

Ref No 5044 (v7)

Gas Safety

The safety of gas appliances is an important issue for the Health and Safety Executive. In 2008/09 15 people died from carbon monoxide poisoning caused by poorly installed or badly maintained gas appliances and flues. Over the past five years there have been an average of 135 incident and an average of 200 people a year have suffered ill health

The Health and Safety Commission has published an Approved Code of Practice (ACOP) with references to new and updated 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 and commercial premises, such as offices, shops, public buildings and similar places. 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, to ensure such appliances are checked annually and that records of such safety checks are maintained and displayed in the premises.

Duties of employers and landlords may overlap with their general duties under the Health and Safety at Work etc. Act 1974. In particular, in non-domestic premises such as office blocks leased to a number of tenants as workplaces, the duties of employers and landlords to maintain the gas appliances co-exist. Landlords and employers should consider the benefits of a contractual arrangement to clearly assign the practical duty for maintenance to one party.

Landlords have separate duties for maintenance and safety checks of gas appliances in 'relevant premises' (that is occupied for residential purposes

under licence, tenancy agreement, set term or lease). Landlord is defined widely in GSUIR 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.

The Specific Requirements

In summary, the main requirements of the Regulations include:

- 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 is employed by, a member of a class of persons approved by the HSE
- 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 installed when gas is first supplied to or enters the 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 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; complies with other relevant safety requirements; and 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.

Any employer or self-employed person is required to ensure that any gas appliance, flue or installation pipework installed at a place of work they control is maintained in a safe condition.

Landlords

Landlords (in some circumstances) are required to ensure safe maintenance of gas appliances, flues and installation pipework installed in premises under their control, that annual safety checks are carried out on such appliances/flues and a record kept and issued (or displayed in certain cases) to tenants.

The appendices to the ACOP include information relating to requirements for appliances and flues, examples of potentially unsafe situations, a summary of legislation and appropriate guidance, standards and information sources. Diagrams of typical installations are also included.

Landlords have the responsibility for ensuring that those who work on gas installations are competent.

Gas Safe Register

From 1st April 2009 the Gas Safe Register provides a service for checking whether an engineer or a business is registered. Only engineers (and businesses) registered with the Gas Safe Register are legally permitted to carry out work on gas systems and appliances. Registration is an indication of competence to carry out work on gas systems and appliances.

Key Action Steps

- Purchase a copy of the Approved Code of Practice
- 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 contractors.

References

HSE Publications: Safety in the installation and use of gas systems and appliances L56 ISBN 0 7176 1635 5 £10.95
Available from HSE Books 01787 881165

Landlords – A guide to landlord's duties under GSUIR INDG 285 Free.
www.hse.gov.uk/pubns/indg285.pdf

Gas Appliances – Get them checked – Keep them safe IND G 238 (rev) Free.
www.hse.gov.uk/pubns/indg238.pdf

HSE Gas Safety Advice line 0800 300 363.

Gas Emergency Freephone 0800 111 999

Gas Safe Register 0800 408 5500 or
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