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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 195**

**Gas Safety (Management) Regulations (Northern Ireland) 1997**

**Citation and commencement**

1. These Regulations may be cited as the Gas Safety (Management) Regulations (Northern Ireland) 1997 and shall come into operation on 12th May 1997 except regulation 8 which shall come into operation on 12th December 1997.

**Interpretation**

2.—(1) In these Regulations—

“the 1997 Regulations” means the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997(1);

“the Department” means the Department of Economic Development;

“distribution main” has the same meaning as in regulation 2(1) of the 1997 Regulations;

“emergency control” has the same meaning as in regulation 2(1) of the 1997 Regulations;

“emergency service provider” means a person appointed pursuant to regulation 7(11);

“emergency shut-down valve” has the same meaning as in regulation 2 of the Pipelines Safety Regulations (Northern Ireland) 1997(2);

“gas” means any substance in a gaseous state which consists wholly or mainly of methane;

“gas fittings” means gas fittings as defined in regulation 2(1) of the 1997 Regulations as if the phrase “(other than the purpose of an industrial process carried out on industrial premises)” did not appear in that definition;

“gas processing facility” means any gas processing facility which—

- (a) blends or purifies gas, removes from gas any of its constituent gases or separates from gas any oil or water; and
- (b) is situated at a terminal which receives gas directly or indirectly from a gas production facility;

“gas production facility” means a facility for the extraction of gas from strata or for the manufacture of gas;

“installation pipework” has the same meaning as in regulation 2(1) of the 1997 Regulations;

“interconnector” means a pipeline used for the conveyance of gas to or from Northern Ireland;

“network” shall be construed in accordance with paragraphs (2) to (4);

“network emergency co-ordinator” shall be construed in accordance with regulation 3(2) and (3);

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(1) S.R. 1997 No. 194

(2) S.R. 1997 No. 193

“pipe” includes a pipeline, distribution main, service pipe and any ancillary plant connected to a pipe and used for the conveyance of gas, but it does not include a pipe downstream of an emergency control;

“safety case” shall be construed in accordance with paragraph (5);

“service pipe” has the same meaning as in regulation 2(1) of the 1997 Regulations;

“supply emergency” means an emergency endangering persons and arising from a loss of pressure in a network or any part thereof.

(2) Any reference in these Regulations to a network is, subject to paragraphs (3) and (4), a reference to a connected network of pipes used for the conveyance of gas from a gas processing facility, a storage facility or to or from Northern Ireland.

(3) A network does not include that part of an interconnector between the point at which the interconnector enters or leaves Northern Ireland and the emergency shut-down valve within Northern Ireland which is nearest to that point.

(4) Where gas which does not conform with the requirements referred to in regulation 8(1) is conveyed from a gas processing facility for treatment or blending so as to bring it into conformity with those requirements, any pipes used exclusively for conveying gas from that facility to the point where the gas is treated or blended or to non-domestic premises or to both, shall not be treated as part of a network for the purposes of these Regulations.

(5) Any reference in these Regulations to a safety case is a reference to a document containing the particulars required by the provision of these Regulations pursuant to which the safety case is prepared, and—

- (a) insofar as the document contains other particulars it shall not be treated as part of the safety case for the purposes of these Regulations;
- (b) nothing in these Regulations shall require the particulars to relate to a source of risk other than the gas itself.

(6) Any reference in these Regulations to the Department accepting a safety case or revision thereof is a reference to the Department notifying in writing the person who prepared it that it is satisfied with the case for health and safety made out in it.

(7) Any reference in these Regulations to the conveyance of gas is a reference to the conveyance of gas through pipes.

(8) Any reference in these Regulations to conveying gas in a network includes a reference to conveying gas in any part of the network.

(9) Any reference in these Regulations to preventing a supply emergency is a reference to preventing a supply emergency from occurring or continuing.

(10) In these Regulations any reference, in relation to a network, to the network emergency co-ordinator is a reference to the network emergency co-ordinator who has prepared and had accepted a safety case relating to that network pursuant to regulation 3(2).

(11) Any reference in these Regulations to a person supplying or conveying gas, preparing a safety case or carrying out work in relation to a gas fitting is a reference to a person who does so in the course of a business or other undertaking carried on by him.

### **Duties on persons conveying gas**

3.—(1) A person shall not convey gas in a network unless—

- (a) he has prepared a safety case containing the particulars specified in Schedule 1 and that safety case has been accepted by the Department; and

(b) where any other person is conveying gas in that network, there is a sole network emergency co-ordinator for the network.

(2) For the purposes of these Regulations a network emergency co-ordinator is, subject to paragraph (3), a person who has prepared a safety case containing the particulars specified in Schedule 2 and has had that safety case accepted by the Department.

(3) Where a network emergency co-ordinator has given written notice to the Department and to all persons conveying gas in the network that he no longer intends to act in that capacity, he shall not be the network emergency co-ordinator for the purposes of these Regulations from the time such notice takes effect (which shall not be less than six months after it was given).

(4) Nothing in these Regulations shall prevent a person who conveys gas in a network from also being the network emergency co-ordinator.

### **Revision of safety cases**

4.—(1) A person who has prepared a safety case pursuant to these Regulations shall revise its contents whenever it is appropriate, but nothing in this paragraph shall require him to have the revision accepted by the Department.

(2) Where a revision proposed to be made under paragraph (1) will render the safety case materially different from the last version accepted by the Department pursuant to these Regulations, the revision shall not be made unless the Department has accepted the revision, and for the purposes of this paragraph in determining whether a proposed revision will render the safety case materially different from the version referred to above, regard shall be had to the cumulative effect of that proposed revision and any previous revisions made under paragraph (1) but not subject to this paragraph.

(3) A person who has prepared a safety case which has been accepted by the Department pursuant to these Regulations shall make a thorough review of its contents at least every three years.

### **Duty to conform with safety case**

5.—(1) Where a person has prepared and has had accepted a safety case pursuant to these Regulations he shall ensure, so long as he conveys gas in the network to which the safety case relates or remains a network emergency co-ordinator, as the case may be, that the procedures and arrangements described in the safety case and any revision thereof are followed.

(2) In criminal proceedings for a contravention of paragraph (1) it shall be a defence for the accused to prove that—

(a) in the particular circumstances of the case it was not in the best interests of health and safety to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 4; or

(b) the commission of the offence was due to a contravention by another person of regulation 6 and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

### **Co-operation**

6.—(1) Every person to whom this paragraph applies shall co-operate so far as is necessary with a person conveying gas in a network and with a network emergency co-ordinator to enable them to comply with the provisions of these Regulations.

(2) Paragraph (1) applies to—

(a) a person conveying gas in the network;

(b) an emergency service provider;

- (c) the network emergency co-ordinator in relation to a person conveying gas;
  - (d) a person conveying gas in pipes which are not part of a network by virtue of regulation 2(3) or (4);
  - (e) a person authorised to supply gas by a licence granted under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996<sup>(3)</sup>;
  - (f) a person exempted under Article 7(1) of the Gas (Northern Ireland) Order 1996 from Article 6(1)(b) or (c) of that Order;
  - (g) the person in control of—
    - (i) such part of an interconnector supplying gas to, or taking gas from, a network as is not included in a network by virtue of regulation 2(3);
    - (ii) a gas production facility;
    - (iii) a gas processing facility; or
    - (iv) a storage facility.
- (3) The reference in paragraph (2)(g)(ii) to the person in control of a gas production facility is—
- (a) where the facility is a fixed installation within the meaning of regulation 2(1) of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995<sup>(4)</sup>, an operator within the meaning of that regulation;
  - (b) where the facility is at a borehole site within the meaning of regulation 2(1) of the Borehole Sites and Operations Regulations (Northern Ireland) 1995<sup>(5)</sup>, an operator within the meaning of that regulation.
- (4) A person conveying gas in a network may, subject to paragraph (5), direct a person not to consume gas for the period specified in the direction.
- (5) A direction under paragraph (4) may—
- (a) only be given where it is necessary to prevent a supply emergency or to prevent danger arising from the use of gas not conforming with the requirements of regulation 8;
  - (b) be given orally or in writing and may be withdrawn at any time.
- (6) Where a direction is given to a person pursuant to paragraph (4), that person shall comply with it during the period specified in the direction except that this shall not require him to comply with a direction after it has been withdrawn.
- (7) In criminal proceedings for a contravention of paragraph (6) it shall be a defence for the accused to prove that he had no knowledge of the direction.
- (8) A person who conveys gas in a network shall, where he is requested to do so by a person proposing to carry out work in relation to a gas fitting, provide him with information about the operating pressures of the gas at the outlet of a service pipe.

### **Gas escapes and investigations**

7.—(1) It shall be the duty of Phoenix Natural Gas Limited to provide a continuously manned telephone service (which shall be contactable from any place within Northern Ireland by the use of one telephone number) for enabling persons to report an escape of gas from a network or from a gas fitting supplied with gas from a network.

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(3) [S.I. 1996/275 \(N.I. 2\)](#)

(4) [S.R. 1995 No. 340](#) to which there are amendments not relevant to these Regulations

(5) [S.R. 1995 No. 491](#)

(2) Where Phoenix Natural Gas Limited is notified of such an escape of gas it shall, if it is not responsible for preventing the escape under paragraphs (4) or (5), report it forthwith to the person who is.

(3) A person referred to in regulation 6(2)(a) to (c) and the holder of a licence issued under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 who discovers or is notified of any such escape of gas (other than by virtue of a report made to him pursuant to paragraph (2)) shall report it forthwith to Phoenix Natural Gas Limited.

(4) Where any gas escapes from a network the person conveying the gas in the part of the network from which the gas escapes shall, as soon as is reasonably practicable after being so informed of the escape, attend the place where the gas is escaping, and, within 12 hours of being so informed of the escape, he shall prevent the gas escaping.

(5) Where any gas escapes from a gas fitting supplied with gas from a network, the person conveying the gas in the part of the network immediately upstream of the emergency control for the supply of gas to that fitting shall, as soon as is reasonably practicable, after being so informed of the escape, attend the place where the gas is escaping, and, within 12 hours of being so informed of the escape, he shall prevent the gas escaping.

(6) Where a person conveying gas in a network has reasonable cause to suspect that gas conveyed by him which has escaped has entered, or may enter, any premises, he shall, so far as is reasonably practicable, take all the steps necessary to avert danger to persons from such entry.

(7) If the responsible person for any premises knows or has reason to suspect that gas is escaping from a gas fitting in those premises supplied with gas from a network 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.

(8) 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 Phoenix Natural Gas Limited.

(9) 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.

(10) In any proceedings against a person for an offence consisting of a contravention of paragraph (4) or (5) it shall, insofar as the contravention consists in failing to prevent the escape of gas within the period of 12 hours referred to in those paragraphs, be a defence for the person to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within that period, and that he did effectually prevent the escape of gas as soon as it was reasonably practicable for him to do so.

(11) A person conveying gas may appoint another person to act on his behalf to prevent an escape of gas, and where he does so in advance of discovering or being notified of such an escape—

- (a) he shall notify Phoenix Natural Gas Limited of the name of the person appointed;
- (b) the appointee shall in relation to the escape be responsible for complying with paragraphs (4) to (6) in substitution for the person conveying the gas, and paragraph (6) shall have effect as if the reference to the person conveying gas having reasonable cause to suspect that the gas has entered or may enter premises where a reference to the appointee having such cause.

(12) Where an escape of gas from a gas fitting on domestic premises has resulted in a fire or explosion, the person conveying the gas in the part of the network immediately upstream of the emergency control for the supply of gas to that fitting shall, as soon as is reasonably practicable after receiving notice of the fire or explosion, cause an investigation to be carried out so as to establish, so far as is reasonably practicable, whether the escape was from installation pipework or from an appliance, and if so, which appliance.

(13) Where an escape of gas from a network has or was likely to have resulted in a fire or explosion, the person conveying the gas in the part of the network where the gas escaped shall, as soon as is reasonably practicable after receiving notice of the escape, cause an investigation to be carried out so as to establish the source of the escape and, so far as is reasonably practicable, the reason for it.

(14) Where an incident notifiable under regulation 6(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1986<sup>(6)</sup> has arisen as a result of an escape of carbon monoxide gas from incomplete combustion of gas in a gas fitting, the person who supplied the gas shall, as soon as is reasonably practicable after receiving notice of the incident, cause an investigation to be carried out so as to establish, so far as is reasonably practicable, the cause of the escape and accumulation of the carbon monoxide gas.

(15) Where a person who conveys gas receives notice of an incident referred to in paragraph (14), he shall, as soon as is reasonably practicable, inform the relevant gas supplier of that fact.

(16) A person who causes an investigation to be carried out pursuant to paragraph (12), (13) or (14) shall—

- (a) ensure that the individuals who carry it out are competent;
- (b) notify the Department before the investigation begins of the intention to carry it out;
- (c) ensure that a report of the investigation is prepared and a copy of it is sent to the Department as soon as is reasonably practicable after the investigation has been completed.

(17) In this regulation—

- (a) “the responsible person” has the same meaning as in regulation 2(1) of the 1997 Regulations;
- (b) any reference to an escape of gas from a gas fitting includes a reference to an escape of carbon monoxide gas resulting from incomplete combustion of gas in such a fitting;
- (c) any reference to a fire or explosion of gas is a reference to an unintended fire or explosion of gas;
- (d) any reference to a person supplying gas does not include a reference to a person to whom the gas is supplied and who provides it for use in a flat or part of premises let by him.

### **Content and other characteristics of gas**

**8.—**(1) A person shall not, subject to paragraphs (2) to (4), convey gas in a network unless the gas conforms with the requirements specified in Part I of Schedule 3.

(2) The network emergency co-ordinator may, where it is necessary to prevent a supply emergency and in accordance with the arrangements specified in his safety case pursuant to paragraph 3(d) of Schedule 2, authorise, for the period specified in the authorisation, gas not conforming with the requirements specified in Part I of Schedule 3 to be conveyed in the network if the gas conforms with the requirements specified in Part II of that Schedule.

(3) An authorisation under paragraph (2) may be given orally or in writing and may be withdrawn at any time.

(4) Where only one person conveys gas in a network, he may, where it is necessary to prevent a supply emergency and in accordance with the arrangements specified in his safety case pursuant to paragraph 19 of Schedule 1, convey gas which does not conform with the requirements specified in Part I of Schedule 3 if the gas conforms with the requirements specified in Part II of that Schedule.

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(6) [S.R. 1986 No. 247](#) to which there are amendments not relevant to these Regulations

(5) A person who conveys gas in a network shall ensure that suitable and sufficient tests are carried out to ensure that the gas conforms with the requirements of paragraph (1), (2) or (4), as appropriate.

### **Keeping of documents**

**9.—**(1) A person who prepares a safety case pursuant to these Regulations shall—

- (a) ensure that when the safety case is sent to the Department for acceptance it is notified of an address in Northern Ireland for the purposes of sub-paragraphs (b) to (d) and (f) and (g);
- (b) keep the accepted safety case and any revision thereof or a copy thereof at that address;
- (c) keep each audit report made by him or a copy thereof at that address;
- (d) ensure that a record is made of any action taken in consequence of such an audit report and keep that record or a copy thereof at that address;
- (e) ensure that a report is made of every review carried out by him pursuant to regulation 4(3) and ensure that a copy is sent to the Department;
- (f) keep such report or a copy thereof at that address; and
- (g) ensure that a record is made of every test carried out pursuant to regulation 8(5) in relation to gas he conveys and keep that record or a copy thereof at that address.

(2) Each report and record required to be kept by paragraph (1) shall be kept for a period of three years after it has been made, and the safety case and revision shall be kept for so long as they are current.

(3) It shall be sufficient compliance with paragraph (1) for the information in the documents to be kept at the address notified on film or by electronic means if the information is capable of being reproduced as a written copy at that address and it is secure from loss or unauthorised interference.

(4) Where a person has notified an address pursuant to sub-paragraph (a) of paragraph (1), he may notify to the Department a different address in Northern Ireland for the purposes of the provisions referred to in that sub-paragraph, and where he does so references in those provisions and in paragraph (3) where applicable to the address notified shall be construed as the address in the last notification made under this paragraph.

(5) In this regulation “audit report” means a report made pursuant to the arrangements referred to in paragraph 11 of Schedule 1 or paragraph 4 of Schedule 2 (to the extent that the later mentioned paragraph relates to arrangements for audit).

### **Transitional provisions**

**10.—**(1) Where a person conveys gas in a network before 12th May 1998 it shall be sufficient compliance by him with regulation 3(1)(a) if—

- (a) the safety case referred to therein is prepared and sent to the Department by 12th January 1998; and
- (b) the Department accepts the safety case by 12th May 1998.

(2) The absence of acceptance by the Department of a safety case prepared pursuant to regulation 3(1)(a) shall not prevent the conveyance of gas between the time of sending the safety case to the Department and 12th May 1998.

(3) Regulation 3(1)(b) need not be complied with until 12th December 1997 if on 12th May 1997 a single person who is willing to act as the network emergency co-ordinator for the network has been appointed for that purpose by all persons conveying gas in the network on 12th May 1997.

(4) A person appointed pursuant to paragraph (3) shall by 12th September 1997 prepare and send to the Department a safety case containing the particulars specified in Schedule 2.

(5) Nothing in paragraph (3) shall prevent a person who conveys gas in the network from being appointed under that paragraph.

### **Exemptions**

**11.**—(1) Subject to paragraph (2), the Department 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 Department by a further certificate in writing.

(2) The Department 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.

### **Repeal**

**12.** Article 64 of the Gas (Northern Ireland) Order 1996 is hereby repealed.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

28th March 1997.

*Philip B. Strong*  
Assistant Secretary