

Health and Safety Executive		Operational Circular	
		OC 440/28	
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Target Audience:
All Inspectors

THE GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998, THE GAS SAFETY (MANAGEMENT) REGULATIONS 1996 AND THE PIPELINES SAFETY REGULATIONS 1996

LIAISON BETWEEN FOD AND HID ON GAS SAFETY MATTERS

This OC advises FOD and HID inspectors dealing with gas safety matters about those issues on which there will need to be local and central liaison, and supplements the broad advice on FOD/HID demarcation arrangements given in [OC 18/9, in particular para 2\(4\)](#). Arrangements for HID 'out of hours' cover are dealt with in HID circular [SPC/Enforcement/17](#).

Background

1 FOD inspectors are generally responsible for enforcing gas safety matters downstream from the emergency control of consumers' meters (covered by the Gas Safety (Installation and Use) Regulations 1998 (GSIUR)), whereas HID inspectors are responsible for enforcing those matters upstream of these emergency controls, related to the safe transmission and distribution of gas at high, medium, and low pressure, (covered by both the Gas Safety (management) Regulations 1996 (GSMR) and the Pipeline Safety Regulations 1996 (PSR)).

2 Most investigations of fire and explosion incidents following gas escapes, or cases of carbon monoxide poisoning from the use of faulty gas appliances will be instigated by reports made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) reg.6(1). Most of these reports will be made to the Contact Centre and relayed to local HSE offices, although any that occur at night, or at the weekend, will be initially handled by HSE's on-call duty officer ([see GAP 64](#)). This OC describes how in general all reports should be routed, and dealt with, separately or jointly, by local FOD and HID inspectors.

The 'emergency control' enforcement demarcation

3 When introducing both GSMR and PSR (at the same time that HID was created, and gas safety enforcement was split between FOD and HID), the deliberate decision was taken to provide a definite cut-off point between these two sets of regulations and GSIUR, in the interests of clarity. This point was set as the outlet of the first emergency control intended for consumers' use, as defined in GSIUR (see definition of 'pipe' in GSMR reg.2 (1), and definition of 'pipeline for supplying gas to premises' in PSR reg.3 (4)).

4 For this reason, both GSMR and PSR extend up to, and include, this emergency control, and although GSIUR contains provisions related to emergency controls, these

controls are not included in the definition of 'gas fittings' in GSIUR, (reg.2(1)). FOD inspectors should note this fact, and its effect for the use of those GSIUR regulations dealing with 'work in relation to gas fittings', importantly reg.3, and its express requirements for competence and registration with The Council for Registered Gas Installers (CORGI). However, other general HSW Act duties, including ss.2 and 3, will still apply, as does the HSC ACoP *Standards of training in safe gas installation* (file 440), that gives practical guidance on these general duties.

5 In the case of most domestic premises there will be only one emergency control, normally situated immediately alongside the consumer's meter. However, in the case of multiple occupied rented accommodation or commercial/industrial sites there may be several such controls, for use by individual consumers. In such situations, it is the **first** emergency control for the premises/site for consumers to isolate the gas supply to the premises or site as a whole, in case of emergency, that determines the divide between GSIUR and GSMR/PSR, and the enforcement responsibilities of FOD and HID inspectors.

General matters needing local or central liaison

Gas escapes, fire and explosion incidents

6 Escapes from high, medium, and low pressure gas distribution pipework (including street mains and service pipes) that have the potential to cause fires/explosions that would pose a danger to persons, whether or not the gas is ignited, are for HID inspectors to deal with under either GSMR or PSR, and such reports should go to the appropriate HID office. The main exception to this is where escapes are due to third party interference - [see paras 15-19](#).

7 However there will be some fire and explosion incidents within premises in which it is not initially clear whether the initial source of the gas escape was downstream of the first emergency control for the premises (eg from a pipework joint within the premises), or upstream of it (eg from a gas escape from a street main outside the premises that has tracked into the premises before being ignited).

8 The vast majority of RIDDOR reported 6(1) incidents are downstream of the emergency control. Therefore FOD inspectors should deal with initial reports of fires or explosions, unless or until it becomes clear that the source of the escape has been upstream of the first emergency control, when they should refer the matter to HID inspectors to deal with. Arrangements within HID for responding to incidents are set out in HID circular [SPC/Enforcement/17](#).

9 Where any fire and explosion incidents arise out of gas escapes from gas fittings in domestic premises, GSMR (regs.7(12) and 7(16)) requires gas conveyors (of whom Transco remain the main one) to carry out an investigation by competent persons to establish the source of the leak and to notify HSE that this limited investigation is about to take place.

10 If FOD inspectors consider that gas conveyors have not discharged these duties, they should contact the Utilities National Group at Nottingham (tel: 0115 9712856), with details, so that the matter can be raised with the HID National Field Delivery Unit Operational Policy Team (NFDU OPT) in Sheffield (HID LD 2D), who currently have the lead role in respect of enforcement of GSMR and central dealings with gas conveyors, most notably Transco.

Carbon monoxide incidents

11 All carbon monoxide incidents from the use of faulty gas appliances are for FOD inspectors to deal with under GSIUR, and will be referred to relevant FOD offices (including any reported to HSE duty officers outside normal working hours).

12 Though carbon monoxide incidents are for FOD inspectors to investigate, GSMR places gas suppliers (essentially those who bill consumers for their gas) under a duty to:

(1) arrange for investigations to be carried out by competent persons (whether by themselves, or through others that they have contracted to act on their behalf) into all such incidents that are notifiable under RIDDOR reg.6(1) (GSMR reg.7(14));

(2) notify HSE of their intention of carrying out any such investigations (GSMR reg.7(16)(b)); and

(3) send a copy of the report of the investigation to HSE 'as soon as is reasonably practicable' after the investigation has been completed. The use of the qualification of reasonable practicability in the context of the submission of a report is a novel one, requiring appropriate consideration when assessing compliance.

13 If FOD inspectors have concerns about suppliers not having carried out investigations, doubts about the competence of the persons carrying them out, or undue delays in receiving investigation reports, they should contact the Utilities National Group at Nottingham, with details, so that these can be taken up with the HID NFDU OP team, who currently have the responsibility for central dealings with gas suppliers.

Third party damage to gas pipelines

14 The Pipelines Safety Regulations (reg.15) makes it an offence for anyone to 'cause such damage to gas pipelines as may give rise to a danger to persons'.

15 Most instances of third-party damage to high, medium, or low pressure gas pipelines stem from the activities of other utilities, agricultural undertakings or construction companies, when excavating for one reason or another, activities that are generally looked after by FOD inspectors. Such incidents may well be reportable under RIDDOR even where there is no injury, eg as dangerous occurrences of the type specified in Schedule 1, paras 14 or 20.

16 It has been agreed that local FOD and HID inspectors should liaise on any third-party interference damage incidents, but that, in general, FOD inspectors should take the lead in investigating such incidents, and taking any enforcement action under either the express provisions of PSR reg.15, or other HSW Act provisions (eg the Construction (Design and Management) Regulations 1994). Where the damage has been caused by the gas conveyor's employees or contractors employed by the gas conveyor (undertaking work which would otherwise have been done by the conveyor's own employees), this would fall to HID

17 Specialist pipelines inspectors in HID Land Division Unit 2 field teams are willing to provide technical support for any such investigations should FOD, in consultation with specialists, consider this appropriate. Even where it is decided not to investigate such incidents, it would be useful if the HID pipelines teams were advised about them.

18 However, in situations in which it becomes clear that gas conveyors have been largely responsible for the incident, eg because they have provided others such as utility or construction companies with grossly misleading or inadequate information about the exact location of pipelines, FOD and HID inspectors should liaise locally, to decide who should take the lead.

LPG supplies

19 FOD has responsibility for enforcement of GSIUR, regs.6(7) and 6(8) relating to the safe siting of, or interference with LPG vessels and cylinders, but only at those domestic and commercial premises subject to GSIUR. FOD inspectors should note that GSIUR **does not** cover design, testing or inspection issues.

20 HID however has responsibility for general HSW Act enforcement at premises occupied by LPG suppliers, including HSW Act s.3 in relation to premises which they supply gas, and, as is normally the case, install, inspect, and maintain the LPG storage vessel. When FOD inspectors discover LPG vessels that are not safely sited, they should discuss matters with their local HID colleagues for decisions to be taken about the need for HID to intervene at the relevant LPG supplier's head office. When there are signs that failures to locate vessels safely may be widespread, details should be copied to HID LD6, Bootle.

21 Local authorities will have general HSW Act responsibility for some of the premises subject to GSIUR, eg hotels, guest houses and holiday caravans, although HSE (FOD) will retain responsibility for matters related to gas installation and repair work carried out by persons who do not normally work at these premises (The Health and Safety (Enforcing Authority) Regulations 1998 (EA Regs), Schedule 2, para 4.2b)). Arrangements to inspect a tank at such premises would remain with the LA in the first instance as this would not be actual work on a gas fitting or system (and therefore not subject to the claw back under the EA Regs). Work done by persons who do normally work at the site would also be for the LA. For more details on enforcement allocation at residential premises, [see OC 440/31](#). Referrals to FOD for breaches of GSIUR relating to unsafe installation and other work on gas fittings by LPG suppliers at such sites should be discussed with HID as described in para 20.

Further guidance

22 Any queries about the matters dealt with in this OC, or other related matters, such as technical support for investigations or legal issues, should be referred to the Utilities National Group at Nottingham, or HID NFDU OPT (in Sheffield LD 2D) or HID LD6 (for LPG).

Annotation and cancellation of instructions

23 OC 18/9 para 2(4) - **note** 'See OC 440/28'.

24 OC 440/28 version 1 - **cancel** and **destroy**.