STATUTORY RULES OF NORTHERN IRELAND

2004 No. 196

HEALTH AND SAFETY

Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*28th April 2004*
Coming into operation	*2nd June 2004*

The Department for Regional Development(**1**) and the Department of Enterprise, Trade and Investment(**2**), acting jointly as the Department concerned(**3**), in exercise of the powers conferred by Articles 2(5), 17(1), (2), (3), (4), (5) and (6)(**4**) and 55(2) of, and paragraphs 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**5**), ("the 1978 Order"), and by section 1(3) of the Railway Safety Act (Northern Ireland) 2002(**6**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order(**7**) with the Health and Safety Executive for Northern Ireland and such other bodies as appeared to them to be appropriate hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 2nd June 2004.

Amendment of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

2.—(1) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(**8**) shall be amended in accordance with the following paragraphs.

(**1**) The Department for Regional Development is concerned with matters under those provisions of the Railway Safety Act (Northern Ireland) 2002 which are, by section 1(1) and (4) of that Act, specified as existing statutory provisions within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978

(**2**) Formerly the Department of Economic Development; *see*S.I. 1982/846 (N.I. 11) Article 3 and S.I 1999/283 (N.I. 1) Article 3(5)

(**3**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**4**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Article 3(2) and 2002 c. 8 section 1(3)

(**5**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1) and by 2002 c. 8 section 1(2)

(**6**) 2002 c. 8

(**7**) Article 46(1) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(**8**) S.R. 1997 No. 455, as amended by S.R. 1998 No. 375, S.R. 1999 No. 150, S.R. 2000 No. 375 and S.R.2001 No. 436

(2) In paragraph (1) of regulation 2 –

(a) at the end of the definition of "territorial waters", the word "and" shall be omitted; and

(b) there shall be inserted in the appropriate places in the alphabetical order of the definitions the following definitions –

""passenger train" means a train carrying passengers or made available for the carriage of passengers;

"railway" has the meaning assigned to it by section 6 of the Railway Safety Act (Northern Ireland) 2002;

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

"train" includes a reference to a locomotive; and".

(3) For paragraph 12 of Part I of Schedule 2 there shall be substituted the following paragraph –

"**Train collisions**

12. Any collision of a train with any other train or vehicle, other than a collision to which Part IV relates, which caused, or might have caused, the death of, or major injury to, any person."

(4) For Part IV of Schedule 2, there shall be substituted the following Part –

"PART IV

DANGEROUS OCCURRENCES WHICH ARE REPORTABLE IN RELATION TO RAILWAYS

Accidents to passenger trains

48A. Any collision in which a passenger train collides with another train.

48B. Any case where a passenger train or any part of such a train leaves the rails otherwise than deliberately as part of normal railway operations.

Accidents not involving passenger trains

48C. Any collision between trains, other than one between a passenger train and another train, on a running line where any train sustains damage as a result of the collision, and any such collision in a siding which results in a running line being obstructed.

48D. Any derailment, of a train other than a passenger train, on a running line, except a derailment which occurs during shunting operations and does not obstruct any other running line.

48E. Any derailment, of a train other than a passenger train, in a siding which results in a running line being obstructed.

Accidents involving any kind of train

48F. Any case of a train striking a buffer stop, other than in a siding, where damage is caused to the train.

48G. Any case of a train striking any cattle or horse, whether or not damage is caused to the train, or striking any other animal if, in consequence, damage (including damage to the

windows of the driver's cab but excluding other damage consisting solely in the breakage of glass) is caused to the train necessitating immediate temporary or permanent repair.

48H. Any case of a train on a running line striking or being struck by any object which causes damage (including damage to the windows of the driver's cab but excluding other damage consisting solely in the breakage of glass) necessitating immediate temporary or permanent repair or which might have been liable to derail the train.

48I. Any case of a train, other than one on a railway, striking or being struck by a road vehicle.

48J. Any case of a passenger train, or any other train not fitted with continuous self-applying brakes, becoming divided.

48K.—(1) Any of the following classes of accident which occurs or is discovered whilst the train is on a running line –

(a) the failure of an axle;

(b) the failure of a wheel or tyre, including a tyre loose on its wheel;

(c) the failure of a rope or the fastenings thereof or of the winding plant or equipment involved in working an incline;

(d) any fire, severe electrical arcing or fusing in or on any part of a passenger train or a train carrying dangerous goods;

(e) in the case of any train other than a passenger train, any severe electrical arcing or fusing, or any fire which was extinguished by a fire-fighting service;

(f) any other failure of any part of a train which is likely to cause an accident to that or any other train or to kill or injure any person.

(2) In this paragraph "dangerous goods" has the same meaning as in regulation 2(1) of the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**9**).

Accidents and incidents at level crossings

48L. Any case of a train striking a road vehicle or gate at a level crossing.

48M. Any case of a train running onto a level crossing when not authorised to do so.

48N. A failure of the equipment at a level crossing which could endanger users of the road or path crossing the railway.

Accidents involving the permanent way and other works on or connected with railway

48O. The failure of a rail in a running line or of a rack rail, which results in –

(a) a complete fracture of the rail through its cross-section; or

(b) a piece becoming detached from the rail which necessitates an immediate stoppage of traffic or the immediate imposition of a speed restriction lower than that currently in force.

48P. A buckle of a running line which necessitates an immediate stoppage of traffic or the immediate imposition of a speed restriction lower than that currently in force.

(**9**) S.R. 1997 No. 247