

---

## STATUTORY INSTRUMENTS

---

# 2013 No. 1471

## The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

### Citation and commencement

1.—(1) These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

(2) Subject to paragraph (3), these Regulations come into force on 1st October 2013.

(3) Regulation 18(2) comes into force immediately after the coming into force of the other regulations.

### Interpretation

2.—(1) In these Regulations—

“the 1954 Act” means the Mines and Quarries Act 1954 <sup>M1</sup>;

“the 1969 Act” means the Mines and Quarries (Tips) Act 1969 <sup>M2</sup>;

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1999 Regulations” means the Quarries Regulations 1999 <sup>M3</sup>;

“the 2002 Regulations” means the Control of Substances Hazardous to Health Regulations 2002 <sup>M4</sup>;

“the 2006 Regulations” means the Railways and Other Guided Transport Systems (Safety) Regulations 2006 <sup>M5</sup>;

“the 2013 Order” means the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013 <sup>M6</sup>;

“accident” includes an act of non-consensual physical violence done to a person at work;

“approved manner” means published in a form considered appropriate and approved for the time being for the purposes of these Regulations—

(a) by the Executive; or

(b) in relation to activities covered by regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 <sup>M7</sup>, by the ORR;

“biological agent” has the meaning given by regulation 2(1) of the 2002 Regulations;

“carcinogen” has the meaning given by regulation 2(1) of the 2002 Regulations;

“consecutive days” includes any days which are not or would not have been working days;

“construction site” has the meaning given by regulation 2(1) of the Construction (Design and Management) Regulations 2007 <sup>M8</sup>;

“dangerous occurrence” means an occurrence which arises out of or in connection with work and is of a class specified in—

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. (See end of Document for details)*

- (a) Part 1 of Schedule 2;
  - (b) Part 2 of Schedule 2 and takes place anywhere except an offshore workplace;
  - (c) Part 3 of Schedule 2 and takes place at a mine;
  - (d) Part 4 of Schedule 2 and takes place at a quarry;
  - (e) Part 5 of Schedule 2 and takes place where a relevant transport system is operated;
  - (f) Part 6 of Schedule 2 and takes place at an offshore workplace;
- “disease” includes a medical condition;
- “diagnosis” means a registered medical practitioner's identification (in writing, where it pertains to an employee) of—
- (a) new symptoms; or
  - (b) symptoms which have significantly worsened;
- “diving contractor” and “diving project” have the meanings they are given by regulation 2(1) of the Diving at Work Regulations 1997 <sup>M9</sup>;
- “dock” means any place to which section 125(1) of the Factories Act 1961 <sup>M10</sup> applies;
- “the Executive” means the Health and Safety Executive;
- “explosives” has the meaning given by regulation 2(1) of [<sup>F1</sup>the Explosives Regulations 2014];
- “factory” has the meaning given by section 175 of the Factories Act 1961;
- “flammable gas” and “flammable liquid” have the meanings associated with those hazard classes in Part 2 of Annex I of Regulation (EC) No 1272/2008 (the CLP Regulation) <sup>M11</sup>;
- “mine” has the meaning given by section 180 of the 1954 Act and for the purposes of these Regulations includes a closed tip within the meaning of section 2(2)(b) of the 1969 Act which is associated with such a mine;
- “mutagen” has the meaning given by regulation 2(1) of the 2002 Regulations;
- “nominated person” means, in relation to a mine or quarry, the person (if any) who is for the time being nominated—
- (a) in a case where there is an association or body representative of a majority of the total number of persons employed at a mine or quarry, by that association or body; or
  - (b) in any other case, jointly by associations or bodies which are together representative of such a majority,
- to receive notices under paragraph 4 of Part 1 of Schedule 1 on behalf of the persons employed at that mine or quarry;
- “non-passenger train” means any train except a passenger train;
- “offshore installation” has the meaning given by article 4(2) of the 2013 Order;
- “offshore workplace” means any place where activities are carried on, or any premises, such that prescribed provisions of the 1974 Act are applied to those activities or premises by article 4, 5 or 6 of the 2013 Order (which for this purpose are deemed to apply to activities or premises within Great Britain which are in tidal waters or on the foreshore or other land intermittently covered by such waters as they apply to activities or premises within territorial waters or a designated area within the meaning of article 2(1) of that Order);
- “operator” means—
- (a) in relation to a pipeline, the person identified as such by regulation 2(1) of the Pipelines Safety Regulations 1996 <sup>M12</sup>; and
  - (b) in relation to a quarry, the person in overall control of the working of the quarry;

“the ORR” means the Office of Rail Regulation;

“owner” in relation to a mine means the person who is for the time being entitled to work it;

“passenger train” means a train carrying passengers or made available for that purpose;

“pipeline” and “pipeline works” have the meanings given by article 6(2) of the 2013 Order;

“quarry” means a quarry to which the 1999 Regulations apply;

“railway” has the meaning given by regulation 2(1) of the 2006 Regulations;

“relevant transport system” means—

- (a) a railway;
- (b) a tramway as defined by regulation 2(1) of the 2006 Regulations;
- (c) a trolley vehicle system as defined by section 67 of the Transport and Works Act 1992<sup>M13</sup>, except when it operates on a road; or
- (d) any other system using guided transport as defined by regulation 2(1) of the 2006 Regulations,

except at a factory, dock, construction site, mine or quarry, and does not include a guided bus system as defined by regulation 2(1) of the 2006 Regulations;

“reportable incident” means an incident giving rise to a notification or reporting requirement under these Regulations;

“reporting procedure” means, in relation to—

- (a) an injury, death or dangerous occurrence (except at a mine or quarry), the procedure described in paragraph 1 of Part 1 of Schedule 1;
- (b) an occupational disease or a disease offshore, the procedure described in paragraph 2 of Part 1 of Schedule 1;
- (c) exposure to a carcinogen, mutagen or biological agent, the procedure described in paragraph 3 of Part 1 of Schedule 1; or
- (d) an injury, death or dangerous occurrence at a mine or quarry, the procedure described in paragraph 4 of Part 1 of Schedule 1;

“responsible person” means the person identified in accordance with regulation 3;

“road” includes bridges over which a road passes, and—

- (a) in relation to England and Wales, means any highway and any other road to which the public has access;
- (b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984<sup>M14</sup> and any other way to which the public has access;

“road vehicle” means any vehicle on a road, other than a train;

“routine work” means work which a person might reasonably be expected to do, either under that person's contract of employment, or, if there is no such contract, in the normal course of that person's work;

“running line” means any line ordinarily used for the passage of trains which is not a siding;

“specified injury” means any injury or condition specified in regulation 4(1)(a) to (h);

“train” includes a locomotive, tramcar or other power unit, and any vehicle used on a relevant transport system;

“well” includes any structures and devices on top of a well;

“workmen's inspectors” means workmen's inspectors exercising the powers conferred on them by either section 123 of the 1954 Act or regulation 40 of the 1999 Regulations;

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. (See end of Document for details)*

“work-related accident” means an accident arising out of or in connection with work.

(2) In these Regulations, any reference to a work-related accident or dangerous occurrence includes an accident or dangerous occurrence attributable to—

- (a) the manner of conducting an undertaking;
- (b) the plant or substances used for the purposes of an undertaking; or
- (c) the condition of the premises used for the purposes of an undertaking or any part of them.

(3) For the purposes of these Regulations, a person at an offshore workplace is deemed to be at work at all times when that person is at that workplace in connection with that person's work.

#### Textual Amendments

- F1** Words in reg. 2(1) substituted (1.10.2014) by [The Explosives Regulations 2014 \(S.I. 2014/1638\)](#), reg. 1(1), [Sch. 13 para. 31\(a\)](#)

#### Marginal Citations

- M1** [1954 c.70](#); section 180 was amended by [S.I. 1974/2013](#), [S.I. 1993/1897](#) and [S.I. 1999/2024](#); section 123 was amended by [S.I. 1985/2023](#) and [S.I. 1999/2024](#); there are other amending instruments but none is relevant.
- M2** [1969 c.10](#); section 2(2) was amended by [S.I. 1999/2024](#); there are other amending instruments but none is relevant.
- M3** [S.I. 1999/2024](#); to which there are amendments not relevant to these Regulations.
- M4** [S.I. 2002/2677](#); regulation 2(1) was amended by [S.I. 2003/978](#); there are other amending instruments but none is relevant.
- M5** [S.I. 2006/599](#); to which there are amendments not relevant to these Regulations.
- M6** [S.I. 2013/240](#).
- M7** [S.I. 2006/557](#).
- M8** [S.I. 2007/320](#).
- M9** [S.I. 1997/2776](#).
- M10** [1961 c.34](#); section 175 was amended by [S.I. 1983/978](#); there are other amending instruments but none is relevant.
- M11** OJ No L 353, 31.12.2008, p1. Annex I is amended from time to time.
- M12** [S.I. 1996/825](#).
- M13** [1992 c.42](#).
- M14** [1984 c.54](#); the definition of “road” in section 151 was amended by paragraph 94 of Schedule 8 to the [New Roads and Street Works Act 1991 \(c.22\)](#); there are other amending instruments but none is relevant.

#### Responsible person

3.—(1) In these Regulations, the “responsible person” is—

- (a) in relation to an injury, death or dangerous occurrence reportable under regulation 4, 5, 6 or 7 or recordable under regulation 12(1)(b) involving—
  - (i) an employee, that employee's employer; or
  - (ii) a person not at work or a self-employed person, or in relation to any other dangerous occurrence, the person who by means of their carrying on any undertaking was in control of the premises where the reportable or recordable incident happened, at the time it happened; or
- (b) in relation to a diagnosis reportable under regulation 8, 9 or 10 in respect of—
  - (i) an employee, that employee's employer; or

- (ii) a self-employed person, that self-employed person.
- (2) Despite paragraph (1), in these Regulations the “responsible person” is—
  - (a) in relation to a mine, the manager of that mine;
  - (b) in relation to a closed tip, the owner of the mine with which that tip is associated;
  - (c) in relation to a quarry, the operator of that quarry;
  - (d) in relation to a dangerous occurrence—
    - (i) at a pipeline, the operator of that pipeline; or
    - (ii) at a well, the person appointed to organise and supervise the drilling of, and operations using, that well by any person granted a licence under section 3 of the Petroleum Act 1998 <sup>M15</sup>, or where no such person is appointed, that licensee; or
  - (e) except in relation to a diagnosis reportable under regulation 8, 9 or 10—
    - (i) at an offshore installation, the duty holder for the purposes of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 <sup>M16</sup> (provided that for the purposes of this provision regulation 3(2)(c) of those Regulations is deemed not to apply); or
    - (ii) in relation to a diving project, the diving contractor.

**Marginal Citations**

**M15** 1998 c.17.

**M16** S.I. 1995/738; to which there are amendments not relevant to these Regulations.

**Non-fatal injuries to workers**

- 4.—(1) Where any person at work, as a result of a work-related accident, suffers—
- (a) any bone fracture diagnosed by a registered medical practitioner, other than to a finger, thumb or toe;
  - (b) amputation of an arm, hand, finger, thumb, leg, foot or toe;
  - (c) any injury diagnosed by a registered medical practitioner as being likely to cause permanent blinding or reduction in sight in one or both eyes;
  - (d) any crush injury to the head or torso causing damage to the brain or internal organs in the chest or abdomen;
  - (e) any burn injury (including scalding) which—
    - (i) covers more than 10% of the whole body's total surface area; or
    - (ii) causes significant damage to the eyes, respiratory system or other vital organs;
  - (f) any degree of scalding requiring hospital treatment;
  - (g) loss of consciousness caused by head injury or asphyxia; or
  - (h) any other injury arising from working in an enclosed space which—
    - (i) leads to hypothermia or heat-induced illness; or
    - (ii) requires resuscitation or admittance to hospital for more than 24 hours,
- the responsible person must follow the reporting procedure.
- (2) Where any person at work is incapacitated for routine work for more than seven consecutive days (excluding the day of the accident) because of an injury resulting from an accident arising out of or in connection with that work, the responsible person must send a report to the relevant

enforcing authority in an approved manner as soon as practicable and in any event within 15 days of the accident.

(3) This regulation is subject to regulations 14 and 15.

#### **Non-fatal injuries to non-workers**

5. Where any person not at work, as a result of a work-related accident, suffers—

- (a) an injury, and that person is taken from the site of the accident to a hospital for treatment in respect of that injury; or
- (b) a specified injury on hospital premises,

the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

#### **Work-related fatalities**

6.—(1) Where any person dies as a result of a work-related accident, the responsible person must follow the reporting procedure.

(2) Where any person dies as a result of occupational exposure to a biological agent, the responsible person must follow the reporting procedure.

(3) Where an employee has suffered an injury reportable under regulation 4 which is a cause of his death within one year of the date of the accident, the employer must notify the relevant enforcing authority of the death in an approved manner without delay, whether or not the injury has been reported under regulation 4.

(4) This regulation is subject to regulations 14 and 15, and does not apply to a self-employed person who suffers a fatal accident or fatal exposure on premises controlled by that self-employed person.

#### **Dangerous occurrences**

7. Where there is a dangerous occurrence, the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

#### **Occupational diseases**

8. Where, in relation to a person at work, the responsible person receives a diagnosis of—

- (a) Carpal Tunnel Syndrome, where the person's work involves regular use of percussive or vibrating tools;
- (b) cramp in the hand or forearm, where the person's work involves prolonged periods of repetitive movement of the fingers, hand or arm;
- (c) occupational dermatitis, where the person's work involves significant or regular exposure to a known skin sensitizer or irritant;
- (d) Hand Arm Vibration Syndrome, where the person's work involves regular use of percussive or vibrating tools, or the holding of materials which are subject to percussive processes, or processes causing vibration;
- (e) occupational asthma, where the person's work involves significant or regular exposure to a known respiratory sensitizer; or
- (f) tendonitis or tenosynovitis in the hand or forearm, where the person's work is physically demanding and involves frequent, repetitive movements,

the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

### Exposure to carcinogens, mutagens and biological agents

9. Where, in relation to a person at work, the responsible person receives a diagnosis of—
- (a) any cancer attributed to an occupational exposure to a known human carcinogen or mutagen (including ionising radiation); or
  - (b) any disease attributed to an occupational exposure to a biological agent,
- the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

### Diseases offshore

10. Where, in relation to a person at an offshore workplace, the responsible person receives a diagnosis of any of the diseases listed in Schedule 3, the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

### Gas-related injuries and hazards

11.—(1) Where a conveyor of flammable gas through a fixed pipe distribution system, or a filler, importer or supplier (except by retail) of a refillable container containing liquefied petroleum gas, receives notification of the death, loss of consciousness or taking to hospital of a person because of an injury arising in connection with that gas, that person must—

- (a) notify the Executive of the incident without delay; and
- (b) send a report of the incident to the Executive in an approved manner within 14 days of the incident.

(2) Where an approved person has sufficient information to decide that the design, construction, manner of installation, modification or servicing of a gas fitting is or could have been likely to cause the death, loss of consciousness or taking to hospital of a person because of—

- (a) the accidental leakage of gas;
- (b) the incomplete combustion of gas; or
- (c) the inadequate removal of the products of combustion of gas,

the approved person must send a report of that information to the Executive in an approved manner within 14 days of acquiring that information.

(3) Nothing is reportable—

- (a) under this regulation, if it is notifiable or reportable elsewhere in these Regulations;
- (b) under paragraph (2), in relation to any gas fitting undergoing testing or examination at a place set aside for that purpose; or
- (c) under paragraph (2), if the approved person has previously reported that information.

(4) In this regulation—

“approved person” means an employer or self-employed person who is a member of a class of persons approved by the Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998<sup>M17</sup>;

“gas fitting” means a gas fitting defined in those Regulations or any flue or ventilation used in connection with that fitting; and

“liquefied petroleum gas” means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture of them) or commercial propane (that is, a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture of them) or any mixture of commercial butane and commercial propane.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. (See end of Document for details)*

### Marginal Citations

M17 [S.I. 1998/2451](#).

## Recording and record-keeping

- 12.**—(1) The responsible person must keep a record of any—
- (a) reportable incident under regulation 4, 5, 6 or 7, which contains the particulars specified in paragraphs 5 to 11 of Part 2 of Schedule 1;
  - (b) diagnosis reportable under regulation 8, 9 or 10, which contains the particulars specified in paragraphs 12 to 17 of Part 2 of Schedule 1;
  - (c) injury to a person at work resulting from an accident arising out of or in connection with that work, incapacitating that person for routine work for more than three consecutive days (excluding the day of the accident), which contains the particulars specified in paragraphs 18 to 21 of Part 2 of Schedule 1; and
  - (d) other particulars approved by the Executive or the ORR for demonstrating compliance with the approved manner of reporting under Part 1 of Schedule 1.
- (2) An entry in the record referred to in paragraph (1) must be kept for at least three years from the date on which it was made, and the record must be—
- (a) kept at the place where the work to which it relates is carried on, or at the usual place of business of the responsible person; and
  - (b) in the case of a mine or quarry, available for inspection by any nominated person and workmen's inspectors (excluding any health record of an identifiable individual).
- (3) The responsible person must send to the relevant enforcing authority such extracts from the record required to be kept under paragraph (1) as that enforcing authority may require.
- (4) Any record of injuries, deaths, dangerous occurrences or diseases which the responsible person keeps for any other purpose satisfies the requirements of paragraph (1) if it covers the injuries recordable under these Regulations and includes the particulars specified in Part 2 of Schedule 1.

## Mines, quarries and offshore site disturbance

- 13.**—(1) Where there is a reportable incident under regulation 4, 5 or 6 at a mine, quarry or offshore workplace, or where there is a dangerous occurrence at a mine or quarry, then the place where it happened must not be disturbed, or anything at that place tampered with before—
- (a) the expiration of three clear days after the matter has been notified in accordance with these Regulations; or
  - (b) the place has been visited by an inspector and, in the case of a mine or quarry, by workmen's inspectors, if that is sooner.
- (2) Nothing in this regulation prohibits any person doing anything by or with the consent of an inspector, or which was necessary—
- (a) in the case of a mine or quarry, to secure the safety of the mine or quarry, or of any person; or
  - (b) in the case of an offshore workplace, to secure the safety or integrity of the workplace or of any person, plant, vessel or well.
- (3) In relation to a mine or quarry, this regulation does not apply if an appropriate person—
- (a) has taken adequate steps to ascertain that disturbing the site—



- (i) is unlikely to prejudice any investigation by an inspector into the circumstances of the reportable incident; and
- (ii) is necessary to secure the safety of any person at the mine or quarry or to avoid disrupting the normal working of the mine or quarry;
- (b) has notified any nominated person, or any person designated in writing by a nominated person to receive any such notification, of the proposed disturbance, and gives such a person a reasonable opportunity to visit the site before it is disturbed (except in the case of a non-fatal accident or dangerous occurrence where any nominated person or person designated by them cannot be contacted within a reasonable time);
- (c) has taken adequate steps to ensure that such information is obtained as will enable the preparation, without delay, of a full and accurate plan showing the position of any equipment or item relevant to the reportable incident immediately after it happened;
- (d) ensures that that plan is signed by the person who prepared it and bears the date on which it was prepared, and that a copy of that plan is supplied on request to any nominated person or any inspector; and
- (e) ensures that any equipment or item relevant to the reportable incident is kept as it was immediately after the incident, until an inspector agrees that it may be disposed of.
- (4) In paragraph (3), “appropriate person” means the responsible person or—
  - (a) in the case of a coal mine, a person appointed in the management structure of that mine established pursuant to regulation 10(1) of the Management and Administration of Safety and Health at Mines Regulations 1993 <sup>M18</sup>; or
  - (b) in the case of a quarry, a person appointed in the management structure of that quarry established pursuant to regulation 8(1) of the 1999 Regulations.

**Marginal Citations**

M18 S.I. 1993/1897.

**Restrictions on the application of regulations 4 to 10**

14.—(1) Where the injury or death of a person arises out of the conduct of any operation on, or any examination or other medical treatment of, that person (such operation, examination or other treatment being conducted by or under the supervision of a registered medical practitioner or a registered dentist), the requirements of regulations 4, 5, 6(1) and 12(1)(b) do not apply.

(2) In paragraph (1), “registered dentist” has the meaning given by section 53(1) of the Dentists Act 1984 <sup>M19</sup>.

(3) Where the injury or death of a person arises out of or in connection with the movement of a vehicle on a road, the requirements of regulations 4, 5, 6 and 12(1)(b) do not apply, unless that person—

- (a) was injured or killed by an accident involving a train;
- (b) was injured or killed by exposure to a substance being conveyed by the vehicle;
- (c) was engaged in work connected with the loading or unloading of any article or substance onto or off the vehicle at the time of the accident, or was injured or killed by the activities of another person who was so engaged; or
- (d) was engaged in, or was injured or killed by the activities of another person who was at the time of the accident engaged in, work on or alongside a road.

*Status: Point in time view as at 01/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. (See end of Document for details)*

(4) In paragraph (3)(d), “work on or alongside a road” means work concerned with the construction, demolition, alteration, repair or maintenance of—

- (a) the road or the markings or equipment on the road;
- (b) the verges, fences, hedges or other boundaries of the road;
- (c) pipes or cables on, under, over or adjacent to the road; or
- (d) buildings or structures adjacent to or over the road.

(5) The injury, death or diagnosis of a member of the armed forces of the Crown or of a visiting force, on duty at the time, is not subject to the requirements of regulation 4, 6, 8, 9, 10 or 12(1)(b) (and for the purposes of this paragraph a visiting force has the meaning given by section 12(1) of the Visiting Forces Act 1952 <sup>M20</sup>).

(6) Except in relation to an offshore workplace, regulations 4 to 9 do not apply to anything which must be notified under—

- (a) the Nuclear Installations Act 1965 <sup>M21</sup>;
- (b) the Merchant Shipping Act 1988 <sup>M22</sup>;
- (c) Orders and Regulations made or to be made under the enactments in (a) and (b);
- (d) the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 <sup>M23</sup>;
- (e) the Ionising Radiations Regulations 1999 <sup>M24</sup>;
- (f) the Electricity Safety, Quality and Continuity Regulations 2002 <sup>M25</sup>; or
- (g) the Civil Aviation (Investigation of Military Air Accidents at Civil Aerodromes) Regulations 2005 <sup>M26</sup>.

#### **Marginal Citations**

**M19** 1984 c.24.

**M20** 1952 c.67; the definition of “visiting force” was amended by paragraph 14(1) of Schedule 15 to the Criminal Justice Act 1988 (c.33).

**M21** 1965 c.57.

**M22** 1988 c.12.

**M23** S.I. 1996/2798; to which there are amendments not relevant to these Regulations.

**M24** S.I. 1999/3232; to which there are amendments not relevant to these Regulations.

**M25** S.I. 2002/2665; to which there are amendments not relevant to these Regulations.

**M26** S.I. 2005/2693.

#### **Restriction on parallel requirements**

**15.**—(1) Where the responsible person is under more than one requirement to make a notification under these Regulations, only one notification is required if the conditions in paragraph (3) are met.

(2) Where the responsible person is under more than one requirement to make a report under these Regulations, only one report is required if the conditions in paragraph (3) are met.

(3) The conditions referred to in paragraphs (1) and (2) are—

- (a) the facts giving rise to each requirement are identical;
- (b) the information required to be provided by each requirement is provided;
- (c) where the requirements have different time limits, the shortest time limit is complied with; and

(d) in the case of a mine or quarry, all steps referred to in paragraph 4 of Part 1 of Schedule 1 are complied with.

(4) Where the responsible person is under more than one requirement to keep a record under these Regulations, only one record is required if the facts giving rise to each requirement are identical and the particulars required by each requirement are contained in the record.

## Defence

16. In proceedings against any person for failing to comply with a requirement of these Regulations<sup>M27</sup>, it is a defence for that person to prove that they were not aware of the circumstances which gave rise to that requirement, so long as that person had taken all reasonable steps to be made aware, in sufficient time, of such circumstances.

### Marginal Citations

M27 These Regulations do not contain any offences. However, the contravention of any of these Regulations, or any requirement or prohibition imposed under them, is an offence under section 33(1) of the 1974 Act.

## Certificates of exemption

17.—(1) Subject to paragraph (2)—

(a) the Executive; and

(b) in relation to activities covered by regulation 3 of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006, the ORR,

may exempt any person or class of persons from any requirement of these Regulations by a certificate in writing, and any such exemption may be granted subject to conditions and with or without limit of time and may be revoked by a certificate in writing at any time.

(2) Such an exemption may not be granted by the Executive or the ORR unless, having regard to the circumstances of the case and, in particular, to—

(a) the conditions, if any, which it proposes to attach to the exemption; and

(b) any other requirements imposed by or under any relevant enactments,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

## Revocations, amendments and savings

18.—(1) The revocations listed in Table 1 of Schedule 4 have effect.

(2) The amendments listed in Table 2 of Schedule 4 have effect.

(3) Any record or register required to be kept under any instrument revoked by these Regulations must be kept for the same period as if these Regulations had not been made.

## Extension outside Great Britain

19. These Regulations apply to premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the 2013 Order as they apply within Great Britain.

**Review**

- 20.—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
  - (b) set out the conclusions of that 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—
- (a) Council Directive [89/391/EEC](#) on the introduction of measures to encourage improvements in the safety and health of workers at work <sup>M28</sup> (which is implemented by means of regulations 4 and 6);
  - (b) Council Directive [92/91/EEC](#) concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling <sup>M29</sup> (which is implemented by means of regulations 4, 6 and 7);
  - (c) Council Directive [92/104/EEC](#) on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries <sup>M30</sup> (which is implemented by means of regulations 4, 6 and 7);
  - (d) Directive [2000/54/EC](#) of the European Parliament and of the Council on the protection of workers from risks related to exposure to biological agents at work <sup>M31</sup> (which is implemented by means of regulations 7 and 9);
  - (e) Directive [2004/37/EC](#) of the European Parliament and of the Council on the protection of workers from the risks related to exposure to carcinogens or mutagens at work <sup>M32</sup> (which is implemented by means of regulation 9);
  - (f) Directive [2004/49/EC](#) of the European Parliament and of the Council 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 <sup>M33</sup> (which is implemented by means of regulations 4, 6 and 7);
  - (g) Regulation (EC) No [1338/2008](#) of the European Parliament and of the Council on Community statistics on public health and health and safety at work <sup>M34</sup> (which is implemented by means of regulations 4, 6, 8 and 12); and
  - (h) Council Directive [2010/32/EU](#) implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU <sup>M35</sup> (which is implemented by means of regulation 7),
- are 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 these Regulations;
  - (b) assess the extent to which those objectives are 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.

**Marginal Citations**

- M28** OJ No L 183, 29.6.1989, p1.
- M29** OJ No L 348, 28.11.1992, p9.
- M30** OJ No L 404, 31.12.1992, p10.
- M31** OJ No L 262, 17.10.2000, p21.
- M32** OJ No L 229, 29.6.2004, p23.
- M33** OJ No L 220, 21.6.2004, p16.
- M34** OJ No L 354, 31.12.2008, p70.
- M35** (OJ No L 134, 1.6.2010, p66.

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

Department for Work and Pensions

*Mark Hoban*  
Minister of State,

**Status:**

Point in time view as at 01/10/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.