
STATUTORY INSTRUMENTS

2005 No. 1992

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

Access to the site of an accident or incident

7.—(1) Subject to paragraph (2), no person other than an inspector or a person appointed under regulation 6(1) shall—

- (a) have access to the site of an accident or incident of a type described in Schedules 1 or 4, including the rolling stock, infrastructure or traffic control and signalling systems involved in such accident or incident; or
- (b) remove from or interfere with, or cause to be removed from or interfered with, anything at the site of an accident or incident of a type described in Schedules 1 or 4,

without the consent of an inspector until such time as the Branch has concluded its examination or removal of evidence at the site or determined that it will not conduct an investigation.

(2) A person may have access to, or remove anything described in paragraph (1), only in so far as may be necessary for the purpose of—

- (a) saving life or preventing further injury or suffering;
- (b) preventing further damage or destruction;
- (c) preventing danger, including from dangerous goods;
- (d) protecting the site; or
- (e) exercising a power conferred on that person by an enactment, or a power conferred on a constable, a procurator fiscal or the Lord Advocate at common law in Scotland.

(3) Subject to regulation 17 where a constable, the safety authority or any other person intends to enter a site referred to in paragraph (1) in exercise of a power conferred on him by an enactment —

- (a) he shall, where practicable, notify an inspector of his intention to do so, together with details of any action he proposes to take while on the site; and
- (b) where it is not practicable to notify an inspector in accordance with sub-paragraph (a), he shall inform an inspector as soon as practicable after he has entered the site and provide details of any action he has taken while on the site.

(4) In determining whether it is practicable to notify an inspector under paragraph (3)(a) a person intending to enter a site referred to in paragraph (1) shall have regard to whether the delay that would occur by giving such notification would, or would be likely to, affect adversely the result sought to be obtained from the exercise of his power.

(5) Where an inspector receives notification under paragraph (3)(a) of action proposed by a person referred to in paragraph (3) and a question arises as to the desirability of the proposed action to be taken, the inspector shall refer the question without delay to the Chief Inspector or an inspector acting on behalf of the Chief Inspector for determination pursuant to section 8(6) of the 2003 Act.

(6) A person who fails to comply with the requirements of paragraph (1) shall be guilty of an offence.