

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2004 No. 63**

**Gas Safety (Installation and Use)  
Regulations (Northern Ireland) 2004**

**PART VII**

**MISCELLANEOUS**

**Escape of gas**

**37.**—(1) Where any gas escapes from any pipe of a gas supplier or from any pipe, other gas fitting or gas storage vessel used by a person supplied with gas by a gas supplier, the supplier of the gas shall, within twelve hours of being so informed of the escape, prevent the gas escaping (whether by cutting off the supply of gas to any premises or otherwise).

(2) If the responsible person for any premises knows or has reason to suspect that gas is escaping into those premises, he shall immediately take all reasonable steps to cause the supply of gas to be shut off at such place as may be necessary to prevent further escape of gas.

(3) If gas continues to escape into those premises after the supply of gas has been shut off or when a smell of gas persists, the responsible person for the premises discovering such escape or smell shall immediately give notice of the escape or smell to the supplier of the gas.

(4) Where an escape of gas has been stopped by shutting off the supply, a person shall not cause or permit the supply to be re-opened (other than in the course of repair) until all necessary steps have been taken to prevent a recurrence of such escape.

(5) In any proceedings for an offence under paragraph (1) it shall be a defence for the supplier of the gas to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within the period of twelve hours referred to in that paragraph, and that he did effectually prevent the escape of gas as soon as it was reasonably practicable for him to do so.

(6) Nothing in paragraphs (1) and (5) shall prevent the supplier of the gas appointing another person to act on his behalf to prevent an escape of gas supplied by that supplier.

(7) Nothing in paragraphs (1) to (6) shall apply to an escape of gas from a network (within the meaning of regulation 2 of the Gas Safety (Management) Regulations (Northern Ireland) 1997<sup>(1)</sup>) or from a gas fitting supplied with gas from a network.

(8) In this regulation any reference to an escape of gas from a gas fitting includes a reference to an escape or emission of carbon monoxide gas resulting from incomplete combustion of gas in a gas fitting, but, to the extent that this regulation relates to such an escape or emission of carbon monoxide gas, the requirements imposed upon a supplier by paragraph (1) shall, where the escape or emission is notified to the supplier by the person to whom the gas has been supplied, be limited to advising that person of the immediate action to be taken to prevent such escape or emission and the need for the examination and, where necessary, repair of the fitting by a competent person.

---

(1) S.R. 1997 No. 195

### **Use of antifuuctuators and valves**

**38.**—(1) Where a consumer uses gas for the purpose of working or supplying plant which is liable to produce pressure fluctuation in the gas supply such as to cause any danger to other consumers, he shall comply with such directions as may be given to him by the transporter of the gas to prevent such danger.

(2) Where a consumer intends to use for or in connection with the consumption of gas any gaseous substance he shall –

- (a) give to the transporter of the gas at least fourteen days notice in writing of that intention; and
- (b) during such use comply with such directions as the transporter may have given to him to prevent the admission of such substance into the gas supply;

and in this paragraph “gaseous substance” includes compressed air but does not include any gaseous substance supplied by the transporter.

(3) Where a direction under paragraphs (1) or (2) requires the provision of any device, the consumer shall ensure that the device is adequately maintained.

(4) Any direction given pursuant to this regulation shall be in writing.

### **Exception as to liability**

**39.** A person shall not be guilty of an offence by reason of contravention of regulation 3(2) or (6), 5(1), 7(3), 15, 16(2) or (3), 17(1), 27(5), 30 (insofar as it relates to the installation of a gas fire, other gas space heater or a gas water heater of more than 14 kilowatt gross heat input), 33(1), 35 or 36 in any case in which he can show that he took all reasonable steps to prevent that contravention.

### **Exemption certificates**

**40.**—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Executive by a further certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to –

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provision which apply to the case,

it is satisfied that the health and safety of persons likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Revocation**

**41.** The Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997(2) are hereby revoked.