
STATUTORY INSTRUMENTS

2005 No. 1992

**The Railways (Accident Investigation
and Reporting) Regulations 2005**

Interpretation

2.—(1) In these Regulations—

“the 2003 Act” means the Railways and Transport Safety Act 2003;

“accident” means a railway accident;

“the Branch” means the Rail Accident Investigation Branch;

“carriageway” means a way over which there is a public right of passage for motor vehicles;

“Channel Tunnel system” has the meaning given by section 1(7) of the Channel Tunnel Act 1987(1) to the words “the tunnel system”;

“Chief Inspector” means the Chief Inspector of Rail Accidents appointed under section 3(2) of the 2003 Act;

“constable” means any person who is—

(a) a member or special constable of any police force who has been attested as a constable under section 29 of the Police Act 1996(2) or declared a constable under section 16 of the Police (Scotland) Act 1967(3); or

(b) a member of the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

“dangerous goods” has the meaning given by regulation 2(1) of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(4);

“European Railway Agency” means the agency for railway safety and interoperability established by Regulation (EC) No 881/2004 of the European Parliament and the Council of 29th April 2004 establishing a European Railway Agency(5);

“evidence” means anything involved in or relating to an accident or incident, whether at the site of the accident or incident or remote from it, including—

(a) written, electronic, photographic or other records;

(b) electronic or recording equipment;

(c) rolling stock, infrastructure, equipment and signalling systems;

(d) any personal, personnel, medical or other similar record or document; and

(e) anything else that an inspector identifies to—

(i) an owner of railway property;

(1) 1987 c. 53.

(2) 1996 c. 16. By section 24(3) of the 2003 Act, section 29 of the Police Act 1964 applies to a constable of the British Transport Police Force appointed in England or Wales.

(3) 1967 c. 77. By section 24(4) of the 2003 Act, section 16 of the Police (Scotland) Act 1967 applies to a constable of the British Transport Police Act appointed in Scotland.

(4) S.I.2004/568.

(5) OJNo. L164, 30.04.04, p.1.

- (ii) a railway industry body; or
- (iii) a manufacturer or supplier of equipment, components or services to an owner of railway property or to a railway industry body,

as being relevant to the accident or incident;

“extensive damage” means damage that can immediately be assessed by the Branch to cost at least 2 million Euros in total;

“incident” means a railway incident;

“infrastructure” means railway infrastructure;

“infrastructure manager” means any person who is responsible for establishing and maintaining infrastructure or a part thereof, which may also include the management of infrastructure control and safety systems, but does not include a maintainer;

“inspector” means a person appointed as an inspector of rail accidents under section 3(1) of the 2003 Act;

“Intergovernmental Commission” has the meaning given to those words by section 49 of the Channel Tunnel Act 1987;

“level crossing” means any place where a railway crosses on a level a highway or other road or passageway, whether or not there is public access to such land;

“maintainer” means a person who maintains, repairs or renews railway property or constructs new works in relation to railway property;

“motor vehicle” has the meaning given by section 185 of the Road Traffic Act 1988⁽⁶⁾;

“railway” means a railway or tramway within the meaning given by section 67 of the Transport and Works Act 1992⁽⁷⁾;

“railway accident” and “railway incident” have the meanings given in section 2(1) of the 2003 Act;

“railway industry body” means a person who is an infrastructure manager, a railway undertaking, a maintainer or an operator of rolling stock or railway assets;

“railway property” has the meaning given in section 1(1) of the 2003 Act;

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

“safety authority”—

- (a) in relation to Great Britain, excluding the Channel Tunnel system, means the Health and Safety Executive;
- (b) in relation to Northern Ireland, means the Department for Regional Development; and
- (c) in relation to the Channel Tunnel system, means the Intergovernmental Commission; and

“Safety Directive” means Directive [2004/49/EC](#) of the European Parliament and the Council of 29th April 2004 on safety on the Community’s railways and amending Council Directive [95/18/EC](#) on the licensing of railway undertakings and Directive [2001/14/EC](#) on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification⁽⁸⁾.

⁽⁶⁾ 1998 c. 52.

⁽⁷⁾ 1992 c. 42.

⁽⁸⁾ OJ No. L164, 30.04.04, p.44.

(2) The following words have the meaning given to them in section 83 of the Railways Act 1993⁽⁹⁾ or the meaning which would be given to them by an equivalent definition in relation to a tramway—

- (a) operator;
- (b) railway asset;
- (c) railway services;
- (d) rolling stock;
- (e) station;
- (f) track; and
- (g) train.

(3) “Serious accident” means an accident involving a derailment or collision of rolling stock which has an obvious impact on railway safety regulation or management of safety and includes such an accident that results in—

- (a) the death of at least one person;
- (b) serious injuries to five or more persons; or
- (c) extensive damage to rolling stock, the infrastructure or the environment.

(4) “Serious injury” includes—

- (a) a fracture other than to fingers, thumbs or toes;
- (b) amputation;
- (c) dislocation of the shoulder, hip, knee or spine;
- (d) loss of sight, whether temporary or permanent, in one or both eyes;
- (e) a chemical or hot metal burn or any penetrating injury to one or both eyes;
- (f) an injury leading to hypothermia or heat-induced illness;
- (g) an injury requiring resuscitation of the injured person;
- (h) an injury requiring admittance to hospital for more than 24 hours;
- (i) an injury directly leading to loss of consciousness; or
- (j) an injury resulting from the absorption of a substance by inhalation, ingestion or through the skin that causes acute illness requiring medical treatment.

(5) Any expression used both in these Regulations and the Safety Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Safety Directive.

(9) 1993 c. 43.