

## Regulation 4: Duty to notify the Rail Accident Investigation Branch of accidents and incidents

### What is notifiable?

68. The Regulations apply when railway accidents or incidents (as defined by the 2003 Act) occur. Railway accidents are unwanted or unintended sudden events, or specific chains of such events, which have harmful consequences, and which occur on railway property, in so far as they are or may be relevant to the operation of trains or trams. A railway incident is any occurrence, other than an accident, associated with the operation of trains or trams and affecting the safety of operation.
69. Railway accidents and incidents of the types listed in schedules 1, 2, 3, 4 and 5 to the Regulations are notifiable to the RAIB in the time scales defined in regulation 4:
  - Schedule 1 and 4 incidents must be notified immediately, by the quickest means available;
  - Schedule 2 and 5 incidents must be notified within three working days;
  - Schedule 3 incidents may be notified in bulk up to ten days after the end of the month in which they occur.
70. Detailed guidance on the types of incidents which are notifiable in particular situations is given in the sections of this guide dealing with the schedules to the Regulations, beginning at paragraph 207 below.

### Who should notify?

71. The obligation to notify is upon those railway industry bodies (railway infrastructure managers, railway operators, or maintainers) whose staff or property is involved in an accident or incident. The following examples are intended to illustrate the ways in which staff or property may be considered to be "involved".
72. If, for example, staff of a maintenance contractor, of either rolling stock or infrastructure, during the course of their work were to find a cracked axle or broken rail, then the RAIB would regard that member of staff as having been 'involved' in an incident, and his employer, as a railway industry body, as being under a duty to notify the Branch accordingly. If the failure were to be discovered by the staff of the train operator while the train was in service, then the train operator would be under the duty to notify. Where integrated control centres exist, it is acceptable for one immediate notification to be made on behalf of the duty holders concerned. This does not affect the individual duty holders' obligations to submit a notification form (RAIBN1, see Annex 1) or to provide follow-up information.
73. If staff of a railway industry body are witnesses to an accident or incident, or travel past the scene of one shortly after it has happened, but are not involved in the events leading to it, then their employer would not be under any duty to notify the RAIB. Nothing in these Regulations

is intended to affect the rules and conventions within the rail industry that cover such situations - for example, a passing driver will continue to notify the local signal box if he sees an accident or incident. But if the accident or incident affects the infrastructure, then, having learned of the occurrence, the infrastructure manager would have a duty to notify the RAIB.

74. Guidance on what to do when staff are not at work or are off duty can be found in the guidance to regulation 4(11) below.

## Who to make notification to

*4(1) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 1 on a railway or on railway property other than within the Channel Tunnel system shall notify the Branch of its occurrence immediately it learns of the occurrence and by the quickest means available.*

75. Notifications should be made to:

Rail Accident Investigation Branch  
The Wharf  
Stores Road  
Derby  
DE21 4BA

76. Immediate notifications of events listed in schedule 1 (and schedule 4 for events on the Channel Tunnel system) should be made by telephone (01332 253333). The RAIB considers this to be the "quickest means available" as specified in regulation 4(1) and will not consider notification by any other means as fulfilling the requirements of the Regulations.
77. During working hours, 01332 253333 is connected to the RAIB's office team, who will alert the RAIB duty co-ordinator when it is necessary for the RAIB to respond to the notification. Outside working hours, calls to this number will be answered by the Department for Transport duty officer, who will take summary details of the incident and pass them to the duty co-ordinator. At all times, the RAIB will respond to the notifier as quickly as possible to advise on what action the RAIB intends to take and any requirements that it has for preservation of evidence.
78. It is important that, for events listed in schedules 1 and 4, contact with the RAIB is made as soon as the railway becomes aware of the occurrence, as required by the Regulations. Any delay at this stage may result in the loss of important evidence. The essential items in the immediate notification are:
- **the location of the accident; and**
  - **what has happened.**

**The RAIB should be contacted as soon as these are available, rather than waiting until all the information listed**

**in regulation 4(7) is to hand. Once contact is made, the RAIB will request further information as appropriate.**

79. Where an occurrence is of a type listed in schedule 1(7) or 1(9), it may not at first be obvious that an immediately notifiable event has occurred. Notification should take place as soon as the implications of the event are apparent, even if it is several hours after the circumstances of the event begin to unfold. For instance, it may take some time to establish that a SPAD is sufficiently serious to be notifiable as an event falling within schedule 1(9).
80. Following a telephone notification, the information required by regulation 4(7) should still be forwarded as soon as possible to the RAIB on form RAIBN1 (see Annex 1) (or in any other format previously agreed with the RAIB).

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*(2) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 2 on a railway or railway property other than within the Channel Tunnel system shall notify the Branch of its occurrence as soon as reasonably practicable and in any event within three working days of its occurrence.*

81. Notifications of events listed in schedule 2 (and schedule 5 for events on the Channel Tunnel system) may be made in writing on form RAIBN1 (see Annex 1) to the address above or by fax to 01332 253338, or by e-mail to [notify@raib.gov.uk](mailto:notify@raib.gov.uk), to arrive within three working days of the accident or incident occurring. To avoid confusion, these notifications should not be made by telephone. "Working days" do not include Saturdays and Sundays, or public holidays in the country in which the event took place.

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*(3) Where staff or property of a railway industry body have in any month been involved in an accident or incident of a type listed in Schedule 3 on a railway or railway property other than within the Channel Tunnel System, the body shall notify the Branch of every such occurrence during that month no later than 10 days after the end of the month and in accordance with paragraph (9).*

82. Notifications of events listed in schedule 3 (bulk reporting) should be made in writing on form RAIBN2 (see Annex 2) up to 10 days after the end of the month in which the event occurred. Only one report is required per month, normally by the infrastructure controller, covering all the relevant events that occurred during that month. Train operating companies, who normally operate on Network Rails infrastructure, should themselves report any notifiable events that occur on their own infrastructure eg SPADs on their sidings or depots. A nil return (see

guidance on regulation 4(9) below) is not required but may be submitted if desired. Returns may be made four weekly rather than monthly, or in a different format, if agreed in advance with the RAIB.

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*(4) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 4 within the Channel Tunnel system shall notify the Branch of its occurrence immediately it learns of the occurrence and by the quickest means available.*

*(5) Subject to paragraph (6), a railway industry body whose property or staff have been involved in an accident or incident of a type listed in Schedule 5 within the Channel Tunnel system shall notify the Branch of its occurrence as soon as practicable and in any event within three working days of its occurrence.*

83. This schedule of events that must be notified to the RAIB immediately and by the quickest means available is consistent with that agreed by the Infrastructure Manager, Eurotunnel, for notifications to the National Safety Authority for the Channel tunnel System, the Intergovernmental Commission.

84. For all accidents in the Channel Tunnel, regardless of the national territory in which the event occurs, it has been agreed that both the national investigation body for the UK, the RAIB and the national investigation body for France, BEA-TT, shall be notified.

*(6) The duty in paragraphs (1), (2), (4) and (5) to notify the Branch of an accident or incident involving the death or serious injury of a person in circumstances described in Schedules 1, 2, 4 or 5, respectively, shall not arise where the railway industry body reasonably believes that-*

*(a) the death or serious injury of that person was a result of natural causes, assault, suicide or attempted suicide;*

*(b) the accident or incident-*

*(i) caused the death of or serious injury to a member of staff;  
and*

*(ii) did not involve the movement of rolling stock; or*

*(c) the accident or incident caused the death or serious injury of a person who at the time of the accident or incident was on railway property involved in the accident or incident without lawful authority.*

85. Detailed guidance on the types of event which are notifiable under the various Schedules to the Regulations is at page 47 and the tables which follow it. Accidents and incidents which:

- do not involve moving trains or tramcars (other than failures of infrastructure and rolling stock listed in schedules 2 to 5);
- and which are not relevant to the operation of the railway; or
- do not affect the safety of operation of trains or tramcars (such as slips, trips and falls in stations or depots, whether they involve passengers or staff),

are not notifiable to the RAIB, although they may be reportable to the ORR under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

86. Deaths or serious injuries to railway staff are only notifiable if they arise from an accident involving moving rolling stock. If, for example, a track worker is injured tripping over an object in the cess, the accident is not notifiable to the RAIB but may be reportable to the safety authority. For clarity, incidents involving passengers on stations who fall and come into contact with moving trains or tramcars are notifiable.
87. In addition, the duty to notify does not arise in the other situations listed in regulation 4(6), where passengers or staff have died from natural causes, have been injured or killed in assaults, or where people trespassing on the railway have been injured or killed (including suicides and attempted suicides).
88. Where there is doubt about whether a particular incident is within the application of this regulation (if, for instance, it is not clear whether or not a person struck on a level crossing was intending to commit suicide, or where it has not been established if a person struck on the line was a member of railway staff on duty), notification should be made immediately and further information should be supplied when it becomes available. The decision to notify in this instance is based on the railway industry body's "reasonable belief". This means the best judgement of the person with a duty to notify the RAIB, given the information available to them at the time, in the immediate aftermath of the accident or incident. These types of incidents are also likely to be reportable to the safety authority, and may be investigated by them.
89. If further information comes to light later on which suggests that a change to the decision on notification is necessary, the railway industry body should inform the RAIB.

## What to include in a notification

*(7) A notification given under paragraph (1), (2), (4) or (5) shall contain as much of the following information relating to the accident or incident as the railway industry body is reasonably able to provide at the time of the notification-*

90. The amount of information that can reasonably be provided in any given situation will vary widely. For delayed notifications of events listed in schedules (2) or (5), information about access points, site contacts and emergency services attending will often be superfluous because these

will have been either non-existent in the first place, or have ceased to function by the time the notification is made. In these circumstances the appropriate response would be "nil" or "not applicable". The RAIB recognises that there will be other situations where particular elements of the list below are also inappropriate, and will take this into account.

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*(a) the geographical position of the accident or incident and the nearest point of access to that position;*

91. The location should, as far as possible, be described by reference to places which are easily identifiable (such as stations, eg "one mile north of Tring"), rather than by using local names which may not be marked on maps. Access points should be named and accompanied by a grid reference. If there is initial doubt about a location, then, to avoid delay, the first notification may be given in general terms (eg "between Tring and Cheddington") to enable the RAIB to mobilise its inspectors. More specific details can follow when available.

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*(b) the date and time of the accident or incident;*

*(c) the point of departure and intended destination of any rolling stock involved in the accident or incident;*

92. Where timetabled trains are involved, the time of departure, origin and destination (eg 10:30 hrs Paddington to Penzance) should be given. Where appropriate, the train reporting number should also be provided.

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*(d) brief details of the accident or incident and the sequence of events leading to it;*

93. This should consist of a very brief classification of the type of occurrence (eg derailment, collision, fire) and whatever information is known about how it happened.

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*(e) in the case of an accident, an estimate of the number of people seriously or fatally injured;*

94. Information on casualties may be unreliable in the immediate aftermath of an accident. The notification should be based on whatever sources are available and should not be delayed by attempts to confirm the numbers involved.

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*(f) an estimate of the number of passengers on board any rolling stock involved at the time of the accident or incident;*

95. It is unlikely that accurate information will be available immediately, but an estimate of the loading should be provided as soon as possible.

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*(g) the extent of damage caused to any railway, railway property or the environment by the accident or incident;*

96. The RAIB may need to consider whether or not the event being notified falls within the definition of a "serious accident" (see guidance on regulation 2(3) above). If there are no casualties but there is "extensive damage" (see the definition in regulation 2(1) and associated guidance), then this may bring the event into the "serious" category. It will therefore be very helpful to the RAIB to have an early indication if there has apparently been a lot of damage in cases where no-one has been hurt. Estimates of the length of track requiring replacement (or other infrastructure damage), the number of vehicles and the extent of damage to them, and any spillages that may cause environmental damage, should be included in the notification wherever possible.

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*(h) the weather conditions at the time of the accident or incident;*

97. Information on the weather conditions is not generally required for accidents on underground sections of railways, unless it is in some way relevant.

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*(i) the type, and an estimate of the quantity, of any dangerous goods on board the rolling stock involved at the time of the accident or incident;*

98. This information is only of interest to the RAIB where such quantities of dangerous goods are involved that the emergency services have had to implement emergency plans or otherwise take action to contain the hazards from them. A copy of the train list will usually be acceptable.

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*(j) the number of crew on board the rolling stock involved at the time of the accident or incident;*

*(k) the name of the railway industry body whose property is involved in the accident or incident;*

99. This will usually be the name of the company making the notification. Other companies should be identified as far as possible, where their details are known at the time of notification. For instance, an infrastructure manager should normally be able to provide the identity of the train operating company(s) involved in an incident.

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*(l) the names and roles of staff with responsibility for the movement of rolling stock involved in the accident or incident;*

100. The RAIB will sometimes need to know the identity of staff who had a role in rolling stock movements associated with the accident, such as drivers, signallers, shunters or controllers. There is no need to provide details of catering staff, cleaners or others who may have been on the train if they had no part to play in the accident. The RAIB recognises that this information may not be required or be available immediately and notification should not be delayed because of this.

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*(m) the vehicle numbers and type of any rolling stock involved;*

101. Brief details should be provided. Where the accident or incident has occurred, other than on the national network or a metro system, vehicles may be described in general terms if finding details would otherwise delay notification. Unusual motive power (such as a steam locomotive) which may require specialist knowledge should be identified to the RAIB.

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*(n) details of any emergency service attending the site of the accident or incident; and*

*(o) contact details of the person in command or control of the accident or incident site.*

102. If the RAIB deploys inspectors to the site of an accident, it is very important that contact details of the Rail Incident Officer (or equivalent, depending on the operator) are provided as quickly as possible to enable inspectors to respond effectively and avoid delay.

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*(8) The railway industry body that notifies the Branch in accordance with paragraph (1), (2), (4) or (5) shall provide-*



*(a) as soon as reasonably practicable after the notification, such of the information referred to in paragraph (7) that it has not supplied with it; and*

*(b) within such time as the Branch specifies, such further information about the accident or incident as the Branch may reasonably require.*

103. Despite telephone notification, the RAIB still requires the duty holder to collate details of the event on form RAIBN1 and forward the information to the RAIB once all entries on the form are completed (or when there is no further information to add). The RAIB may however, for investigation purposes, seek further information following the initial notification and prior to receipt of the form RAIBN1.

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*(9) A notification referred to in paragraph (3) shall contain a list of every occurrence during the month in question and shall specify the date, time and place of each occurrence.*

104. Bulk returns of events listed in schedule 3 should be made on form RAIBN2 (or in any other format previously agreed with the RAIB). A single return should be made for each month, listing all relevant events. If no qualifying events have occurred in a calendar month, a 'nil' return is not required but may be submitted if desired.
105. This information will be used by the RAIB to help its understanding of trends and frequencies of similar occurrences.
106. Heritage railways and LRT systems may report individual events. Four-weekly rather than monthly reporting is acceptable if agreed in advance by the RAIB. In either case the returns must be received within ten days of the month or period end.

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*(10) Where the railway industry body does not know the extent of a person's injuries, it shall regard that person as having suffered a serious injury if-*

*(a) the person has been removed from the site of the accident or incident to a hospital; and*

*(b) the railway industry body suspects that the person has sustained a serious injury.*

107. When a person has been taken to hospital and the extent of that person's injuries is not known, the notifying body should assume that the injuries are serious and notify the RAIB accordingly, unless they have good reason to believe that the injury is not serious.

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*(11) In this regulation "staff" means a person engaged in work for the railway industry body where such work was connected with the operation of the railway or railway property involved in the accident or incident at the time of its occurrence.*

108. If staff are not working, but are travelling in the course of their duty (for example, a driver travelling to take over a train), or are not on duty and travelling on private business, they are not considered to be "involved" in an incident for the purposes of the regulations, and should be considered to be passengers for the purposes of any notification.

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*(12) A railway industry body that fails to notify the Branch of an accident or incident in accordance with paragraphs (1) to (5) and (7) to (9) shall be guilty of an offence.*