This leaflet is aimed at landlords and explains some of the main requirements of the Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018. It also gives guidance on how to comply with them (see boxed text). The leaflet will also be of interest to tenants, making them aware of landlords’ duties.

Each year people die from carbon monoxide poisoning caused by gas appliances and flues which have not been properly installed or maintained. Many others also suffer ill-health.*

The Gas Safety (Installation and Use) Regulations 1998 as amended specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic and certain commercial premises. They place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants’ use are safe.

These duties to protect tenants’ safety are in addition to the more general ones that landlords have under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999.

* Details can be found on HSE’s website on statistics (see ‘Further reading’ section)

**What type of property is covered?**

The duties generally apply to appliances and flues provided for tenants’ use in ‘relevant premises’, that is those occupied for residential purposes under either a licence, a tenancy agreement for a set term, or a lease as defined in the Regulations. Essentially any lease under seven years is covered.

**What are my main duties as a landlord?**

You are required to:

- ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer’s instructions. If these are not available, it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer;
- ensure an annual safety check is carried out on each gas appliance/flue. Before any new lease starts, you must make sure that these checks have been carried out within one year before the start of the lease date, unless the appliances in the property have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- keep the record of the gas safety check until two further checks have been carried out (this may be longer than two years);
issue a copy of the latest safety check record to existing tenants within 28 days of
the check being completed, or to any new tenant before they move in (in certain
cases there is an option to display the record).

The regulations specify the gas safety matters to be covered. You should not assume
that an annual service inspection meets the safety check requirement, or that a safety
check will, on its own, be sufficient to provide effective maintenance. Ask the advice of
a Gas Safe registered engineer where necessary.

The Gas Safety (Installation and Use) (Amendment) Regulations 2018 enabled
landlords to have the annual gas safety check carried out any time from 10 to
12 calendar months after the previous check but still retain the original deadline
date as if the check had been carried out exactly 12 months after the previous
check. Landlords can take advantage of this flexibility if they wish, but are under no
obligation to do so. Further details are available in HSE’s Approved Code of Practice
on the Regulations (see ‘Further reading’ section).

Which gas equipment is covered?

The safety check and maintenance requirements generally apply to any gas
appliance or flue installed in the ‘relevant premises’:

- appliances owned by the tenant are not covered;
- flues/chimneys **solely** connected to an appliance owned by the tenant are
  not covered;
- any appliances and flues serving ‘relevant premises’ (such as central heating
  boilers not installed in tenants’ accommodation, but used to heat them)
  are covered.

The safety check does not apply to any gas appliance (such as gas fires provided
for customers in non-residential areas of public houses) that is exclusively used in
a part of premises occupied for non-residential purposes.

Your duty to maintain and carry out safety checks applies to fixed as well as
portable appliances, such as LPG cabinet heaters.

Can I delegate duties to a tenant?

No, except that a contract may be drawn up between a landlord or tenant for an
appliance or flue installed in a non-residential part of a premises, for example
shops and public houses etc. Your tenant has a duty not to use an appliance they
believe to be dangerous.

What happens if I use a managing agent?

The landlord retains overall responsibility for ensuring compliance with
requirements. The management contract should clearly identify who is to
make arrangements for maintenance and safety checks to be carried out
and to keep records.

What if the property is sub-let?

In these situations, the ‘original’ landlord may retain duties which overlap
with those acquired by the person who sub-lets. In such cases, close
co-operation and clear allocation of duties are essential to ensure that
legal duties are fully met, and that the terms of the contract properly
safeguard tenants’ safety.
How do I know whether the gas engineer is Gas Safe registered?

The engineer should be able to provide you with a current ID card. The card contains a photo of the engineer, their business registration number and personal licence number, company name, the start and expiry date of the card and a security hologram. The reverse of the card details what kind of gas work the engineer is able to do. You can also call Gas Safe Register during normal office hours on 0800 408 5500 or go to the website www.gassaferegister.co.uk.

What if an appliance fails the safety check?

The safety check record will contain details of any defect identified and remedial action taken. You must ensure that any safety defect is rectified (by a Gas Safe registered engineer) before the equipment is used again. It is recommended that you keep copies of work done to rectify defects identified by the safety check.

It is an offence to use, or allow the use of, a gas appliance you know to be unsafe. In no circumstances should you reconnect an appliance that you have been told is unsafe, which has either been isolated or disconnected for safety reasons, until the fault has been rectified.

What happens if I don't maintain my tenants' gas appliances?

Failure to do so may result in loss of life. Not only that, you risk being prosecuted, and this could result in you facing imprisonment or a fine of up to £20 000, or both, for each offence. If the case is then referred to the Crown Court the maximum penalty may be imprisonment, or an unlimited fine, or both.
What action do I take in the event of a gas escape?

If you smell gas, or suspect there is a gas escape, or a carbon monoxide leak, you should immediately do the following:

■ Open all doors and windows.
■ Shut off the gas supply at the meter control valve (if you know where it is). If gas continues to escape call National Gas Emergency Service 24 hours a day on 0800 111 999.
■ Make sure that any investigations or repairs are carried out by a Gas Safe registered engineer.

If you provide liquefied petroleum gas (LPG) for use by a tenant in premises other than a building, eg a caravan or holiday home park, you must discuss emergency arrangements with your LPG supplier and agree what action to take in case of a gas escape or emission of carbon monoxide from any LPG appliance.

Further reading

If you would like more detailed information on the subject, you will find the following HSE publication useful: Safety in the installation and use of gas systems and appliances. Gas Safety (Installation and Use) Regulations 1998 as amended. Approved Code of Practice and guidance L56 (Fifth edition) HSE 2018 www.hse.gov.uk/pubns/books/l56.htm

Information on statistics is available on the HSE website hse.gov.uk/statistics/tables/ridgas

Also, for safety information on gas, solid fuel and oil burning appliances, and information on the symptoms of carbon monoxide poisoning, look at the Department of Health booklet Keep warm keep well (updated annually) www.gov.uk
Further information

For more advice, landlords can go to the Gas Safe Register website at www.gassaferegister.co.uk, Tel: 0800 408 5500.

For information about health and safety visit https://books.hse.gov.uk or http://www.hse.gov.uk.

You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

To report inconsistencies or inaccuracies in this guidance email: commissioning@wlt.com.

Gas Safety Advice Line

Tel: 0800 300 363

HSE’s Gas Safety website: www.hse.gov.uk/gas/index.htm

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This leaflet is available at HSE Books ISBN 9780717666805. A web version can be found at www.hse.gov.uk/pubns/indg285.htm

© Crown copyright If you wish to reuse this information visit www.hse.gov.uk/copyright.htm for details. First published 04/18.

Published with the permission of the Health and Safety Executive on behalf of the Controller of Her Majesty’s Stationery Office INDG285(rev3)