
STATUTORY INSTRUMENTS

1996 No. 550

HEALTH AND SAFETY

The Gas Safety (Installation and Use) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>3rd March 1996</i>
<i>Laid before Parliament</i>		<i>8th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State in exercise of the powers conferred on him by section 15(1), (2), and (4)(a) of, and paragraphs 1(1), (2) and 4(1) 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:—

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

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

2. The Gas Safety (Installation and Use) Regulations 1994⁽²⁾ (in these Regulations referred to as “the 1994 Regulations”) shall be amended in accordance with the following provisions of these Regulations.

3. In paragraph (4) of regulation 1 of the 1994 Regulations, in sub-paragraph (a) after “14(2)” there shall be added “, (3) and (3A)” and “and 14(5)(b)” shall be deleted.

4. In paragraph (1) of regulation 2 of the 1994 Regulations—

(a) the definition of “emergency control” shall be deleted and the following substituted—

““emergency control” means a valve for shutting off the supply of gas in an emergency, being a valve intended for use by a consumer of gas;”;

(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.

- (b) in the definition of “gas appliance”, the words after “used”, where it appears for the first time, shall be deleted and the following substituted—
 - “but it does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance, save that, for the purposes of regulations 3, 35 and 35A of these Regulations, it does include a portable or mobile space heater supplied with gas from a cylinder, and the cylinder, pipes and other fittings used for supplying gas to that heater;”;
 - (c) in the definition of “gas fittings”, after “valves”, there shall be inserted “(other than emergency controls)”;
 - (d) after the definition of “gas storage vessel”, there shall be inserted—
 - ““gas water heater” includes a gas fired central heating boiler;”;
 - (e) in the definition of “installation pipework”, the words “or (e) any part of a primary meter installation;” shall be deleted;
 - (f) the definitions of “primary meter”, “primary meter installation” and “public gas supplier” shall be deleted and the following substituted—
 - ““primary meter” means the meter nearest to and downstream of a service pipe or service pipework for ascertaining the quantity of gas supplied through that pipe or pipework by a supplier;
 - “re-fillable cylinder” means a cylinder which is filled other than at the place where it is connected for use;”;
 - (g) in the definition of “service pipe”, the words after “distribution main” where it appears for the second time shall be deleted and the following substituted—“and the outlet of the first emergency control downstream from the distribution main;”;
 - (h) the definition of “service valve” shall be deleted and the following substituted—
 - ““service valve” means a valve (other than an emergency control) for controlling a supply of gas, being a valve—
 - (a) incorporated in a service pipe; and
 - (b) intended for use by a supplier or transporter of gas; and
 - (c) not situated inside a building;”.
5. In paragraph (4) of regulation 2 of the 1994 Regulations—
- (a) in sub-paragraph (b), after “the Factories Act 1961”, there shall be inserted “or any place to which any provisions of the said Act apply by virtue of sections 123 to 126 of that Act”;
 - (b) in sub-paragraph (d), the comma shall be deleted and a semi-colon substituted;
 - (c) after sub-paragraph (d) and before the words “but they shall apply” there shall be inserted the following—
 - “or
 - (e) premises used for the testing of gas fittings; or
 - (f) premises used for the treatment of sewage;”.
6. In paragraph (5) of regulation 2 of the 1994 Regulations—
- (a) in sub-paragraph (a), after “vehicle” there shall be added the following—
 - “except when such vehicle is—
 - (i) hired out in the course of a business; or

- (ii) made available to members of the public in the course of a business carried out from that vehicle”;
- (b) in sub-paragraph (c), the words “is hired out in the course of a business; or” shall be deleted and the following substituted—
 - “is—
 - (i) hired out in the course of a business; or
 - (ii) made available to members of the public in the course of a business carried out from that vessel; or”.
- 7. After paragraph (5) of regulation 2 of the 1994 Regulations there shall be added the following—
 - “(6) Nothing in these Regulations shall apply in relation to—
 - (a) the supply of gas to the propulsion system of any vehicle or to any gas fitting forming part of such propulsion system; or
 - (b) the supply of gas to, or anything done in respect of, a bunsen burner used in an educational establishment.”.
- 8. In paragraph (3) of regulation 3 of the 1994 Regulations, after “above”, there shall be inserted “and subject to paragraph (3A) below,” and in place of “gas storage vessel”, there shall be substituted “service pipework”.
- 9. After paragraph (3) of regulation 3 of the 1994 Regulations there shall be added—
 - “(3A) The requirements of paragraph (3) above shall not apply in respect of the replacement of—
 - (a) a hose or regulator on a portable or mobile space heater; or
 - (b) a hose connecting a re-fillable cylinder to installation pipework.”.
- 10. After paragraph (9) of regulation 6 of the 1994 Regulations, there shall be added the following—
 - “(10) No person shall store or keep gas consisting wholly or mainly of methane on domestic premises, and for the purpose of this paragraph, such gas from time to time present in pipes or in the fuel tank of any vehicle propelled by gas shall be deemed not to be so stored or kept.”.
- 11. After paragraph (2) of regulation 8 of the 1994 Regulations, there shall be inserted the following—
 - “(3) In relation to any place of work under his control, an employer or a self-employed person shall ensure, so far as is reasonably practicable, that the provisions of paragraphs (1) and (2) above are complied with.”.
- 12. In paragraph (3) of regulation 9 of the 1994 Regulations, “installation” shall be deleted.
- 13. In regulation 11 of the 1994 Regulations, in the definition of “secondary meter”, the words “, whether or not there is also a primary meter in respect of the gas supplied” shall be deleted.
- 14. In paragraph (2) of regulation 14—
 - (a) after “vessel”, there shall be inserted “(other than a re-fillable cylinder or a cylinder or cartridge designed to be disposed of when empty)”; and
 - (b) sub-paragraphs (a) and (b) shall be deleted and the following substituted—
 - “(a) there is a regulator installed which controls the nominal operating pressure of the gas;

- (b) there is adequate automatic means for preventing the installation pipework and gas fittings downstream of the regulator from being subjected to a pressure different from that for which they were designed; and
- (c) there is an adequate alternative automatic means for preventing the service pipework from being subjected to a greater pressure than that for which it was designed should the regulator referred to in sub-paragraph (a) above fail.”.

15. Paragraph (3) of regulation 14 of the 1994 Regulations shall be deleted and the following substituted—

“(3) No person shall cause gas to be supplied through an installation consisting of one or more re-fillable cylinders unless the supply of gas passes through a regulator which controls the nominal operating pressure of the gas.

(3A) Without prejudice to paragraph (3) above, no person shall cause gas to be supplied through an installation consisting of four or more re-fillable cylinders connected to an automatic change-over device unless there is an adequate alternative means for preventing the installation pipework and any gas fitting downstream of the regulator from being subjected to a greater pressure than that for which it was designed should the regulator fail.”.

16. In paragraph (5) of regulation 14 of the 1994 Regulations, before the full stop there shall be added the following—

“other than a seal applied to a regulator for controlling the pressure of gas to the appliance to which that regulator is fitted”.

17. In paragraph (2) of regulation 18 of the 1994 Regulations, the word “installation”, where it appears for the second time, shall be deleted.

18. In paragraph (9) of regulation 26 of the 1994 Regulations—

(a) at (c)—

(i) in place of “and” there shall be substituted “or”; and

(ii) after “input”, there shall be inserted “or, where necessary, both”;

(b) the words “the supplier of gas to the appliance” shall be deleted and the following substituted—

“in the case of an appliance supplied with liquefied petroleum gas, the supplier of gas to the appliance, or, in any other case, the transporter”.

19. After paragraph (1) of regulation 34 of the 1994 Regulations, there shall be added the following—

“(1A) For the purposes of paragraph (1) above, the responsible person means the occupier of the premises, the owner of the premises and any person with authority for the time being to take appropriate action in relation to any gas fitting therein.”.

20. In paragraph (2) of regulation 34 of the 1994 Regulations, the words “the supplier of gas to the appliance” shall be deleted and the following substituted—

“in the case of an appliance supplied with liquefied petroleum gas, the supplier of gas to the appliance, or, in any other case, the transporter”.

21. Regulation 35 of the 1994 Regulations shall be deleted and the following substituted—

“Maintenance

35. It shall be the duty of every employer or self-employed person to ensure that any gas appliance or installation pipework installed at any place of work under his control is maintained in a safe condition so as to prevent risk of injury to any person.

Duties of Landlords

35A.—(1) In this regulation—

“landlord” means—

- (a) in England and Wales—
 - (i) where the relevant premises are occupied under a lease, the person for the time being entitled to the reversion expectant on that lease or who, apart from any statutory tenancy, would be entitled to possession of the premises; and
 - (ii) where the relevant premises are occupied under a licence, the licensor, save that where the licensor is himself a tenant in respect of those premises, it means the person referred to in sub-paragraph (i) above;
- (b) in Scotland, the person for the time being entitled to the landlord’s interest under a lease.

“lease” means—

- (a) a lease for a term of less than 7 years; and
- (b) a tenancy for a periodic term; and
- (c) any statutory tenancy arising out of a lease or tenancy referred to in sub-paragraphs (a) or (b) above,

and in determining whether a lease is one which falls within sub-paragraph (a) above—

- (i) in England and Wales, any part of the term which falls before the grant shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant;
- (ii) a lease which is determinable at the option of the lessor before the expiration of 7 years from the commencement of the term shall be treated as a lease for a term of less than 7 years;
- (iii) a lease (other than a lease to which sub-paragraph (b) above applies) shall not be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more; and
- (iv) a “lease” does not include a mortgage term;

“relevant gas fitting” means—

- (a) any gas appliance (other than an appliance which the tenant is entitled to remove from the relevant premises) or any installation pipework installed in any relevant premises; and
- (b) any gas appliance or installation pipework which, directly or indirectly, serves the relevant premises and which either—
 - (i) is installed in any part of premises in which the landlord has an estate or interest; or
 - (ii) is owned by the landlord or is under his control;

“relevant premises” means premises or any part of premises occupied, whether exclusively or not, for residential purposes (such occupation being in consideration of money or money’s worth) under—

- (a) a lease; or
- (b) a licence;

“statutory tenancy” means—

- (a) in England and Wales, a statutory tenancy within the meaning of the Rent Act 1977⁽³⁾ and the Rent (Agriculture) Act 1976⁽⁴⁾; and
- (b) in Scotland, a statutory tenancy within the meaning of the Rent (Scotland) Act 1984⁽⁵⁾, a statutory assured tenancy within the meaning of the Housing (Scotland) Act 1983⁽⁶⁾ or a secure tenancy within the meaning of the Housing (Scotland) Act 1987⁽⁷⁾;

“tenant” means a person who occupies relevant premises being—

- (a) in England and Wales—
 - (i) where the relevant premises are so occupied under a lease, the person for the time being entitled to the term of that lease; and
 - (ii) where the relevant premises are so occupied under a licence, the licensee;
- (b) in Scotland, the person for the time being entitled to the tenant’s interest under a lease.

(2) Every landlord shall ensure that there is maintained in a safe condition—

- (a) any relevant gas fitting; and
- (b) any flue which serves any relevant gas fitting,

so as to prevent the risk of injury to any person in lawful occupation of relevant premises.

(3) Without prejudice to the generality of paragraph (2) above, a landlord shall—

- (a) ensure that each appliance to which that duty extends is checked for safety at intervals of not more than 12 months; and
- (b) keep a record in respect of the appliances to which that duty extends of the dates of inspection, the defects identified and any remedial action taken.

(4) Every landlord shall ensure that any work in relation to a relevant gas fitting or any check of a gas appliance carried out pursuant to paragraphs (2) or (3) above is carried out by, or by an employee of, a member of a class of persons approved for the time being by the Health and Safety Executive for the purposes of regulation 3(3) of these Regulations.

(5) The record referred to in paragraph (3)(b) above shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any appliance to which the record relates.

(6) A safety check carried out pursuant to paragraph (3)(a) above shall include, but shall not be limited to, an examination of the matters referred to in sub-paragraphs (a) to (d) of regulation 26(9) of these Regulations.

(7) Nothing done or agreed to be done by a tenant of relevant premises or by any other person in lawful occupation of them in relation to the maintenance or checking of a relevant

(3) 1977 c. 42.
 (4) 1976 c. 80.
 (5) 1984 c. 58.
 (6) 1983 c. 43.
 (7) 1987 c. 26.

gas fitting or flue in the premises shall be taken into account in determining whether a landlord has discharged his obligations under this regulations (except in so far as it relates to access to that gas fitting or flue for the purposes of such maintenance or checking).”.

22. In regulation 37 of the 1994 Regulations, delete “or 35” and insert “, 35 or 35A”.

By order of the Secretary of State.

3rd March 1996.

Paul Beresford
Parliamentary Under Secretary of State,
Department of the Environment

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)

1. These Regulations amend the Gas Safety (Installation and Use) Regulations 1994 (“the principal Regulations”).
2. Regulation 4 of these Regulations amends regulation 2(1) of the principal Regulations by—
 - (a) altering the definition of “emergency control”, “gas appliance”, “gas fittings”, “installation pipework”, “primary meter”, “service pipe” and “service valve”;
 - (b) adding the definition of “gas water heater” and “re-fillable cylinder”; and
 - (c) removing the definition of “primary meter installation” and “public gas supplier”.
3. Regulation 5 of these Regulations amends regulation 2(4) of the principal Regulations so that the principal Regulations are further disapplied in respect of—
 - (a) specified premises deemed to be a factory under the Factories Act 1961, that is, electrical stations, institutions, docks and ships;
 - (b) premises used for testing gas fittings; and
 - (c) premises used for treating sewage.
4. Regulation 6 of these Regulations amends regulation 2(5) of the principal Regulations so that the disapplication of the principal Regulations is limited with respect to self-propelled vehicles and specified vessels.
5. Regulation 2(6) of the principal Regulations, which is introduced by regulation 7 of these Regulations, disapplies the principal Regulations in respect of propulsion systems for vehicles and bunsen burners in laboratories of educational establishments.
6. Regulation 8 of these Regulations amends regulation 3(3) of the principal Regulations so that work in respect of a gas storage vessel is not required to be carried out by a member of a class of persons approved by the Health and Safety Executive (“the Executive”).
7. Regulation 3(3A) of the principal Regulations, which is introduced by regulation 9 of these Regulations, provides that the replacement of specified hoses and regulators is not subject to the requirement that such work must be carried out by a member of a class of persons approved by the Executive.
8. Regulation 6(10) of the principal Regulations, which is introduced by regulation 10 of these Regulations, prohibits the storing or keeping of natural gas on domestic premises.
9. Regulation 8(3) of the principal Regulations, which is introduced by regulation 11 of these Regulations, requires an employer or self-employed person to ensure that, so far as is reasonably practicable, the preceding provisions of regulation 8 (existing gas fittings) are complied with.
10. Regulations 14 and 15 of these Regulations amend respectively the provisions of paragraphs (2) and (3) of regulation 14 of the principal Regulations regarding the installation of regulators in specified circumstances.
11. Regulation 34(1A) of the principal Regulations, which is introduced by regulation 19 of these Regulations, amends the definition of “responsible person” for the purposes of paragraph (1) of regulation 34 concerning the reporting of unsafe gas appliances.

12. Regulation 35A of the principal Regulations, which is introduced by regulation 21 of these Regulations (and which replaces former paragraphs (2) to (4) of regulation 35 of the principal Regulations)—

- (a) clarifies the duties of landlords in respect of the maintenance of gas appliances and installation pipework by confining those duties to relevant gas fittings and relevant premises (as respectively defined);
- (b) extends the duty of maintenance to flues;
- (c) requires maintenance and safety checks to be carried out by a member of a class of persons approved by the Executive; and
- (d) provides for specified matters to be included in a safety check carried out for the purposes of this regulation.

13. In addition there are a number of minor or consequential amendments to the principal Regulations.

14. 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.