

THE GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998

This circular summarises the main changes introduced by the Gas Safety (Installation and Use) Regulations 1998 (GSIUR 98), which came into force on 31 October 1998; and their effects for enforcement.

INTRODUCTION

1 GSIUR 1998 update and replace the provisions of GSIUR 1994 and its 2 sets of GSIUR 1996 Amending Regulations. The HSE publication L56(rev) *Safety in the installation and use of gas systems and appliances: GSIUR 1998*, which is available from HSE Books, provides ACoP commentary and guidance on the regulations and their interpretation. **It is important to note that the requirements of GSIUR 1998 are in addition to, and not in substitution for, the more general requirements of the Health and Safety at Work etc. Act 1974. In serious cases, particularly fatal ones in which gross disregard for safety has been displayed, informations laid under this overlying legislation may be justified because of the potentially higher penalties that they attract.**

2 Apart from the consolidation of earlier gas safety legislation, the changes made by GSIUR 1998 are generally modest eg to cater for further experience from the opening up of the domestic gas supply market. However, some changes, particularly those affecting landlords' duties, are more significant, where earlier legal loopholes, exploited by some landlords in order to circumvent their responsibilities have been addressed (see [paragraphs 50-52](#)).

3 The regulations cover, in particular: gas systems; gas appliances and flues in certain domestic premises; commercial premises like offices; shops and hotels; and holiday homes eg chalets, caravans, mobile homes and boats on inland waterways.

4 Caravans include those used for touring (which are hired out in the course of a business), permanently sited caravans, mobile homes (hired out or otherwise) on holiday-home parks or similar sites, including farms.

5 The regulations also apply to boats which are hired out in the course of a business eg boats used for holiday accommodation, floating restaurants and public houses.

6 Self-propelled vehicles hired out or used by the public, in the course of a business, eg motor caravans, mobile food 'stalls' (whether towed as caravans or self propelled) are also covered.

ENFORCEMENT OF GAS SAFETY

7 The enforcement responsibility for gas safety legislation (and other more general HSWA legislation) is determined by the Health and Safety (Enforcing Authority Regulations) (EA)1998 ([see Appendix 1](#)). The LA will be the enforcing authority where the main activity falls to them under reg 3 and Schedule 1 subject to the exclusions in reg 4 and Schedule 2. Local authority (LA) enforcement officers are responsible for:

- enforcement at certain **non-domestic** premises including hotels, hostels and bed

- and breakfast establishments, caravan, holiday homes where residents stay for short terms under "licence" (see the definition of "relevant premises" in reg 36(1)(b), GSIUR 1998), where the main activity falls to them under reg 3 and Schedule 1 of the EA 1998. (subject to the exclusions in reg 4 and schedule 2);
- enforcement at the above places, in respect of activities other than the installation, maintenance or repair of any gas system, or any work in relation to a gas fitting, where carried out by a person who does not normally work on the premises. For example this might include the issue of improvement or prohibition notices to have unsafe appliances checked and rectified, or to prevent their further use until they have been rectified if there is clear evidence that they are life-threatening. This includes failures to have the appliances and the flues provided for them properly maintained and checked for safety at least once a year. However, this applies only to HSWA and GSIUR matters carried out by any person normally working in these LA enforced premises. **Any installation, maintenance, or repair of gas systems or any work in relation to gas fittings in them carried out by any outside CORGI registered contractors or by employees who do not normally work in the premises is for HSE to deal with (Schedule 2, paragraph 4 (b), EA 1998) ([see para 14](#)).**

OTHER EXISTING LA ENFORCED LEGISLATION

8 GSIUR 1998 do not affect the powers of LAs to act separately under existing housing legislation, eg the Housing (Management of Houses in Multiple Occupation) (HMOs) 1990, Housing (Scotland) Act 1987; nor under the statutory nuisance provisions of the Environmental Protection Act 1990, if this is thought to be both necessary and appropriate.

9 There is an overlap between the duties under reg 36 GSIUR 1998, and other more general duties under HSWA legislation, and the other duties under this separate legislation enforced by housing sections. For example, LA enforcement officers may visit HMOs, such as certain hostels, to check compliance with housing legislation and find evidence that gas appliances are not being properly maintained, checked, or are unsafe.

LIASION WITH HSE

10 It is important that LA enforcement officers should discuss any gas safety matters of concern with their local HSE offices including any suggestions that tenants have not been provided with records of annual safety checks of appliances and flues under GSIUR 98; and HSE inspectors have been urged to treat any such expressions of concern seriously.

CORGI REGISTRATION

11 LA enforcement officers should report any concerns about the reported activities of installers not registered with CORGI to their local HSE offices, concerns about installers falsely claiming to be CORGI registered should be reported to both the local HSE offices and their local Trading Standards offices (HSE inspectors have been advised of the separate role of TSOs in enforcing separate consumer protection legislation in this respect).

ENFORCEMENT AT RENTED ACCOMMODATION INCLUDING HMOS

12 LA enforcement officers visit rented accommodation including HMOs to enforce housing etc legislation, where they have no HSWA powers. They may find firm evidence of gas appliances or flues not being properly maintained. Before they attempt to enforce their own legislation they should discuss matters with their local HSE offices at the earliest opportunity. This will ensure that the tenants' best interests are protected, particularly if there is doubt about whether premises might be deemed to be HMOs in the courts. **Any gas safety matters relating to privately owned or rented property that is not assigned to LAs under EA 1998 or in which LAs feel they have no powers to act to effect improvements should equally be drawn to the attention of their local HSE offices.**

13 When visiting HMOs, and when improvements to rented properties are required to meet the relevant housing/building legislation, a record of the gas safety checks might provide prima-facie evidence of possible non-compliance. However, it is important to note that LA enforcement officers do not have the powers under housing legislation to require such records or to take any action. In such circumstances, these matters should be referred to the local HSE area office for discussion, and decisions on appropriate action.

PERSONS WHO NORMALLY DO NOT WORK IN LA ASSIGNED PREMISES

14 In LA assigned premises where any installation, maintenance, or repair of gas systems or any work in relation to gas fittings is carried out by any outside CORGI registered contractors or by employees who do not normally work in the premises, enforcement is for HSE to deal with (Schedule 2, paragraph 4 (b), EA 1998). Any matters of this nature should be referred to the HSE.

RIDDOR REPORTS

15 HSE inspectors have been asked to transfer initial RIDDOR reports to LAs in respect of premises for which they are responsible for.

CASES OF UNCERTAINTY

16 In any cases of uncertainty about enforcement or interpretation of GSIUR 98, there should be close liaison by LA enforcement officers with their local HSE enforcement liaison officers (ELOs).

SUMMARY OF MAIN CHANGES

[Para 17-57](#) details the main changes to regulations. The changes of relevance to LA enforcing officers are shown on the contents page.

Regulation 2(1) - definitions

'Appropriate fitting'

17 A definition of this term has been added, laying down requirements, eg for gas-

tightness and security against unauthorised opening or removal of any such fitting.

18 The main purpose of this change is to preclude the use of a conventional valve or consumer emergency control for sealing off an open-ended gas pipe following disconnection of an appliance, or to seal-off the supply to a connected appliance, pending completion of work and the final safe commissioning of the appliance before it is used.

'Gas'

19 A gas wholly or mainly comprised of hydrogen used in non-domestic premises (eg a laboratory in the industrial or educational sector) has been excluded from the definition of 'gas'.

20 This recognises the fact that GSIUR (as amended) was not meant to cover gases such as pure hydrogen, or hydrogen-rich gaseous mixtures, but these were inadvertently brought within scope by virtue of the original definition of 'gas' in the Gas Act 1986.

'Work'

21 'Disconnecting' and 're-connecting' have been added to the list of activities explicitly mentioned in the definition of 'work in relation to a gas fitting' to make it clear that checks required under reg 26(9) should follow any such work, as it could affect gas soundness, and possibly flueing matters.

22 However, the simple connection or disconnection of a bayonet fitting or other self-sealing coupling (such as used on a gas cooker hose), for instance by a private consumer, has been excluded from the definition. This is largely to avoid the need for anyone doing this, purely to move the appliance, to be subject to the requirements of reg 3, and other regulations referring to 'work', such as reg 26(9).

23 Anyone disconnecting or connecting these sorts of fittings and couplings as part of gas fitting work, eg the installation of a new cooker, is still subject to GSIUR '98, as it applies to 'work', in particular regs 3 and 26.

Other minor changes to definitions

24 Minor changes (generally for clarification) have been made to the definitions of 'installation pipework', 'room sealed appliance' and 'service pipe'.

Regulation 2(5)(c) - application to 'inland waterway craft'

25 Application of the regulations has been extended to vessels not requiring a national or international load line certificate when used primarily for domestic or residential purposes. This is to ensure that the likes of owner occupied houseboats are subject to the same coverage as land-based residences.

Regulation 2(6)(c) - exception for certain control devices

26 Work on any gas appliance control device which is primarily intended for use by the consumer (eg removal or replacement of an electric thermostat or an on/off timer switch) has been expressly excluded from the regulations, where this work does not involve breaking into a gasway, ie where there is no risk of gas escape, or likely interference with the safety of the gas installation.

Regulations 2(7) and (8) - exclusions for training and assessment centres

27 Gas fittings used in the training of gas fitting operatives in a college or other training establishment (that might have been deliberately made unsafe for training purposes) have been excluded from GSIUR '98, apart from the requirements of regs 3(1)-(5) and (7) (competence and CORGI-registration provisions). **However, such training establishments need to be CORGI registered.**

28 Gas fittings used in assessment centres, for the purposes of assessing the gas fitting competence of individual operatives under the recently introduced nationally accredited certification scheme have similarly been largely excluded. **However, such establishments are subject solely to the competence requirements of regs 3(1)-(2), and therefore do not need to be CORGI registered.**

Regulation 3(2) and regulation 4 - duties to ensure competence and CORGI registration of contractors

29 Existing duties on contractors of whatever sort have been extended, to cover every employer or self-employed person who has control, to any extent, over gas fitting work.

30 They should have systems in place to ensure that whoever they entrust such work to is competent to carry it out, and that they assign it to those of their employees who are properly qualified.

Regulation 3(8) - application to certain work at factories

31 Manufacturers of caravans, holiday homes or inland waterway boats that are to be subsequently used in situations where the regulations apply are required to ensure that any of their employees doing work on installing gas fittings in these caravans, boats etc at the manufacturing stage are competent in gas installation matters, and take reasonable steps to secure safety once their products are taken into use.

32 This duty in respect of caravans etc is however subject to a defence where the manufacturer has reasonable grounds to believe that the caravans etc will first be used for a purpose (eg for private use) which would be outside the scope of GSIUR 98.

Regulation 8 - existing gas fittings

33 The existing prohibition in reg 8(1) (concerning alterations to premises which adversely affect the safety of gas fittings or gas storage vessels) has been restricted to those alterations to the premises where existing gas fittings or gas storage vessels are installed. It does not apply to alterations to neighbouring premises carried out after 31 October 1998, for instance the construction of a new extension, that is claimed to have affected the effectiveness of the flue for an existing appliance installed in premises next door. A consequential amendment has been made to reg 8(2), to avoid this being applied to alterations to premises in a way which could undermine the purpose of the change to reg 8(1).

34 The person carrying out the 'work' should also consider the separate requirements of approved documents under the Building Regulations 1991 and the Building Standards (Scotland) Regulations 1990 concerning ventilation and flues.

These guidance documents interface directly with the requirements of GSIUR '98, but are matters overseen by LA building control officers, and should be referred to them for resolution (see also new, related, reg 27(5) matters (para 41)).

Regulation 14 - regulators

35 Anyone who breaks a regulator seal, applied under reg 14(5) (eg a seal on a regulator controlling pressure of gas through a primary meter), is required to apply a new seal as soon as is practicable (reg 14(7)).

Regulation 15(2) - meters - emergency notices

36 The present duty (to display a notice indicating the position of the nearest upstream emergency control when a meter is installed at a distance of more than 2 metres from, or out of sight of that control) has been extended to cases where a meter is relocated in such a position.

Regulation 16 - primary meters

37 The duty to provide a notice where a gas is supplied through a service pipe or service pipework to more than one primary meter is extended to any person who subsequently makes a modification affecting the number of meters provided (reg 16(2)(b)).

38 Additionally, the outlet of an emergency control is required to be sealed when a primary meter is removed (reg 16(3)(a)(ii) and notice is required to be given to the gas supplier when such removal is proposed (reg 16(4)).

Regulation 17 - Secondary meters

39 The duty under existing reg 17 has been amended to require any person supplying or permitting the supply of gas through a primary meter to a secondary meter (eg a gas supplier and/or landlord) to display a line diagram showing the configuration of all meters, installation pipework and emergency controls. In addition, any person subsequently making a change affecting the accuracy of this diagram is required to ensure that the diagram is suitably amended.

40 Both these changes affect only new supplies (or changes in existing supplies), or modifications to existing systems that take place after 31 October 1998.

Regulation 19(2) and (3) - enclosed pipes

41 The detailed provisions in existing reg 19(2)(b), eg for enclosure in a gas-tight sleeve, have been replaced by 'goal setting' requirements concerning the prevention of gas escapes entering a cavity in a wall or similar confined space.

42 Additionally, the prohibition in reg 19(3) (against installation of pipework in a wall cavity, unless the pipe is to pass from one side of the wall to another) has been disapplied in respect of 'living flame effect' fires (as defined), and this is spelt out in reg 19(4).

Regulation 26(10) - gas appliances

43 The requirements in reg 26(9) (concerning examination after work on an appliance) are disapplied in respect of:

(1) reg 26(10)(a), 'the direct disconnection of the gas supply of an appliance'. **In such cases, no matter why the gas supply has been disconnected, it is physically impossible to carry out the tests required by reg 26(9) after disconnection has been made. However, whoever restores the gas supply will need to consider whether these, or equivalent, tests need to be carried out, depending on the timespan between disconnection and reconnection, and what might have happened in the intervening time;** and

(2) reg 26(10)(b), the purging of air or gas from an appliance and associated pipework/fittings where the safety of the appliance, pipework or fitting is not adversely affected. **In situations in which the purging has resulted from disconnections of appliances after investigations of consumer complaints to gas transporters or installers, eg because pilot lights have constantly been extinguished, perhaps through down-draught problems, reg 26(9) checks should still be expected to be carried out after final purging, to ensure that the appliances are safe for further use, or need to be rectified.**

Regulation 27(5) - flues

44 This new provision prohibits the installation of a flue, otherwise than in a safe position, and is linked to the change to reg 8(1). The ACoP commentary calls for flues to be sited so as to discharge at a safe distance from any boundary with adjoining premises, to avoid possible gas safety problems should later extensions or alterations be made to the adjoining premises.

45 Approved documents supporting building regulations applying in England and Wales, and Scotland, will underpin this new requirement. Any contraventions of reg 27(5) by installers after 31 October 1998 should be discussed with LA building control officers.

Regulation 30 - room-sealed appliances

46 A new prohibition is placed on the installation of any instantaneous waterheater which is not room-sealed or fitted with a safety device to shut down the appliance before a dangerous quantity of combustion products can build up in the room concerned (reg 30(3)).

47 This prohibition applies generally, and is not restricted to bedrooms/bathrooms etc covered by the other prohibitions in reg 30. **Additionally, it has been made clear that existing prohibitions under reg 30 apply to appliances installed in cupboards and compartments in the rooms concerned, and in certain cupboards and compartments adjoining such rooms (reg 30(4)).**

Regulation 34 - use of appliances

48 The existing prohibition on the use of an appliance in specified circumstances (reg 34(1)) has been replaced by a 'goal-setting' duty for the responsible person not to use, or allow the use of, any appliance where such use is known (or is suspected) to constitute a danger to any person. (The meaning of a 'dangerous appliance' is explained in the ACoP commentary on the regulation).

49 This effectively strengthens the duties on landlords, and any managing agents that they use, to heed warnings from registered installers, or other competent persons, that gas

appliances for which they are legally responsible are definitely, or most likely to be unsafe if they continue to be used in their present condition, and should be speedily rectified, and not re-instated until this has been done.

Regulation 35 - duties of employers and self-employed persons

50 The existing duty for maintenance of gas appliances and installation pipework at workplaces is extended to cover flues.

51 Landlords of any such workplaces are most likely to be subject to separate duties under HSW Act s.4 in respect of the gas appliances installed in premises that they lease for industrial or commercial use. It is important that landlords and tenants of such premises agree contractual arrangements for the proper and effective discharge of their respective HSW Act s.4 and GSIUR 98 duties in respect of the maintenance and safety checks on the flues for appliances for which they have responsibility.

Regulation 36 - duties of landlords

52 In this Regulation:

(1) the definition of 'relevant gas fitting' has been amended to remove any gas appliance or installation pipework exclusively used in parts of premises occupied for non-residential purposes. For instance, any appliance used exclusively to service parts of premises, such as a gas fire used solely to heat the lounge of a public house that has upstairs residential accommodation for the tenant manager, would not be a 'relevant gas fitting' (but any in the residential parts would be), and;

(2) provision has been made to deal with these sort of appliances/installation pipework exclusively serving non-residential parts (reg 36(10)) to allow landlords and tenants to enter into legal agreements about who should be responsible for the maintenance/safety check duties in respect of them (cf HSW Act s.4(3)).

(3) two previous loopholes have been addressed to preserve a 12-month (maximum) period between safety checks, as follows:

(a) reg 36(3)(a) makes it clear that a safety check is required at intervals of not more than 12 months since the last check has been made (**whether or not the check was made pursuant to the (new) Regulations or not**), to ensure that the '12 month safety check clock' is kept running between the last check made under the 1994 regulations (as amended) and the first one made under GSIUR 98. **Landlords should not be able to claim that any 'relevant appliance' in premises let to tenants after 31 October 1998, does not need to be subject to its next safety check until 12 months after the new lease commences**, and;

(b) after 31 October 1998, whenever a lease is commenced, or terminated and renewed, whether with an existing or new tenant, reg 36(3)(b) requires landlords to ensure that a safety check has been carried out on any 'relevant appliance' within the 12 month period before any new lease commences, or within 12 months of any new appliance and associated flue having been installed in the premises to be leased, whichever is the later.

(4) an option is provided (reg 36(7)) for landlords to display a central copy of the safety check record in the case of gas appliances not directly installed in tenant's accommodation, eg a central heating boiler serving multi-occupancy premises such as a student hall of

residence, provided that this centrally posted record makes it clear, that copies can be individually obtained by tenants on request, and gives details of how to obtain one. **In the case of appliances installed in tenants' accommodation, eg gas fires in bed-sits, landlords will still need to provide tenants with copies of safety check records;**

(5) a further option is provided (reg 36(8)) to allow an **unsigned** copy of the safety check record to be issued at the start of a new tenancy, to allow computerised records of safety checks to be kept by landlords, without them bearing the actual signature of the CORGI-registered installers that have carried them out. However, a signed copy must be made available for inspection by the tenant on request to a named address, and the unsigned, computerised, copy must make this clear;

(6) a new duty (reg 36(11)-(12)) is placed on landlords to ensure that in any room occupied or intended to be occupied by a tenant as sleeping accommodation there are no gas fittings that would contravene reg 30(2) or (3). For instance, this will require the removal of any gas appliances installed in a room converted into sleeping accommodation by landlords after 31 October 1998 that are not either room-sealed or fitted with a suitable safety (vitiation) device (depending on their heat input), and their replacement with complying appliances, or other alternative ones that are not gas-fuelled. **This provision does not apply retrospectively, and covers only room conversions made by landlords on or after 31 October 1998.**

Regulation 37 - escape of gas

53 Existing duties, eg on gas suppliers and responsible persons, to take action in case of an escape of fuel gas (eg LPG) are extended to cover an escape or emission of carbon monoxide from incomplete combustion of gas in a gas fitting (reg 37(8)). However, the duty of the gas supplier to respond (reg 37(1)) is restricted in case of such escapes/emissions, to advising the caller of the immediate action to prevent the escape/emission (eg isolation of the gas supply to gas appliance(s) concerned), and on the need for examination/repair of defective appliance(s) by a competent person.

Regulation 38 - antifructuators and valves

54 Duties (eg concerning compliance with directions of the gas transporter) are imposed on consumers of gas in situations where:

- (1) they use gas to work or supply plant liable to cause dangerous pressure fluctuation in the gas supply (reg 38(1)); or
- (2) intend to use any gaseous substance (eg air) for or in connection with the consumption of gas (reg 38(2)).

These provisions were transferred to GSIUR from Schedule 2B of the Gas Act 1986 (as inserted by the Gas Act 1995).

55 In practice, this provision is likely to affect only certain industrial/commercial premises subject to GSIUR 98, where connections, eg compressed air or LPG ones, might be made to gas distribution systems with safety implications for local gas distribution systems.

Regulation 39 - exception as to liability

56 Previous application of the 'reasonable steps' defence afforded by reg 39 (previously reg 37) has been largely retained, but has been extended to the new duty concerning the safe location of flues (reg 27(5)).

57 Although the current application of this defence provision to reg 30 duties has been retained, this has been limited to the prohibitions on gas fires and other gas space heaters or gas water heaters of more than 14 kW gross heat input. **It has not been extended to cover the new, general, prohibition on the installation of certain instantaneous water heaters after 31 October 1998 (reg 30(3)); and this is a new, absolute, duty.**

EFFECTS FOR FUTURE ENFORCEMENT

58 Apart from the consolidation of previous 1994 gas safety regulations and the 2 sets of 1996 amending regulations within GSIUR 98, the new changes should have a very limited effect for gas safety enforcement. However, inspectors should note, in particular, the new general prohibition on the installation of any instantaneous water heater that is not either room-sealed or fitted with a safety device such as an atmosphere sensing device (reg 30(3), and the strengthening of the duties on landlords to cater for any new lets after 31 October 1998 (reg 30(3)(a) and (b)); the changes made to alterations to 'any premises' (reg 8(1)), and the new duty on the safe location of flues (reg 27(5)).

FURTHER INFORMATION

59 The following leaflets are available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS. Tel: 01787 881165, Fax: 01787 313 995.

- A guide to landlord's duties: Gas Safety (Installation and Use) Regulations 1998. INDG285 (INDIC versions also available).
- Gas appliances- Get them checked keep them safe. INDG238 (rev1).

APPENDIX 1

FLOWCHART OF ENFORCEMENT ALLOCATION FOR GAS SAFETY

