
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 455

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

“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;

(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

- (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⁽⁷⁾;
- “dock” means any place to which section 123(1) of the Factories Act (Northern Ireland) 1965⁽⁸⁾ 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⁽⁹⁾ 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⁽¹⁰⁾), 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;

⁽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.)

“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⁽¹¹⁾;

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

“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 (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⁾;

⁽¹¹⁾ 1984 c. 24

⁽¹²⁾ 1983 c. 54

⁽¹³⁾ S.I. 1995/2994 (N.I. 18)

“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.