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## Regulations on Public Investigation and Notification of Traffic Accidents etc.

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Adopted by the Ministry of Transport and Communications on 30 June 2005 in pursuance of the Norwegian Road Traffic Act of 18 June 1965 No 4 Chapt. VII.

### Section 1. *Scope*

These regulations apply to traffic accidents and traffic incidents that fall under the scope of Section 1 of the Act of 18 June 1965 No 4 (the Road Traffic Act).

### Section 2. *Definitions*

For the purpose of these regulations, the following definitions shall apply:

- a) *investigating authority*: the Accident Investigation Board Norway;
- b) *serious traffic accident*: a road traffic accident in which somebody dies or is seriously injured;
- c) *serious traffic incident*: a road traffic incident that could potentially have been a serious traffic accident or that caused considerable damage to equipment, property or the environment.

### Section 3. *The investigating authority's tasks and independence*

The investigating authority shall clarify the sequence of events and causal factors relating to certain categories of traffic accidents and traffic incidents with the objective of improving road safety.

It is not the investigating authority's task to apportion blame or liability under criminal or civil law. The investigation shall be conducted independently of other investigations or inquiries.

### Section 4. *Immediate notification of serious traffic accidents and traffic incidents*

The police and the Norwegian Public Roads Administration shall notify the investigating authority immediately of any serious traffic accident that:

- a) has occurred inside a tunnel;
- b) involves a bus or vehicle with a total weight of more than 7.5 tonnes;
- c) involves a vehicle transporting dangerous goods (ADR).

The police and the Public Roads Administration shall also give immediate notification of serious traffic accidents and/or serious traffic incidents that:

- d) meets more specific criteria as provided for by the investigating authority, and where the latter has issued a request for such notification in writing, or
- e) that they, based on an overall assessment, believe the investigating authority may be interested in investigating; see Section 3 first paragraph.

Notification shall take place to the investigating authority's stated emergency telephone number.

If such notification is given by the Public Roads Administration, the police shall be informed about the notification immediately.

#### *Section 5. Reporting of serious traffic accidents and traffic incidents*

In the case of all traffic accidents and traffic incidents that are notifiable under Section 4, the police shall submit a written report to the investigating authority as soon as possible. The police may use its template for reporting road traffic accidents for reporting under this provision.

#### *Section 6. Start-up of the investigation and the scope of the investigation*

Once the investigating authority has been notified of a serious traffic accident or serious traffic incident as mentioned in Section 4, it shall immediately decide whether an immediate investigation is required.

When the investigating authority receives a traffic accident report as mentioned in Section 5, it shall decide without undue delay whether an investigation should be initiated and, if so, when.

The investigating authority decides the scope of the investigation and how it is to be conducted. In its decision, the investigating authority shall, among other things, take account of what lessons can be expected to be learnt from the investigation with a view to improving road safety. Account shall be taken of the degree of severity of the accident or incident, its impact on road safety in general and whether it is one of a series of accidents or incidents.

Without prejudice to previous decisions, the investigating authority may decide to investigate factors relating to one or more traffic accidents or traffic incidents.

The investigating authority's decisions pursuant to this Section are final and conclusive.

#### *Section 7. Securing the accident site, vehicle(s) etc.*

For dealing with the accident site, vehicle(s) etc., the provisions of Section 12 of the Road Traffic Act are applicable.

In cases that are notifiable as mentioned in Section 4, the police must ensure that no unnecessary dispositions take place at the accident site that make the investigating authority's work more difficult.

By agreement with the police, the investigating authority may assume responsibility for vehicles or equipment.

#### *Section 8. The rights of affected parties*

When an investigation is initiated, the investigating authority shall, insofar as it is possible, inform the vehicle's owner, user, insurer and other affected parties. The information shall be provided as soon as possible, and it shall include information about the parties' rights pursuant to the second paragraph of this section and pursuant to Section 13.

Before the investigation is concluded, the parties mentioned in the first paragraph shall be given an opportunity to provide information and state their views on the traffic accident or traffic incident and its causes. They should also be given an opportunity to be present during the investigation and be entitled to study the documents insofar as the investigating authority finds that this can be done without obstructing the investigation. The second sentence is subject to the limitations that follow from the duty of confidentiality provided for in Section 48 of the Road Traffic Act.

#### *Section 9. Assistance when making statements to the investigating authority*

Any person making a statement to the investigating authority has the right to be assisted by a lawyer or another person.

#### *Section 10. Relationship with other authorities and experts*

In connection with investigations, the investigating authority may request information and assistance from other public authorities and avail itself of other expert assistance as necessary.

#### *Section 11. Information to relevant public bodies*

The investigating authority shall keep relevant public bodies informed about serious findings made in the course of the investigation and, insofar as it is deemed critical in relation to road safety, about its own preliminary assessment of same.

#### *Section 12. Investigation report*

The investigating authority shall prepare a report following its investigation of a serious traffic accident. It is up to the investigating authority to decide whether it is necessary to prepare a report in other cases. When the investigating authority considers whether to prepare a report, and the scope of any such report, it shall emphasise the factors mentioned in Section 6 third paragraph. If investigations are concluded without a report, they shall be documented in another appropriate manner.

The report shall explain the sequence of events and include the investigating authority's statement on the causal factors. The report shall, as far as it is expedient, include any recommendations from the investigating authority about measures that should be taken or considered with a view to preventing similar accidents or incidents in future.

The report shall not mention the names and addresses of individual persons.

When the report is finalised, the investigating authority shall publish it at once, if possible within 12 months of the accident/incident having occurred. If the report is not finalised within 12 months, the investigating authority shall issue a preliminary status report on the progress of the investigation and relevant safety issues in connection with the case.

The investigating authority's decisions pursuant to this Section are final and conclusive.

#### *Section 13. Processing of draft investigation reports*

Before the report is finalised, the investigating authority shall, upon request, make available a draft version to the parties mentioned in Section 8, with a reasonable deadline for them to submit their comments, unless special conditions indicate that this should not be done. The right under the first sentence applies only to those parts of the report that the parties concerned, because of their connection to the case or investigation, are particularly qualified to comment on.

The investigating authority's decisions pursuant to this Section are final and conclusive.

#### *Section 14. Submission and follow-up of investigation reports*

Investigation reports shall be submitted to the Ministry of Transport and Communications, which shall take necessary measures to ensure that due consideration is given to the safety recommendations.

#### *Section 15. Reopening of an investigation*

The investigating authority may reopen a concluded investigation if new and materially important evidence emerges in the case.

#### *Section 16. Other tasks*

The Ministry of Transport and Communications may, after consultation with the investigating authority, assign the investigating authority special tasks based on road safety objectives.

#### *Section 17. Entry into force*

These regulations enter into force on 1 September 2005.