

RTA Cases

Section A

In all cases where liability is at issue -

- (i) Documents identifying nature, extent and location of damage to defender's vehicle where there is any dispute about point of impact.
- (ii) MOT certificate where relevant.
- (iii) Maintenance records where vehicle defect is alleged or it is alleged by defender that there was an unforeseen defect which caused or contributed to the accident.

Section B

Accident involving commercial vehicle as potential defender -

- (i) Tachograph charts or entry from individual control book, where relevant.
- (ii) Maintenance and repair records required for operators' licence where vehicle defect is alleged or it is alleged by defendants that there was an unforeseen defect which caused or contributed to the accident.

Section C

Cases against local authorities where highway design defect is alleged.

- (i) Documents produced to comply with Section 39 of the Road Traffic Act 1988 in respect of the duty designed to promote road safety to include studies into road accidents in the relevant area and documents relating to measures recommended to prevent accidents in the relevant area.

Road/footway tripping claims

Documents from the Highway Authority or local authority for a period of 12 months prior to the accident -

- (i) Records of inspection for the relevant stretch of road/footway.
- (ii) Maintenance records including records of independent contractors working in relevant area.
- (iii) Statement of the Roads Authority's policy under the Code of Practice for Delivering Best Value in Highway Maintenance 2001 or alternatively records of the Minutes of Highway Authority or Local Authority meetings where maintenance or repair policy has been discussed or decided.
- (iv) Records of complaints about the state of roads/footway at the accident locus for a 12 month period prior to the accident..
- (v) Records of other accidents which have occurred on the relevant stretch of road/footway within 12 months of the accident.

Workplace claims

- (i) Accident book entry.
- (ii) First aider report.
- (iii) Surgery record.
- (iv) Foreman/supervisor accident report.
- (v) Safety representatives accident report.
- (vi) RIDDOR report to HSE.
- (vii) Other communications between defenders and HSE.

- (viii) Minutes of Health and Safety Committee meeting(s) where accident/matter considered.
- (ix) Report to DSS.
- (x) Documents listed above relative to any previous accident/matter identified by the claimant and relied upon as proof of negligence.
- (xi) Earnings information where defender is employer.

Documents produced to comply with requirements of the Management of Health and Safety at Work Regulations 1999 -

- (i) Pre-accident Risk Assessment required by Regulation 3.
- (ii) Post-accident Re-Assessment required by Regulation 3.
- (iii) Accident Investigation Report prepared in implementing the requirements of Regulations 5.
- (iv) Health Surveillance Records in appropriate cases required by Regulation 6.
- (v) Information provided to employees under Regulation 10.
- (vi) Documents relating to the employees health and safety training required by Regulation 13.

WORKPLACE CLAIMS - DISCLOSURE WHERE SPECIFIC REGULATIONS APPLY
SECTION A -WORKPLACE (HEALTH SAFETY AND WELFARE) REGULATIONS 1992

- (i) Repair and maintenance records required by Regulation 5.
- (ii) Housekeeping records to comply with the requirements of Regulation 9.
- (iii) Hazard warning signs or notices to comply with Regulation 17 (Traffic Routes).

SECTION B - PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998

- (i) Manufacturers' specifications and instructions in respect of relevant work equipment establishing its suitability to comply with Regulation 4.
- (ii) Maintenance log/maintenance records required to comply with Regulation 5.
- (iii) Documents providing information and instructions to employees to comply with Regulation 8.
- (iv) Documents provided to the employee in respect of training for use to comply with Regulation 9.
- (v) Any notice, sign or document relied upon as a defence to alleged breaches of Regulations 14 to 18 dealing with controls and control systems.
- (vi) Instruction/training documents issued to comply with the requirements of Regulation 22 insofar as it deals with maintenance operations where the machinery is not shut down.
- (vii) Copies of markings required to comply with Regulation 23.
- (viii) Copies of warnings required to comply with Regulation 24.

SECTION C - PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992

- (i) Documents relating to the assessment of the Personal Protective Equipment to comply with Regulation 6.
- (ii) Documents relating to the maintenance and replacement of Personal Protective Equipment to comply with Regulation 7.
- (iii) Record of maintenance procedures for Personal Protective Equipment to comply with Regulation 7.
- (iv) Records of tests and examinations of Personal Protective Equipment to comply with Regulation 7.
- (v) Documents providing information, instruction and training in relation to the Personal Protective Equipment to comply with Regulation 9.
- (vi) Instructions for use of Personal Protective Equipment to include the manufacturers' instructions to comply with Regulation 10.

SECTION D - MANUAL HANDLING OPERATIONS REGULATIONS 1992

- (i) Manual Handling Risk Assessment carried out to comply with the requirements of Regulation 4(l)(b)(i).
- (ii) Re-assessment carried out post-accident to comply with requirements of Regulation 4(1)(b)(i).
- (iii) Documents showing the information provided to the employee to give general indications related to the load and precise indications on the weight of the load and the heaviest side of the load if the centre of gravity was not positioned centrally to comply with Regulation 4(1)(b)(iii).
- (iv) Documents relating to training in respect of manual handling operations and training records.
- (v) All documents showing or tending to show the weight of the load at the material time.

SECTION E - HEALTH AND SAFETY (DISPLAY SCREEN EQUIPMENT) REGULATIONS 1992

- (i) Analysis of work stations to assess and reduce risks carried out to comply with the requirements of Regulation 2.
- (ii) Re-assessment of analysis of work stations to assess and reduce risks following development of symptoms by the claimant.
- (iii) Documents detailing the provision of training including training records to comply with the requirements of Regulation 6.
- (iv) Documents providing information to employees to comply with the requirements of Regulation 7.

SECTION F-CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 2002

- (i) Risk assessment carried out to comply with the requirements of Regulation 6.
- (ii) Reviewed risk assessment carried out to comply with the requirements of Regulation 6.
- (iii) Copy labels from containers used for storage handling and disposal of carcinogenics to comply with the requirements of Regulation 7(2A)(h).
- (iv) Warning signs identifying designation of areas and installations which may be contaminated by carcinogenics to comply with the requirements of Regulation 7
- (v) Documents relating to the assessment of the Personal Protective Equipment to comply with Regulation 7
- (vi) Documents relating to the maintenance and replacement of Personal Protective Equipment to comply with Regulation 7.
- (vii) Record of maintenance procedures for Personal Protective Equipment to comply with Regulation 7
- (viii) Records of tests and examinations of Personal Protective Equipment to comply with Regulation 7
- (ix) Documents providing information, instruction and training in relation to the Personal Protective Equipment to comply with Regulation 7
- (x) Instructions for use of Personal Protective Equipment to include the manufacturers' instructions to comply with Regulation 7.
- (xi) Air monitoring records for substances assigned a maximum exposure limit or occupational exposure standard to comply with the requirements of Regulation 7.
- (xii) Maintenance examination and test of control measures records to comply with Regulation 9.
- (xiii) Monitoring records to comply with the requirements of Regulation 10.
- (xiv) Health surveillance records to comply with the requirements of Regulation 11.
- (xv) Documents detailing information, instruction and training including training records for employees to comply with the requirements of Regulation 12.
- (xvi) Labels and Health and Safety data sheets supplied to the employers to comply with the CHIP Regulations.

SECTION G -CONSTRUCTION (DESIGN AND MANAGEMENT) (AMENDMENT) (REGULATIONS 2000

- (i) Notification of a project form (HSE Fl 0) to comply with the requirements of Regulation 7
- (ii) Health and Safety Plan to comply with requirements of Regulation 15.
- (iii) Health and Safety file to comply with the requirements of Regulations 12 and 14.
- (iv) Information and training records provided to comply with the requirements of Regulation 17.

(v) Records of advice from and views of persons at work to comply with the requirements of Regulation 18.

SECTION H - PRESSURE SYSTEMS AND TRANSPORTABLE GAS CONTAINERS REGULATIONS 1989

- (i) Information and specimen markings provided to comply with the requirements of Regulation 5.
- (ii) Written statements specifying the safe operating limits of a system to comply with the requirements of Regulation 7.
- (iii) Copy of the written scheme of examination required to comply with the requirements of Regulation 8.
- (iv) Examination records required to comply with the requirements of Regulation 9.
- (v) Instructions provided for the use of operator to comply with Regulation 11.
- (vi) Records kept to comply with the requirements of Regulation 13.
- (vii) Records kept to comply with the requirements of Regulation 22.

SECTION I - LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 1998

- (i) All documents showing the weight of any load to establish lifting equipment of adequate strength and stability to comply with Regulation 4.
- (ii) All notices and markings showing the safe working load of machinery and accessories to comply with Regulation 7.
- (iii) All documents showing lifting operations have been planned by a competent person, appropriately supervised and carried out in a safe manner to comply with Regulation 8.
- (iv) All defect reports to comply with Regulation 10.

SECTION J -THE NOISE AT WORK REGULATIONS 1989

- (i) Any risk assessment records required to comply with the requirements of Regulations 4 and 5.
- (ii) Manufacturers' literature in respect of all ear protection made available to claimant to comply with the requirements of Regulation 8.
- (iii) All documents provided to the employee for the provision of information to comply with Regulation 11.

SECTION K-CONSTRUCTION (HEAD PROTECTION) REGULATIONS 1989

- (i) Pre-accident assessment of head protection required to comply with Regulation 3(4).
- (ii) Post-accident re-assessment required to comply with Regulation 3(5).

SECTION I - GAS CONTAINERS REGULATIONS 1989

- (i) Information and specimen markings provided to comply with the requirements of Regulation 5.
- (ii) Written statements specifying the safe operating limits of a system to comply with the requirements of Regulation 7.
- (iii) Copy of the written scheme of examination required to comply with the requirements of Regulation 8.
- (iv) Examination records required to comply with the requirements of Regulation 9.
- (v) Instructions provided for the use of operator to comply with Regulation 11.
- (vi) Records kept to comply with the requirements of Regulation 13.
- (vii) Records kept to comply with the requirements of Regulation 22.

SECTION M - CONSTRUCTION (HEALTH, SAFETY AND WELFARE) REGULATIONS 1996

- (i) All documents showing the identity of the principal contractor, or a person who controls the way in which construction work is carried out by a person at work, to comply with the terms of

Regulation 4.

(ii) All documents and inspection reports to comply with the terms of Sections 29 and 30.