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Target Audience:
All HSE Inspectors

**THE GAS SAFETY (INSTALLATION AND USE) REGULATIONS 1998
SI 1998 NO 2451**

This OC summarises the main changes introduced by the Gas Safety (Installation and Use) Regulations 1998 (GSIUR '98), that came into force on 31 October 1998; and their effects for enforcement.

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INTRODUCTION

1 The Gas Safety (Installation and Use) Regulations 1998 (GSIUR '98) revoke, consolidate, and amend the provisions of the Gas Safety (Installation and Use) Regulations 1994, and the 2 sets of 1996 amending regulations (SI 1996 No 550 and SI 1996 No 2541) that later amended the 1994 Regulations.

2 Accompanying ACoP commentary and guidance on GSIUR '98 is contained in the HSE publication L56 (Rev) *Safety in the installation and use of gas systems and appliances: Gas Safety (Installation and Use) Regulations 1998*, to be issued to inspectors and file 440 soon after the regulations come into force.

3 Apart from the consolidation of existing gas safety legislation, the changes made by GSIUR '98 are modest, to cater for further experience from the opening up of the domestic gas supply market. However, some changes, particularly those affecting landlords' duties, are more fundamental, designed to cater for operational difficulties in enforcing these duties, and some malpractices by some landlords in an attempt to circumvent their responsibilities.

SUMMARY OF THE MAIN CHANGES MADE BY GSIUR '98 (THE REGULATIONS QUOTED ARE THOSE USED IN GSIUR '98)

Regulation 2(1) - definitions

'Appropriate fitting'

4 A definition of this term has been added, laying down requirements, eg for gas-tightness and security against unauthorised opening or removal of any such fitting.

5 The main purpose of this change is to preclude the use of a conventional valve or consumer emergency control for sealing off an open-ended gas pipe following disconnection of an appliance, or to seal-off the supply to a connected appliance, pending completion of work and the final safe commissioning of the appliance before it is used.

'Gas'

6 A gas wholly or mainly comprised of hydrogen used in non-domestic premises (eg a laboratory in the industrial or educational sector) has been excluded from the definition of 'gas'.

7 This recognises the fact that GSIUR (as amended) was not meant to cover gases such as pure hydrogen, or hydrogen-rich gaseous mixtures, but these were inadvertently brought within scope by virtue of the original definition of 'gas' in the Gas Act 1986.

'Work'

8 'Disconnecting' and 're-connecting' have been added to the list of activities explicitly mentioned in the definition of 'work in relation to a gas fitting' to make it clear that checks required under reg.26(9) should follow any such work, as it could affect gas soundness, and possibly flueing matters.

9 However, the simple connection or disconnection of a bayonet fitting or other self-sealing coupling (such as used on a gas cooker hose), for instance by a private consumer, has been excluded from the definition. This is largely to avoid the need for anyone doing this, purely to move the appliance, to be subject to the requirements of reg.3, and other regulations referring to 'work', such as reg.26(9).

10 Anyone disconnecting or connecting these sorts of fittings and couplings as part of gas fitting work, eg the installation of a new cooker, is still subject to GSIUR '98, as it applies to "work" , in particular regs.3 and 26.

Other minor changes to definitions

11 Minor changes (generally for clarification) have been made to the definitions of 'installation pipework', 'room sealed appliance' and 'service pipe'.

Regulation 2(5)(C) - application to 'inland waterway craft'

12 Application of the regulations has been extended to vessels not requiring a national or international load line certificate when used primarily for domestic or residential purposes. This is to ensure that the likes of owner occupied houseboats are subject to the same coverage as land-based residences.

Regulation 2(6)(C) - exception for certain control devices

13 Work on any gas appliance control device which is primarily intended for use by the consumer (eg removal or replacement of an electric thermostat or an on/off timer switch) has been expressly excluded from the regulations, where this work does not involve breaking into a gasway, ie where there is no risk of gas escape, or likely interference with the safety of the gas installation.

Regulations 2(7) and (8) - exclusions for training and assessment centres

14 Gas fittings used in the training of gas fitting operatives in a college or other training establishment (that might have been deliberately made unsafe for training purposes) have been excluded from GSIUR '98, apart from the requirements of regs.3(1)-(5) and (7) (competence and CORGI-registration provisions). **However, such training establishments need to be CORGI registered.**

15 Gas fittings used in assessment centres, for the purposes of assessing the gas fitting competence of individual operatives under the recently introduced nationally accredited certification scheme have similarly been largely excluded. **However, such establishments are subject solely to the competence requirements of regs.3(1)-(2), and therefore do not need to be CORGI registered.**

Regulation 3(2) and regulation 4 - duties to ensure competence and CORGI registration of contractors

16 Existing duties on contractors of whatever sort have been extended, to cover every employer or selfemployed person who has control, to any extent, over gas fitting work.

17 They should have systems in place to ensure that whoever they entrust such work to is competent to carry it out, and that they assign it to those of their employees who are properly qualified.

Regulation 3(8) - application to certain work at factories

18 Manufacturers of caravans, holiday homes or inland waterway boats that are to be subsequently used in situations where the regulations apply are required to ensure that any of their employees doing work on installing gas fittings in these caravans, boats etc at the manufacturing stage are competent in gas installation matters, and take reasonable steps to secure safety once their products are taken into use.

19 This duty in respect of caravans etc is however subject to a defence where the manufacturer has reasonable grounds to believe that the caravans etc will first be used for a purpose (eg for private use) which would be outside the scope of GSIUR '98.

Regulation 8 - existing gas fittings

20 The existing prohibition in reg.8(1) (concerning alterations to premises which adversely affect the safety of gas fittings or gas storage vessels) has been restricted to those alterations to the premises where existing gas fittings or gas storage vessels are installed. It does not apply to alterations to neighbouring premises carried out after 31 October 1998, for instance the construction of a new extension, that is claimed to have affected the effectiveness of the flue for an existing appliance installed in premises next door. A consequential amendment has been made to reg.8(2), to avoid this being applied to alterations to premises in a way which could undermine the purpose of the change to reg.8(1).

21 The person carrying out the 'work' should also consider the separate requirements of approved documents under the Building Regulations 1991 and the Building Standards (Scotland) Regulations 1990 concerning ventilation and flues. These guidance documents interface directly with the requirements of GSIUR '98, but are matters overseen by local authority (LA) building control officers, and should be referred to them for resolution ([see also new, related, reg.27\(5\) matters \(para 31\)](#))).

Regulation 14 - regulators

22 Anyone who breaks a regulator seal, applied under reg.14(5) (eg a seal on a regulator controlling pressure of gas through a primary meter), is required to apply a new seal as soon as is practicable (reg.14(7)).

Regulation 15(2) - meters - emergency notices

23 The present duty (to display a notice indicating the position of the nearest upstream emergency control when a meter is **installed** at a distance of more than 2 metres from, or out of sight of that control) has been extended to cases where a meter is **relocated** in such a position.

Regulation 16 - primary meters

24 The duty to provide a notice where gas is supplied through a service pipe or service pipework to more than one primary meter is extended to any person who subsequently makes a modification affecting the number of meters provided (reg.16(2)(b)).

25 Additionally, the outlet of an emergency control is required to be sealed when a primary meter is removed (reg.16(3)(a)(ii)) and notice is required to be given to the gas supplier when such removal is proposed (reg.16(4)).

Regulation 17 - secondary meters

26 The duty under existing reg.17 has been amended to require any person supplying or permitting the supply of gas through a primary meter to a secondary meter (eg a gas supplier and/or landlord) to display a line diagram showing the configuration of all meters, installation pipework and emergency controls. In addition, any person subsequently making a change affecting the accuracy of this diagram is required to ensure that the diagram is suitably amended.

27 Both these changes affect only new supplies (or changes in existing supplies), or modifications to existing systems that take place after 31 October 1998.

Regulation 19(2) and (3) - enclosed pipes

28 The detailed provisions in existing reg.19(2)(b), eg for enclosure in a gas-tight sleeve, have been replaced by 'goal setting' requirements concerning the prevention of gas escapes entering a cavity in a wall or similar confined space.

29 Additionally, the prohibition in reg.19(3) (against installation of pipework in a wall cavity, unless the pipe is to pass from one side of the wall to another) has been disapplied in respect of 'living flame effect' fires (as defined), and this is spelt out in reg.19(4).

Regulation 26(10) - gas appliances

30 The requirements in reg.26(9) (concerning examination after work on an appliance) are disapplied in respect of:

1. reg.26(10)(a), 'the direct disconnection of the gas supply of an appliance'. **In such cases, no matter why the gas supply has been disconnected, it is physically impossible to carry out the tests required by reg.26(9) after disconnection has been made. However, whoever restores the gas supply will need to consider whether these, or equivalent, tests need to be carried out, depending on the timespan between disconnection and reconnection, and what might have happened in the intervening time;**and
2. reg.26(10)(b), the purging of air or gas from an appliance and associated pipework/fittings where the safety of the appliance, pipework or fitting is not adversely affected. **In situations in which the purging has resulted from disconnections of appliances after investigations of consumer complaints to gas transporters or installers, eg because pilot lights have constantly been extinguished, perhaps through down-draught problems, reg.26(9) checks should still be expected to be carried out after final purging, to ensure that the appliances are safe for further use, or need to be rectified.**

Regulation 27(5) - flues

31 This new provision prohibits the installation of a flue, otherwise than in a safe position, and is linked to the change to reg.8(1). The ACoP commentary calls for flues to be sited so as to discharge at a safe distance from any boundary with adjoining premises, to avoid possible gas safety problems should later extensions or alterations be made to the adjoining premises.

32 Approved documents supporting building regulations applying in England and Wales, and Scotland, will underpin this new requirement. Any contraventions of reg.27(5) by installers after 31 October 1998 should be discussed with LA building control officers.

Regulation 30 - room-sealed appliances

33 A new prohibition is placed on the installation of any instantaneous water heater which is not room-sealed or fitted with a safety device to shut down the appliance before a dangerous quantity of combustion products can build up in the room concerned (reg.30(3)).

34 This prohibition applies generally, and is not restricted to bedrooms/bathrooms etc covered by the current prohibitions in reg.30. **Additionally, it has been made clear that existing prohibitions under reg.30 apply to appliances installed in cupboards and compartments in the rooms concerned, and in certain cupboards and compartments adjoining such rooms (reg.30(4)).**

Regulation 34 - use of appliances

35 The existing prohibition on the use of an appliance in specified circumstances (reg.34(1)) has been replaced by a 'goal-setting' duty for the responsible person not to use, or allow the use of, any appliance where such use is known (or is suspected) to constitute a danger to any person. (The meaning of a 'dangerous appliance' is explained in the ACoP commentary on the regulation).

36 This merely strengthens the duties on landlords, and any managing agents that they use, to heed warnings from registered installers, or other competent persons, that gas appliances for which they are legally responsible are definitely, or most likely to be unsafe if they continue to be used in their present condition, and should be speedily rectified, and not re-instated once safety warnings have been issued.

Regulation 35 - duties of employers and self-employed persons

37 The existing duty for maintenance of gas appliances and installation pipework at workplaces is extended to cover flues.

38 Landlords of any such workplaces are most likely to be subject to separate duties under HSW Act s.4 in respect of the gas appliances installed in premises that they lease for industrial or commercial use. It is important that landlords and tenants of such premises agree contractual arrangements for the proper and effective discharge of their respective HSW Act s.4 and GSIUR '98 duties in respect of the maintenance and safety checks on the flues for appliances for which they have responsibility.

Regulation 36 - duties of landlords

39 In this Regulation:

1. the definition of 'relevant gas fitting' has been amended to remove any gas appliance or installation pipework exclusively used in parts of premises occupied for non-residential purposes. For instance, any appliance used exclusively to service parts of premises, such as a gas fire used solely to heat the lounge of a public house that has upstairs residential accommodation for the tenant manager, would not be a 'relevant gas fitting' (but any in the residential parts would be), and;
2. provision has been made to deal with these sort of appliances/installation pipework exclusively serving non-residential parts (reg.36(10)) to allow landlords and tenants to enter into legal agreements about who should be responsible for the maintenance/safety check duties in respect of them (cf HSW Act s.4(3)).
3. two previous loopholes have been addressed to preserve a 12-month (maximum) period between safety checks, as follows:
 - a) reg.36(3)(a) makes it clear that a safety check is required at intervals of not more than 12 months since the last check has been made **(whether or not the check was made pursuant to the (new) Regulations or not made pursuant to the (new) Regulations or not)**, to ensure that the '12 month safety check clock' is kept running between the last check made under the 1994 regulations (as amended) and the first one made under GSIUR '98. **Landlords should not be able to claim that any 'relevant appliance' in premises let to tenants after 31 October 1998, does not need to be subject to its next safety check until 12 months after the new lease commences, and;**

b) after 31 October 1998, whenever a lease is commenced, or terminated and renewed, whether with an existing or new tenant, reg.36(3)(b) requires landlords to ensure that a safety check has been carried out on any 'relevant appliance' within the 12 month period before any new lease commences, or within 12 months of any new appliance and associated flue having been installed in the premises to be leased, whichever is the later.

4. an option is provided (reg.36(7)) for landlords to display a central copy of the safety check record in the case of gas appliances not directly installed in tenant's accommodation, eg a central heating boiler serving multi-occupancy premises such as a student hall of residence, provided that this centrally posted record makes it clear, that copies can be individually obtained by the various tenants on request, and gives them details of how to obtain one. **In the case of appliances installed in tenants' accommodation, eg gas fires in bed-sits, landlords will still need to provide tenants with copies of safety check records;**
5. a further option is provided (reg.36(8)) to allow an **unsigned** copy of the safety check record to be issued at the start of a new tenancy, to allow computerised records of safety checks to be kept by landlords, without them bearing the actual signature of the CORGI-registered installers that have carried them out. However, a signed copy must be made available for inspection by the tenant on request to a named address, and the unsigned, computerised, copy must make this clear;
6. a new duty (reg.36(11)-(12)) is placed on landlords to ensure that in any room occupied or intended to be occupied by a tenant as sleeping accommodation there are no gas fittings that would contravene reg.30(2) or (3). For instance, this will require the removal of any gas appliances installed in a room converted into sleeping accommodation by landlords after 31 October 1998 that are not either room-sealed or fitted with a suitable safety (vitiating) device (depending on their heat input), and their replacement with complying appliances, or other alternative ones that are not gas-fuelled. **This provision does not apply retrospectively, and covers only room conversions made by landlords on or after 31 October 1998;**

Note: The HSE gas safety website provides guidance to [landlords](#) when a room is occupied eg due to illness, as a temporary bedroom.

Regulation 37 - escape of gas

40 Existing duties, eg on gas suppliers and responsible persons, to take action in case of an escape of fuel gas (eg LPG) are extended to cover an escape or emission of carbon monoxide from incomplete combustion of gas in a gas fitting (reg.37(8)). However, the duty of the gas supplier to respond (reg.37(1)) is restricted in case of such escapes/emissions, to advising the caller of the immediate action to prevent the escape/emission (eg isolation of the gas supply to gas appliance(s) concerned), and on the need for examination/repair of defective appliance(s) by a competent person.

Regulation 38 - antifluators and valves

41 Duties (eg concerning compliance with directions of the gas transporter) are imposed on consumers of gas in situations where:

1. they use gas to work or supply plant liable to cause dangerous pressure fluctuation in the gas supply (reg 38(1)); or

2. intend to use any gaseous substance (eg air) for or in connection with the consumption of gas (reg.38(2)).

These provisions were transferred to GSIUR from Schedule 2B of the Gas Act 1986 (as inserted by the Gas Act 1995).

42 In practice, this provision is likely to affect only certain industrial/commercial premises subject to GSIUR '98, where connections, eg compressed air or LPG ones, might be made to gas distribution systems with safety implications for local gas distribution systems.

Regulation 39 - exception as to liability

43 Current application of the 'reasonable steps' defence afforded by reg.39 (previously reg.37) has been largely retained, but has been extended to the new duty concerning the safe location of flues (reg.27(5)).

44 Although the current application of this defence provision to reg.30 duties has been retained, this has been limited to the prohibitions on gas fires and other gas space heaters or gas water heaters of more than 14 kW gross heat input. **It has not been extended to cover the new, general, prohibition on the installation of certain instantaneous water heaters after 31 October 1998 (reg.30(3)); and this is a new, absolute, duty.**

45 For Reg 36 duties the [HSE gas safety website](#) provides guidance to landlords on the reasonable action they must take, to comply with the law, in order to gain access to their property to carry out safety checks.

EFFECTS FOR FUTURE ENFORCEMENT

46 Apart from the consolidation of previous 1994 gas safety regulations and the 2 sets of 1996 amending regulations within GSIUR '98, the new changes should have a very limited effect for gas safety enforcement. However, inspectors should note, in particular, the new general prohibition on the installation of any instantaneous water heater that is not either room-sealed or fitted with a safety device such as an atmosphere sensing device (reg.30(3), and the strengthening of the duties on landlords to cater for any new lets after 31 October 1998 (reg.30(3)(a) and (b)); the changes made to alterations to 'any premises' (reg.8(1)), and the new duty on the safe location of appliances (reg.27(5)).

FURTHER AMENDMENTS TO GSIUR '98

47 Further amendments are proposed to the new regulations, based on more 'goal-setting' principles. Inspectors will be kept informed of these proposals, once they have been properly developed, and invited to comment on them, in due course.

QUERIES

48 Any queries on the contents of this OC should be directed to CACTUS, Utilities Section, Nottingham Office.

CANCELLATION OF INSTRUCTIONS

49 Cancel NIGM 3/C/1997/5 (reasonable steps by landlords.....)

30 October 1998

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