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STATUTORY INSTRUMENTS

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**1995 No. 3163**

**The Reporting of Injuries, Diseases and  
Dangerous Occurrences Regulations 1995**

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1995 Order” means the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(1);

“accident” includes

- (a) an act of non-consensual physical violence done to a person at work; and
- (b) an act of suicide which occurs on, or in the course of the operation of, a relevant transport system;

“approved” means approved for the time being in writing for the purposes of these Regulations by the Executive and published in such form as the Executive considers appropriate;

“biological agent” has the meaning assigned to it by regulation 2(1) of the Control of Substances Hazardous to Health Regulations 1994(2);

“construction site” means any place where there are carried out building operations or works of engineering construction such that those operations or works fall within section 127(1) of the Factories Act 1961(3);

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

- (a) paragraphs 1—17 of Part I of Schedule 2;
- (b) paragraphs 18—21 of Part I of Schedule 2 and takes place elsewhere than at an offshore workplace;
- (c) paragraphs 22—40 of Part II of Schedule 2 and takes place at a mine;
- (d) paragraphs 41—48 of Part III of Schedule 2 and takes place at a quarry;
- (e) paragraphs 49—72 of Part IV of Schedule 2 and takes place where a relevant transport system is operated (other than at a factory, dock, construction site, mine or quarry); or
- (f) paragraphs 73—83 of Part V of Schedule 2 and takes place at an offshore workplace;

“disease” includes a medical condition;

“diving contractor” and “diving operation” have the meaning assigned to them by the Diving Operations at Work Regulations 1981(4);

“dock” means any place to which section 125(1) of the Factories Act 1961 applies;

“the Executive” means the Health and Safety Executive;

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(1) S.I. 1995/263.

(2) S.I. 1994/3246.

(3) 1961 c. 34.

(4) S.I. 1981/399; to which there are amendments not relevant to these Regulations.

“factory” has the meaning assigned to it by section 175 of the Factories Act 1961;

“guided transport system” means a system using a mode of guided transport prescribed under regulation 3 of the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994<sup>(5)</sup>;

“major injury” means an injury or condition specified in Schedule 1;

“mine” or “quarry” means a mine or, as the case may be, a quarry within the meaning of section 180 of the Mines and Quarries Act 1954<sup>(6)</sup> and for the purposes of these Regulations includes a closed tip within the meaning of section 2(2)(b) of the Mines and Quarries (Tips) Act 1969<sup>(7)</sup> which is associated with that mine or that quarry;

“offshore installation” has the meaning assigned to it by article 4(2) of the 1995 Order but excluding the fixed structures specified in article 4(2)(a) of that 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 virtue of articles 4, 5 or 6 of the 1995 Order, and for this purpose those articles shall be 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 and premises within territorial waters or a designated area;

“operator”, in relation to a vehicle to which paragraph 16 or 17 of Part I of Schedule 2 applies, means—

- (a) a person who holds an operator’s licence (granted under Part V of the Transport Act 1968)<sup>(8)</sup> for the use of that vehicle for the carriage of goods on a road; except that where by virtue of regulation 32(1) to (3) of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984<sup>(9)</sup> the vehicle is included in a licence held by a holding company and that company is not operating the vehicle at the relevant time, the ‘operator’ shall be the subsidiary company specified in the application made under the said regulation 32(1) or, if more than one subsidiary company is so specified, whichever one is operating the vehicle at the relevant time, and in this sub-paragraph ‘holding company’ and ‘subsidiary company’ have the same meanings as in the said Regulations of 1984; or
- (b) where no such licence is held—
  - (i) (in the case of a vehicle which is not registered in the United Kingdom) the driver of the vehicle, or
  - (ii) (in the case of any other vehicle) the keeper of the vehicle; and for this purpose, where the vehicle is on hire or lease to any person, that person shall be treated as its keeper;

but where an employee who would otherwise be the operator of a vehicle in accordance with sub-paragraph (b)(i) above uses that vehicle for the carriage of any dangerous substance on behalf of his employer, that employer shall (notwithstanding that sub-paragraph) be regarded as the operator of the vehicle concerned;

“owner” means—

- (a) in relation to a mine or quarry, the person who is for the time being entitled to work it;
- (b) in relation to a pipeline, the person who is for the time being entitled to control the flow of anything through that pipeline or through that pipeline once it is commissioned;

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<sup>(5)</sup> S.I. 1994/157.

<sup>(6)</sup> 1954 c. 70; section 180(1) was modified by S.I. 1993/1897.

<sup>(7)</sup> 1969 c. 10; relevant amending instruments are S.I. 1974/2013 and S.I. 1975/1102.

<sup>(8)</sup> 1968 c. 73; section 60(1) was modified by S.I. 1980/637.

<sup>(9)</sup> 1984/176; relevant amending instrument is S.I. 1987/841.

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

“pipeline” and “pipeline works” have the meaning assigned to them by article 6(2) of the 1995 Order;

“railway” has the meaning assigned to it by section 67 of the Transport and Works Act 1992<sup>(10)</sup>;

“relevant transport system” means a railway, tramway, trolley vehicle system or guided transport system;

“responsible person” means—

- (a) in the case of—
  - (i) a mine, the manager of that mine;
  - (ii) a quarry, the owner of that quarry;
  - (iii) a closed tip, the owner of the mine or quarry with which that tip is associated;
  - (iv) an offshore installation (otherwise than in the case of a disease reportable under regulation 5), the duty holder for the purposes of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995<sup>(11)</sup> provided that for the purposes of this provision regulation 3(2)(c) of those Regulations shall be deemed not to apply;
  - (v) a dangerous occurrence at a pipeline (being an incident to which paragraph 14(a)—(f) of Part I of Schedule 2 applies), the owner of that pipeline;
  - (vi) a dangerous occurrence at a well, the person appointed by a concession owner to execute any function of organising or supervising any operation to be carried out by the well or, where no such person has been appointed, the concession owner (and for this purpose “concession owner” means the person who at any time has the right to exploit or explore mineral resources in any area, or to store gas in any area and to recover gas so stored if, at any time, the well is, or is to be, used in the exercise of that right);
  - (vii) a diving operation (otherwise than in the case of a disease reportable under regulation 5), the diving contractor;
  - (viii) a vehicle to which paragraph 16 or 17 of Part I of Schedule 2 applies, the operator of the vehicle;
- (b) (where sub-paragraph (a) above does not apply) in the case of the death of or other injury to an employee reportable under regulation 3 or of a disease suffered by an employee reportable under regulation 5, his employer; and
- (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;

“road” has the meaning assigned to it by section 192(1) of the Road Traffic Act 1988<sup>(12)</sup>;

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

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

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<sup>(10)</sup> 1992 c. 42.

<sup>(11)</sup> S.I. 1995/738.

<sup>(12)</sup> 1988 c. 52; as amended by the Road Traffic Act 1991 (1991 c. 40), section 48 and Schedule 4, paragraph 78(2).

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

“tramway” has the meaning assigned to it by section 67 of the Transport and Works Act 1992<sup>(13)</sup>;

“trolley vehicle system” has the meaning assigned to it by section 67 of the Transport and Works Act 1992;

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

(2) In these Regulations, unless the context otherwise requires, any reference to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears; and
- (c) 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.

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