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STATUTORY INSTRUMENTS

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**2005 No. 1992**

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

**Accidents and incidents excluded from the application of Part 1 of the Railways and  
Transport Safety Act 2003**

3.—(1) An accident or incident that occurs within an industrial curtilage shall not be treated as an accident or incident for the purposes of Part 1 of the 2003 Act except where the accident or incident—

- (a) involves a train being used within an industrial curtilage for the purpose of carrying passengers for reward; or
- (b) occurs on track that—
  - (i) is not used for any purpose connected with the industrial activity within that curtilage other than to facilitate the entry to or exit from that curtilage; or
  - (ii) is directly controlled or operated by the person who controls or operates the railway outside the industrial curtilage to which the track within the curtilage is connected.

(2) An accident or incident that occurs on a railway which is operated by a cable haulage system and has a track of a length not exceeding 1 kilometre shall not be treated as an accident or incident for the purposes of Part 1 of the 2003 Act.

(3) Subject to paragraph (4), an accident or incident that occurs on a railway, no part of which crosses a carriageway (whether or not at the same level), shall not be treated as an accident or incident for the purposes of Part 1 of the 2003 Act.

(4) Paragraph (3) shall not apply to an accident or incident occurring on a railway operated by a cable haulage system that is not excluded under paragraph (2).

(5) In this regulation—

- (a) “factory” means a factory within the meaning of section 175 of the Factories Act 1961<sup>(1)</sup> and premises to which section 123(1) or (2) or 125(1) of that Act apply unless such premises are used for the purposes of inspection, servicing, maintenance or repair (excluding construction or re-construction) of railway property;
- (b) “industrial curtilage” means a curtilage of a harbour, freight terminal, mine, quarry or factory;
- (c) “mine” has the same meaning as in section 180 of the Mines and Quarries Act 1954<sup>(2)</sup>; and
- (d) “quarry” has the same meaning as in regulation 3 of the Quarries Regulations 1999<sup>(3)</sup>.

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(1) 1961 c. 34. Section 175(2)(n) was amended by regulation 3(1) of and Schedule 1 to the Factories Act 1961 etc. (Metrication) Regulations 1983 (S.I.1983/978).

(2) 1954 c. 70.

(3) S.I. 1999/2024.