1981 No. 339

HEALTH AND SAFETY

Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981

Made . . . . . *22nd October 1981*

Coming into operation . . . *1st January 1982*

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The Department of Agriculture, the Department of Commerce, the Department of the Environment and the Department of Manpower Services acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Article 17(1), (2), (3)(*a*), (4), (6)(*a*) and (*b*) 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 Notification of Accidents and Dangerous Occurrences Regulations (Northern Ireland) 1981 and shall come into operation on 1st January 1982.

Interpretation

2.—(1) In these regulations—

"major injury" means—

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

(*b*) fracture of any bone—

(i) in the arm, other than a bone in the wrist or hand;

(ii) in the leg, other than a bone in the ankle or foot;

(*c*) amputation of a hand or foot;

(*d*) the loss of sight of an eye; or

(*e*) any other injury which results in the person injured being admitted into hospital as an in-patient for more than 24 hours, unless that person is detained only for observation;

"mine" means a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969(**a**) and for the purposes of regulations 3(2) and 10 includes a closed tip, within the meaning of section 128(3) of that Act, which is associated with that mine;

"notifiable accident" and "notifiable dangerous occurrence" shall be construed in accordance with regulation 3;

"quarry" means a quarry within the meaning of section 29 of the Quarries Act (Northern Ireland) 1927(**b**) as amended by the Minerals (Miscellaneous Provisions) Act (Northern Ireland) 1959(**c**) and the Mines Act (Northern Ireland) 1969 and for the purposes of regulation 3(2) includes a closed tip, within the meaning of section 12A(4) of the Quarries Act (Northern Ireland) 1927 as amended by the Mines Act (Northern Ireland) 1969, 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.

(2) In these regulations any reference to—

(*a*) 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;

(*b*) any document shall operate as a reference to that document as revised or re-issued from time to time.

(**a**) 1969 c.6 (N.I.)
(**b**) 1927 c.19 (N.I.)
(**c**) 1959 c.17 (N.I.)

Notifiable accidents and notifiable dangerous occurrences

3.—(1) For the purposes of these regulations, an accident shall be a notifiable accident if it arises out of or in connection with work and either—

(*a*) results in the death of or a major injury to any person; or

(*b*) in the case of an employee at work, results in that employee being incapacitated for work for more than three consecutive days excluding the day of the accident and any Sunday or, if Sunday is not a rest day, one rest day.

(2) For the purposes of these regulations, a dangerous occurrence shall be a notifiable dangerous occurrence if it 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.

Notification and reporting of accidents and dangerous occurrences

4.—(1) Subject to regulation 6, where there is a notifiable accident resulting in the death of or a major injury to any person, or there is a notifiable 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 these regulations by the Department concerned.

(2) In this regulation the "responsible person" means—

(*a*) in any case of a notifiable accident or a notifiable dangerous occurrence—

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

(ii) at a quarry, the owner of that quarry;

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

(*b*) in the case of a notifiable accident to an employee where sub-paragraph (*a*) does not apply, his employer;

(*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 the notifiable accident or notifiable dangerous occurrence occurred.

Duty to notify the death of an employee

5. Subject to regulation 6, where an employee has suffered an injury, as a result of a notifiable accident or a notifiable dangerous occurrence, which is a cause of his death within one year of the date of that accident or, as the case may be, that dangerous occurrence, 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 had been notified under regulation 4.

Cases to which regulations 4 and 5 do not apply

6.—(1) Regulations 4 and 5 shall not apply to—

(*a*) any notifiable accident to—

(i) a self-employed person who is not engaged in work under the control of another person;

(ii) a patient when undergoing treatment in a hospital or in the surgery of a doctor or a dentist;

(iii) a member of the armed forces of the Crown or visiting forces who was on duty at the time of the accident;

(*b*) any notifiable accident arising out of or in connection with the movement of a vehicle on a road (within the meaning of Article 2 of the Road Traffic (Northern Ireland) Order 1981(**a**)) except that regulations 4 and 5 shall apply if the person killed or injured was either himself engaged in, or was killed or injured as the result of the activities of another person who was at the time of the accident engaged in, work on or alongside a road being work concerned with the construction, demolition, alteration, repair or maintenance of—

(i) the road or the markings or equipment thereon;

(ii) the verges, fences, hedges or other boundaries of the road;

(iii) pipes and cables on, under, over or adjacent to the road; or

(iv) buildings or structures adjacent to or over the road.

(2) Regulation 4 shall not apply to any notifiable accident or notifiable dangerous occurrence which is required to be notified under one of the statutory provisions specified in Schedule 2, or where mentioned in that schedule under any orders or regulations made or to be made under those statutory provisions.

Notification between Departments

7. Where an employee suffers an injury as a result of an accident and his employer sends particulars of that accident to the Department of Health and Social Services, that Department shall give notice of the accident by sending a copy of those particulars to the Department of Manpower Services.

Records

8.—(1) An employer or a self-employed person shall keep a written record of—

(*a*) notifiable accidents and dangerous occurrences arising out of or in connection with work under his control and that record shall include the particulars specified in Part I of Schedule 3;

(*b*) enquiries from the Department of Health and Social Services concerning claims by his employees in respect of any disease which is prescribed under section 76 of the Social Security (Northern Ireland) Act 1975(**b**) for the purposes of industrial injuries benefit or concerning pneumoconiosis or byssinosis and that record shall include the particulars specified in Part II of Schedule 3.

(2) The record referred to in paragraph (1) shall be kept at the place where the work to which it relates is carried on or, if this is not reasonably practicable, at the usual place of business of the employer or self-employed person and an entry in that record shall be kept for at least 3 years from the date on which it was made.

(3) The employer or the self-employed person, as the case may be, shall send to the enforcing authority such extracts from the record referred to in paragraph (1) as the enforcing authority may from time to time require.

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) 1975 c. 15

Defence in proceedings for an offence under these regulations

9. It shall be a defence in proceedings against any person for a contravention of these regulations or any requirement or prohibition under these regulations for such person to prove that he was not aware of the accident or the occurrence leading to the commission of the offence and that he had taken all reasonable steps to have all notifiable accidents and notifiable dangerous occurrences brought to his notice.

Additional provisions relating to mines

10. The provisions of Schedule 4 (which contains additional provisions relating to mines) shall have effect.

Repeals, revocations and modifications

11.—(1) The statutory provisions specified in column 1 of Part I of Schedule 5 are hereby repealed to the extent specified in the corresponding entry in column 3.

(2) The statutory instruments specified in column 1 of Part II of Schedule 5 are hereby revoked to the extent specified in the corresponding entry in column 3.

(3) The statutory provisions specified in Part III of Schedule 5 shall be modified to the extent specified in that part of that Schedule.

Savings

12. Any record or register required to be kept under any statutory provision repealed or revoked by these regulations shall be kept in the same manner and for the same period as if these regulations had not been made.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 22nd October 1981.

(L.S.) *D. J. Alexander*
Assistant Secretary

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 22nd October 1981.

(L.S.) *J. D. M. Thompson*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 22nd October 1981.

(L.S.) *J. M. Irvine*
Assistant Secretary

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 22nd October 1981.

(L.S.) *R. O. Surgenor*
Assistant Secretary