

2004 No. 63

HEALTH AND SAFETY

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

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Coming into operation *29th March 2004*

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The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), in exercise of the powers conferred by Articles 17(1), (2), (4), (5) and (6) and 55(2) of, and paragraphs 1(1), (2) and (3), 3(1), 11, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**c**) and of every other power enabling it in that behalf and for the purpose under Article 46(1)(**d**) of that Order of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern

(**a**) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5)

(**b**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**c**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)

(**d**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

Ireland(a) under Article 13(1A)(b) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order, hereby makes the following Regulations:

PART I GENERAL

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004 and shall come into operation on 29th March 2004.

General interpretation and application

2.—(1) In these Regulations –

“appropriate fitting” means a fitting which –

- (a) has been designed for the purpose of effecting a gastight seal in a pipe or other gasway;
- (b) achieves that purpose when fitted; and
- (c) is secure, so far as is reasonably practicable, against unauthorised opening or removal;

“distribution main” means any main through which a transporter is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

“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;

“flue” means a passage for conveying the products of combustion from a gas appliance to the external air and includes any part of the passage in a gas appliance duct which serves the purpose of a flue;

“gas” means any substance which is, or if it were in a gaseous state, would be gas within the meaning of Part III of the Gas (Northern Ireland) Order 1996(c) except that it does not include gas consisting wholly or mainly of hydrogen when used in non-domestic premises;

“gas appliance” means an appliance designed for use by a consumer of gas for heating, lighting, cooking or other purposes for which gas can be used 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 36, 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;

“gas fittings” means gas pipework, valves (other than emergency controls), regulators and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, cooking or other purposes for which gas can be used (other than the purpose of an industrial process carried out on industrial premises), but it does not mean –

- (a) any part of a service pipe;
- (b) any part of a distribution main or other pipe upstream of the service pipe;
- (c) a gas storage vessel; or
- (d) a gas cylinder or cartridge designed to be disposed of when empty;

(a) Formerly the Health and Safety Agency for Northern Ireland; *see* S.I. 1998/2795 (N.I. 18), Article 3(1)
(b) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(c) S.I. 1996/275 (N.I. 2)

“gas storage vessel” means a storage container designed to be filled or refilled with gas at the place where it is connected for use or a refillable cylinder designed to store gas, and includes the vapour valve; but it does not include a cylinder or cartridge designed to be disposed of when empty;

“gas water heater” includes a gas fired central heating boiler;

“installation pipework” means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting including any pipework used to connect a gas appliance to other installation pipework and any shut off device at the inlet to the appliance, but it does not include –

- (a) a service pipe;
- (b) a pipe comprised in a gas appliance;
- (c) any valve attached to a storage container or cylinder; or
- (d) service pipework;

“meter by pass” means any pipe and other gas fittings used in connection with it through which gas can be conveyed from a service pipe or service pipework to installation pipework without passing through the meter;

“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;

“refillable cylinder” means a cylinder which is filled other than at the place where it is connected for use;

“the responsible person”, in relation to any premises, means the occupier of the premises or, where there is no occupier or the occupier is away, the owner of the premises or any person with authority for the time being to take appropriate action in relation to any gas fitting therein;

“room-sealed appliance” means an appliance whose combustion system is sealed from the room in which the appliance is located and which obtains air for combustion from a ventilated uninhabited space within the premises or directly from the open air outside the premises and which vents the products of combustion directly to open air outside the premises;

“service pipe” means a pipe for distributing gas to premises from a distribution main, being any pipe between the distribution main and the outlet of the first emergency control downstream from the distribution main;

“service pipework” means a pipe for supplying gas to premises from a gas storage vessel, being any pipe between the gas storage vessel and the outlet of the emergency control;

“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;
- (b) intended for use by a transporter of gas; and
- (c) not situated inside a building;

“supplier” in relation to gas means –

- (a) a person who supplies gas to any premises through a primary meter;
- (b) a person who provides a supply of gas to a consumer by means of the filling or refilling of a storage container designed to be filled or refilled with gas at the place where it is connected for use whether or not such container is or remains the property of the supplier; or
- (c) a person who provides gas in refillable cylinders for use by a consumer whether or not such cylinders are filled or refilled directly by that person and whether or not such cylinders are or remain the property of that person, but a retailer shall not be deemed to be a supplier when he sells a brand of gas other than his own;

“transporter” in relation to gas means a person who conveys gas through a distribution main;

“work” in relation to a gas fitting includes any of the following activities carried out by any person, whether an employee or not, that is to say –

- (a) installing or reconnecting the fitting;
- (b) maintaining, servicing, permanently adjusting, disconnecting, repairing, altering or renewing the fitting or purging it of air or gas;
- (c) where the fitting is not readily movable, changing its position; and
- (d) removing the fitting,

but the expression does not include the connection or disconnection of a bayonet fitting or other self-sealing connector.

(2) For the purposes of these Regulations –

- (a) any reference to installing a gas fitting includes a reference to converting any pipe, fitting, meter, apparatus or appliance to gas use; and
- (b) a person to whom gas is supplied and who provides that gas for use in a flat or part of premises let by him shall not in so doing be deemed to be supplying gas.

(3) Subject to paragraphs (4) and (5), these Regulations shall apply to or in relation to gas fittings used in connection with –

- (a) gas which has been conveyed to premises through a distribution main; or
- (b) gas conveyed from a gas storage vessel.

(4) Save for regulations 37, 38 and 41 and subject to regulation 3(8), these Regulations shall not apply in relation to the supply of gas to, or anything done in respect of a gas fitting at, the following premises, that is to say –

- (a) a factory within the meaning of the Factories Act (Northern Ireland) 1965(a) or any place to which any provisions of the said Act apply by virtue of sections 121 to 124 of that Act;
- (b) a mine within the meaning of section 156(1) of the Mines Act (Northern Ireland) 1969(b), or a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(c) or any place deemed to form part of a mine or quarry for the purposes of that Act or that Order respectively;
- (c) agricultural premises, being agricultural land, including land being or forming part of a market garden, and any building thereon which is used in connection with agricultural operations;
- (d) temporary installations used in connection with any construction work within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995(d);
- (e) premises used for the testing of gas fittings; or
- (f) premises used for the treatment of sewage,

but they shall apply in relation to such premises or part thereof used for domestic or residential purposes or as sleeping accommodation.

(5) Nothing in these Regulations shall apply in relation to the supply of gas to, or anything done in respect of a gas fitting on –

- (a) a self-propelled vehicle except when such a vehicle is –

(a) 1965 c. 20 (N.I.) as amended by S.R. 1981 No. 339, S.I. 1982/846 (N.I. 11), S.R. 1982 No. 429, S.I. 1983/150 (N.I. 4), S.R. 1984 No. 28, S.R. 1984 No. 283, S.R. 1985 No. 103, S.I. 1986/1035 (N.I. 9), S.R. 1986 No. 36, S.R. 1986 No. 247, S.R. 1986 No. 350, S.I. 1988/796 (N.I. 7), S.I. 1988/1303 (N.I. 13), S.R. 1989 No. 320, S.I. 1990/594 (N.I. 2), S.R. 1990 No. 374, S.I. 1991/194 (N.I. 1), S.R. 1991 No. 105, S.R. 1991 No. 471, S.R. 1992 No. 461, S.R. 1992 No. 535, S.I. 1993/2668 (N.I. 11), S.R. 1993 No. 19, S.R. 1993 No. 20, S.R. 1993 No. 37, S.I. 1995/755 (N.I. 2), 1995 c. 21, S.R. 1995 No. 209, S.R. 1996 No. 21, S.R. 1996 No. 510, S.R. 1996 No. 512, S.R. 1997 No. 387, S.R. 1998 No. 281, S.R. 1999 No. 13, S.R. 1999 No. 150, S.R. 1999 No. 304 and S.R. 2003 No. 152

(b) 1969 c. 6 (N.I.) as amended by S.R. 1980 No. 333, S.R. 1981 No. 339, S.I. 1981/1675 (N.I. 26), S.R. 1982 No. 429, S.I. 1982/846 (N.I. 11), 1983 c. 54, S.I. 1983/150 (N.I. 4), S.R. 1986 No. 247, S.I. 1988/796 (N.I. 7), S.I. 1990/246 (N.I. 2), S.R. 1991 No. 13, S.R. 1991 No. 239, S.R. 1992 No. 535, S.I. 1992/3073, S.R. 1993 No. 19, S.I. 1995/755 (N.I. 2), S.I. 1995/1980 (N.I. 12), S.R. 1997 No. 455, S.R. 1998 No. 67, S.R. 1998 No. 375, S.R. 1999 No. 150 and S.R. 1999 No. 304

(c) S.I. 1983/150 (N.I. 4) as amended by S.R. 1997 No. 455, S.R. 1999 No. 150 and S.R. 1999 No. 304

(d) S.R. 1995 No. 209; to which there are amendments not relevant to these Regulations

- (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 on from that vehicle;
- (b) a sea-going ship;
- (c) a vessel not requiring a national or international load line certificate except when such vessel is –
 - (i) hired out in the course of a business;
 - (ii) made available to members of the public in the course of a business carried out from that vessel; or
 - (iii) used primarily for domestic or residential purposes;
- (d) a hovercraft; or
- (e) a caravan used for touring otherwise than when hired out in the course of a business.
- (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;
 - (b) the supply of gas to, or anything done in respect of, a Bunsen burner used in an educational establishment; or
 - (c) work in relation to a control device on a gas appliance if –
 - (i) the device is intended primarily for use by a consumer of gas; and
 - (ii) the work does not involve breaking into a gasway.
- (7) These Regulations shall not apply in relation to a gas fitting used for the purpose of training gas fitting operatives in a college or other training establishment, except that regulation 3(1) to (5) and (7) shall apply to work in relation to a gas fitting carried out by a person providing such training.
- (8) These Regulations shall not apply in relation to a gas fitting used for the purpose of assessing the competence of a gas fitting operative at an assessment centre where such assessment is carried out for the purposes of a nationally accredited certification scheme, except that regulation 3(1) and (2) shall apply to work in relation to a gas fitting carried out by a person carrying out such assessment.

PART II

GAS FITTINGS – GENERAL PROVISIONS

Qualification and supervision

3.—(1) A person shall not carry out any work in relation to a gas fitting or gas storage vessel unless he is competent to do so.

(2) The employer of any person carrying out such work for that employer, every other employer and self-employed person who has control to any extent of such work and every employer and self-employed person who has required such work to be carried out at any place of work under his control shall ensure that paragraph (1) is complied with in relation to such work.

(3) Without prejudice to the generality of paragraphs (1) and (2) and subject to paragraph (4), an employer shall not allow any of his employees to carry out any work in relation to a gas fitting or service pipework and a self-employed person shall not carry out any such work, unless the employer or self-employed person, as the case may be, is a member of a class of persons approved for the time being by the Executive for the purposes of this paragraph.

- (4) The requirements of paragraph (3) shall not apply in respect of –
 - (a) the replacement of a hose or regulator on a portable or mobile space heater; or
 - (b) the replacement of a hose connecting a refillable cylinder to installation pipework.

(5) An approval given pursuant to paragraph (3) (and any withdrawal of such approval) shall be in writing and notice of it shall be given to such persons and in such manner as the Executive considers appropriate.

(6) The employer of any person carrying out any work in relation to a gas fitting or gas storage vessel in the course of his employment shall ensure that such of the following provisions of these Regulations as impose duties upon that person and are for the time being in operation are complied with by that person.

(7) A person shall not falsely pretend to be a member of a class of persons required to be approved under paragraph (3).

(8) Notwithstanding sub-paragraph (a) of regulation 2(4), when a person is carrying out work in premises referred to in that sub-paragraph in relation to a gas fitting in a vehicle, vessel or caravan –

- (a) paragraphs (1), (2) and (6) shall be complied with as respects thereto; and
- (b) he shall ensure, so far as is reasonably practicable, that the installation of the gas fittings and flues will not contravene the provisions of these Regulations when the gas fittings are connected to a gas supply,

except that this paragraph shall not apply where the person has reasonable grounds for believing that the vehicle, vessel or caravan will be first used for a purpose which when so used will exclude it from the application of these Regulations by virtue of regulation 2(5)(a), (c) or (e).

Duty on employer

4. Where an employer or a self-employed person requires any work in relation to a gas fitting to be carried out at any place of work under his control or where an employer or self-employed person has control to any extent of work in relation to a gas fitting, he shall take reasonable steps to ensure that the person undertaking that work is, or is employed by, a member of a class of persons approved by the Executive under regulation 3(3).

Materials and workmanship

5.—(1) A person shall not install a gas fitting unless every part of it is of good construction and sound material, of adequate strength and size to secure safety and of a type appropriate for the gas with which it is to be used.

(2) Without prejudice to the generality of paragraph (1), a person shall not install in a building any pipe or pipe fitting for use in the supply of gas which is –

- (a) made of lead or lead alloy; or
- (b) made of a non-metallic substance unless it is –
 - (i) a pipe connected to a readily movable gas appliance designed for use without a flue; or
 - (ii) a pipe entering the building and that part of it within the building is placed inside a metallic sheath which is so constructed and installed as to prevent, so far as is reasonably practicable, the escape of gas into the building if the pipe should fail.

(3) A person shall not carry out any work in relation to a gas fitting or gas storage vessel otherwise than in accordance with appropriate standards and in such a way as to prevent danger to any person.

General safety precautions

6.—(1) A person shall not carry out any work in relation to a gas fitting in such a manner that gas could be released unless steps are taken to prevent the gas so released constituting a danger to any person.

(2) A person carrying out work in relation to a gas fitting shall not leave the fitting unattended unless every incomplete gasway has been sealed with the appropriate fitting or the gas fitting is otherwise safe.

(3) Any person who disconnects a gas fitting shall, with the appropriate fitting, seal off every outlet of every pipe to which it was connected.

(4) A person carrying out work in relation to a gas fitting which involves exposing gasways which contain or have contained flammable gas shall not smoke or use any source of ignition in such a manner as may lead to the risk of fire or explosion.

(5) A person searching for an escape of gas shall not use any source of ignition.

(6) Where a person carries out any work in relation to a gas fitting which might affect the gastightness of the gas installation he shall immediately thereafter test the installation for gastightness at least as far as the nearest valves upstream and downstream in the installation.

(7) A person shall not install a gas storage vessel unless the site where it is to be installed is such as to ensure that the gas storage vessel can be used, filled or refilled without causing a danger to any person.

(8) A person shall not install in a cellar or basement –

(a) a gas storage vessel; or

(b) an appliance fuelled by liquefied petroleum gas which has an automatic ignition device or a pilot light.

(9) A person shall not intentionally or recklessly interfere with a gas storage vessel or otherwise do anything which might affect a gas storage vessel so that the subsequent use of that vessel might cause a danger to any person.

(10) A person shall not 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, or in a refillable cylinder designed to store gas and not filled or refilled on or near the premises, shall be deemed not to be so stored or kept.

Protection against damage

7.—(1) Any person installing a gas fitting shall ensure that it is properly supported and so placed or protected as to avoid any undue risk of damage to the fitting.

(2) A person shall not install a gas fitting if he has reason to suspect that foreign matter may block or otherwise interfere with the safe operation of the fitting unless he has fitted to the gas inlet of, and any airway in, the fitting a suitable filter or other suitable protection.

(3) A person shall not install a gas fitting in a position where it is likely to be exposed to any substance which may corrode gas fittings unless the fitting is constructed of materials which are inherently resistant to being so corroded or it is suitably protected against being so corroded.

Existing gas fittings

8.—(1) A person shall not make any alteration to any premises in which a gas fitting or gas storage vessel is fitted if that alteration would adversely affect the safety of the fitting or vessel in such a manner that, if the fitting or the vessel had been installed after the alteration, there would have been a contravention of, or failure to comply with, these Regulations.

(2) A person shall not do anything which would affect a gas fitting or any flue or means of ventilation used in connection with the fitting in such a manner that the subsequent use of the fitting might constitute a danger to any person, except that this paragraph does not apply to an alteration to premises.

(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) are complied with.

Emergency controls

9.—(1) A person shall not enable gas to be supplied, for the first time, for use in any premises unless there is provided an appropriately sited emergency control to which there is adequate access.

- (2) Any person installing an emergency control shall ensure that –
- (a) any key, lever or hand-wheel of the control is securely attached to the operating spindle of the control;
 - (b) any such key or lever is attached so that –
 - (i) the key or lever is parallel to the axis of the pipe in which the control is installed when the control is in the open position; and
 - (ii) where the key or lever is not attached so as to move only horizontally, gas cannot pass beyond the control when the key or lever has been moved as far as possible downwards;
 - (c) either the means of operating the key or lever is clearly and permanently marked or a notice in permanent form is prominently displayed near such means so as to indicate when the control is open and when the control is shut; and
 - (d) any hand-wheel indicates the direction of opening or closing of the control.

(3) Where a person installs an emergency control which is not adjacent to a primary meter, he shall immediately thereafter prominently display on or near the means of operating the control a suitably worded notice in permanent form indicating the procedure to be followed in the event of an escape of gas.

(4) Where any person first supplies gas to premises where an emergency control is installed, he shall ensure that the notice required by paragraph (3) remains suitably worded or shall, where necessary, forthwith amend or replace that notice so as to give effect to the provisions of that paragraph.

(5) This regulation shall not apply where gas is supplied in a refillable cylinder except where two or more cylinders are connected by means of an automatic change-over device.

Maintaining electrical continuity

10. In any case where it is necessary to prevent danger, a person shall not carry out work in relation to a gas fitting without using a suitable bond to maintain electrical continuity until the work is completed and permanent electrical continuity has been restored.

PART III

METERS AND REGULATORS

Interpretation of Part III

11. In this Part –

“meter box” means a receptacle or compartment designed and constructed to contain a meter with its associated fittings;

“meter compound” means an area or room designed and constructed to contain one or more meters with their associated fittings;

“secondary meter” means a meter, other than a primary meter, for ascertaining the quantity of gas provided by a person for use by another person.

Meters – general provisions

12.—(1) A person shall not install a meter in any premises unless the site where it is to be installed is such as to ensure so far as is reasonably practicable that the means of escape from those premises in the event of fire is not adversely affected.

(2) A person shall not install a meter in any premises unless it is of sound construction adequate to ensure so far as is reasonably practicable that in the event of fire gas is not able to

escape in hazardous quantities, save that this paragraph shall not apply to any meter installed in non-domestic premises to which gas is supplied through a readily accessible service valve.

(3) A person shall not install a meter unless the installation is so placed as to ensure that there is no risk of damage to it from electrical apparatus.

(4) A person shall not install a meter except in a readily accessible position for inspection and maintenance.

(5) Where a meter has bosses or side pipes attached to the meter by a soldered joint only, a person shall not make rigid pipe connections to the meter.

(6) Where a person installs a meter and the pipes and other gas fittings associated with it, he shall ensure that –

- (a) immediately thereafter they are adequately tested to verify that they are gastight and examined to verify that they have been installed in accordance with these Regulations; and
- (b) immediately after such testing and examination, purging is carried out throughout the meter and every other gas fitting through which gas can then flow so as to remove safely all air and gas other than the gas to be supplied.

Meter housings

13.—(1) Where a meter is housed in a meter box or meter compound attached to or built into the external face of the outside wall of any premises, the meter box or meter compound shall be so constructed and installed that any gas escaping within the box or compound cannot enter the premises or any cavity in the wall but must disperse to the external air.

(2) A person shall not knowingly store readily combustible materials in any meter box or meter compound.

(3) A person shall not install a meter in a meter box provided with a lock, unless the consumer has been provided with a suitably labelled key to that lock.

(4) A person shall not install a meter within a meter compound which is capable of being secured unless the consumer has been provided with a suitably labelled key for that compound.

Regulators

14.—(1) A person shall not install a primary meter or meter by pass used in connection with a primary meter unless –

- (a) there is a regulator controlling the pressure of gas supplied through the meter or the by pass, as the case may be, which provides adequate automatic means for preventing the gas fittings connected to the downstream side of the regulator from being subjected to a pressure greater than that for which they were designed;
- (b) where the normal pressure of the gas supply is 75 millibars or more at the inlet to the regulator, there are also adequate automatic means for preventing, in case the regulator should fail, those gas fittings from being subjected to such a greater pressure; and
- (c) where the regulator contains a relief valve or liquid seal, such valve or seal is connected to a vent pipe of adequate size and so installed that it is capable of venting safely.

(2) Without prejudice to the requirements of paragraph (1), a person shall not cause gas to be supplied from a gas storage vessel (other than a refillable cylinder or a cylinder or cartridge designed to be disposed of when empty) to any service pipework or gas fitting unless –

- (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) fail.

(3) A person shall not cause gas to be supplied through an installation consisting of one or more refillable cylinders unless the supply of gas passes through a regulator which controls the nominal operating pressure of the gas.

(4) Without prejudice to paragraph (3), a person shall not cause gas to be supplied through an installation consisting of four or more refillable 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.

(5) Where a person installs a regulator for controlling the pressure of gas through a primary meter, a meter by pass used in connection with a primary meter or from a gas storage vessel, or installs a gas appliance itself fitted with a regulator for controlling the pressure of gas to that appliance, he shall immediately thereafter ensure, in either case, that the regulator is adequately sealed so as to prevent its setting from being interfered with without breaking of the seal.

(6) In relation to –

- (a) gas from a distribution main, a person other than the transporter or a person authorised to act on his behalf;
- (b) gas from a gas storage vessel, a person other than the supplier or a person authorised to act on his behalf,

shall not break a seal applied under paragraph (5) other than a seal applied to a regulator for controlling the pressure of gas to the appliance to which that regulator is fitted.

(7) A person who breaks a seal applied under paragraph (5) shall apply as soon as is practicable a new seal which is adequate to prevent the setting of the regulator from being interfered with without breaking such seal.

Meters – emergency notices

15.—(1) A person shall not supply gas through a primary meter installed after the coming into operation of these Regulations or for the first time supply gas through an existing primary meter after the coming into operation of these Regulations unless he ensures that a suitably worded notice in permanent form is prominently displayed on or near the meter indicating the procedure to be followed in the event of an escape of gas.

(2) Where a meter is installed or relocated in any premises in either case at a distance of more than two metres from, or out of sight of, the nearest upstream emergency control in the premises, a person shall not supply or provide gas for the first time through that meter unless he ensures that a suitably worded notice in permanent form is prominently displayed on or near the meter indicating the position of that control.

Primary meters

16.—(1) A person shall not install a prepayment meter as a primary meter through which gas passes to a secondary meter.

(2) Any person who –

- (a) first provides gas through any service pipe or service pipework after the coming into operation of these Regulations to more than one primary meter; or
- (b) subsequently makes any modification which affects the number of primary meters so provided,

shall ensure that a notice in permanent form is prominently displayed on or near each primary meter indicating that more than one primary meter is provided with gas through that service pipe or service pipework.

(3) Where a primary meter is removed, the person who last supplied gas through the meter before removal shall –

- (a) where the meter is not forthwith re-installed or replaced by another meter –
 - (i) close any service valve which controlled the supply of gas to that meter and did not control the supply of gas to any other primary meter;

- (ii) seal the outlet of the emergency control with an appropriate fitting; and
 - (iii) clearly mark any live gas pipe in the premises in which the meter was installed to the effect that the pipe contains gas; and
- (b) where the meter has not been re-installed or replaced by another meter before the expiry of the period of twelve months beginning with the date of removal of the meter and there is no such service valve as is mentioned in sub-paragraph (a)(i), ensure that the service pipe or service pipework for those premises is disconnected as near as is reasonably practicable to the main or storage vessel and that any part of the pipe or pipework which is not removed is sealed at both ends with the appropriate fitting.
- (4) Where a person proposes to remove a primary meter he shall give sufficient notice of it to the person supplying gas through the meter to enable him to comply with paragraph (3).

Secondary meters

17.—(1) Any person supplying or permitting the supply of gas through a primary meter to a secondary meter shall ensure that a line diagram in permanent form is prominently displayed on or near the primary meter or gas storage vessel and on or near all emergency controls connected to the primary meter showing the configuration of all meters, installation pipework and emergency controls.

(2) Any person who changes the configuration of any meter, installation pipework or emergency control so that the accuracy of the line diagram referred to in paragraph (1) is affected shall ensure that the line diagram is amended so as to show the altered configuration.

PART IV

INSTALLATION PIPEWORK

Safe use of pipes

18.—(1) A person shall not install any installation pipework in any position in which it cannot be used with safety having regard to the position of other pipes, pipe supports, drains, sewers, cables, conduits and electrical apparatus and to any parts of the structure of any premises in which it is installed which might affect its safe use.

(2) Any person who connects any installation pipework to a primary meter shall, in any case where electrical equipotential bonding may be necessary, inform the responsible person that such bonding should be carried out by a competent person.

Enclosed pipes

19.—(1) A person shall not install any part of any installation pipework in a wall or a floor or standing of solid construction unless it is so constructed and installed as to be protected against failure caused by the movement of the wall, the floor or the standing as the case may be.

(2) A person shall not install any installation pipework so as to pass through a wall or a floor or standing of solid construction (whether or not it contains any cavity) from one side to the other unless –

- (a) any part of the pipe within such wall, floor or standing as the case may be takes the shortest practicable route; and
- (b) adequate means are provided to prevent, so far as is reasonably practicable, any escape of gas from the pipework passing through the wall, floor or standing from entering any cavity in the wall, floor or standing.

(3) Subject to paragraph (4), a person shall not install any part of any installation pipework in the cavity of a cavity wall unless the pipe is to pass through the wall from one side to the other.

(4) Paragraph (3) shall not apply to the installation of installation pipework connected to a living flame effect gas fire provided that the pipework in the cavity is as short as is reasonably practicable, is enclosed in a gastight sleeve and sealed at the joint at which the pipework enters the fire; and in this paragraph a “living flame effect gas fire” means a gas fire –

- (a) designed to simulate the effect of a solid fuel fire;
- (b) designed to operate with a fanned flue system; and
- (c) installed within the inner leaf of a cavity wall.

(5) A person shall not install any installation pipework or any service pipework under the foundations of a building or in the ground under the base of a wall or footings unless adequate steps are taken to prevent damage to the installation pipework or service pipework in the event of the movement of those structures or the ground.

(6) Where any installation pipework is not itself contained in a ventilated duct, a person shall not install any installation pipework in any shaft, duct or void which is not adequately ventilated.

Protection of buildings

20. A person shall not install any installation pipework in a way which would impair the structure of a building or impair the fire resistance of any part of its structure.

Clogging precautions

21. A person shall not install any installation pipework in which deposition of liquid or solid matter is likely to occur unless a suitable vessel for the reception of any deposit which may form is fixed to the pipe in a conspicuous and readily accessible position and safe means are provided for the removal of the deposit.

Testing and purging of pipes

22.—(1) Where a person carries out work in relation to any installation pipework which might affect the gastightness of any part of it, he shall immediately thereafter ensure that –

- (a) that part is adequately tested to verify that it is gastight and examined to verify that it has been installed in accordance with these Regulations; and
- (b) after such testing and examination, any necessary protective coating is applied to the joints of that part.

(2) Where gas is being supplied to any premises in which any installation pipework is installed and a person carries out work in relation to the pipework, he shall also ensure that –

- (a) immediately after complying with the provisions of paragraph (1)(a) and (b), purging is carried out throughout all installation pipework through which gas can then flow so as to remove safely all air and gas other than the gas to be supplied;
- (b) immediately after such purging, if the pipework is not to be put into immediate use, it is sealed off at every outlet with the appropriate fitting;
- (c) if such purging has been carried out through a loosened connection, the connection is retested for gastightness after it has been retightened; and
- (d) every seal fitted after such purging is tested for gastightness.

(3) Where gas is not being supplied to any premises in which any installation pipework is installed –

- (a) a person shall not permit gas to pass into the installation pipework unless he has caused such purging, testing and other work as is specified in paragraph (2)(a) to (d) to be carried out;
- (b) a person who provides a gas supply to those premises shall, unless he complies with sub-paragraph (a), ensure that the supply is sealed off with an appropriate fitting.

Marking of pipes

23.—(1) Any person installing, elsewhere than in any premises or part of premises used only as a dwelling or for living accommodation, a part of any installation pipework which is accessible to inspection shall permanently mark that part in such a manner that it is readily recognisable as part of a pipe for conveying gas.

(2) The responsible person for the premises in which any such part is situated shall ensure that the part continues to be so recognisable so long as it is used for conveying gas.

Large consumers

24.—(1) Where the service pipe to any building having two or more floors to which gas is supplied or (whether or not it has more than one floor) a floor having areas with a separate supply of gas has an internal diameter of 50 mm or more, a person shall not install any incoming installation pipework supplying gas to any of those floors or areas, as the case may be, unless –

- (a) a valve is installed in the pipe in a conspicuous and readily accessible position; and
- (b) a line diagram in permanent form is attached to the building in a readily accessible position as near as practicable to –
 - (i) the primary meter or, where there is no primary meter, the emergency control, or
 - (ii) the gas storage vessel,

indicating the position of all installation pipework of internal diameter of 25 mm or more, meters, emergency controls, valves and pressure test points of the gas supply systems in the building.

(2) Paragraph (1) shall apply to service pipework as it applies to a service pipe except that reference therein to “50 mm or more” is to be reference to “30 mm or more”.

(3) In paragraph (1)(b) “pressure test point” means a gas fitting to which a pressure gauge can be connected.

PART V GAS APPLIANCES

Interpretation of Part V

25. In this Part –

“flue pipe” means a pipe forming a flue but does not include a pipe built as a lining into either a chimney or a gas appliance ventilation duct;

“operating pressure”, in relation to a gas appliance, means the pressure of gas at which it is designed to operate.

Gas appliances – safety precautions

26.—(1) A person shall not install a gas appliance unless it can be used without constituting a danger to any person.

(2) A person shall not connect a flued domestic gas appliance to the gas supply system except by a permanently fixed rigid pipe.

(3) A person shall not install a used gas appliance without verifying that it is in a safe condition for further use.

(4) A person shall not install a gas appliance which does not comply with any statutory provision imposing a prohibition or restriction on the supply of such an appliance on grounds of safety.

(5) A person carrying out the installation of a gas appliance shall not leave it connected to the gas supply unless –

- (a) the appliance can be used safely; or
- (b) the appliance is sealed off from the gas supply with an appropriate fitting.

(6) A person shall not install a gas appliance without there being at the inlet to it means of shutting off the supply of gas to the appliance unless the provision of such means is not reasonably practicable.

(7) A person shall not carry out any work in relation to a gas appliance which bears an indication that it conforms to a type approved by any person as complying with safety standards in such a manner that the appliance ceases to comply with those standards.

(8) A person carrying out work in relation to a gas appliance which bears an indication that it so conforms shall not remove or deface the indication.

(9) Where a person performs work on a gas appliance he shall immediately thereafter examine –

- (a) the effectiveness of any flue;
- (b) the supply of combustion air;
- (c) its operating pressure or heat input or, where necessary, both;
- (d) its operation so as to ensure its safe functioning,

and forthwith take all reasonable practicable steps to notify any defect to the responsible person and, where different, the owner of the premises in which the appliance is situated or, where neither is reasonably practicable, 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.

(10) Paragraph (9) shall not apply in respect of –

- (a) the direct disconnection of the gas supply of a gas appliance; or
- (b) the purging of gas or air from an appliance or its associated pipework or fittings in any case where that purging does not adversely affect the safety of that appliance, pipe or fitting.

Flues

27.—(1) A person shall not install a gas appliance to any flue unless the flue is suitable and in a proper condition for the safe operation of the appliance.

(2) A person shall not install a flue pipe so that it enters a brick or masonry chimney in such a way that the seal between the flue pipe and the chimney cannot be inspected.

(3) A person shall not connect a gas appliance to a flue which is surrounded by an enclosure unless that enclosure is so sealed that any spillage of products of combustion cannot pass from the enclosure to any room or internal space other than the room or internal space in which the appliance is installed.

(4) A person shall not install a power operated flue system for a gas appliance unless it safely prevents the operation of the appliance if the draught fails.

(5) A person shall not install a flue other than in a safe position.

Access

28. A person shall not install a gas appliance except in such a manner that it is readily accessible for operation, inspection and maintenance.

Manufacturer's instructions

29. Any person who installs a gas appliance shall leave for the use of the owner or occupier of the premises in which the appliance is installed all instructions provided by the manufacturer accompanying the appliance.

Room-sealed appliances

30.—(1) A person shall not install a gas appliance in a room used or intended to be used as a bathroom or a shower room unless it is a room-sealed appliance.

(2) A person shall not install a gas fire, other gas space heater or a gas water heater of more than 14 kilowatt gross heat input in a room used or intended to be used as sleeping accommodation unless the appliance is a room-sealed appliance.

(3) A person shall not install a gas fire, other gas space heater or a gas water heater of 14 kilowatt gross heat input or less in a room used or intended to be used as sleeping accommodation and a person shall not install an instantaneous water heater unless (in each case) –

- (a) it is a room-sealed appliance; or
- (b) it incorporates a safety control designed to shut down the appliance before there is a build up of a dangerous quantity of the products of combustion in the room concerned.

(4) The references in paragraphs (1) to (3) to a room used or intended to be used for the purpose therein referred to includes a reference to –

- (a) a cupboard or compartment within such a room; or
- (b) a cupboard, compartment or space adjacent to such a room if there is an air vent from the cupboard, compartment or space into such a room.

Suspended appliances

31. A person shall not install a suspended gas appliance unless the installation pipework to which it is connected is so constructed and installed as to be capable of safely supporting the weight imposed on it and the appliance is designed to be so supported.

Flue dampers

32.—(1) Any person who installs an automatic damper to serve a gas appliance shall –

- (a) ensure that the damper is so interlocked with the gas supply to the burner that burner operation is prevented in the event of failure of the damper when not in the open position; and
- (b) immediately after installation examine the appliance and the damper to verify that they can be used together safely without constituting a danger to any person.

(2) A person shall not install a manually operated damper to serve a domestic gas appliance.

(3) A person shall not install a domestic gas appliance to a flue which incorporates a manually operated damper unless the damper is permanently fixed in the open position.

Testing of appliances

33.—(1) Where a person installs a gas appliance at a time when gas is being supplied to the premises in which the appliance is installed, he shall immediately thereafter test its connection to the installation pipework to verify that it is gastight and examine the appliance and the gas fittings and other works for the supply of gas and any flue or means of ventilation to be used in connection with the appliance for the purpose of ascertaining whether –

- (a) the appliance has been installed in accordance with these Regulations;
- (b) the operating pressure is as recommended by the manufacturer;
- (c) the appliance has been installed with due regard to any manufacturer's instructions provided to accompany the appliance; and
- (d) all gas safety controls are in proper working order.

(2) Where a person carries out such testing and examination in relation to a gas appliance and adjustments are necessary to ensure compliance with the requirements specified in paragraph (1)(a) to (d), he shall either carry out those adjustments or disconnect the appliance from the gas supply or seal off the appliance from the gas supply with an appropriate fitting.

(3) Where gas is not being supplied to any premises in which any gas appliance is installed –

- (a) a person shall not subsequently permit gas to pass into the appliance unless he has caused such testing, examination and adjustment as is specified in paragraphs (1) and (2) to be carried out; and
- (b) a person who subsequently provides a gas supply to those premises shall, unless he complies with sub-paragraph (a), ensure that the appliance is sealed off from the gas supply with an appropriate fitting.

Use of appliances

34.—(1) The responsible person for any premises shall not use a gas appliance or permit a gas appliance to be used if at any time he knows or has reason to suspect that it cannot be used without constituting a danger to any person.

(2) For the purposes of paragraph (1), 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.

(3) Any person engaged in carrying out any work in relation to a gas main, service pipe, service pipework, gas storage vessel or gas fitting who knows or has reason to suspect that any gas appliance cannot be used without constituting a danger to any person shall forthwith take all reasonably practicable steps to inform the responsible person for the premises in which the appliance is situated and, where different, the owner of the appliance or, where neither is reasonably practicable, 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.

(4) In paragraph (3) the expression “work” shall be construed as if, in the definition of “work” in regulation 2(1), every reference to a gas fitting were a reference to a gas main, service pipe, service pipework, gas storage vessel or gas fitting.

PART VI MAINTENANCE

Duties of employers and self-employed persons

35. It shall be the duty of every employer or self-employed person to ensure that any gas appliance, installation pipework or flue 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

36.—(1) In this regulation –

“landlord” means –

- (a) 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
- (b) 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 (a);

“lease” means –

- (a) a lease for a term of less than seven 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-paragraph (a) or (b),

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

- (i) 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 seven years from the commencement of the term shall be treated as a lease for a term of less than seven years;
- (iii) a lease (other than a lease to which sub-paragraph (b) applies) shall not be treated as a lease for a term of less than seven years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to seven 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,

except that it shall not include any gas appliance or installation pipework exclusively used in a part of premises occupied for non-residential purposes;

“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 statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978(a); and

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

- (a) where the relevant premises are so occupied under a lease, the person for the time being entitled to the term of that lease; and
- (b) where the relevant premises are so occupied under a licence, the licensee.

(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), a landlord shall –

- (a) ensure that each appliance and flue to which that duty extends is checked for safety within twelve months of being installed and at intervals of not more than twelve months since it was last checked for safety (whether such check was made pursuant to these Regulations or not);
- (b) in the case of a lease commencing after the coming into operation of these Regulations, ensure that each appliance and flue to which the duty extends has been checked for safety within a period of twelve months before the lease commences or has been or is so checked within twelve months after the appliance or flue has been installed, whichever is later; and
- (c) ensure that a record in respect of any appliance or flue so checked is made and retained for a period of two 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;

(a) S.I. 1978/1050 (N.I. 20) to which there are amendments not relevant to these Regulations

- (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 (9);
- (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).

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

(5) The record referred to in paragraph (3)(c), or a copy thereof, 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) Notwithstanding paragraph (5), every landlord shall ensure that –

- (a) a copy of the record made pursuant to the requirements of paragraph (3)(c) 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 within those premises.

(7) Where there is no relevant gas appliance in any room occupied or to be occupied by the tenant in relevant premises, the landlord may, instead of ensuring that a copy of the record referred to in paragraph (6) is given to the tenant, ensure that there is displayed in a prominent position in the premises (from such time as a copy would have been required to have been given to the tenant under that paragraph), a copy of the record with a statement endorsed on it that the tenant is entitled to have his own copy of the record on request to the landlord at an address specified in the statement; and on any such request being made, the landlord shall give to the tenant a copy of the record as soon as is practicable.

(8) A copy of the record given to a tenant pursuant to paragraph (6)(b) need not contain a copy of the signature of the individual carrying out the check if the copy of the record contains a statement that another copy containing a copy of such signature is available for inspection by the tenant on request to the landlord at an address specified in the statement, and on any such request being made the landlord shall make such a copy available for inspection as soon as is practicable.

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

(10) 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 gas fitting or flue in the premises (other than one in part of premises occupied for non-residential purposes) shall be taken into account in determining whether a landlord has discharged his obligations under this regulation (except in so far as it relates to access to that gas fitting or flue for the purposes of such maintenance or checking).

(11) Every landlord shall ensure that in any room occupied or to be occupied as sleeping accommodation by a tenant in relevant premises there is not fitted a relevant gas fitting of a type the installation of which would contravene regulation 30(2) or (3).

(12) Paragraph (11) shall not apply in relation to a room which since before the coming into operation of these Regulations has been occupied or intended to be occupied as sleeping accommodation.

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(a)) 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.

Use of antifluators 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) S.R. 1997 No. 195

- (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(a) are hereby revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 24th February 2004.

(L.S.)

Michael J. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

(a) S.R. 1997 No. 194

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations revoke and remake, with amendments, the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 194) (“the 1997 Regulations”). The 1997 Regulations made provision in respect of the installation and use of gas fittings for the purpose of protecting the public from dangers arising from the distribution, supply or use of gas.

2. In addition to minor and drafting amendments, these Regulations make the following changes. The Regulations –

- (a) limit the application of the Regulations by excluding hydrogen used in non-domestic premises from the definition of “gas” (regulation 2(1));
- (b) add a definition of “appropriate fitting” and amend the definitions of “installation pipework”, “room-sealed appliance”, “service pipe” and “work” (regulation 2(1));
- (c) are extended to vessels not requiring a national or international load line certificate when used primarily for domestic or residential purposes (regulation 2(5)(c)(iii));
- (d) are disapplied in respect of control devices on gas appliances in certain circumstances (regulation 2(6)(c));
- (e) are disapplied in part in respect of –
 - (i) the formal training of gas fitters (regulation 2(7)); and
 - (ii) the formal assessment of gas fitters for purposes of accreditation (regulation 2(8));
- (f) extend the duty to ensure the competence of gas fitters to employers and self-employed persons having control of the work or who require the carrying out of that work (regulation 3(2));
- (g) make provision for the competence of gas installers and the safe installation of fittings and flues when carrying out work in a factory in relation to vehicles, vessels or caravans (regulation 3(8));
- (h) extend to any employer or self-employed person who has a degree of control over work in relation to a gas fitting the duty to ensure that such work, when carried out at a place of work, is carried out by an employee of, or self-employed person who is, a member of an approved class of persons (regulation 4);
- (i) restrict the premises to which alterations are prohibited to those in which a gas appliance or gas storage vessel is fitted (regulation 8(1));
- (j) extend to cases where a meter is relocated the requirement to display a notice identifying the nearest upstream emergency control (regulation 15(2));
- (k) extend the duty to provide a notice where there is more than one primary meter to any person who makes a material modification (regulation 16(2));
- (l) require a line diagram to be displayed and, in specified cases, amended where gas is provided to a secondary meter (regulation 17);
- (m) modify the requirements in relation to enclosed pipes (regulation 19(2)) and disapply the prohibition on the installation of pipework in cavity walls in respect of “living flame effect gas fires” (as defined) (regulation 19(4));
- (n) disapply the requirement for specified safety checks in specified circumstances (regulation 26(10));
- (o) extend the meaning of “room” for the purposes of regulation 30 (regulation 30(4));
- (p) extend the prohibition on the use of gas appliances to circumstances where they may constitute a danger to any person (regulation 34(1));
- (q) amend the definition of “relevant gas fitting” for the purpose of regulation 36 (regulation 36(1));
- (r) make further provision with regard to safety checks in rented accommodation (regulation 36(3)(a) and (b)) and to the display and provision of records (regulation 36(7) and (8)); and

(s) extend the duty imposed on suppliers in cases of escape of gas to the escape of carbon monoxide gas and modify the duty of suppliers in relation thereto (regulation 37(8)).

3. The Regulations also contain new provisions which –

- (a) require a person who breaks a regulator seal to apply a new seal (regulation 14(7));
- (b) require the outlet of the emergency control to be sealed when a primary meter is removed (regulation 16(3)(a)(ii)) and notice to be given to the supplier when such removal is proposed (regulation 16(4));
- (c) prohibit the installation of a flue otherwise than in a safe position (regulation 27(5));
- (d) impose restrictions in relation to the installation of instantaneous water heaters (regulation 30(3));
- (e) extend to flues the employer's duty of maintenance (regulation 35);
- (f) provide that specified gas fittings shall not be fitted in specified accommodation (regulation 36(11) and (12)); and
- (g) impose requirements on consumers of gas in circumstances liable to cause pressure fluctuation or the introduction of extraneous substances into the gas supply (regulation 38).

4. In Great Britain the corresponding Regulations are the Gas Safety (Installation and Use) Regulations 1998 (S.I. 1998/2451). The Great Britain Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations. Copies of the cost benefit assessment relating to those Regulations together with a Northern Ireland Supplement prepared by the Department of Enterprise, Trade and Investment are held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR, from where copies may be obtained on request.

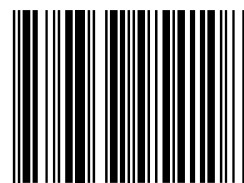
5. A person who contravenes the Regulations or any requirement or prohibition imposed thereunder is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.

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