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STATUTORY INSTRUMENTS

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**1996 No. 2541**

**HEALTH AND SAFETY**

**The Gas Safety (Installation and Use)  
(Amendment) (No. 2) Regulations 1996**

<i>Made</i>	- - - -	<i>3rd October 1996</i>
<i>Laid before Parliament</i>		<i>10th October 1996</i>
<i>Coming into force</i>	- -	<i>31st October 1996</i>

The Secretary of State in exercise of the powers conferred on him by sections 15(1), (2), (4)(a) and 82(3)(a) of, and paragraphs 1(2) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

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**Citation and commencement**

1. These Regulations may be cited as the Gas Safety (Installation and Use) (Amendment) (No. 2) Regulations 1996 and shall come into force on 31st October 1996.

**Amendment of the Gas Safety (Installation and Use) Regulations 1994**

2. Regulation 35A of the Gas Safety (Installation and Use) Regulations 1994(2) shall be amended in accordance with the following provisions of this regulation—

- (a) in sub-paragraph (a) of paragraph (3), after “appliance” there shall be inserted “and flue”;
- (b) sub-paragraph (b) of paragraph (3) shall be deleted and the following substituted—

“(b) ensure that a record in respect of any appliance or flue so checked after the coming into force of this sub-paragraph is made and retained for a period of 2 years from the date of that check, which record shall include the following information—

- (i) the date on which the appliance or flue was checked;

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(1) 1974 c. 37; section 1(1) was extended by section 2(1) of the Offshore Safety Act 1992 (c. 15), and sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.  
(2) S.I. 1994/1886 as amended by S.I. 1996/550.

- (ii) the address of the premises at which the appliance or flue is installed;
  - (iii) the name and address of the landlord of the premises (or, where appropriate, his agent) at which the appliance or flue is installed;
  - (iv) a description of and the location of each appliance or flue checked;
  - (v) any defect identified;
  - (vi) any remedial action taken;
  - (vii) confirmation that the check undertaken complies with the requirements of paragraph (6) below;
  - (viii) the name and signature of the individual carrying out the check; and
  - (ix) the registration number with which that individual, or his employer, is registered with a body approved by the Executive for the purposes of regulation 3(3) of these Regulations.;
- (c) in paragraph (4), after “appliance” there shall be inserted “or flue”;
- (d) in paragraph (5), after “above” there shall be inserted “, or a copy thereof.”; and
- (e) after paragraph (5) there shall be inserted the following paragraph—
- “(5A) Notwithstanding paragraph (5) above, every landlord shall ensure that—
- (a) a copy of the record made pursuant to the requirements of paragraph (3)(b) above is given to each existing tenant of premises to which the record relates within 28 days of the date of the check; and
  - (b) a copy of the last record made in respect of each appliance or flue is given to any new tenant of premises to which the record relates before that tenant occupies those premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed in those premises.”

By order of the Secretary of State.

Department of the Environment.  
3rd October 1996

*Paul Beresford*  
Parliamentary Under Secretary of State,

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend regulation 35A of the Gas Safety (Installation and Use) Regulations 1994 (“the regulation”) the provisions of which include a requirement for a landlord to ensure that a yearly safety check is carried out on specified gas appliances, and flues which serve such appliances, and for a record to be made of that check.

2. These Regulations—

- (a) require that record to be preserved for a period of two years;
- (b) specify the information to be included in that record; and
- (c) require a landlord to provide existing tenants and new tenants with a copy of the record at specified times.

3. In addition there are a number of minor or consequential amendments to the regulation.

4. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Gas Safety Policy Section, Safety Policy Directorate, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.