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STATUTORY INSTRUMENTS

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**1994 No. 1886**

**The Gas Safety (Installation and Use) Regulations 1994**

**PART F**

**MISCELLANEOUS**

**Maintenance**

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

(2) It shall be the duty of any person who owns a gas appliance or any installation pipework installed in premises or any part of premises let by him to ensure that such appliance or installation pipework is maintained in a safe condition so as to prevent risk of injury to any person.

(3) Without prejudice to the generality of paragraph (2) above, a person subject to a duty imposed by that paragraph shall—

(a) ensure that each appliance to which that duty extends is checked for safety at intervals of not more than 12 months by, or by an employee of, a member of a class of persons approved for the time being by the Health and Safety Executive for the purposes of regulation 3(3) of these Regulations; and

(b) keep a record in respect of the appliances to which that duty extends of the dates of inspection, the defects identified and any remedial action taken.

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

**Escape of gas**

**36.**—(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 12 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, no person shall 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) above 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 12 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) above 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) and (5) above shall apply to gas supplied by a public gas supplier.

### **Exception as to liability**

**37.** No person shall be guilty of an offence by reason of contravention of regulation 3(2) or (5), 5(1), 7(3), 15, 16(2) or (3), 17, 30, 33(1) or 35 in any case in which he can show that he took all reasonable steps to prevent that contravention.

### **Exemption certificates**

**38.**—(1) Subject to paragraph (2), the Health and Safety 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 a certificate in writing.

(2) The Health and Safety 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 enactment 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**

**39.** The Gas Safety (Installation and Use) Regulations 1984(1) and the Gas Safety (Installation and Use) (Amendment) Regulations 1990(2) are hereby revoked.

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(1) [S.I. 1984/1358](#); by virtue of paragraph 6 of Schedule 8 to the Gas Act 1986 (c. 44), the Gas Safety (Installation and Use) Regulations 1984 have effect as if made under section 15 of the Health and Safety at Work etc. Act 1974.

(2) [S.I. 1990/824](#).