Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) (SI 2013 No. 1471)

These Regulations replaced RIDDOR 1995 and came into force on 1 October 2013. The revised Regulations aim to clarify and simplify the reporting requirements, while seeking to ensure that the data collected gives an accurate picture of workplace incidents. Key changes from the 1995 Regulations include:

♦ The old list of major injuries has been replaced with a shorter list of ‘specified injuries’.
♦ The schedule of industrial diseases was replaced with one showing eight categories of reportable work-related illness.
♦ The list of dangerous occurrences has been shortened, requiring fewer of these types of event to be reported.

The new Regulations made no significant changes to the reporting requirements for fatal accidents, accidents to members of the public or ‘over-7-day’ injuries.

Acts of suicide that occur on, or in the course of operation of, a relevant transport system are no longer reportable.

Reporting and recording certain types of incident remains a legal requirement; failure to do so is a criminal offence.

The Regulations

Regulation 2

This regulation deals with the interpretation of terms. It is lengthy, so only the more important terms are defined here.

“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 by the Executive or the Office of Rail Regulation (ORR).

“Biological agent” has the meaning assigned by the COSHH Regulations.

“Construction site” has the meaning given by the Construction (Design and Management) Regulations 2007.

“Dangerous occurrence” means an occurrence which arises out of or in connection with work and is of a class specified in any of Parts 1 - 6 of Schedule 2.

“Disease” includes a medical condition.

“Passenger train” means a train carrying passengers or made available for that purpose.

“Relevant transport system” means a railway, tramway, trolley vehicle system or guided transport system, except at a factory, dock, construction site, mine or quarry, and does not include a guided bus system as defined by the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

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

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

“Running line” means any line which is not a siding and is ordinarily used for the passage of trains.
“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 or devices on top of a well.

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

**Regulation 3: Responsible Person**

The “responsible person” is:

♦ 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:
  ◦ an employee, that employee’s employer; or
  ◦ 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

♦ in relation to a diagnosis reportable under regulation 8, 9 or 10 in respect of:
  ◦ an employee, that employee’s employer; or
  ◦ a self-employed person, that self-employed person.

Further examples of ‘responsible persons’ are given for mines, closed tips, quarries, pipelines, wells and offshore installations.

**Regulation 4: Non-Fatal Injuries to Workers**

Where any person at work, as a result of a work-related accident, suffers:

♦ any bone fracture diagnosed by a registered medical practitioner, other than to a finger, thumb or toe;

♦ amputation of an arm, hand, finger, thumb, leg, foot or toe;

♦ any injury diagnosed by a registered medical practitioner as being likely to cause permanent blinding or reduction in sight in one or both eyes;

♦ any crush injury to the head or torso causing damage to the brain or internal organs in the chest or abdomen;

♦ any burn injury (including scalding) which:
  ◦ covers more than 10% of the whole body’s total surface area; or
  ◦ causes significant damage to the eyes, respiratory system or other vital organs;

♦ any degree of scalping requiring hospital treatment;

♦ loss of consciousness caused by head injury or asphyxia; or

♦ any other injury arising from working in an enclosed space which:
  ◦ leads to hypothermia or heat-induced illness; or
  ◦ requires resuscitation or admittance to hospital for more than 24 hours,

the responsible person must follow the reporting procedure.

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.

**Regulation 5: Non-Fatal Injuries to Non-Workers**

Where any person not at work, as a result of a work-related accident, suffers an injury, and that person is taken from the site of the accident to a hospital for treatment in respect of that injury; or suffers a specified injury on hospital premises; the responsible person must follow the reporting procedure, subject to regulations 14 and 15.

**Regulation 6: Work-Related Fatalities**

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

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

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.

**Regulation 7: Dangerous Occurrences**

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

**Regulation 8: Occupational Diseases**

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.

**Regulation 9: Exposure to Carcinogens, Mutagens and Biological Agents**

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.

**Regulation 10: Diseases Offshore**

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.

**Regulation 11: Gas-Related Injuries and Hazards**

(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;
“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.

Regulation 12: Recording and Record-Keeping

The responsible person must keep a record of any reportable incident under regulation 4, 5, 6 or 7; diagnosis reportable under regulation 8, 9 or 10; 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); and other particulars approved by the Executive or the ORR for demonstrating compliance with the approved manner of reporting under Part 1 of Schedule 1.

Records must be kept for at least three years from the date on which they were made. The records must be kept at the place where the work to which they relate is carried on, or at the usual place of business of the responsible person.

The responsible person must send the relevant enforcing authority such extracts from records as that enforcing authority may require.

Regulation 13 relates to reportable incidents and dangerous occurrences at mines, quarries and offshore workplaces.

Regulation 14 restricts the application of the Regulations such that reporting requirements for injury or death caused by medical treatment or by movement of vehicles on a road do not apply unless the specific circumstances referred to in regulation 14 are met. Similarly, the requirements of regulations 4, 6, 8, 9, 10 or 12(1)(b) do not apply in cases of injury, death or diagnosis of members of the armed forces (or visiting forces) on duty at the time.

Regulation 15 provides that, in cases where there is more than one requirement to make a notification under these Regulations, only one notification will be needed if:
♦ the facts giving rise to each requirement are identical;
♦ the information required to be provided by each requirement is provided;
♦ where the requirements have different time limits, the shortest time limit is complied with; and
♦ in the case of a mine or quarry, all steps referred to in paragraph 4 of Part 1 of Schedule 1 are complied with.

In such cases, only one record needs to be kept.

Regulation 16: Defence

In proceedings against any person for failing to comply with a requirement of these Regulations, 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.

Schedule 1, Part 1: Reporting Procedure

Injuries, Fatalities and Dangerous Occurrences

Where required to follow the reporting procedure by regulation 4, 5, 6 or 7 (except in relation to a mine or quarry), the responsible person must:
◆ notify the relevant enforcing authority of the reportable incident by the quickest practicable means without delay (this does not apply to a self-employed person who is injured at premises that they own or occupy); and
◆ send a report of that incident in an approved manner to the relevant enforcing authority within 10 days of the incident (self-employed persons may get someone else to send the report).

Diseases
Where required to follow the reporting procedure by regulation 8 or 10, the responsible person must send a report of the diagnosis in an approved manner to the relevant enforcing authority without delay (a self-employed person may make arrangements for the report to be sent by some other person).

Carcinogens, Mutagens and Biological Agents
Where required to follow the reporting procedure by regulation 9, the responsible person must notify the relevant enforcing authority in an approved manner.