

2012 No. 199

HEALTH AND SAFETY

**The Reporting of Injuries, Diseases and Dangerous Occurrences
(Amendment) Regulations 2012**

<i>Made</i> - - - -	<i>26th January 2012</i>
<i>Laid before Parliament</i>	<i>31st January 2012</i>
<i>Coming into force</i> - -	<i>6th April 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 15(1), (2), (3)(a), (4)(a), (9) and paragraphs 15(1), 16 and 20 of Schedule 3 of the Health and Safety at Work etc Act 1974 (“the 1974 Act”)(a), and for the purpose of giving effect without modifications to proposals submitted by the Health and Safety Executive to the Secretary of State for the making of Regulations under section 11(3) of the 1974 Act after the carrying out by the Health and Safety Executive of consultations in accordance with section 50(3) of 1974 Act makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012 and shall come into force on 6th April 2012.

(2) In these Regulations, “the 1995 Regulations” means the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(b).

Amendment of regulation 3 of the 1995 Regulations

2. In regulation 3(2) of the 1995 Regulations (notification and reporting of injuries and dangerous occurrences),

- (a) for “three consecutive days” substitute “seven consecutive days”; and
- (b) for “within 10 days” substitute “within 15 days”.

Amendment of regulation 7 of the 1995 Regulations

3.—(1) After regulation 7 (1)(a) of the 1995 Regulations (records) insert the following—

“(aa) any injury resulting from an accident arising out of or in connection with work, where—

(a) 1974 c. 37

(b) S.I. 1995/3163, to which there are amendments not relevant to these Regulations.

- (i) a person is incapacitated for more than three consecutive days (excluding the day of the accident, but including any days which would not have been working days); and
- (ii) the work is of a kind which the person might be expected to do either as part of their contract of employment, or if there is no such contract, as part of their normal course of work.

The record must contain the particulars specified in Part III of Schedule 4.”.

Amendment of regulation 10 of the 1995 Regulations

- 4.—(1) In regulation 10 of the 1995 Regulations—
- (a) in the heading for “and 5” substitute “, 5 and 7(1)(aa)”
 - (b) in sub-paragraph (1) for “regulation 3” substitute “regulations 3 and 7(1)(aa)”;
 - (c) in sub-paragraph (2) for “and 4” substitute “, 4 and 7(1)(aa)”;
 - (d) in sub-paragraph (3) for “and 5” substitute “, 5 and 7(1)(aa)”.

Amendment of Schedule 4 of the 1995 Regulations

- 5.—(1) In Schedule 4 (Records), after Part II of the 1995 Regulations insert—

“PART III

Particulars to be kept in records of any injuries which must be recorded under regulation 7(1)(aa)

1

Date and time of the accident

2

The following particulars of the injured person—

- (a) full name;
- (b) occupation;
- (c) nature of injury.

3

Place where the accident happened.

4

A brief description of the circumstances in which the accident happened.”.

Amendment of the Safety Representatives and Safety Committees Regulations 1977

6.—(1) The Safety Representatives and Safety Committees Regulations(a) are amended as follows.

- (2) In regulation 6—
- (a) in sub-paragraph (1) for the first “a” substitute “ an over three day injury,”; and
 - (b) for sub-paragraph (3) substitute—
- “(3)In this regulation—

(a) S.I. 1977/500, to which there are amendments not relevant to these Regulations.

“notifiable accident or dangerous occurrence” and “notifiable disease” mean any accident, dangerous occurrence or disease, as the case may be, notice of which is required to be given by virtue of any of the relevant statutory provisions within the meaning of section 53(1) of the 1974 Act; and

“over three day injury” means an injury required to be recorded in accordance with regulation 7(1)(aa) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.”.

Amendment of the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

7.—(1) The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989(a) are amended as follows.

(2) In regulation 17—

(a) in sub-paragraph (3)(a) after “notifiable incident,” insert “or an over three day injury”; and

(b) for sub-paragraph (6) substitute—

“(6) In this regulation—

“notifiable incident” means any death, injury, disease or dangerous occurrence which is required to be reported under the Reporting of Injuries, Diseases or Dangerous Occurrences Regulations 1995; and

“over three day injury” means an injury required to be recorded in accordance with regulation 7(1)(aa) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.”.

Review

8.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the 1995 Regulations,
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive 89/391/EEC (which is implemented by means of regulations 3 and 7 of the 1995 Regulations), is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by the 1995 Regulations;
- (b) assess the extent to which those objectives are being achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(a) S.I. 1989/971, to which there are amendments not relevant to these Regulations.

Signed by authority of the Secretary of State for Work and Pensions.

26th January 2012

C. Grayling
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (the 1995 Regulations) and make consequential amendments to the Safety Representatives and Safety Committees Regulations 1977 and the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989.

2. The references to regulations which appear in parenthesis are to these Regulations rather than to the 1995 Regulations which they amend. In addition to minor drafting changes, the main changes to the 1995 Regulations are—

- (a) the period of incapacitation is increased from over three days, to over seven days before the occupational injury or accident which led to the incapacitation is required to be reported to the enforcing authority. The regulation also amends the period of time from ten days to fifteen days, before the responsible person is required to submit a report concerning an occupational injury, or accident which leads to over three days of incapacitation (*regulation 2*);
- (b) the responsible person is required to keep a record of an occupational injury, or accident which leads to over three days of incapacitation (*regulation 3*); however, the requirement is dispensed with, if the criteria in regulation 10 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 are satisfied (*regulation 4*);
- (c) Schedule 4 is amended to specify the particulars to be kept in any records of an occupational injury or accident which leads to over three days of incapacitation (*regulation 5*).

3. These Regulations make the following consequential amendments—

- (a) the Safety Representatives and Safety Committees Regulations 1977 is amended, to allow safety representatives to continue to inspect the part of the workplace where an occupational injury or accident occurred, which led to over three days of incapacitation (*regulation 6*);
- (b) the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989, is amended to allow safety representatives to continue to inspect offshore installations and equipment related to an occupational injury or accident which led to over three days of incapacitation (*regulation 7*).

4. Regulation 8 requires the Secretary of State to review the operation and effect of the 1995 Regulations and publish a report within five years after the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012 come into force, and within every five years after that. Following a review, it will fall to the Secretary of State to consider whether the 1995 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke or amend the 1995 Regulations.

STATUTORY INSTRUMENTS

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