

Technical Bulletin 105

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Title: Non-room-sealed gas appliances located in sleeping accommodation

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This Technical Bulletin provides guidance to Gas Safe registered businesses/engineers when working on non-room-sealed gas fires, other gas space heaters or gas water heaters located within sleeping accommodation such as bedrooms and bedsitting rooms

Introduction

There may be occasions when registered gas engineers will either encounter or be asked to work on non-room-sealed gas fires, other gas space heaters or gas water heaters located within sleeping accommodation such as bedrooms and bedsitting rooms.

Note 1: *Non-room-sealed gas appliances include both open-flued and flueless appliances as defined in PD CEN/TR 1749⁽¹⁾.*

The guidance below will assist registered gas engineers to assess whether a particular non-room-sealed gas appliance can be located within sleeping accommodation and where necessary, what action to take.

Note 2: *The information contained in this Technical Bulletin has been written to cover the geographical regions of Great Britain (England, Scotland and Wales) and the Isle of Man.*

Guidance

Bedrooms/bedsitting rooms

For gas appliances installed in a room used or intended to be used as sleeping accommodation, or if the room was first used as sleeping accommodation in rented accommodation **after** the dates given in [Table 1](#), the following requirements apply:

1. Gas appliances with a rated heat input **greater** than 12.7kW net (14kW gross), installed in a room used or intended to be used as sleeping accommodation **must** be room-sealed. This includes installations into any cupboard/compartiment or space (e.g. cubicle) that has a direct air path for ventilation or a connecting door opening into the bedroom/bedsitting room (see [Figure 1](#)).
2. Gas appliances with a rated heat input **less than or equal to** 12.7kW net (14kW gross) may be room-sealed. If the appliance is non-room-sealed, it must incorporate a safety control designed to shut down the appliance before there is a dangerous quantity of products of combustion in the room concerned.

The use of a fixed audible carbon monoxide (CO) alarm to BS EN 50291⁽²⁾, in addition to the regular maintenance schedule for the appliance(s), may also be considered.

Note 3: CO alarms may also be encountered that do not conform to BS EN 50291⁽²⁾. Prior to 1st April 2006, CO alarms may have been manufactured to BS 7860⁽³⁾. Since that date CO alarms should conform and be manufactured to BS EN 50291⁽²⁾. Providing they are in good condition, located correctly and operating within the parameters set by the manufacturer (e.g. unit/battery life/condition), CO alarms manufactured to BS 7860⁽³⁾ can be regarded as satisfactory.

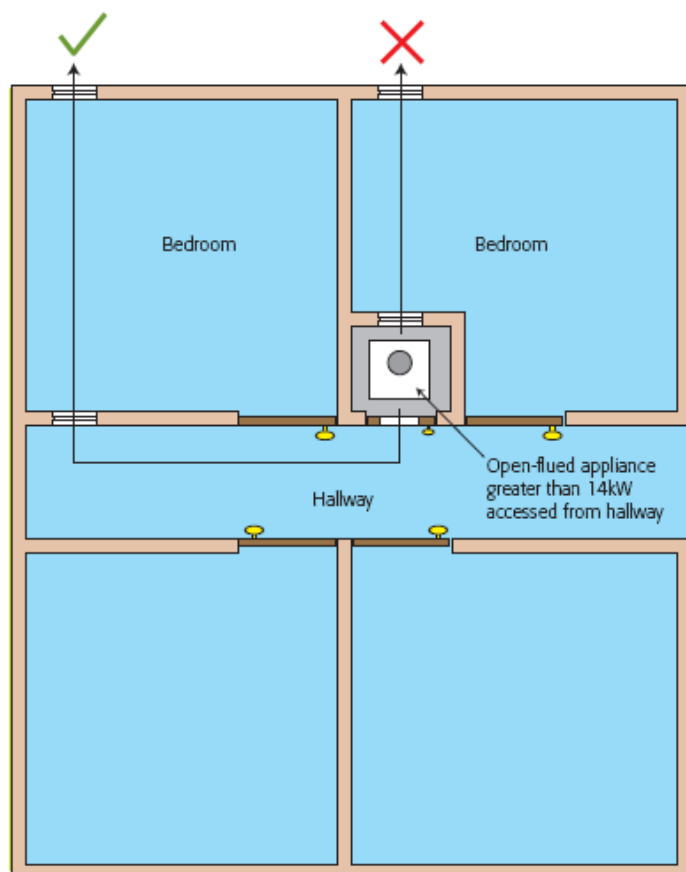


Figure 1 – Acceptable route for combustion air provision

Table 1: Implementation dates of geographical regulations		
Geographical area/ Regulations	Sleeping accommodation (a)	Rented accommodation (b)
Great Britain Gas Safety (Installation and Use) Regulations ⁽⁴⁾	1 January 1996	31 October 1998
Isle of Man Gas Safety Legislation ⁽⁵⁾	1 October 1996	1 October 1996
Key: (a) Date of implementation of the restriction on non-room-sealed gas appliances located in sleeping accommodation. (b) For rented accommodation, rooms rented out for the first time after the dates given must also comply with the restriction on non-room-sealed gas appliances.		

Gas Appliances installed **after** the implementation of the regulations should be classified as At Risk (AR) in accordance with the procedure detailed in the current GIUSP and turned off with the gas user's permission until such time that the appliance(s) is replaced.

Gas appliances installed **prior** to the date of implementation of the regulations, which are otherwise operating safely, should be classified as Not to Current Standards (NCS) in accordance with the procedure detailed in the current GIUSP.

In addition, although non-room-sealed appliances installed in sleeping accommodation after 1 January 1996 in Great Britain are not reportable under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), registered businesses may wish to report these installations to the Health and Safety Executive (HSE) either by email, letter or telephone to their local HSE office.

Note 4: For further guidance on RIDDOR reporting, see [TB 002 - Reporting of dangerous gas fittings \(RIDDOR\) – Regulation 6\(2\)](#). [TB 002](#) can be viewed at: <https://engineers.gassaferegister.co.uk> - login and visit the Technical Information area.

Alterations to rooms in rented accommodation

When gas appliances are encountered in rooms that have been converted into sleeping accommodation prior to dates listed in [Table 1](#) that do **not** comply with current requirements, the landlord/managing agent should be notified in writing as required by GIUSP.

Where the sleeping arrangements have been altered as described above, in Great Britain, landlords have a “Duty of Care” under Section 3 of the Health and Safety at Work etc, Act 1974 (HSWA), to take reasonably practical steps to ensure the safety of their tenants. They could therefore consider as a result of a risk assessment:

- a) Replacing/removing the appliance(s).
- b) Providing tenants with correctly located audible CO alarms to BS EN 50291⁽²⁾.
- c) Increasing the frequency of planned routine, servicing and maintenance of the appliance(s).
- d) Re-housing the tenant into other suitable accommodation.

Note 5: Similar requirements may exist in Isle of Man and this should be checked by contacting the relevant local enforcing authority.

When a room or space is first rented out after the dates listed in [Table 1](#), the requirements in this case are that any existing appliances that do not comply with current requirements, should be removed from any room or space that is used or intended to be used as sleeping accommodation.

These requirements do not apply retrospectively, and relate only to those conversions to rooms on or after the date the regulations came into force. Nor, does it apply on change of tenancy where the room was converted before the date the regulations came into force.

Where it is not possible to immediately replace the appliance concerned, it should be classified as AR in accordance with the procedure detailed in the current GIUSP and turned off with the gas user’s permission and a warning notice issued until such time that the appliance is replaced.

Temporary change of use of a room to sleeping accommodation (Great Britain and Isle of Man only)

On occasions where tenants become ill and/or hospitalised and return home in a condition that requires them to sleep downstairs in rooms fitted with gas appliances that do not comply with the current requirements of the Gas Safety (Installation and Use) Regulations (GSIUR), landlords, (whether in the public or private rented sectors), may well feel uneasy about whether they are in breach of their duties under GSIUR in these circumstances.

The primary intention of the regulations are to prevent landlords deliberately changing the use of rooms for example, lounges into sleeping accommodation if there were gas appliances already installed in them that were not room-sealed, or not fitted with safety devices that will shut down the appliance, before a dangerous quantity of products of combustion can build up in the room concerned.

However, if landlords are informed by tenants or by other means that “temporary” sleeping accommodation arrangements have been made, they need to address the issue of the extra risks that this could present and where necessary, replace appliances to conform with the requirements of the GSIUR, particularly if it is clear that the intention is to use the room as long-term sleeping accommodation.

If it is clear that the change of use is temporary, an increase of checks on the appliances in the room beyond the annual safety check required by law, or the fitting of audible CO alarms to BS EN 50291⁽²⁾ would be additional safety precautions that should be considered. Remember “temporary” situations can often become permanent arrangement so on-going monitoring of the situation is recommended.

Note 6: *It may be difficult to define the word “temporary” in law and the degree that the frequency of servicing or safety checks should be increased, beyond the annual safety checks that are currently required by law.*

However, in the event of an accident occurring in such premises, it would be for the landlord/managing agent to show that they did all that was reasonably practical to avoid the incident occurring.

Owner-occupied properties (all regions)

In the case of an owner-occupier, the position is a little different. Unless the householder believes or has been advised by a registered engineer that the appliance is dangerous (in which case he/she should not be using the appliance), there is no legislation that prevents private householders from using a living room as sleeping accommodation where gas appliances which do not meet the requirements of GSIUR have already been installed.

Note 7: *Although there is no legislation in place to prevent private householders from using an appliance in this manner, it should still be classified as AR in accordance with the procedure detailed in the current GIUSP and turned off with the gas user’s permission until such time that the appliance(s) is replaced.*

Bibliography

(1) PD CEN/TR 1749: 2005 – European scheme for the classification of gas appliances according to the method of evacuation of the combustion products (types)

(2) BS EN 50291: 2001 Electrical apparatus for the detection of carbon monoxide in domestic premises. Test methods and performance requirements

(3) BS 7860: 1996 Specification for carbon monoxide detectors (electrical) for domestic use (withdrawn)

(4) Gas Safety (Installation and Use Regulations) 1998 Statutory Instrument 1998 No. 2451

(5) Gas Safety (Installation and Use) Regulations 1994 as amended and applied by the Gas Safety (Application) Order 1996 (Isle of Man)

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