
STATUTORY INSTRUMENTS

2018 No. 139

HEALTH AND SAFETY

The Gas Safety (Installation and Use) (Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>5th February 2018</i>
<i>Laid before Parliament</i>		<i>6th February 2018</i>
<i>Coming into force</i>	- -	<i>6th April 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15(1), (2) and (5) and 82(3)(a) of, and paragraphs 1(1), (2) and 16 of Schedule 3 to, the Health and Safety at Work etc Act 1974(1).

These Regulations give effect without modification to proposals submitted to the Secretary of State, by the Health and Safety Executive, under section 11(3) of that Act.

Before submitting those proposals to the Secretary of State, the Health and Safety Executive carried out a consultation on the proposals in accordance with section 50(3) of that Act(2).

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) (Amendment) Regulations 2018 and come into force on 6th April 2018.

Introductory

2. The Gas Safety (Installation and Use) Regulations 1998(3) are amended in accordance with the following regulations.

Amendment of regulation 2(4)

3.—(1) In regulation 2(4) (disapplication of Regulations in relation to supply of gas, or in respect of gas fittings, for certain premises)(4)—

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- (1) 1974 c.37. Section 15(1) was substituted by section 116 of, and Schedule 15 to, the Employment Protection Act 1975 (c.71) and was amended by S.I. 2002/794. Section 15(2) was amended by section 116 of, and Schedule 12 to, the Energy Act 2013 (c.32).
- (2) Section 50(3) was amended by section 116 of, and Schedule 15 to, the Employment Protection Act 1975, S.I. 2008/960, section 56 of, and Schedule 7 to, the Health and Social Care Act 2012 (c.7), and section 116 of, and Schedule 12 to, the Energy Act 2013.
- (3) S.I. 1998/2451.
- (4) Regulation 2(4) was amended by S.I. 1999/2024 and 2015/51.

- (a) in sub-paragraph (e), omit the “or” at the end;
- (b) in sub-paragraph (f), at the end, insert “or”;
- (c) after sub-paragraph (f), insert—
 - “(g) installations downstream of an isolation valve which—
 - (i) form a system exclusively used for the compression of gas;
 - (ii) are primarily used to supply compressed gas to vehicles; and
 - (iii) incorporate at least one gas compressor which has an electric motor input power rating exceeding 5 kilowatts.”.

Amendment of regulation 26

4.—(1) Regulation 26(9) (gas appliances – safety precautions – examinations required) is amended as follows.

- (2) In sub-paragraph (c), at the beginning, insert “subject to sub-paragraph (ca)”.
- (3) After sub-paragraph (c), insert—
 - “(ca) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance;”.

Amendment of regulation 36(3)

5.—(1) Regulation 36(3) (timing of gas safety checks and record keeping obligations) is amended as follows.

- (2) In sub-paragraph (a), after “Regulations or not” insert “; and see regulation 36A”.
- (3) In sub-paragraph (b), after “whichever is later” insert “(and see regulation 36A)”.
- (4) In sub-paragraph (c)—
 - (i) for “for a period of 2 years from the date of that check” substitute “until there have been two further checks of the appliance or flue under this paragraph or, in respect of an appliance or flue that is removed from the premises, for a period of 2 years from the date of the last check of that appliance or flue”;
 - (ii) in paragraph (v), after “any” insert “safety”.

Insertion of regulation 36A

6. After regulation 36 (duties of landlords), insert—

“Determination of date when next safety check due under regulation 36(3)

36A.—(1) Where a safety check of an appliance or a flue made in accordance with regulation 36(3)(a) or (b) is or was completed within the period of 2 months ending with the deadline date, that check is to be treated for the purposes of regulation 36(3)(a) and (b) as having been made on the deadline date.

(2) Subject to paragraph (3), the landlord may ensure that an appliance or flue is checked for safety within the 2 month period beginning with the deadline date, instead of checking it within the 12 month period ending with that date.

(3) The discretion conferred by paragraph (2) may be exercised—

- (a) only once in relation to each appliance or flue in the relevant premises; and

(b) only in order to align the deadline date in relation to the next safety check of that appliance or flue with the deadline date in relation to the next safety check of any other appliance or flue in the same relevant premises.

(4) In this regulation “the deadline date”, in relation to a safety check for an appliance or flue, means the last day of the 12 month period within which the check is or was required to be made under regulation 36(3)(a) or (b).”.

Insertion of regulation 40A

7. After regulation 40 (exemption certificates), insert—

“Review

40A.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in regulations 2(4)(g), 26(9)(c) and (ca), 36(3) and 36A; and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 6th April 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(5) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”.

5th February 2018

Sarah Newton
Minister of State
Department for Work and Pensions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gas Safety (Installation and Use) Regulations 1998 (“the 1998 Regulations”).

The amendment made by regulation 3 has the effect that, subject to certain exceptions, the 1998 Regulations do not apply to certain gas compression installations which are downstream of isolation valves.

The amendment made by regulation 4 has the effect that a person who carries out an examination of a gas appliance under regulation 26(9)(c) of the 1998 Regulations must instead examine the combustion performance of the appliance to ensure it is operating safely if it is not reasonably practicable to examine its operating pressure or heat input.

Regulation 5 amends landlords’ record keeping requirements regarding gas safety checks.

Regulation 6 makes provision for determining the date by which the next gas safety check is due for a gas appliance or flue. It also gives landlords (in certain circumstances) the power to extend the date by which the next gas safety check is due for an appliance or a flue in order to align that date with the date by which the next safety check is due for another appliance or flue in the same premises.

Regulation 7 makes provision for a review of the regulatory provision in the 1998 Regulations which is amended by these Regulations.

An impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the Regulations on www.legislation.gov.uk.