

Ref No 1027 (v7)

## Gas Safety – A Guide for Residential Property Owners

### Introduction

Gas safety remains a priority issue for the Health and Safety Executive, (HSE). In 2006/2007 8 people died from carbon monoxide (CO) poisoning caused by gas appliances and flues which had not been properly installed

The Approved Code of Practice (ACOP) on gas safety covers both legislation and guidance. It offers advice to those with responsibilities under the Gas Safety (Installation and Use) Regulations 1998 (GSUIR).

### The Legal Duties

The GSUIR are concerned with the safe installation, maintenance and use of gas systems. This includes gas fittings, appliances and flues in domestic premises. The GSUIR generally apply to any 'gas' as defined in the Gas Act 1986 (amended by the Gas Act 1995).

Landlords have a duty to:

- Maintain gas appliances installed for the use of tenants.
- Ensure such appliances are checked annually.
- Maintain and display these safety check records in the premises.

Landlords should consider the benefits of a contractual arrangement to assign the practical duty for maintenance.

Landlords have specific duties for maintenance and safety checks of gas appliances in 'relevant premises' (that is occupied for residential purposes under licence, tenancy agreement, set term and includes private landlords of rented accommodation, local authorities and housing associations, persons who provide bed-sit, holiday or bed and breakfast accommodation, hospitals,

boarding schools, colleges and universities providing residential accommodation for staff or students).

Premises or any part of premises occupied under a lease for a term of less than seven years, licence or statutory or other tenancy agreement will attract the landlord duties.

A landlord cannot delegate their duties under the Regulations to the tenant. If a landlord uses a managing agent then it is their duty to ensure that the terms of the contract clearly specify who is responsible for arranging for safety checks and maintenance to be carried out.

Those installing, servicing, maintaining or repairing gas appliances and other gas fittings also have duties under the Regulations.

As mentioned above, the Health & Safety Executive gives gas safety a high priority and will take the appropriate action to ensure compliance with the Regulations. In certain circumstances this could result in a substantial fine and/or a custodial sentence.

### The Specific Requirements

In summary, the main requirements of the Regulations include that:

#### Competence of Gas Fitters

- Only competent persons may carry out work on a gas fitting;
- Any employer or self-employed person requiring work to be done on a gas fitting, or in control to any extent of such work, must ensure that the person doing the work is, or employed by, a member of a class of persons approved by the HSE (currently a Gas Safe registered installer. Individuals should carry a current Gas Safe Register identity card on which is an expiry date and details of the appliances they are competent to work on. If in any doubt contact the Gas Safe Register on the number below or check on their website to see if an engineer is registered);
- An installer of a gas fitting must ensure that the fitting is suitable for the purpose for which it is to be used.

#### Ignition Sources

These are prohibited where there is a risk of fire/explosion, e.g. in searching for a gas leak.

### Emergency Control

This must be provided when gas is first supplied to premises. Where the control is not adjacent to a meter, a notice must be posted adjacent to the control, detailing procedure in the event of a gas escape.

### Meters

The installation of a pre-payment meter as a primary meter in certain cases is prohibited.

Any person supplying or permitting the supply of gas through a primary meter to a secondary meter (e.g. a landlord) is required to display a notice showing configuration of the gas system at specified positions.

### Installations

Any person installing a gas appliance is required to ensure:

- It is safe for use.
- Is not left connected to the gas supply unless it can be used safely.
- It complies with other relevant safety requirements.
- That any second-hand appliance is in a safe condition for further use.

The installer of a gas appliance is required to leave the manufacturer's instructions for the appliance, for use by the owner or occupier of the premises.

The installation of certain gas appliances in specified rooms is prohibited, unless the appliance is room-sealed. A general prohibition is placed on the installation of any instantaneous water heater, unless it is room-sealed or fitted with an appropriate safety device.

### Landlords

Landlords (in some circumstances) are required to:

- Ensure safe maintenance of gas appliances, which are installed in premises under their control.
- Ensure that annual safety checks are carried out on such appliances.
- Keep records of such checks and maintenance for at least 2 years and issue them (or display in certain cases) to tenants within 28 days of checks being done or before new tenants move in.

### **Planned Changes**

A new registration scheme for gas installers is to be introduced from 1 April 2009. This Hardfacts sheet will be up-dated as and when more information becomes available.

### **Key Action Steps**

- Purchase a copy of the Approved Code of Practice. (see below)
- Determine whether you control relevant premises.
- Ensure that gas appliances are maintained.
- Ensure that annual safety checks are carried out.
- Keep records of safety checks.
- Issue copies of the safety checks to tenants.
- Only use Gas Safe registered engineers.

### **References**

HSE Publications: Available from HSE Books Tel: 01787 881165.

- Safety in the installation and use of gas systems and appliances L56  
ISBN 0 7176 1635 5
- Landlords – A guide to landlord's duties under GSUIR INDG 285(rev2) (03/09)
- Gas Appliances – Get them checked – Keep them safe IND G 238 (rev3) (03/09)

### **Useful Contacts and Sources of Information**

HSE Gas Safety Advice line 800 300 363  
HSE Gas Safety website  
<http://www.hse.gov.uk/gas/index.htm>

If you smell gas, or suspect a gas leak or an escape of Carbon monoxide call National Grid on the Gas Emergency Freephone number 0800 111 999

Gas Safe Register General Enquiries line 0800 408 5500  
Gas Safe Website  
<http://www.gassaferegister.co.uk>

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Aviva Risk Management Solutions operate a Risk Helpline during normal business hours for the cost of a local telephone call. The telephone number is:

**0845 366 66 66**

[www.aviva.co.uk/risksolutions](http://www.aviva.co.uk/risksolutions)