1986 No. 247

HEALTH AND SAFETY

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986

Made . . . . . *30th July 1986*

Coming into operation . . . *1st November 1986*

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The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 17(1), (2), (3), (4), and (6) of, and paragraphs 14(1), 15 and 19 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate hereby make the following Regulations:—

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

Citation and commencement

1. These Regulations may be cited as the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986 and shall come into operation on 1st November 1986.

Interpretation

2.—(1) In these Regulations,

"approved" means approved by the Department of Economic Development;

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

(*a*) Part I of Schedule 1;

(*b*) Part II of Schedule 1 and takes place at a mine;

(*c*) Part III of Schedule 1 and takes place at a quarry;

(*d*) Part IV of Schedule 1 and takes place on a railway;

"Department" means the Department of Economic Development;

"mine" means a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969(**a**) and for the purposes of these Regulations includes a closed tip within the meaning of section 128(3) of the Mines Act (Northern Ireland) 1969 which is associated with that mine;

"operator" means in relation to a vehicle to which paragraph 13 of Schedule 1, Part I applies—

(*a*) a person who holds, or is required by section 17 of the Transport Act (Northern Ireland) 1967(**b**) to hold, a vehicle licence for the use of that vehicle for the carriage of goods on a road; or

(*b*) where no such licence is required, the keeper of the vehicle;

"quarry" means a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(**c**) and for the purposes of these Regulations includes a closed tip within the meaning of Article 9(4) of the Quarries (Northern Ireland) Order 1983 which is associated with that quarry;

"railway" means a railway having a gauge of 350 millimetres or more used for the purposes of public transport, whether passenger, goods, or other traffic and includes—

(*a*) a tramway;

(*b*) a railway laid on a beach or pier; and

(*c*) a railway providing communication between the top and bottom of a cliff;

"responsible person" means—

(*a*) in the case of—

(i) a mine, the manager of that mine;

(ii) a quarry, the owner, occupier or agent;

(iii) a closed tip, the owner of the mine or the owner, occupier or agent of the quarry with which that tip is associated;

(**a**) 1969 c. 6 (N.I.)
(**b**) 1967 c. 37 (N.I.)
(**c**) S.I. 1983/150 (N.I. 4)

(iv) a pipe-line within the meaning of section 33(1) of the Petroleum and Submarine Pipe-lines Act 1975(**a**), the owner of that pipe-line;

(v) a vehicle to which paragraph 13 of Schedule 1, Part I applies, the operator of the vehicle;

(*b*) where sub-paragraph (*a*) above does not apply, in the case of any event (other than a dangerous occurrence) reportable under regulation 3, or any case of disease reportable under regulation 5, involving—

(i) an employee at work (including any person who is to be treated as an employee by virtue of any relevant statutory provision), his employer;

(ii) a person (excluding one who is to be treated as an employee by virtue of any relevant statutory provision) undergoing training for employment, the person whose undertaking makes the immediate provision of that training;

(*c*) in any other case, the person for the time being having control of the premises in connection with the carrying on by him of any trade, business or other undertaking (whether for profit or not) at which, or in connection with the work at which, the accident or dangerous occurrence reportable under regulation 3, or case of disease reportable under regulation 5, happened;

"training" includes work experience received as part of a training programme; it does not include training on a course at university, polytechnic, college, school or similar educational or technical institute where that body is the immediate provider of the training; but it does include training at a training centre or other training establishment run by the Department;

"work" means work as an employee, as a self-employed person or as a person undergoing training for employment (whether or not under any scheme administered by the Department).

(2) In these Regulations any reference to an accident or a dangerous occurrence which arises out of or in connection with work shall include a reference to an accident, or as the case may be, a dangerous occurrence attributable to the manner of conducting an undertaking, the plant or substances used for the purposes of an undertaking and the condition of the premises so used or any part of them.

Notification and reporting of injuries and dangerous occurrences

3.—(1) Subject to regulation 10, where any person as a result of an accident arising out of or in connection with work, dies or suffers any of the injuries or conditions specified in paragraph (2) or where there is a dangerous occurrence, the responsible person shall—

(*a*) forthwith notify the enforcing authority thereof by the quickest practicable means; and

(*b*) within 7 days send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.

(2) The injuries and conditions referred to in paragraph (1) are—

(*a*) fracture of the skull, spine or pelvis;

(*b*) fracture of any bone—

(i) in the arm or wrist, but not a bone in the hand; or

(ii) in the leg or ankle, but not a bone in the foot;

(*c*) amputation of—

(i) a hand or foot; or

(**a**) 1975 c. 74

(ii) a finger, thumb or toe, or any part thereof if the joint or bone is completely severed;

(*d*) the loss of sight of an eye, a penetrating injury to an eye, or a chemical or hot metal burn to an eye;

(*e*) either injury (including burns) requiring immediate medical treatment, or loss of consciousness, resulting in either case from an electric shock from any electrical circuit or equipment, whether or not due to direct contact;

(*f*) loss of consciousness resulting from lack of oxygen;

(*g*) decompression sickness (unless suffered during an operation to which the Diving Operations at Work Regulations (Northern Ireland) 1983(**a**) apply) requiring immediate medical treatment;

(*h*) either acute illness requiring medical treatment, or loss of consciousness, resulting in either case from the absorption of any substance by inhalation, ingestion or through the skin;

(*i*) acute illness requiring medical treatment where there is reason to believe that this resulted from exposure to a pathogen or infected material;

(*j*) any other injury which results in the person injured being admitted immediately into hospital for more than 24 hours.

(3) Subject to regulation 10, where a person at work is incapacitated for work of a kind which he might reasonably be expected to do, either under his contract of employment, or, if there is no such contract, in the normal course of his work, for more than 3 consecutive days (excluding the day of the accident but including any days which would not have been working days) because of an injury (other than one specified in paragraph (2)) resulting from an accident at work the responsible person shall within 7 days of the accident send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.

Reporting of the death of an employee

4. Subject to regulation 10, where an employee, as a result of an accident at work, has suffered an injury or condition reportable under regulation 3 which is a cause of his death within one year of the date of that accident, the employer shall inform the enforcing authority in writing of the death as soon as it comes to his knowledge, whether or not the accident has been reported under regulation 3.

Reporting of cases of disease

5.—(1) Subject to paragraphs (2) and (3) and to regulation 10, where a person at work suffers from one of the diseases specified in column 1 of Schedule 2 and his work involves one of the activities specified in the corresponding entry in column 2 of that Schedule, the responsible person shall forthwith send a report thereof to the enforcing authority on a form approved for the purposes of this regulation.

(2) Paragraph (1) shall apply only if—

(*a*) in the case of an employee or a person undergoing training, the responsible person has received a written statement prepared by a registered medical practitioner diagnosing the disease as one of those specified in column 1 of Schedule 2; or

(*b*) in the case of a self-employed person, that person has been informed by a registered medical practitioner that he is suffering from a disease so specified.

(3) In the case of a self-employed person, it shall be a sufficient compliance with paragraph (1) if that person makes arrangements for the report to be sent to the enforcing authority by some other person.

(**a**) S.R. 1983 No. 209

Reporting of gas incidents

6.—(1) Whenever a supplier of flammable gas through a fixed pipe distribution system, or a filler, importer or supplier (other than by means of retail trade) of a refillable container containing liquefied petroleum gas receives notification of any death, or any injury or condition specified in regulation 3(2) which has arisen out of or in connection with the gas supplied, filled or imported, as the case may be, by that person, he shall forthwith notify the Department of the incident, and shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation.

(2) Whenever a supplier of flammable gas through a fixed pipe distribution system has in his possession sufficient information for it to be reasonable for him to decide that gas fittings as defined by Article 2 of the Gas (Northern Ireland) Order 1977(**a**) or any flue or ventilation used in connection with these fittings by reason of its design, construction, manner of installation, modification or servicing, is or has been likely to cause death, or any injury or condition specified in regulation 3(2) by reason of—

(*a*) accidental leakage of gas;

(*b*) inadequate combustion of gas; or

(*c*) inadequate removal of the products of combustion of gas,

he shall within 14 days send a report of it to the Department on a form approved for the purposes of this regulation, unless he has previously reported such information.

(3) Nothing which is notifiable or reportable elsewhere in these Regulations shall be reportable under this regulation.

(4) In this regulation "liquefied petroleum gas" means commercial butane (that is, a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture thereof) or commercial propane (that is a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture thereof) or any mixture of commercial butane and commercial propane.

Records

7.—(1) The responsible person shall keep a record of—

(*a*) any event which is required to be reported under regulation 3, which shall contain the particulars specified in Part I of Schedule 3; and

(*b*) any case of disease required to be reported under regulation 5, which shall contain the particulars specified in Part II of that Schedule.

(2) Any person sending a form to the Department under regulation 6 shall keep a record of the information provided on that form.

(3) Any record of deaths or injuries at work which an employer is required to keep by virtue of any other enactment shall, if it covers the injuries recordable under these Regulations and includes the particulars specified in Schedule 3, be sufficient for the requirements of paragraph (1)(*a*).

(4) The records referred to in paragraph (1) shall be kept at the place where the work to which they relate is carried on or, if this is not reasonably practicable, at the usual place of business of the responsible person and an entry in either of such records shall be kept for at least 3 years from the date on which it was made.

(5) The responsible person shall send to the enforcing authority such extracts from the records required to be kept under paragraph (1) as the enforcing authority may from time to time require.

(a) S.I. 1977/596 (N.I. 7)