ul style="list-style-type: none"> <li>(a) (a) The working or handling of asbestos or any admixture of asbestos;</li> </ul>
42. Lung cancer.	<ul style="list-style-type: none"> <li>(b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos;</li> </ul>
43. Asbestosis.	<ul style="list-style-type: none"> <li>(c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; or</li> <li>(d) substantial exposure to the dust arising from any of the foregoing operations.</li> </ul>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
44. Cancer of the nasal cavity or associated air sinuses.	<p>(a) (a) Work in or about a building where wooden furniture is manufactured;</p> <p>(b) work in a building used for the manufacture of footwear or components of footwear made wholly or partly of leather or fibre board; or</p> <p>(c) work at a place used wholly or mainly for the repair of footwear made wholly or partly of leather or fibre board.</p> <p>2. Work in or about a factory building where nickel is produced by decomposition of a gaseous nickel compound or in any process which is ancillary or incidental thereto.</p>
45. Occupational dermatitis.	<p>Work involving exposure to any of the following agents:</p> <p>(a) epoxy resin systems;</p> <p>(b) formaldehyde and its resins;</p> <p>(c) metalworking fluids;</p> <p>(d) chromate (hexavalent and derived from trivalent chromium);</p> <p>(e) cement, plaster or concrete;</p> <p>(f) acrylates and methacrylates;</p> <p>(g) colophony (rosin) and its modified products;</p> <p>(h) glutaraldehyde;</p> <p>(i) mercaptobenzothiazole, thiurams, substituted paraphenylene- diamines and related rubber processing chemicals;</p> <p>(j) biocides, anti-bacterials, preservatives or disinfectants;</p> <p>(k) organic solvents;</p> <p>(l) antibiotics and other pharmaceuticals and therapeutic agents;</p> <p>(m) strong acids, strong alkalis, strong solutions (eg brine) and oxidising agents including domestic bleach or reducing agents;</p> <p>(n) hairdressing products including in particular dyes, shampoos, bleaches and permanent waving solutions;</p> <p>(o) soaps and detergents;</p> <p>(p) plants and plant-derived material, including in particular the daffodil, tulip and chrysanthemum families, the parsley family (carrots, parsnips, parsley and celery), garlic and onion, hardwoods and the pine family;</p>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	(q) fish, shell-fish or meat; (r) sugar or flour; or (s) any other known irritant or sensitising agent including in particular any chemical bearing the warning “may cause sensitisation by skin contact” or “irritating to the skin”.
45. Extrinsic alveolitis (including farmer’s lung).	Exposure to moulds, fungal spores or heterologous proteins during work in: <ul style="list-style-type: none"> <li>(a) agriculture, horticulture, forestry, cultivation of edible fungi or malt-working;</li> <li>(b) loading, unloading or handling mouldy vegetable matter or edible fungi whilst same is being stored;</li> <li>(c) caring for or handling birds; or</li> <li>(d) handling bagasse.</li> </ul>
47. Occupational asthma.	Work involving exposure to any of the following agents: <ul style="list-style-type: none"> <li>(a) isocyanates;</li> <li>(b) platinum salts;</li> <li>(c) fumes or dust arising from the manufacture, transport or use of hardening agents (including epoxy resin curing agents) based on phthalic anhydride, tetrachlorophthalic anhydride, trimellitic anhydride or triethylene-tetramine;</li> <li>(d) fumes arising from the use of rosin as a soldering flux;</li> <li>(e) proteolytic enzymes;</li> <li>(f) animals including insects and other arthropods used for the purposes of research or education or in laboratories;</li> <li>(g) dusts arising from the sowing, cultivation, harvesting, drying, handling, milling, transport or storage of barley, oats, rye, wheat or maize or the handling, milling, transport or storage of meal or flour made therefrom;</li> <li>(h) antibiotics;</li> <li>(i) cimetidine;</li> <li>(j) wood dust;</li> <li>(k) ispaghula;</li> <li>(l) castor bean dust;</li> <li>(m) ipecacuanha;</li> <li>(n) azodicarbonamide;</li> <li>(o) animals including insects and other arthropods (whether in their larval forms or not) used for the purposes of pest</li> </ul>

Column 1 <i>Diseases</i>	Column 2 <i>Activities</i>
	control or fruit cultivation or the larval forms of animals used for the purposes of research or education or in laboratories;
	(p) glutaraldehyde;
	(q) persulphate salts or henna;
	(r) crustaceans or fish or products arising from these in the food processing industry;
	(s) reactive dyes;
	(t) soya bean;
	(u) tea dust;
	(v) green coffee bean dust;
	(w) fumes from stainless steel welding;
	(x) any other sensitising agent, including in particular any chemical bearing the warning “may cause sensitisation by inhalation”.

## Part II

### Diseases Additionally Reportable In Respect of Offshore Workplaces

48. Chickenpox.
49. Cholera.
50. Diphtheria.
51. Dysentery (amoebic or bacillary).
52. Acute encephalitis.
53. Erysipelas.
54. Food poisoning.
55. Legionellosis.
56. Malaria.
57. Measles.
58. Meningitis.
59. Meningococcal septicaemia (without meningitis).
60. Mumps.
61. Paratyphoid fever.
62. Plague.
63. Acute poliomyelitis.
64. Rabies.
65. Rubella.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

66. Scarlet fever.
  67. Tetanus.
  68. Tuberculosis.
  69. Typhoid fever.
  70. Typhus.
  71. Viral haemorrhagic fevers.
  72. Viral hepatitis.
- 

## SCHEDULE 4

Regulation 7

### Records

#### Part I

Particulars to be kept in records of any event which is reportable under Regulation 3

1. Date and time of the accident or dangerous occurrence.
2. In the event of an accident suffered by a person at work, the following particulars of that person—
  - (a) full name;
  - (b) occupation;
  - (c) nature of injury.
3. In the event of an accident suffered by a person not at work, the following particulars of that person (unless they are not known and it is not reasonably practicable to ascertain them)—
  - (a) full name;
  - (b) status (for example “passenger”, “customer”, “visitor”, “bystander” or “trespasser”);
  - (c) nature of injury.
4. Place where the accident or dangerous occurrence happened.
5. A brief description of the circumstances in which the accident or dangerous occurrence happened.
6. The date on which the event was first reported to the enforcing authority.
7. The method by which the event was reported.

#### Part II

Particulars to be kept in records of instances of any of the diseases specified in Schedule 3 and Reportable under Regulation 5

1. Date of diagnosis of the disease.
2. Name of the person affected.

3. Occupation of the person affected.
4. Name or nature of the disease.
5. The date on which the disease was first reported to the enforcing authority.
6. The method by which the disease was reported.

## SCHEDULE 5

Regulation 8

### Additional provisions relating to mines

1. In this Schedule—

“nominated person” means the person (if any) who is for the time being nominated—

  - (a) in a case where there is an association or body representative of a majority of the total number of persons employed at a mine, by that association or body;
  - (b) in any other case, jointly by associations or bodies which are together representative of such a majority,

to receive on behalf of the persons so employed notices under this Schedule.
2. Where at a mine any person, as a result of an accident arising out of or in connection with work, dies or suffers any major injury, or where there is a dangerous occurrence, the responsible person shall—
  - (a) forthwith notify the nominated person thereof by the quickest practicable means; and
  - (b) within 7 days send a report thereof to the nominated person on a form approved for the purposes of regulation 3.
3. Where there is a non-fatal injury to any person at a mine which is reported in accordance with paragraph 2, after which that person dies and his death is as a result of the accident, then as soon as it comes to his knowledge the responsible person shall give notice of the death to the nominated person.
- 4.—(1) Where there is an accident or dangerous occurrence in relation to which paragraph 2 applies, a person shall not disturb the place where it happened or tamper with anything at that place before—
  - (a) the expiration of 3 clear days after the matter to which paragraph 2 applies has been notified in accordance with these Regulations; or
  - (b) the place has been visited by an inspector and by workmen’s inspectors exercising the powers conferred on them by section 105 of the Mines Act (Northern Ireland) 1969(32), whichever is the sooner.

(2) Nothing in sub-paragraph (1) shall prohibit the doing of anything by or with the consent of an inspector.

(3) The requirements of sub-paragraph (1) shall not apply to an accident or to a dangerous occurrence if the responsible person—

  - (a) has taken adequate steps to ascertain that disturbing the site—
    - (i) is unlikely to prejudice any investigation by an inspector into the circumstances of the accident or dangerous occurrence; and

---

(32) 1969 c. 6 (N.I.)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (ii) is necessary to secure the safety of any person at the mine or to avoid disrupting the normal working thereof;
  - (b) (except in the case of a non-fatal accident or a dangerous occurrence, where the nominated person or any person designated by that nominated person pursuant to this sub-paragraph cannot be contacted within a reasonable time) has notified the nominated person, or any person designated in writing by the nominated person to receive any such notification, of the proposed disturbance, and gives such a person a reasonable opportunity to visit the site before it is disturbed;
  - (c) has taken adequate steps to ensure that there is obtained such information as will enable a full and accurate plan to be prepared forthwith, which plan shall show the position of any equipment or other item relevant to the accident or dangerous occurrence immediately after it happened; and
  - (d) ensures that any equipment or other item relevant to the accident or dangerous occurrence is kept as it was immediately after the incident until an inspector agrees that it may be disposed of.
- (4) The person who has taken the steps referred to in sub-paragraph (3)(c) shall ensure that the plan referred to in that sub-paragraph is signed by the person who prepared it and bears the date on which it was prepared, and that a copy of that plan is supplied on request to any inspector or to the nominated person.
- (5) It shall be a defence in proceedings against any person for contravening sub-paragraph (1) in any case which consists of the doing of any act, for that person to prove that the doing of that act was necessary for securing the safety of the mine or of any person.
5. The record kept under regulation 7, excluding any health record of an identifiable individual, shall be available for inspection by—
- (a) the nominated person; and
  - (b) workmen’s inspectors exercising the powers conferred on them by section 105 of the Mines Act (Northern Ireland) 1969.

## SCHEDULE 6

Regulation 9

### Additional provisions relating to offshore workplaces

#### **Disturbance of site**

- 1.—(1) In any case where any person, as a result of an accident arising out of or in connection with work at an offshore workplace, dies or suffers a major injury, a person shall not disturb the place where it happened or tamper with anything at that place before—
- (a) the expiration of 3 clear days after the matter has been notified in accordance with these Regulations; or
  - (b) the place has been visited by an inspector,
- whichever is the sooner.
- (2) Nothing in sub-paragraph (1) shall prohibit the doing of anything by or with the consent of an inspector or the doing of anything necessary to secure the safety of the workplace or of any person, plant or vessel.



## SCHEDULE 7

Regulation 10(4)

Statutory provisions requiring the notification of events which are not required to be notified or reported under these Regulations

Column 1 <i>Title of Statutory Provision</i>	Column 2 <i>Reference</i>
The Regulation of Railways Act 1871 and Orders or Regulations made or to be made thereunder.	1871 c. 78.
The Explosives Act 1875.	1875 c. 17.
The Railway Employment (Prevention of Accidents) Act 1900.	1900 c. 27.
The Nuclear Installations Act 1965 and Orders and Regulations made or to be made thereunder.	1965 c. 57.
Ionising Radiations Regulations (Northern Ireland) 1985.	S.R. 1985 No. 273.
The Air Navigation (Investigation of Air Accidents involving Civil and Military Aircraft or Installations) Regulations 1986.	S.I. 1986/1953.
The Civil Aviation (Investigation of Air Accidents) Regulations 1989.	S.I. 1989/2062.
The Merchant Shipping Act 1995 and Orders and Regulations made or to be made thereunder.	1995 c. 21.

## SCHEDULE 8

Regulation 15(1) and (2)

## Part I

## Revocations

Column 1 <i>Title of Regulations</i>	Column 2 <i>Reference</i>	Column 2 <i>Extent of Revocation</i>
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986.	S.R. 1986 No. 247.	The whole Regulations.
The Offshore Installations (Inspectors and Casualties) Regulations 1973.	S.I. 1973/1842.	Part II and the Schedule; and the entry relating to “disease” in regulation 1(2).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Column 1 <i>Title of Regulations</i>	Column 2 <i>Reference</i>	Column 2 <i>Extent of Revocation</i>
The Submarine Pipelines (Inspectors etc.) Regulations 1977	<a href="#">S.I. 1977/835</a> .	Regulations 5 and 6, the reference to regulations 5 and 6 in regulation 7(1)(a), and Schedule 2.
The Offshore Installations (Amendment) Regulations 1991.	<a href="#">S.I. 1991/679</a> .	The whole Regulations.

## Part II

### Amendments

1. In the Mines Act (Northern Ireland) 1969**(33)**—

- (a) in section 22(2)(b) (which relates to the giving of notice to the nominated person that a shaft or outlet is unavailable) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986” there shall be substituted “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997”;
- (b) in section 105(3) (which relates to the giving of notice of an accident or other occurrence) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986” there shall be substituted “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997”.

2. In the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970**(34)**, in regulation 13(2) (which relates to precautions in case of outbreak or suspected outbreak of fire) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986” there shall be substituted “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997”.

3. In the Control of Industrial Major Accident Hazards Regulations (Northern Ireland) 1985**(35)**, in regulation 5(3) (which relates to the notification of major accidents) for the words “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986” there shall be substituted “the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997”.

4. In the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989**(36)**, in regulation 17(6) (which relates to the notification of incidents) for the words after “means” there shall be substituted the words “any death, injury, disease or dangerous occurrence which is required to be reported under the Reporting of Injuries, Diseases or Dangerous Occurrences Regulations (Northern Ireland) 1997”.

5. In the Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996**(37)**, in regulation 5(2)(b) (which relates to the making available of information) for the words “regulation 7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

**(33)** 1969 c. 6 (N.I.); the relevant amending instrument is [S.R. 1986 No. 247](#)

**(34)** S.R. & O. (N.I.) 1970 No. 129; the relevant amending instrument is [S.R. 1986 No. 247](#)

**(35)** S.R. 1985 No. 175; the relevant amending instrument is [S.R. 1986 No. 247](#)

**(36)** S.I. 1989/971

**(37)** S.R. 1996 No. 511

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Northern Ireland) 1986” there shall be substituted “regulation 7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997”.

SCHEDULE 9

Regulation 15(3)

Schedule to be substituted for the Third Schedule to the Quarries (Returns and Records) Rules (Northern Ireland) 1963

“THIRD SCHEDULE

Rule 4

**Annual Return of Output, Value and Employment — Quarries (Northern Ireland) Order 1983**

- Please complete and return this form to the Department of Economic Development(a) before **1st February 19...**

**Quarry Details**

Name of occupier \_\_\_\_\_

Name of quarry \_\_\_\_\_

Address \_\_\_\_\_

County \_\_\_\_\_ Postcode \_\_\_\_\_

Telephone number \_\_\_\_\_ Fax number \_\_\_\_\_

**Output/value**

Minerals extracted for the year 1 January-31 December 19...		
Type of Mineral	Quantity	Value(£)
Basalt and igneous rock ( <i>other than granite</i> )		
Sandstone		
Limestone		
Sand and gravel		
Chalk		
Clay and Shale		
Diatomite		
Fireclay		
Granite		
Rock salt		
Others ( <i>please specify</i> )		

If no minerals were extracted, please give reason: \_\_\_\_\_

**Employee Details**

Number of employees inside the pit or excavation \_\_\_\_\_

Number of employees outside the pit or excavation (*washing, dressing, grinding etc*) \_\_\_\_\_

Number of management and administration (*including owner*) \_\_\_\_\_

(a) Please return the completed form to: Department of Economic Development, Minerals and Petroleum Unit, Netherleigh, Massey Avenue, Belfast BT4 2JP

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

## EXPLANATORY NOTE

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

### 1. These Regulations—

- (a) revoke and re-enact with modifications, in a consolidated form, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986 (S.R. 1986 No. 247) and certain provisions of the Offshore Installations (Inspectors and Casualties) Regulations 1973 (S.I. 1973/1842) and the Submarine Pipe-lines (Inspectors etc.) Regulations 1977 (S.I. 1977/835) (see paragraph 2), and
- (b) repeal a provision of the Quarries (Northern Ireland) Order 1983 (S.I. 1983/150 (N.I. 4)) and make a consequential amendment to the Quarries (Returns and Records) Rules (Northern Ireland) 1963 (S.R. & O. (N.I.) 1963 No. 41) (see paragraph 3).

2. The Regulations maintain a requirement that the responsible person (as defined in *regulation 2(1)*) must notify, and subsequently send a report to, the Department of Economic Development (“the Department”) or, as the case may be, the district council, of fatal and certain non-fatal accidents arising out of or in connection with work, of certain specified diseases contracted by persons at work and of certain specified dangerous occurrences.

In addition to minor and drafting amendments, these Regulations make the following changes of substance—

- (a) the definition of accident includes acts of violence done to persons at work (*regulation 2(i)*);
- (b) the injuries reportable in respect of persons not at work are confined to deaths, those injuries which cause a person to be taken from the site of the accident to a hospital and major injuries arising out of or in connection with work at a hospital (*regulation 3(1)(a), (c) and (d)*). Accidents arising out of medical treatment by a doctor or dentist are excluded (*regulation 10*);
- (c) the list of dangerous occurrences which must be reported (*regulation 3(1) and Schedule 2*) has been updated: it consists of general provisions as well as additional occurrences reportable in respect of mines, quarries, railways and offshore workplaces;
- (d) the list of reportable diseases has been updated (*regulation 5 and Schedule 3*);
- (e) the report required to be sent to the Department or, as the case may be, the district council, may be sent either on a form approved by the Department or by some other means approved by the Department (*regulation 3(1)(ii) and 5(1)*);
- (f) the persons responsible for the reporting of gas incidents include those approved under the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 194) (*regulation 6(2)*); and
- (g) the Department is given limited power to grant exemptions from requirements imposed by the Regulations (*regulation 13*).

3. The Regulations repeal Article 18(2) (annual return of details of accidents) of the Quarries (Northern Ireland) Order 1983 (S.I. 1983/150 (N.I. 4)) and, as a consequence, amend the Quarries (Returns and Records) Rules (Northern Ireland) 1963 (S.R. & O. (N.I.) 1963 No. 41) so as to prescribe a new form of annual return for completion in respect of quarrying activities (*regulations 14 and 15(3) and Schedule 9*).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4. In Great Britain, the corresponding Regulations are the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 ([S.I. 1995/3163](#)), and the Health and Safety Executive has prepared a compliance cost assessment in relation to those Regulations. A copy of that assessment, together with the Northern Ireland Supplement prepared by the Department, is held at the Department's Health and Safety Division, 83 Ladas Drive, Belfast BT6 9FJ, from where a copy may be obtained on request.

5. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978, and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.