

## Downstream Gas events handling and investigation procedures

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Fully Open

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EPD / FOD

**Target Audience**

FOD, Construction Division and HSE Common Services Staff involved with gas events

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### ***Additional documentation***

Please note: the supporting documents are a guide only. Users are free to modify / adapt the template letters, within reason, remembering accuracy, legality and consistency, to suit the specific circumstances of each case. Please ensure that the final product reads well and makes sense to the receiver.

#### **Gas Officer supporting material**

- [GSL 1: Gas work concern initial enquiry](#)
- [GSL 1.2: Gas work concern follow up](#)
- [GSL 2: Domestic landlord LGSR or maintenance](#)
- [GSL 2.2: Domestic landlord LGSR or maintenance follow up](#)
- [GSL 3: Homeowner who did the work?](#)
- [GSL 4: Tenant further detail request](#)
- [GSL 5: Builder gas safety concern](#)
- [GSL 6: Data request from other authorities](#)
- [GSL 7: Tenants who refuse access for LGSR](#)
- [Email templates](#)

#### **Inspector – visiting officer support material**

- [Carbon monoxide simulation testing](#)
- [Example enforcement notices and suggested paragraphs for letters](#)
- [Statement request form](#)
- [Questions to consider when carrying out statements during gas investigations](#)

## Summary

This replaces og-00005, OC 440/30 and 440/36. It describes FOD's procedure for handling gas event notifications and outlines the main legal requirements concerning domestic gas safety, in particular dealing with those with duties under the Gas Safety (Installation and Use) Regulations 1998 (GSIUR). It also covers arrangements for investigations of domestic gas events by suppliers and conveyors and their duties under the Gas Safety Management Regulations 1996 (GSMR)

## Introduction

This covers the procedures for Operational Gas Officers, Visiting Officers, Inspectors and Principal Inspectors following the notification of a downstream domestic gas event. The procedure outlines a triage procedure to ensure that gas events are handled and forwarded to the correct division and provides enforcement, technical and legal advice to those completing investigations namely operational FOD and CD divisions.

## Action

Actions are set out in three appendices

Appendix 1 Initial triage	Appendix 2 Enforcement and investigation	Appendix 3 Legislation
<ul style="list-style-type: none"><li>• Gas Officers</li><li>• Principal Inspectors</li></ul>	<ul style="list-style-type: none"><li>• Visiting Officers</li><li>• Inspectors</li><li>• Principal Inspector</li></ul>	<ul style="list-style-type: none"><li>• Inspectors</li><li>• Principal Inspectors</li></ul>

**Appendix 1** (page [10](#)) – guidance on the initial triage procedures following notification of a gas event, aimed at Gas Officers with some guidance for Principal Inspectors following the triage process (formerly og-00005).

**Appendix 2** (page [36](#)) – guidance on enforcement and investigation of gas cases, aimed at Principal Inspectors, Inspector and Visiting Officers. It will provide enforcement, legal and technical advice and initial enforcement expectations (formerly OC 440/30).

**Appendix 3** (page [61](#)) – guidance on other relevant legislation: Health and Safety (Enforcing Authority) Regulations, RIDDOR and the Gas Safety (Management) Regulations 1996 (GSMR). GSMR places a duty on suppliers / conveyors to investigate certain gas events, guidance is provided on how to liaise with external investigators. (formerly OC 440/36)

## Background

Following a revision of the Gas Events Handling Procedures, the Gas Events and Enforcement Guidance, and Guidance on Gas Safety (Management) Regulations, it was agreed to bring all the Gas Events guidance together into one place and bring it in line with other HSE policy and procedures (including Fee for Intervention, the Enforcement

Management Model and the HSE Enforcement Policy Statement). This will ensure a consistent, proportionate and targeted approach to enforcement and risk reduction in the downstream gas sector.

The main legal regulations that apply to downstream gas safety are:

- [Gas Safety \(Installation and Use\) Regulations 1998 \(GSIUR\)](#) as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018
- [Health and Safety at Work etc Act 1974](#), Section 3
- [Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 \(RIDDOR\)](#)
- [Gas Safety \(Management\) Regulations 1996 \(GSMR\)](#), regulation 7
- [Health and Safety \(Enforcing Authority\) Regulations 1998](#)
- [Construction \(Design and Management\) Regulations 2015](#)

Approved Code of Practice:

- [L56 Safety in the installation and use of gas systems and appliances](#), Gas Safety (Installation and Use) Regulations 1998 as amended

The Gas Safe Register (GSR):

Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998 requires that no employer shall allow any of his employees to carry out any work in relation to a gas fitting or service pipework and no self-employed person shall carry out such work, unless the employer or self-employed person is a member of a class of persons approved for the time being by the Health and Safety Executive.

The Gas Safe Register is the Register that employer must be a “member” of to comply with Regulation 3(3).

The Register ensures that members are competent, hold the necessary ACS qualifications, carry out inspections and investigations of those registered engineers on behalf of HSE.

Data held by GSR is owned by HSE, the Register is not subject to fee for intervention cost recovery and GSR inspectors can assist HSE with technical advice and investigations. More information can be found on page [55](#)

## Organisation

### *Targeting and timing*

Reactive.

### *Reporting and recording*

HSE publishes [annual statistics on domestic gas incidents](#) reported under RIDDOR. It is essential, to ensure meaningful and accurate data quality, that cases are recorded on COIN so details can be validated.

All gas cases will be recorded on COIN, this will ensure that all gas initial enquiries are recorded in a secure database in a way that can be searched even if no dutyholder can be identified, for example, untraceable gas fitters, or unidentified landlords.

If there are no dutyholder details initially, use the holding company customer ID “Gas Unknown dutyholder” on COIN (COIN Reference 4539257) and create a case to record actions.

**NOTE: Go to the “Incident Location” Section of the Case home page. Click on the arrow to expand and ensure that the postcode of the site of the concern (using the format that includes a space eg, L20 7AP) is RECORDED IN THE “INCIDENT LOCATION NAME” FIELD in addition to the post code field within the Incident Location Name page.** This is because the “Incident Loc Name” field is a searchable field, so it must be used IN ADDITION to the mandatory field in “Address 1”. By including post code information in the “INCIDENT LOCATION NAME” field it will enable searches for cases within the “Gas Unknown Dutyholder” company on COIN.

When searching for an unknown gas dutyholder case on COIN, use the COIN Support Case search, Customer name “Unknown Gas Dutyholder” and in the “Incident Loc Name” field select “Contains” and type in the post code (first three digits). This will enable searches for gas cases when no dutyholder has been identified.

If the dutyholder is determined update the case and request the case to be transferred to the dutyholders company ID on COIN via the COIN help team.

**For all gas fatalities: reported gas fatalities (confirmed or suspected) must be recorded on COIN – even if there is no dutyholder and / or the case is later found to be not gas related. Use the Deceased Persons name to create a COIN company and incident address for COIN site details in fatal incidents.**

**For more information see Step 1.3 Appendix 1 (page 10).**

### *Health and safety*

Gas initial enquiries and investigations are predominantly desk based. If required to attend site HSE staff must not enter any premises that are unsafe following gas explosion or where levels of CO may still be present UNLESS they are trained and competent and following thorough assessment of the risk.

If CO simulation is required – this should not be carried out by any member of HSE staff unless qualified and competent to do so. More [guidance on commissioning this test](#) is available.

***Diversity***

N/A

***Resources***

**Contacts**

EPD, MUU Sector, Utilities section, [REDACTED]

## Appendix 1 – Gas events Handling Procedure

These procedures set out in Appendix 1 apply to administrative (and any other staff) receiving gas event notifications and Principal Inspectors involved in investigation decision-making and allocation of gas investigations. It also details how to record the investigation on COIN.

These procedures cover gas work within scope of the Gas Safety (Installation and Use) Regulations, therefore RIDDORS involving gas in factories or industrial process should be sent to PIs through the normal RIDDOR routes.

Flowcharts provide operational information where early intervention by PI/Inspector is appropriate due to the evidence of a likely material breach that requires prompt action.

All stages should be actioned by FOD support staff unless otherwise stated.

There may be occasions when circumstances dictate that more than one flowchart should be referred to/used and there might be a need to go between flowcharts (e.g. landlord and unregistered gas installer etc.). Gas events identified as material breaches will be considered for formal investigation by the Principal Inspector, examples include:

- a gas incident resulting in a death, loss of consciousness or hospitalisation [notifiable under GSMR r 7(16) or RIDDOR 2013 r 11(1)]
- gas concerns involving an alleged unregistered gas fitter
- the lack of a Landlord Gas Safety Record (LGSR)

- failure by a landlord to maintain gas appliances and/or installation

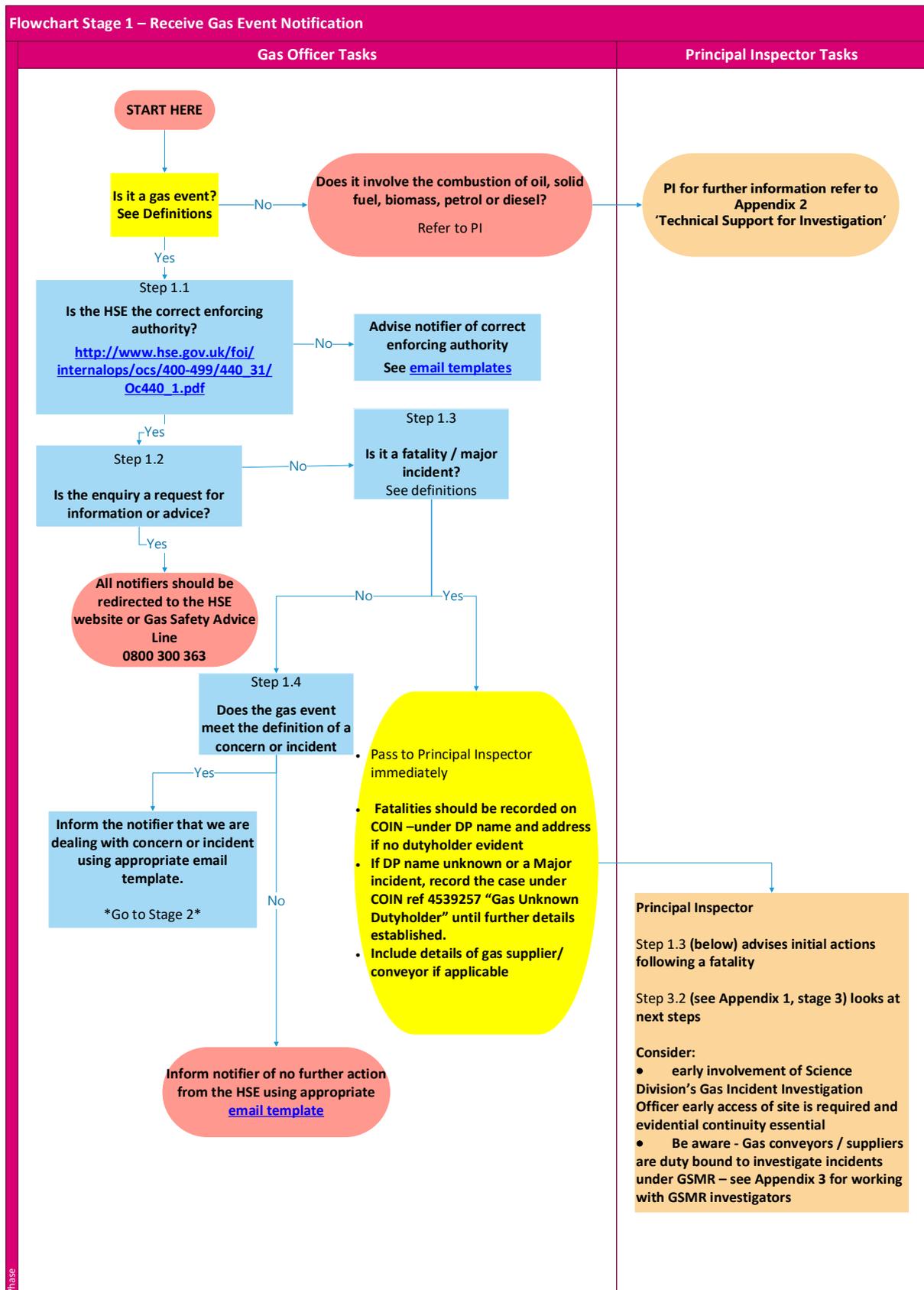
It is intended that Appendix 1 acts as an aide memoire to help with initial enquiries into a case. Please gather as much information as you can before presenting it in a bundle or package to the PI.

### ***Performance standard***

There is a Key Performance Indicator that requires concerns to be completed within 21 days. Initial enquiries should be completed and closed or escalated to a Principal Inspector to be assigned for further investigation within 21 days.

# STAGE 1 – Receive gas event notification

## Flowchart Stage 1 Gas event notification



## **Stage 1**

### **Step 1.1**

Is it a gas event? See Definitions (page [66](#)). When considering if it is a gas event:

- If no: Does the incident involve combustion of solid fuel, oil, biomass, diesel or petrol? If so, pass to PI through the normal RIDDOR route.
  - PI can refer to Technical support for investigations (page [55](#)) in Appendix 2 for information on further assistance. Support can be provided for CO incidents involving solid fuel, biomass, diesel and petrol from Science Division's gas incident investigator.
- If yes: If it is a gas event, ensure that the matter is directed to the correct HSE Division or Enforcing Authority (Local Authority).
  - Examples for LA may include (not limited to):
    - landlords of a premises assigned to LA under EA Regulations Schedule 1 i.e. commercial lets where there is no residential accommodation.
    - the premises assigned to LA under EA Regulations Schedule 1 if the person carrying out the gas work is an employee of the commercial premises.
  - Examples for HSE include (not limited to):
    - Landlords of domestic, residential or holiday accommodation
    - Gas work by businesses or self-employed people

See [http://www.hse.gov.uk/foi/internalops/ocs/400-499/440\\_31/Oc440\\_1.pdf](http://www.hse.gov.uk/foi/internalops/ocs/400-499/440_31/Oc440_1.pdf) for further guidance on correct enforcing authorities. It may be necessary to initiate initial enquiries to determine if the case is for LA enforcement.

- If HSE is not the correct Enforcing Authority, advise the notifier and take no further action.

### **Step 1.2 Requests for information**

Is the notifier requesting information or advice?

- If yes: they should be directed to:
  - HSE and Gas Safe Register website or
  - Gas Safety Advice line (0800 300 363)
- If no: Go to Step 1.3

### **Step 1.3**

Is it a fatality or a major incident? (see definitions: major incident (page [66](#)))

- If no: Go to [Step 1.4](#)
- If yes: **FOR ALL MAJOR INCIDENTS / FATALITIES:**

**If ongoing incident is reported by the Police/Fire/Ambulance service – Refer to the PI.**

Gas officer:

- Inform PI immediately
- Create a COIN case for confirmed or suspected gas-related fatalities, even if there is no direct work-related element (HSE will not investigate), no dutyholder or is later confirmed as not gas related
- If no dutyholder established, use deceased name as the 'company' and the incident address as 'site'. (For major incidents or cases where the deceased person's name is unknown, create coin case under "Gas Unknown Dutyholder" COIN Reference 4539257)

Principal Inspector:

- **PI to consider immediate notification and** early involvement of Science Division's Gas Incident Investigation Officer if early access of site is required and evidential continuity essential. **See Appendix 2 – Domestic gas events and enforcement advice for Visiting Officers, Inspectors and Principal Inspectors,**
- Also see Technical support for investigations (page 55) **for more information and contact details. Gas Safe Register is able to assist with CO investigations and also provide a technical helpline on 0800 408 5577.**
- Arrange for as much information about the incident as is immediately available to be sent to HSE secretariat, using form Fatality 1 (this applies even if there is no related work activity or where gas is yet to be confirmed as the cause).
- Record the cause of death and any contact (e.g. with the Police/Coroner/Crown Office and Procurator Fiscal Service (COPFS)) in the case notes.
- All fatal incidents should be followed up to determine whether the actual cause of death is gas related (including securing a report from the coroner's office), even if there is no dutyholder or work-related activity.
- For serious incidents, follow Stage 3 (page 19) of the procedures.
- **Be aware** – Gas suppliers and conveyors have a duty under the Gas Safety (Management) Regulations 1996 to investigate some gas incidents. HSE should be notified [GSMR regulation 7(16)] before the supplier's/ conveyor's investigation required by GSMR starts. Consideration must be given to whether attendance from HSE is required in line with HSE policy and procedure.

Principal Inspector – Closing down investigations:

- If gas is the cause of death but there is no direct work-related element, then mark the case 'closed not for investigation' and close the company and site records. PI to consider formal decision not to investigate and record in COIN notes, including confirmation of whether the death is gas related. **Do not alter COIN to non-reportable, this is still reportable under RIDDOR.**
- Where the incident is subsequently found to be not gas related, notify the police and coroner / COPFS that no HSE investigation will take place (unless other H&S legislation applies), mark the record on both the RIDDOR database and COIN as 'non-reportable' and notify HSE secretariat of the change.
- Investigations of fatal domestic gas incidents reported under RIDDOR 11(1) may be closed down if it becomes clear that establishing further facts of the case, particularly the identity or location of dutyholders, would consume more time than is justifiable. This decision must be countersigned at Band 1 level and recorded on COIN.

- More information on working with GSMR investigators can be found at [Step 3.3](#) in Appendix 1 and paragraph [159](#) in Appendix 3

Go to [Step 3.2](#) for next steps

### **Step 1.4**

Does the notified issue meet HSE's definition of a GAS EVENT (see Definitions (page [66](#))) i.e. gas incident, dangerous gas fitting or gas concern:

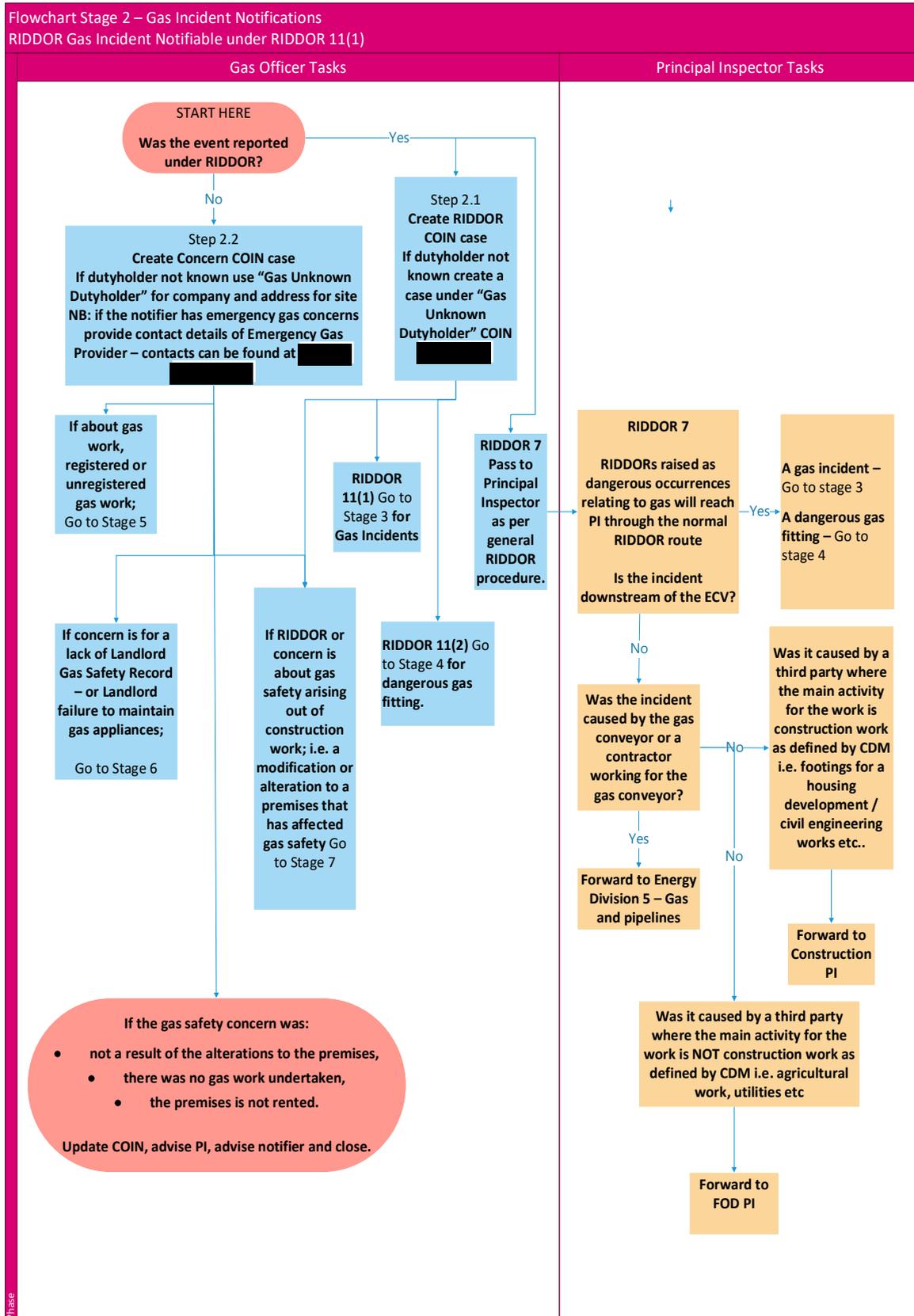
- If yes: Go to Step 1.5
- If no:
  - contact the notifier
  - explain why it does not meet the HSE's criteria for a Gas event; and
  - inform notifier of no further action from the HSE using appropriate [email template](#)

### **Step 1.5**

Inform the notifier that we are dealing with the concern or incident using appropriate [email template](#). **Go to Stage 2.**

# STAGE 2 – Gas event initial assessment

## Flowchart Stage 2 Gas incident notifications



## **Stage 2**

Was the gas event reported under RIDDOR?

- If yes: Go to [Step 2.1](#)
- If no: Go to Step 2.2

### **Step 2.1**

Create a RIDDOR COIN case (If dutyholder not known, use the customer ID Reference 4539257 “Gas Unknown Dutyholder” to create COIN case – See Reporting and recording (page [8](#)) for more information) and then:

- If the gas event was notified to HSE under RIDDOR 2013 regulation 11(1), or describes a gas-related fatality, loss of consciousness, or where the injured person was taken to hospital: Go to Flowchart Stage 3 Gas incident notifications (page [18](#))
- If the gas event was notified to the HSE under RIDDOR 2013 regulation 11(2) or another method which describes a dangerous gas fitting (see Definitions, page [66](#) / Stage 4 for definition of Gas Fitting): Go to:
- Flowchart Stage 4 RIDDOR 11(2) Dangerous gas fitting (page [21](#))
- If the RIDDOR relates to gas safety arising out of a construction activity, i.e. gas safety is affected by a modification or alteration of a premises: Go to: Flowchart Stage 7 (page [32](#))
- If a gas-related Dangerous Occurrence was reported under RIDDOR 2013 regulation 7, this will be raised with the PI following the normal RIDDOR routes, do not record on COIN
- **Upstream of the Emergency Control Valve (ECV)** - see (Definitions, page [66](#)). If the RIDDOR report was reported under regulation 7 of RIDDOR as a dangerous occurrence and describes an incident upstream of the ECV then pass to:
  - Energy Division if it was caused by the network provider or a contractor working for the network provider
  - Construction Division if the main activity is ongoing construction works or civil engineering work
  - FOD If construction has finished or the main activity is FOD e.g. agricultural work, utilities work etc.

More information on the demarcation of FOD, CD and ED can be found at [OC 440/28](#)

### **Step 2.2**

If there is no RIDDOR report and the gas event was a gas concern from:

- Gas Safe Register
- Homeowner
- Tenant or
- Third party

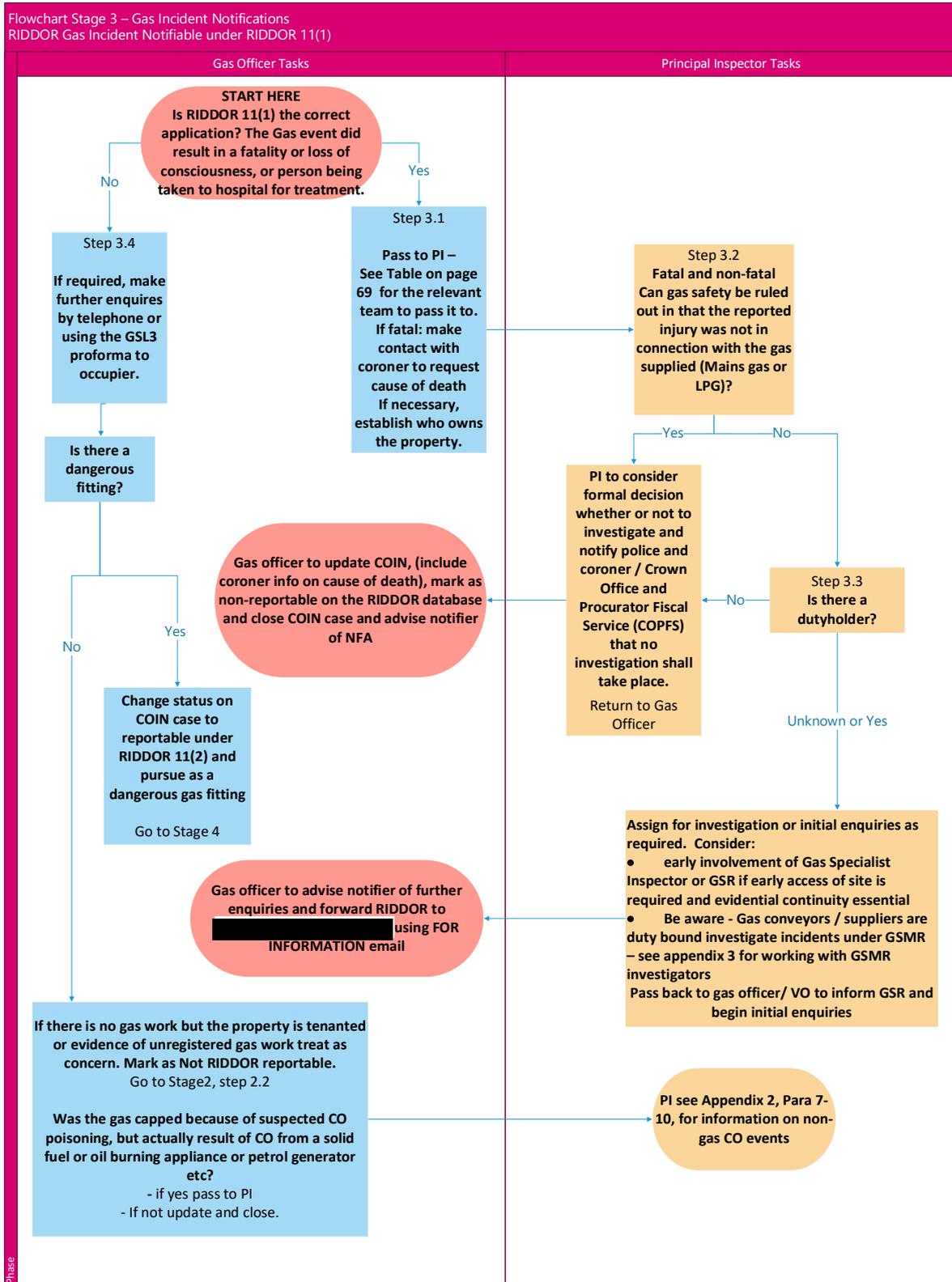
**PLEASE NOTE: If this relates to a current and ongoing risk from a gas emergency provide the notifier with contact details of the Emergency Gas Provider – contacts to be found at [REDACTED]**

Create a COIN concern case (If dutyholder not known, use the customer ID Reference 4539257 “Gas Unknown Dutyholder” to create COIN case – See Reporting and recording (page 8) for more information) and:

- If the gas event is a concern about gas work (registered or unregistered): Go to STAGE 5 – Concerns regarding gas work – by unregistered or registered engineers (page 24)
- If the concern is about a lack of a Landlord Gas Safety Record (LGSR) or a landlord’s failure to maintain gas appliances: Go to STAGE 6 – Concern about lack of landlord gas safety record (LGSR) or failure to maintain gas appliance (page 28)
  - If it is a landlord complaint about gas safety (not gas work carried out by a self-employed gas fitter or registered business) in a commercial letting, **with no residential function**, the Local Authority may be the correct enforcing authority.
- If the concern is about building work affecting gas safety: Go to STAGE 7 – Concern about alterations or modifications to properties that affect the gas safety of the appliances within (page 32)
- If the concern was not a result of alterations to premises, there was no gas work undertaken and the premises were not rented; with PI agreement update COIN, advise notifier using no further action [email template](#) and close.

# STAGE 3 – Gas incidents (notifiable under RIDDOR 11(1)) or GSMR reg 7(16))

## Flowchart Stage 3 Gas incident notifications



### **Stage 3**

Was the RIDDOR 11(1) the correct application – did the gas event cause a fatality or a lack of consciousness or taking of a person to hospital?

- If no: Go to [Step 3.4](#)
- If yes: Go to [Step 3.1](#)

#### **Step 3.1**

Pass the RIDDOR to the Principal Inspector (downstream of ECV – FOD PI see ‘Who to report gas events to ‘ (page [69](#)) for more info on where to forward RIDDORs).

If necessary, establish who owns the property – using the land registry search via FOD Legal.

PI refer to [Step 3.2](#)

#### **Step 3.2**

Principal Inspector – If fatal, request cause of death from coroner. This is important for the gas fatal statistics that the HSE compiles and is required in all gas related fatalities.

Can gas safety be ruled out? For example, injury was not caused in connection with the gas supplied (Mains gas or LPG)?

- YES:
  - PI to consider formal decision whether or not to investigate and record on COIN and notify police and coroner / COPFS that no investigation will take place.
  - Return to Gas Officer.
  - Gas officer to advise notifier using no further action [email](#) template, update COIN (including coroners information on cause of death), mark as non-reportable on the RIDDOR database and close the COIN record.
- NO, gas safety cannot be ruled out: Go to [Step 3.3](#)

#### **Step 3.3**

Is there a dutyholder?

- NO: If gas safety cannot be ruled out but there is no dutyholder – PI to consider decision not to investigate. Inform police and coroner / COPFS of decision not to investigate if applicable. Return to Gas Officer to update and close COIN case record
  - Gas officer to advise notifier using no further action [email](#) template, update COIN (including coroners information on cause of death), mark as non-reportable on the RIDDOR database and close the COIN record.
- YES: If gas safety cannot be ruled out and there is a dutyholder –
  - If gas cannot be ruled out, there is a direct work-related element and it is a fatality / serious incident:
    - Pass back to Gas Officer to begin initial enquiries or assign to VO or inspector for initial enquiries or investigation if proportionate.
    - Consider early involvement of Gas Investigation Specialist (Science Division) if early access to site is required before contamination of

evidence / Gas safe register for CO investigations. See Appendix 2, Technical support for investigations (page 55) for contact details.

**PI please note** – In circumstances involving mains gas these incidents are usually reported by the Gas Conveyor/Emergency Provider. Under the Gas Safety (Management) Regulations 1996, regulation 7:

- Gas Conveyors are required to carry out an investigation following a fire or explosion
- Gas Suppliers are required to carry out an investigation following a CO poisoning

Consideration must be given to whether this needs to be suspended or carried out by an independent provider, for example if the gas supplier also has a contract to service gas appliances involved in the incident. Consider if contact should be made with the supplier / conveyor if they are duty bound to investigate - contact details for suppliers / conveyors can be found in [CM9 2020/43361](#)

See Appendix 3 (page 61) on working with Gas Safety (Management) Regulations Investigators.

LPG Gas incidents are not covered by the Gas Safety (Management) Regulations 1996. The duty for LPG suppliers is under regulation 37 of the Gas Safety (Installation and Use) Regulations 1998.

- return to Gas Officer/VO to begin initial enquiries as per Stages 4, 5 and 6

**Gas Officer to advise notifier of ongoing enquiries AND forward RIDDOR to the Gas Safe Register using the FOR INFORMATION [email template](#).**

### **Step 3.4**

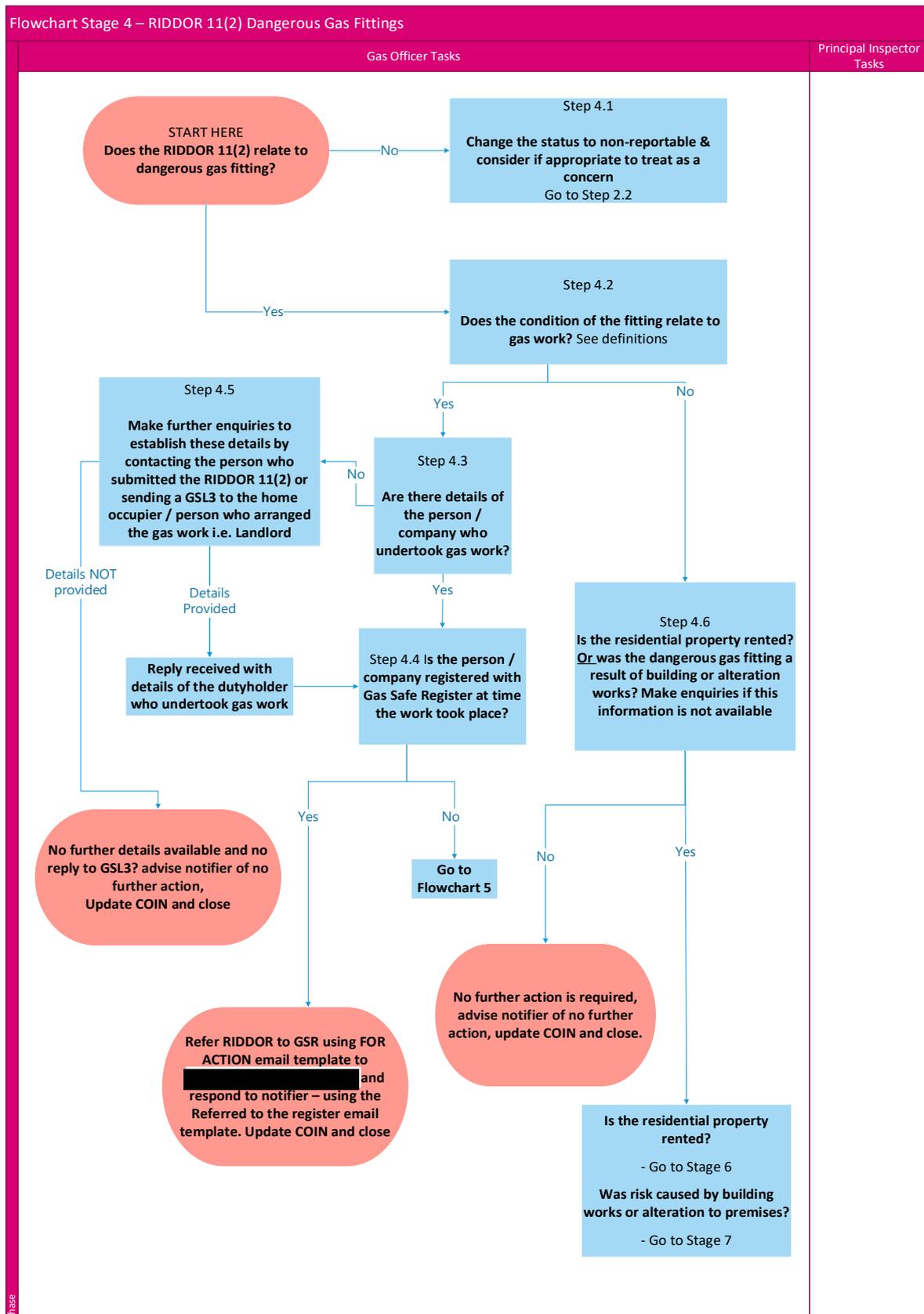
Where RIDDOR 11(1) does not describe a fatality, loss of consciousness or taking of a person to hospital, return to the Gas Officer.

Gas officer:

- make further enquiries by telephone, email or post [GSL3](#) proforma to establish more information
- If there is evidence of a dangerous gas fitting, change the status on COIN to non-reportable and record the incident as reported under RIDDOR 11(2): Go to STAGE 4 – Dangerous gas fittings (notifiable under RIDDOR 11(2)) (page 21)
- If there is evidence of a concern i.e. unmaintained appliances in rented accommodation, evidence of unregistered gas work or building work that affected the safety of a gas appliance: Go to Step 2.2 (page 16)
- Was the gas capped because of suspected CO poisoning, but actually result of CO from a solid fuel or oil burning appliance or petrol generator etc? – if yes pass to PI (PI see Appendix 2 paragraph 7- 10 (page 36)).

# STAGE 4 – Dangerous gas fittings (notifiable under RIDDOR 11(2))

## Flowchart Stage 4 RIDDOR 11(2) Dangerous gas fitting



## **Stage 4**

RIDDOR 11(2) requires an approved person (gas engineer registered with the Gas Safe Register) to report where a Gas Fitting is likely to cause injury through a gas leak, incomplete combustion or incomplete removal of combustion products.

Reports about dangerous gas fittings may also be submitted to the HSE via a Gas Safe Register report following a concern that GSR has investigated.

### **Does the report relate to a dangerous gas fitting?**

- If no: Go to [Step 4.1](#)
- If yes: Go to [Step 4.2](#)

### **Step 4.1**

Change the COIN status to non-reportable & consider whether it is appropriate to treat as a concern.

- Go to Step 2.2

### **Step 4.2**

Does the condition of the fitting relate to gas work? See Definitions (page [66](#)):

- If yes: Go to [Step 4.3](#)
- If no: Go to [Step 4.6](#)

### **Step 4.3**

Are there details of the person/company who undertook the work?

- If yes: Go to [Step 4.4](#)
- If no: Go to [Step 4.5](#)

### **Step 4.4**

Was the person / company registered with the Gas Safe Register when they undertook the work?

- If yes: Refer RIDDOR to the Gas Safe Register using the FOR ACTION [email template](#) to [REDACTED].update and close. Advise notifier using the passed to GSR [email template](#).
- If no: Go to STAGE 5 – Concerns regarding gas work – by unregistered or registered engineers(page [24](#))

### **Step 4.5**

If there are no details of the person/company who undertook the gas work:

- Make further enquires to establish these details by contacting the home occupier, person who commissioned the work (i.e. Landlord) or person who reported the RIDDOR by telephone or sending out a GSL3 by email or post.

- If it is a gas concern about a smart meter fitting, with no details of the meter fitting company, request details of the energy company from the home occupier / responsible person as they may have details of their smart meter contractor.
- If nothing received in response to GSL3, telephone calls or emails, advise notifier of no further action, update COIN and close
- If a response is received and there are details of the person/company who undertook the gas work: Go to Step 4.4

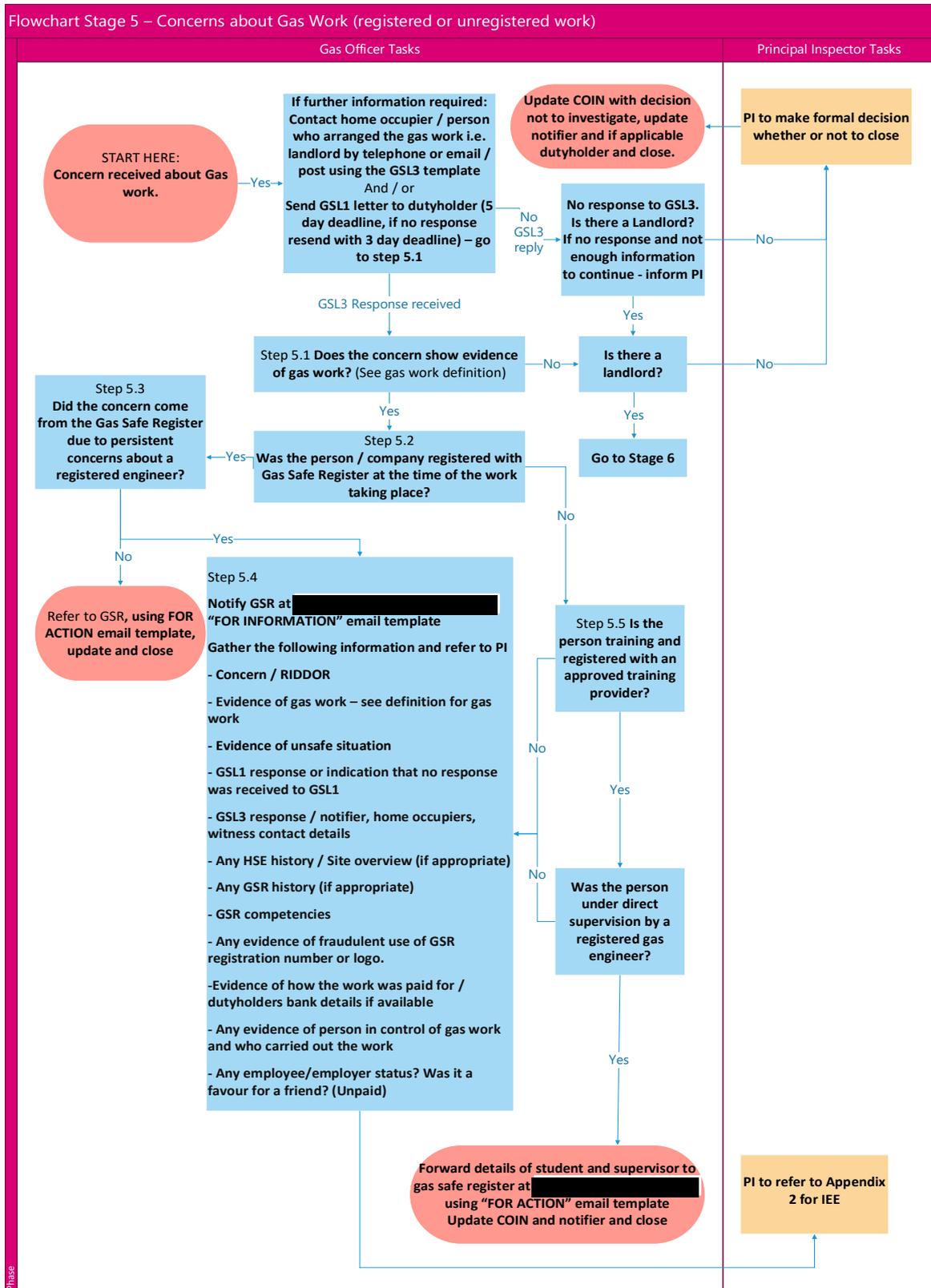
### **Step 4.6**

If there is no evidence of the condition of the fitting having been caused by gas work, then make enquiries to determine if this property is rented for residential purposes or the dangerous gas fitting was caused by building or alteration works.

- If no: Change to RIDDOR non-reportable. Advise notifier of no further action, update COIN and close.
- **If it is a residential rental property:** Go to STAGE 6 – Concern about lack of landlord gas safety record (LGSR) or failure to maintain gas appliance (page 28)
- **If it is caused by building or alteration work:** Go to STAGE 7 – Concern about alterations or modifications to a property that affect the gas safety of the appliances within. (page 32)

# STAGE 5 – Concerns regarding gas work – by unregistered or registered engineers

## Flowchart 5 Concerns about Gas work (registered or unregistered)



## **Stage 5**

Is further information required (see [email templates](#) for second letter additional paragraphs)?

- If yes,
  - contact notifier preferably by telephone or if number not available using the GSL3 letter to home occupier to clarify what work was carried out.
    - When response received to GSL3 letter go to Step 5.1.
    - If no response to GSL3 and there is not enough information to continue, inform PI. If agreed by PI update COIN with decision not to investigate and close. If applicable, notify dutyholder of decision to close
  - Contact dutyholder using [GSL1](#) letter with a response required within 5 working days.
    - If no response – resend letter using [GSL1.2](#) response required within 3 working days.
    - If no response received to GSL1 letter, then make a note on COIN and continue to Step 5.1.
    - If dutyholder responds to GSL1 letter and decision is made to close the case, notify dutyholder of no further action.
- If no: Go to Step 5.1.

### **Step 5.1 Is there evidence of gas work – see Definitions (page 66):**

- If yes: Go to Step 5.2
- If no evidence of gas work and / or no response from GSL3 letter:
  - If there is a landlord and tenant: Go to STAGE 6 – Concern about lack of landlord gas safety record (LGSR) or failure to maintain gas appliance (page [28](#))
  - If there is no gas work and no landlord: gain agreement from PI and close (update COIN with PIs agreement).

### **Step 5.2**

Was the person/company registered with Gas Safe Register at the time of the work taking place? (if there is a lapse in registration, if the lapse is less than 6 weeks, considered “yes” they are registered, if over 6 weeks treat as “no” not registered with the Gas Safe Register)

- If yes: Go to [Step 5.3](#)
- If no: Go to [Step 5.5](#)

### **Step 5.3**

Did the concern come from the Gas Safe Register?

- If yes, for example, the engineer is registered with the Gas Safe Register but the Register have notified us that this person is persistently working outside of their scope of competences or they have serious competence concerns of this engineer: Go to [Step 5.4](#)

- If no, if the engineer is registered with the Gas Safe Register and the concern has not come from the Gas Safe Register (including moon lighting or working out of scope that is NOT persistent): Refer the concern to the Gas Safe Register at [REDACTED] using the “FOR ACTION” [email template](#), update COIN and close.

### **Step 5.4**

If the fitter is:

- unregistered, or
- a trainee gas fitter carrying out gas work without direct supervision, or
- registered with the gas safe register but found by the Register to be **persistently** working outside of their scope of competence (*this would include those employed by a registered company but not registered in their own right i.e. persistently moonlighting or doing private work under their employer’s registration or persistently working outside of their scope of competencies*)
- registered with the Gas Safe Register, but the register has serious competence concerns about an extremely dangerous situation left by a registered business then:

Notify the GSR at [REDACTED] with a FOR INFORMATION [email template](#) to say the investigation is with the Principle Inspector (PI) for consideration.

Gather the following information and provide pack to PI including:

- Concern/RIDDOR
- Evidence of gas work (see definitions see page [66](#)) – what was done and by whom
- Evidence of any identified unsafe situation (ID or AR, see [GIUSP](#))
- GSL1 response or indication that no response has been received to GSL1 letter
- GSL3 response/complainant, home occupiers, witness contact details
- Any HSE history/Site overview (if appropriate)
- Any GSR history (if appropriate)
- GSR competencies (if appropriate)
- Any evidence of fraudulent use of the GSR registration number or logo
- Evidence of how work was paid for and Dutyholder bank details if available
- Any information on who was in control of the work and who carried the work out if available
- Any employee/employer status? Was it paid work or a favour for a friend, DIY etc?

Update and reallocate COIN case to PI

PI to allocate case for further enquiries/ investigation. See Appendix 2 for Initial Enforcement Expectations (IEE) (page [36](#))

### **Step 5.5**

Is the person training to become a gas engineer and registered with an approved training provider?

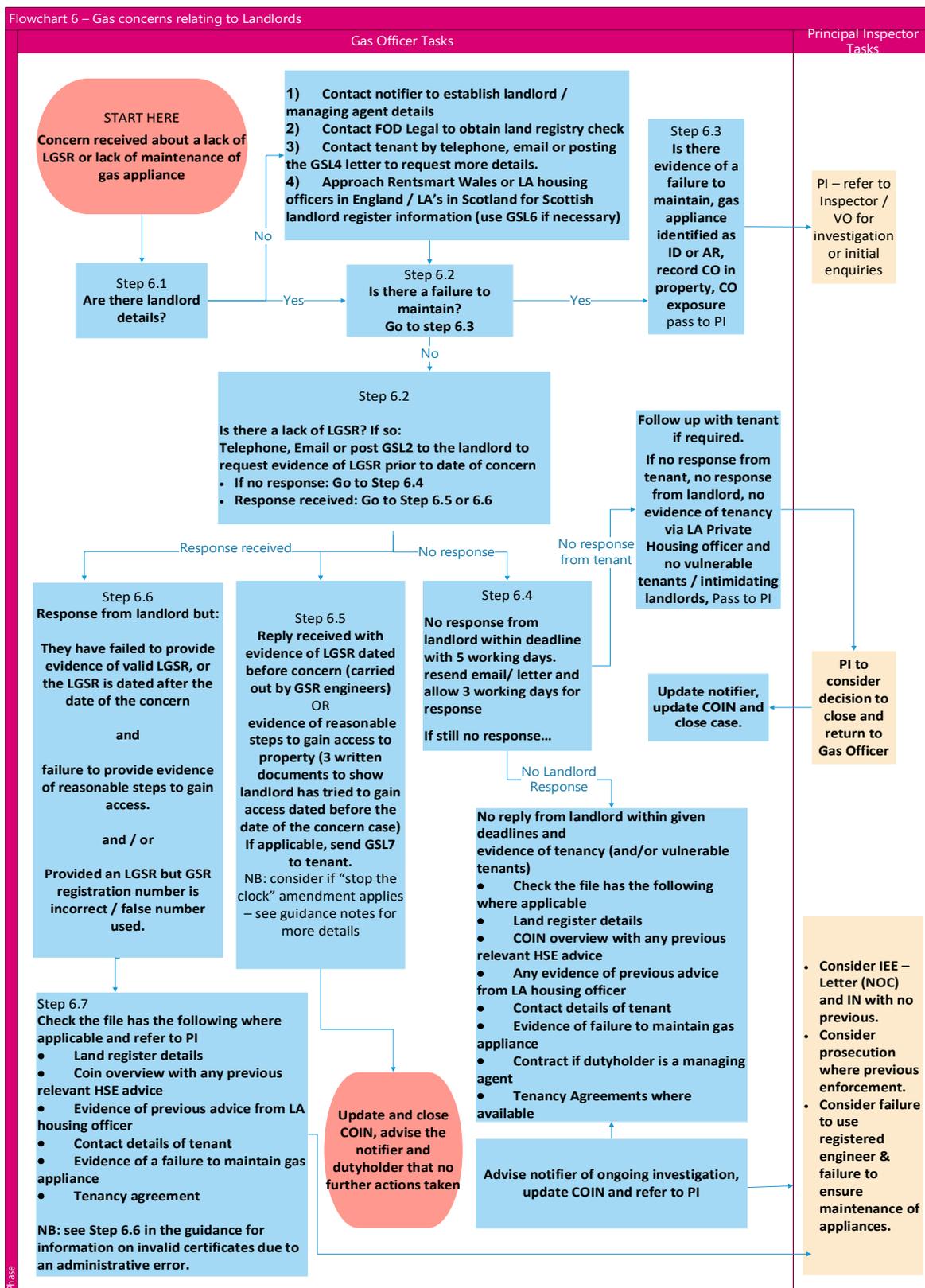
- If no: Go to [Step 5.4](#)
- If yes: Was the person under direct supervision of a Gas Safe Registered Engineer?

- If yes:
  - Forward the name of the student and GSR registered supervisor to the gas safe register at [REDACTED] with the FOR ACTION [email template](#)
  - Update the notifier to advise it has been sent to the GSR
  - Update COIN and close
- If no, the trainee gas fitter carried out gas work while not under the direct supervision of a Gas Safe registered engineer: Go to Step 5.4

Direct supervision is required for the Gas Safe registered engineer to ensure that they can take full responsibility of the gas work.

# STAGE 6 – Concern about lack of landlord gas safety record (LGSR) or failure to maintain gas appliance

## Flowchart 6 Gas concerns relating to landlords



## **Stage 6**

### **Step 6.1**

Are there details of the landlord or managing agent?

- If no:
  - Contact notifier (preferably by phone) to establish Landlord/managing agent
  - Contact FOD legal to request a land registry search to establish owner of the property
  - Telephone, email or post [GSL4](#) to tenant (if not the notifier) to gather initial details, include request for a copy of a tenancy agreement
    - In Wales - Rentsmart Wales can be contacted to gain information on landlords. Send your request for more information on a Landlord in Wales to [REDACTED]
    - In England - consider contacting the Local Authority using the standard letter [GSL6](#) to request details of the landlord through a landlord registration scheme.
    - In Scotland – individual Local Authorities will hold data from the Scottish Landlords Register, consider contacting the Local Authority to gain further information. Standard Letter [GSL6](#) may assist with this request.
- If yes: Go to [Step 6.2](#)

### **Step 6.2**

Is there evidence of a failure to maintain gas appliances in the property?

- If yes: Go to [Step 6.3](#)

Is the concern about a lack of a LGSR?

- If yes:
  - Once landlord is established, check COIN for previous history
  - Telephone, email or post [GSL2](#) to the landlord to request evidence of the LGSR for the given property dated prior to the date of the concern
    - If no response: Go to [Step 6.4](#)

If response received and:

- A valid LGSR is dated before the date of concern (or evidence of reasonable steps): Go to [Step 6.5](#)
- There is an invalid LGSR or false GSR registration number: Go to [Step 6.6](#)
- The LGSR dated after date of concern or landlord has not carried out LGSR or taken reasonable steps: Go to [Step 6.7](#)

### **Step 6.3**

Is there evidence of failure to maintain a gas appliance for example there is evidence of CO exposure, CO recorded in living space of the rental accommodation, and / or significant life-threatening defect (ID or AR)?

- Obtain landlord details
- Pass landlord details and evidence of failure to maintain gas appliance to PI for further investigation

PI to allocate to VO or inspector for further investigation, refer to Appendix 2, Landlords and Letting Agents for IEEs (page 38)

### **Step 6.4**

If no response from the landlord, attempt to contact them by phone and confirm in writing by email or post sending a copy of the GSL2 follow up letter [GSL2.2](#).

- If no response from tenant or landlord, no previous history on COIN, there is no evidence of tenancy (E.G. via LA private housing officer) and no evidence of vulnerable tenants or intimidating landlords then record this on COIN:
  - Pass to PI to consider decision not to investigate given the lack of information, send an update to the notifier advising of no further action, update COIN and close the case.
- If no response from landlord but we do have evidence of tenancy (and / or vulnerable persons) refer to PI providing the following information:
  - Land registry details / details from the LA's Landlord registration scheme if applicable
  - COIN overview with any previous relevant HSE advice
  - Any evidence of previous advice from LA housing officer
  - Contact details of the tenant
  - Any evidence of failure to maintain gas appliance
  - Tenancy agreement
  - Advise notifier of ongoing investigation, update COIN and refer to PI

PI to allocate to VO or inspector for further investigation, refer to Appendix 2, Landlords and Letting Agents for IEEs (page 38)

### **Step 6.5**

If LGSR's received from the landlord prior to the date of the concern, check the GSR registration number against the GSR website. If the number is accurate, relates to the engineer on the LGSR and all the appliances are within the engineer's scope of competence and there are no maintenance concerns:

- Update COIN and close
- Advise notifier and dutyholder of outcome.

If the landlord can provide evidence of reasonable steps taken to gain access to the property in order to complete the LGSR, update COIN and close the case. If applicable, and the landlord has provided evidence of reasonable steps and **evidence of a high risk to gas safety**, send [GSL 7](#) letter to tenant to advise them to co-operate with landlord for their own gas safety.

See <http://www.hse.gov.uk/gas/landlords/dealing.htm> For more information on reasonable steps.

Stop the clock:

If the LGSR appears to be up to two months past the due date, then the “Stop the Clock” amendment might apply. This is the 2018 amendment of GSIUR that allows a Landlord to carry out an LGSR up to two months early and retain the original deadline date. See Regulation 36A in ACOP [L56 Safety in the installation and use of gas systems and appliances](#) page 72 paragraph 306 - 307 for more information. The landlord must retain records for two previous gas safety records, where they cannot provide these two records the expiry date of the current gas safety check will be taken as 12 months from the date of the last safety check.

If landlord cannot provide any evidence of the LGSR or reasonable steps taken to complete the LGSR then see [Step 6.7](#)

### **Step 6.6**

If the landlord is unable to provide:

- evidence of LGSRs (and evidence of reasonable steps taken to comply) prior to date of concern or
- if the LGSR is received but the date is after the date of the concern and they cannot prove it was due to the “stop the clock” amendment, or
- the GSR registration number is false:

Go to [Step 6.7](#)

NB: If the LGSR is invalid because there is an administrative error (such as missing landlord details), but the record has been **completed by a registered engineer and there is no concern for safety**, return the certificate to the landlord to advise of the administrative error, send a copy to the Gas Safe Register at [REDACTED] with “To Action” email template, update COIN and close.

NB: Regulation 36(3)(c) places the **duty on the landlord** to ensure that the record shall include the relevant information (see [L56 Safety in the installation and use of gas systems and appliances](#) page 69 for the list of information to be included). If the LGSR is not valid due to insufficient information, then it is for the Landlord to ensure that this is rectified.

### **Step 6.7**

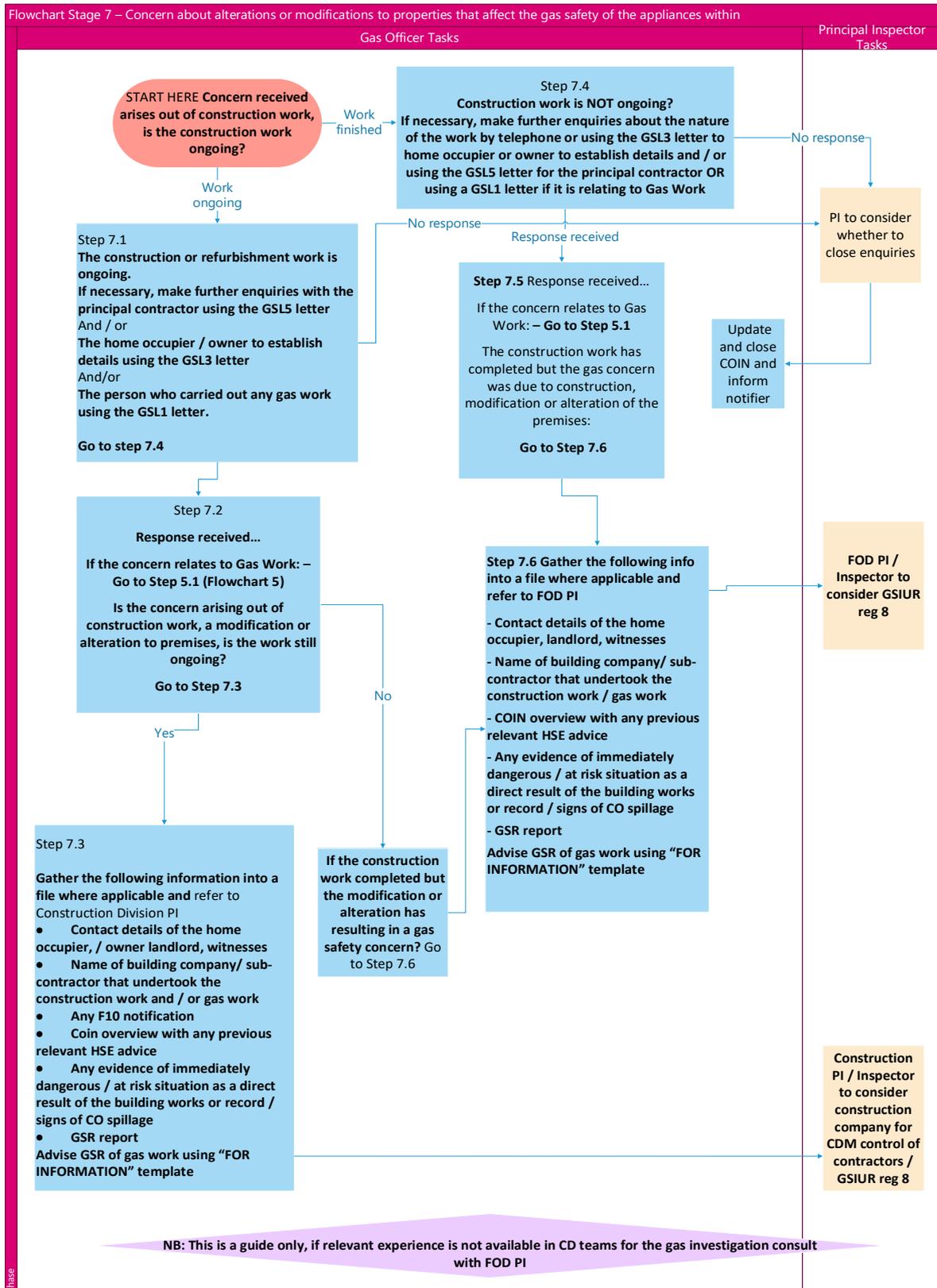
Gather the following information and refer to PI:

- Land registry details
- COIN overview with any previous relevant HSE advice
- Any evidence of previous advice from LA housing officer
- Contact details of the tenant
- Any evidence of failure to maintain gas appliance
- Details of potential issues with intimidating landlords and / or vulnerable tenants

Advise notifier of ongoing enquiries.

# STAGE 7 – Concern about alterations or modifications to properties that affect the gas safety of the appliances within

**Flowchart 7 gas concerns arising out of construction activities**



## **Stage 7**

Concerns regarding building work, property alterations and/or modifications can be submitted by RIDDOR, Gas Safe Register report, customer concern, housing associations or LAs.

[L56](#) The Approved Code of Practice for the Gas Safety (Installation and Use) Regulations 1998 (Regulation 8) lists alterations and modifications of premises as including: chimneys reduced in height or capped, rubble blocking flues, fitting flue liners or terminal, altering ventilation through fitting double glazing, cavity wall insulation, removal of fixed permanent ventilation or blocking vents with insulation material, building extensions around flue terminals, fitting extractor fans, blocking or obstructing an air supply vent or flue, changing the provision of ventilation in a room – this list is not exhaustive.

Construction concerns will be triaged by Gas Officers and if necessary, assigned to Construction division or FOD depending on whether the work is ongoing, or if it has closed and the contractors have left the site. This is guidance only, and Principal Inspector's may be consulted to determine which team is best placed to carry out this investigation and enforcement if required.

### **Start Here:**

Does the concern received arise out of construction or refurbishment work that is ongoing?

- If yes, it does refer to an ongoing construction work: Go to [Step 7.1](#)
- If no, the concern is about construction work that has resulted in a gas safety concern, but this work has concluded and **is no longer ongoing**: Go to [Step 7.4](#)

### **Step 7.1**

If more information required,

- make further enquiries with the principal contractor using the [GSL5](#) letter and/ or
- contact the home owner / occupier using the [GSL3](#) letter and/or
- If the concern was due to unsafe gas work, contact person who carried out the has work using the GSL1 letter.

If no response is received or no dutyholder is identified refer to the PI to consider, if agreed update the notifier and update and close COIN case.

If response received: Go to [Step 7.2](#)

### **Step 7.2**

If the response indicates that the concern was actually due to gas work: Go to [Step 5.1, Flowchart 5](#)

If the response indicates that the concern due to ON-GOING, the construction work or a modification or alteration to the premises that affected the safety of the gas appliances therein?

- Go to [Step 7.3](#)

### **Step 7.3**

Gather the information as indicated in the checklist and pass to the **Construction PI**:

- Contact details of the home occupier, landlord, witnesses
- Responses to GSL3 or GSL5 letters
- Name of building company/ subcontractor that undertook the construction work and / or gas work
- Any F10 notification
- COIN overview with any previous relevant HSE advice
- Any evidence of immediately dangerous / at risk situation as a direct result of the building works or record / signs of CO spillage
- GSR report

Send an email to the GSR at [REDACTED] using “FOR INFORMATION” [email template](#).

PI to allocate to VO if further enquiries or evidence required and / or Inspector if enforcement action required.

**NB: this is only a guide, if relevant experience is not available for gas investigations please consult with FOD PI to determine the best placed team to take it.**

### **Step 7.4**

If building work is not on-going...

If necessary, make further enquiries with the home occupier using the [GSL3](#) letter to determine what the nature of the work carried out was and determine details of the company that completed the work.

[GSL5](#) letter if writing to the principal contractor.

Use GSL1 letter if there is an indication that the concern was due to gas work.

### **Step 7.5**

If the response indicates that the concern was actually due to gas work: Go to [Step 5.1, Flowchart 5](#)

If the response indicates that the concern due to COMPLETED construction work or a modification or alteration to the premises that affected the safety of the gas appliances therein?

- Go to [Step 7.6](#)

### **Step 7.6**

Gather the information as indicated in the checklist and pass to the **FOD PI**:

- Contact details of the home occupier, landlord, witnesses
- Response to GSL3 or GSL5 letters

- Name of building company / subcontractor that undertook the construction work / gas work
- COIN overview with any previous relevant HSE advice
- Any evidence of immediately dangerous / at risk situation as a direct result of the building works or record / signs of CO spillage
- GSR report

Advise GSR of gas work at [REDACTED] using "FOR INFORMATION" [email template](#)

PI to allocate to VO if further enquiries or evidence required and / or Inspector if enforcement action required, see Appendix 2 for IEEs (page 36) Consider Principal Contractor for control of contractors (reg 4 of GSIUR)

**NB: this is only a guide, if relevant experience is not available for gas investigations please consult with FOD PI to determine the best placed team to take it.**

## Appendix 2 – Domestic gas events and enforcement advice for Visiting Officers, Inspectors and Principal Inspectors

1. For cases which require further investigation. This sets out procedures for visiting officers to follow when gathering initial details into gas cases and will provide Inspectors with technical, legal and enforcement advice, initial enforcement expectations and guidance in relation to prosecutions. **(Formally OC 440/30)**

### ***Initial handling***

2. Administrative staff should pass information about incidents or concerns to the Principal Inspector for a decision on further action where:
  - There is a fatality or serious personal injury (RIDDOR 11(1))
  - There is a material breach of the law
  - There is ongoing risk
  - The dutyholder has previous history with HSE
  - Where the work done was carried out over 12 months ago
  - There is a third party with duties; or
  - The circumstances are complex.
  - And in all cases when instructed to do so following reference with Appendix 1 – FOD gas events triage procedure (page 10)

### ***Gas Investigations advice***

#### **Principal Inspectors**

3. Principal Inspector actions in respect to all fatalities can be found at Step 1.3 of Appendix 1. (page 12)
4. Appendix 1 guides Gas Officers on what information to collect in gas events. Where a material breach is identified but further enquiries are required a PI should pass the information to a Visiting Officer to make further enquiries, or to a Band 3 to form an enforcement decision.
5. If no material breach is identified following the GO's initial enquiries, determine if case can be closed. Consideration should be given to any concerns surrounding vulnerable persons before closing a case. Where people have, or could have, died, ensure the reasons for curtailing the investigation are recorded in the COIN case tracking note.
6. Gas events may reach PI's through other routes – such as Dangerous Occurrences RIDDOR r.7 (See 'Who to report Gas Events to' page 69) for information on who to report these events to if not covered by GSIUR).
7. Carbon Monoxide (CO) events may have resulted from non-gas related incidents (petrol powered equipment, solid fuel or oil-fired appliances). Technical assistance can be provided in these events from Science Division (see *Technical support for investigations* (page 55) for contact details.)

8. If the investigation indicates a concern about public safety, e.g. a gas engineer has demonstrated a pattern of poor work that may be repeated in other locations, inspectors should refer to the advice in [OC 440/35](#).
9. Gas installations in Factories are exempt under GSIUR regulation 2.4, but other regulations will apply and technical assistance for incidents involving gas in industrial processes can be sought from Science Division (see Table in *Technical support for investigations* (page 55) for contact details)
10. Further GSIUR exemptions are listed in regulation 2.4, and regulation 2.1 excludes (in some circumstances) portable or mobile appliances supplied with gas from a cylinder (see ACOP [L56](#), paragraphs 34 to 37 for more information on mobile/portable appliances).

### Visiting officers

11. The Visiting Officer (VO) role includes progressing initial enquiries and providing evidence collection support to inspectors. VOs will play a vital role in the gathering evidence required to allow inspectors to form an enforcement decision. Work closely with inspector / principal inspectors during the early stages of the investigation to ensure that the correct lines of enquiry are followed when taking statements and that the evidence gathered at this stage covers the points inspectors will need to prove to form an enforcement decision.
12. The VO role may include the following:
  - Pursue selected cases based on enquires already made by Gas Officers as directed by the PI / Band 3.
  - Contact parties specific to domestic gas safety, including gas fitters, builders, customers, landlords (for rented properties), tenants
  - Liaise with the Gas Safe Register, gas suppliers and conveyors where appropriate
  - Take statements from appropriate persons involved in the incident whether at the persons home, business address or an agreed alternative location
  - Collect evidential material for potential prosecutions. Examples may include written quotes, invoices, payment methods, falsified documents, photographs (this list is not exhaustive) etc....
13. More information can be found at <http://intranet.hse.int/learning/fod/visiting-officers/domestic-gas-events.htm>
14. VO Initial actions
  - Carry out an overview with Inspector or Principal Inspector to plan the initial enquiries
  - Refer to Question Sets to assist with witness statements ([gas question sets](#))
  - Gather information and material about gas events as specified by PI /band 3
  - If directed by your Band 3 / PI carry out any follow up action if no response to Gas Officer's request for information
  - Making initial enquiries
  - Interviewing / statements
  - Material gathering

15. If applicable liaise with external bodies to determine if there is previous relevant enforcement history – Gas Safe Register, Local Authority Housing officers
16. Consider referral to Government Agency Information Network (GAIN). By providing as much information you have on a dutyholder suspected of carrying out illegal activity, you can request information held on that person from other government agencies.
17. A GAIN referral can be made to enquire about information held on individuals suspected of illegal activity. Requests seeking intelligence from GAIN need to be sent to the HSE Single Point of Contact (SPoC) for labour abuse: the head of the vulnerable workers team, in EPD. (see EPD [organogram](#), OPST Agriculture, Waste, Recycling and Vulnerable Workers Unit -Vulnerable workers and competence)
18. GAIN requests should include:
  - A legitimate reason for the request – i.e. part of an investigation into illegal gas work, if there is a known risk – risk of serious person injury from alleged gas work.
  - Include as much information as you are able to provide, this might include name, address, date of birth, phone numbers, car registration of those being investigated.
19. NB: Gas Cases may well be defended cases; you should always ensure that witnesses are aware that they may be called to give evidence. **Witness reliability should be considered within case management reviews with Inspectors / Principal Inspectors.**

### **Band 3 Inspectors**

20. Work closely with your visiting officer during the early stages of the investigation and provide a steer to ensure that the evidence gathered at this stage covers the points that you need to prove to form your enforcement decision.
21. Ensure that a Notification of Contravention letter is sent as soon as you are of the opinion that that person is contravening or has contravened the relevant statutory provision.
22. There will be investigations that will be assigned to Band 3 Inspectors without VO input. If the gas officer has provided enough evidence to enable you to form opinion that there is a material breach of the law, consider suitable enforcement action and determine if the case can be closed.
23. Example Notification of Contravention letter, Enforcement Notices and Prosecution informations and summons can be found at: [Gas Enforcement example notices and NOCs - January 2020.docx](#)

### ***Enforcement advice***

#### **Landlords and Letting Agents**

24. Following triage, Concerns regarding landlords or letting agents will be passed to PIs if:

- They have failed to prove that they have valid Landlord Gas Safety Check Record (LGSR) records for tenanted properties dated prior to the date of the concern OR evidence of reasonable steps taken to gain access
  - The LGSR has been provided with a false GSR registration number or unregistered fitter
  - There is previous history on COIN in addition to a failure to maintain or carry out a LGSR
  - The concern includes evidence of injury due to CO exposure, CO recorded in living space of the rental accommodation, a failure to maintain gas appliance and / or significant life-threatening defect (ID or AR, see [GIUSP](#))
  - Vulnerable persons
25. The Gas Safety (Installation and Use) Regulations 1998 apply across a range of premises including domestic premises, hostels, hotels, public houses and offices. Premises to which they are disapplied, in full or in part are set out in GSIUR regulation 2(4)-(8).

#### Relevant enforcing authority for short term residential lets

Short-term residential accommodation	Enforcing authority
<b>NB: all companies carrying out gas work, whether registered or unregistered, at the premises below are regulated by the HSE</b>	
Domestic Accommodation	HSE
Hostels and hotels	LA
Residential - Premises occupied for most of the time by owners but occasionally a holiday home	HSE
Holiday Accommodation – occupied as temporary or permanent accommodation for more than 20 weeks a year – regarded as non-domestic	LA
Multi occupancy site - consider each individual accommodation unit separately	Holiday units - LA Residential units - HSE
Lodgings i.e. foreign students placed within domestic homes. The lodger will usually be there under licence therefore regulation 36(2) will apply.	HSE
Housing (management of houses in multiple occupancy) - are Local Authority HMO regulations are better placed to also cover the gas concern. However,	HSE – but agreement can be made for LA to take the lead if HMO Regs are relevant.

<b>Short-term residential accommodation</b>	<b>Enforcing authority</b>
<b>NB: all companies carrying out gas work, whether registered or unregistered, at the premises below are regulated by the HSE</b>	
consider wider implications of not investigating under GSIUR for serious or fatal incidents?	

For more information on GSIUR and caravans please see [OC 440/34](#)

26. Among other things, GSIUR require that at premises to which they apply:
- all persons must be competent to do any gas installation or maintenance work which they undertake (regulation 3(1));
  - all businesses doing any gas fitting work must be registered with Gas Safe Register (regulation 3(3)); and
  - at premises used for residential purposes (occupation being in return for money/money's worth), landlords should ensure that:
    - any gas appliances and associated flues that they provide for tenants should be maintained in a safe condition, and
    - checked for safety at intervals of not more than 12 months.
  - GSIUR (amendment) 2018 allows for flexibility in that a LGSR can be carried out within 2 months of the 12-month deadline while retaining the original deadline date.
27. Landlords are defined in the Regulations as:
- a) in England and Wales – There must be a lease of less than seven years or a licence
- (i) where the relevant premises are occupied under a lease, the person for the time being entitled to the reversion expectant on that lease or who, apart from any statutory tenancy, would be entitled to possession of the premises; and
  - (ii) where the relevant premises are occupied under a licence, the licensor, save that where the licensor is himself a tenant in respect of those premises, it means the person referred to in paragraph (i) above;
- b) In Scotland, in order to be a lease under the Regulations, there must be any of:
- (i) a lease of less than seven years; or
  - (ii) a lease which runs for a period term such as from month to month or year to year; or
  - (iii) a statutory tenancy (pursuant to certain housing legislation) arising out of the foregoing; or
  - (iv) an agreement giving rise to a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016.
28. The length of tenancy is not the same as length of time in residence. For example, a tenant may have lived in a property for 15 years, but the initial tenancy agreement

was an assured shorthold tenancy with an assured tenancy of less than 7 years, regulation 36 still applies if no action is taken by the landlord or tenant to fix the period after the assured shorthold tenancies term ends.

29. Please note: If a premises is occupied under 'licence', the check for existing appliances/flues is first required within 12 months of the start of the premises becoming 'relevant premises' (the requirement for an annual check before occupation, as in regulation 36(3)(b), only applies to leases).
30. Landlords in both the **public** (e.g. social housing associations) **and private rented sectors** must maintain gas fittings and flues provided for their tenants in a safe condition, and have appliances and flues checked for safety at least once a year by a Gas Safe registered engineer. These duties add to the more general duties on landlords under HSW Act section 3, and those vicariously placed on any managing or letting agents that they choose to look after their business interests under HSW Act section 36;
31. When a premise is sublet the responsibility for gas safety checks remain with the original landlord. Licensors (i.e. 'subletters') of premises who are themselves tenants of those premises are not regarded as landlords in this context and do not have obligations under regulation 36. Contractual arrangements may be in place, if so, these must clearly state allocate responsibility for completing the gas safety check.
32. If the gas appliances are owned by the tenant, then the landlord duties do not apply. However, where the tenant leaves the property but leaves the appliances behind the appliances will then be subject to landlord's gas safety duties.
33. For small-scale landlords (e.g. a private householder renting out their home), where the letting is not their main work, inspectors should consider carefully whether an 'undertaking' exists and Section 3 applies. This does not affect their GSIUR obligations.
34. **Greatest priority** should be given to evidence that landlords are failing to maintain appliances provided for tenants or have failed to arrange annual gas safety checks (GSIUR regulation 36), especially if a number of properties are implicated.
35. If there is good evidence that safety checks have been carried out and the concern simply involves:
  - non-provision of gas safety check records to tenants, or
  - landlords failing to retain Landlord Gas Safety Records for 2 years -consider this non-compliance with the law as compliance and administrative arrangements breach with in the EMM as their absence may undermine the workings of an efficient health and safety system or be evidence of poor health and safety management.
36. In the case of managing or letting agents operating on behalf of landlords, any contractual agreements detailing the agent's role should be closely examined. If it is clear that the agent has agreed to undertake gas safety responsibilities on the landlord's behalf (as is more than likely in the case of 'absentee' landlords living abroad or remotely from their property), they should be treated in the same way as

landlords if they have failed to discharge their contractual obligations. Consider action under HSW Act section 3 or section 36 linked to GSIUR regulation 36;

37. Where HSE's investigation has shown that an appliance is unsafe, and there are concerns that the landlord or managing agent will not rectify immediately, the emergency service provider (ESP) should be notified so that they can decide whether to disconnect the gas supply to ensure safety of the tenant. Consider enforcement action against the landlord for failure to maintain gas appliances – regulation 36(2) GSIUR.
38. Gas cases may involve risk to vulnerable groups or intimidating landlords. If applicable take into account vulnerable persons when completing the EMM and considering enforcement action to ensure the safety of those tenants.
39. On a case by case basis consideration should be given to the seriousness of the offence and whether to notify landlord concerns to local authorities in England, Rentsmart Wales or the Local Authorities in Scotland with responsibility for the Scottish Landlord Register. **NB – If a landlord in Wales is identified and is NOT on the Rentsmart Wales register, notify Rentsmart Wales by sending this information to the [REDACTED] email address.**

Scenario	If you are satisfied that there is evidence of:	IEE
Landlord fails to maintain gas appliances	<ul style="list-style-type: none"> <li>• Tenancy and a landlord as defined by the 36(1) of the GSIUR regulations</li> <li>• A lease of less than 7 years or licence</li> <li>• An ID or AR defect at the property</li> <li>• Evidence that this posed a risk of serious personal injury to the tenant.</li> </ul>	IN and Notification of contravention letter for a material breach of regulation 36(2)
	<ul style="list-style-type: none"> <li>• As above and</li> <li>• Signs of spillage, evidence of gas leaks, gas industry unsafe situation identified (ID or AR) previous enforcement, serious personal harm caused and or deliberate economic advantage.</li> <li>• Failure to maintain gas appliances in multiple properties</li> </ul>	IN and consider PR.

Scenario	If you are satisfied that there is evidence of:	IEE
Landlord has failed to produce evidence of a Landlord Gas Safety Record prior to the date of the concern and there is evidence that the property was tenanted during this time	<ul style="list-style-type: none"> <li>• Tenancy and a landlord as defined by the regulations</li> <li>• A lease of less than 7 years or licence</li> <li>• The landlord is unable to prove that they have carried out a LGSR prior to the date of the concern AND they do not have evidence to show that they have taken reasonable steps to comply.</li> <li>• No previous advice on COIN / inspection history is good.</li> </ul>	<p>Notification of contravention letter</p> <p>For material breach of regulation 36(3), consider IN in line with EMM</p>
	<ul style="list-style-type: none"> <li>• LGSR was completed by an Unregistered gas fitter</li> </ul>	<p>Notification of contravention letter for regulation 36(4) and follow up unregistered fitter</p>
	<ul style="list-style-type: none"> <li>• As above</li> <li>• Signs of spillage on gas appliances, record of CO present in a living space, evidence of gas leaks, previous advice, enforcement, serious personal harm, deliberate economic advantage or serious defect following failure to maintain.</li> </ul>	<p>As above, and IN and consider PR.</p>
Managing agent	<ul style="list-style-type: none"> <li>• As above –a landlord / tenant relationship, the lease is under 7 years.</li> <li>• A failure to carry out a LGSR AND there is <b><u>contractual evidence</u></b> that the Managing Agent has taken on that duty from the landlord.</li> <li>• Contractual evidence AND signs of spillage, evidence of gas leak, previous enforcement / serious personal harm / deliberate</li> </ul>	<p>Notification of contravention letter of regulation 36(3)</p> <p>IN consider PR</p>

Scenario	If you are satisfied that there is evidence of:	IEE
	economic advantage or serious defect following a failure to maintain.	
<p><b>These are a guide; inspectors maintain their autonomy to make enforcement decisions based on the EMM and the evidence in each case.</b></p>		

### ***Concerns about gas work***

40. **Inspectors should give serious consideration to legal proceedings** if it is clear that an individual who has carried out gas work ((see page [66](#)) for Definitions) is already known to HSE, and has carried out particular work that could have endangered lives;
41. **It is important to distinguish** between duties under GSIUR placed on businesses and those on individuals. The Regulations clearly distinguish between 'any person carrying out gas work' and the 'employer of any person', and between the duties imposed on the two parties. For example, Regulation 3(1) imposes a duty on individuals – all persons must be competent to work on gas, but Regulation 3(3) places a duty on only the employer or self-employed person to be gas safe registered.
42. Gas Work is defined in Regulation 2 of GSIUR– see Definitions (page [66](#))
43. Gas Work includes do-it-yourself activities, work undertaken as favours for friends and relatives and work for which there will be no reward or gain – this work requires competence therefore regulation 3(1) applies. However, membership of the register (under regulation 3(3)) is required only by businesses carrying out gas-fitting work (Para 52 ACOP)
44. GSR can provide record of previous interventions with an engineer if requested; this may include sanctions and suspensions. The Register also has a team that investigates unregistered gas work, so may have information on previous gas work carried out by unregistered fitters to help build your case.
45. Requests for information can be obtained from the GSR through a statement request at [REDACTED] using the [Statement request form](#)
46. It is essential that HSE informs the Gas Safe Register of all enforcement action taken in relation to gas work against registered and unregistered businesses / individuals. Prohibition notices or prosecutions taken will affect a registered business/engineer's status on the Register and an unregistered business's ability to register. Send an email to: [REDACTED] with the following information:
  - Registration number (if applicable),
  - business name and address,
  - type of notice, or outcome of prosecution,

- material breaches
- what is required for compliance and

**inspector details so that the register can check that the notice has been complied with.**  
**Competence Issues**

47. Important factors when considering competence of individuals are whether:
- they hold current, Nationally Accredited Certification Scheme (ACS) OR certificates in the work they are undertaking e.g. should not be carrying out work on LPG appliances if only qualified for natural gas or work on types of appliances for which they do not hold certificates. Note that the competence assessment regime is administered by EU Skills not Gas Safe Register;
  - they have met specific requirements in GSIUR e.g. regulation 30
  - they have complied with manufacturer's installation instructions;
  - their work has been carried out in accordance with the requirements of relevant British Standards (e.g. BS 5440 Parts 1 and 2);
  - the range of evidence of poor workmanship is sufficient to question the individual's competence. A single event could be attributed to a lack of diligence or error, rather than proof of incompetence;
  - The Gas Safe Register has provided evidence of competence concerns for a registered engineer.

For certain specialised gas work e.g. work in the industrial/large commercial sector, combined flue systems or on new types of equipment such as hydrogen or fuel cells, there may not be a relevant ACS and reliance is placed on competencies in similar areas and manufacturer/employer training – NB: GSIUR does not apply to factories as defined by the Factories Act but training requirements under PUWER and HSWA still apply. Information about the most current ACS framework is available from [EU Skills](#) [7];

The industry standard for “Standards of training in gas work” is [IGEM/IG/1](#)

**Registered engineers**

48. Following triage, all RIDDORs and concerns involving Gas Safe Registered engineers are forwarded to the Gas Safe Register (GSR) without referral to PI.
49. Gas Safe Registration represents a means by which the engineer has been, and should continue to be, assessed for application of competence. Therefore, any case alleging incompetence will be initially considered by the Register.
50. GSR use RIDDOR reports in their ‘risk profiling’ system. Information will be logged against the individual (and if relevant the employing company) and their work will be monitored by GSR to ensure they are indeed meeting competence criteria.
51. If the individual’s work is found to be an unacceptable standard, the GSR can impose sanctions, including suspension pending re-training/assessment or removal from the Register, which will have significant financial impact on their business

52. GSR will return concerns/ RIDDORs to HSE if they meet the GSR selection criteria – namely they have been:
- identified as repeatedly working outside of their scope of competences, OR
  - have been subjected to an enhanced inspection regime and have failed to attend or pass the mandatory training event, OR
  - suspended from the Register.
53. Therefore, **if a registered engineer is passed to a PI for further consideration it will be because GSR has concerns about an engineer** and will provide evidence to back up those concerns – e.g. evidence to prove a lack of competence, or repeatedly working outside of their scope of competences OR the engineer has been implicated in a fatal incident.
54. If there is a lapse in gas safe registration identified and a person carried out gas work after their registration period has expired there is a breach of Regulation 3(3). Consider the length of time since registration – up to 6 weeks between registration might be considered an administrative error, and they can re-register at GSR without the initial joining fee. If it is over 6 weeks the register will treat that engineer as a new registration.
- If a case indicates gas work carried out within 6 week period of expiration forward the case to the Gas Safe Register at [REDACTED],
  - If an individual carried out gas work after that 6 week period without re-registration this should be considered as illegal works.

### **Working outside of competencies**

55. The Gas Safe Register will write to an engineer if they are identified as working outside of their competencies. The Register will notify HSE if an engineer is found to be working outside of their competencies on a repeated basis and will provide the previous advice to allow HSE to consider this in line with the EMM.
56. The engineer's ID card will have on its reverse side a list of those activities for which competence has been demonstrated.
57. Gas Safe Register's own rules require an engineer to have the required ACS for the type of fitting/appliance they are working on. Working without a specific competence (or out of scope) is not in itself a breach of GSIUR regulation 3(3), (which only demands the engineer, or if application their employer, is registered), nor is it usually sufficient proof of a lack of competence under regulation 3(1). It is still necessary to provide other evidence of lack of competence to sustain enforcement action (e.g. an installation being found to be dangerous after the engineer has worked on it).
58. Working out of scope would include those who are employed and not registered in their own right (i.e. 'moonlighting' or doing private work under their employers' registration) or registered engineers working out of scope of their competencies i.e. where they do not hold the relevant ACS (i.e. working on a gas fire when they do not

hold the gas fire ACS qualification). The register will deal with this in the first instance, but GSR will refer persistent cases to HSE for consideration.

59. If, on the circumstances of the case, inspectors decide to proceed with enforcement action, they should apply the EMM based on the facts and risk arising from the work undertaken. Any actual harm caused and information from the Gas Safe Register, including the record of qualifications, previous assessments, any history of sanctions or suspensions for individual engineers and businesses, will influence dutyholder factors.
60. Any registered business/engineers acted against by HSE will need to have their Gas Safe Registration status reviewed by GSR. The wording on notices must be carefully considered as prohibition notices will result in suspension from the register – the register can suspend single work categories, therefore a prohibition notice against a specific work category may be appropriate.
61. Work categories can be found at: <https://www.gassaferegister.co.uk/help-and-advice/understand-the-gas-safe-id-card/what-do-the-id-categories-mean/>
62. The Gas Safe Register should be made aware of any enforcement action taken against a registered engineer. Prohibition notices or prosecution taken will affect a business/engineer's status on the Register. Send an email with Registration number, business name and address, type of notice, or outcome of prosecution, material breaches and what is required for compliance and inspector details so that the register can check that the notice has been complied with to:  


### **GSIUR Regulations to consider for Registered Engineers**

63. Given the requirements of the Register for engineers to achieve the appropriate ACS qualifications, registration should be enough to show compliance with regulation 3 of GSIUR, unless evidence from the Register proves lack of competence and / or persistent work out of scope, therefore in breach of 3(1) (See paras 52-59 above).
64. A registered gas installer should not undertake any gas work and leave the situation in an unsafe condition. Consider the following:
  - leaving uncapped pipes (GSIUR regulation 6),
  - unprotected or unsupported gas fittings (GSIUR regulation 7)
  - faulty installation of appliances, giving rise to clear danger, representing a prima facie breach of GSIUR regulation 26 (various sub-sections are relevant particularly regulation 26 (9) which requires the work to be checked for safety) or 33;
  - provision of dangerous flues for appliances e.g. incompatible flue, flue installed in inappropriate location, not properly jointed/supported, termination in wrong place, and post 2007, a flue concealed in a void (GSIUR regulation 27);
  - installation/connection of new appliances to seriously defective flues (GSIUR regulation 27);
  - any other installations with gross deviations (including ventilation deficiencies) from the requirements of relevant British Standards, current at the time, in particular BS 5440, Part 1: 2008 Specification for installation of gas appliances to chimneys and for maintenance of chimneys and Part 2: 2009 Specification for the installation and

maintenance of ventilation provision for gas appliances, dealing with flueing and ventilation matters;

- installation of unsuitable appliances in bathrooms and bedrooms, in contravention of GSIUR regulation 30 or 36(11);

65. Registered engineers are accountable for overlooking, ignoring or missing such situations (detailed in 61 above) as well as general poor workmanship.

Scenario	If you are satisfied that there is evidence of:	IEE
Registered gas engineer with evidence from GSR of repeated work outside scope of competence from the gas safe register	<ul style="list-style-type: none"> <li>• gas work (as defined by GSIUR)</li> <li>• carried out the work outside scope of GSR competence</li> <li>• an ID or AR identified</li> <li>• evidence of relevant previous history from GSR and/or HSE</li> </ul>	Letter (NOC) for material breach of regulation 3(1) for lack of competence in a specific work category and PN against a specific work category
	<ul style="list-style-type: none"> <li>• As above and signs of spillage, significant harm caused or record of high CO levels as a result of this gas work</li> </ul>	Letter (NOC), PN and consider prosecution
Registered gas engineer	<ul style="list-style-type: none"> <li>• Gas Safe Register have raised a concern about a registered engineer and have provided evidence of a persistent lack of competence and resultant risk.</li> </ul>	Letter (NOC) and PN
<b>These are a guide; inspectors maintain their autonomy to make enforcement decisions based on the EMM and the evidence in each case.</b>		

### Unregistered fitters

66. ALL unregistered gas fitters will be passed to the Principal Inspector if there is evidence of unregistered Gas Work.

67. All gas engineering businesses, including self- employed gas engineers are required to be in membership of the Gas Safe Register to carry out gas work in premises covered by GSIUR. Failure to comply is a material breach of the law. This duty is on the employer, Reg 3(3).

68. If a person is paid cash for gas work, they can be considered self-employed. Be aware that DIY work or favours for friends where no cash occurs and there is no employment status will still be in breach of Regulation 3(1) if cannot prove competence.
69. The rules of Gas Safe Register registration require that all engineers within a business are registered.
70. **High priority** should be given to **unregistered fitters who have been previously warned** about carrying out work while not Gas Safe registered.
71. Those carrying out work incompetently require particular attention, with action to be escalated if they have made false claims of registration;
72. GSR may have information on unregistered gas fitters who have previously come to their attention. Gas Officers will notify GSR about an illegal fitter investigation when it is passed to the PI, so GSR should advise at that point if they have information on the individual / company. You can request further information by requesting a statement from the register using the [statement request form](#) and sending it to [REDACTED]
73. Previous interventions against an unregistered gas fitter by the GSR may be considered as previous advice within the EMM.
74. Carrying out 'work in relation to a gas fitting' without being registered is an offence, meriting action in its own right. A Notification of Contravention letter for a material breach of regulation 3(3) should be considered, to prevent further work and protect the public. Consider Prohibition Notice if there is evidence of risk from the work done and / or previous advice.
75. Should evidence come to light that they have subsequently undertaken further gas work and chosen to disregard the prohibition notice then consider **Prosecution**, with greater weight if there has been intent to deceive and/or work has resulted in risk to the public due to incompetence.
76. If information is received that businesses are falsely claiming to be registered (which is also an offence of regulation 3(7)) or using someone else's identity or registration number (e.g. through advertisements in the local press or letterheads on quotes for gas fitting work), and gas work has taken place, this should be given particular attention.
77. You should notify GSR but advise them if you require them to hold action against misuse of brand until the outcome of any criminal investigation.
78. Where action is likely to be for false claims alone, forward the information to the GSR at [REDACTED] Trading Standards Officers (TSOs) are responsible for separate consumer protection legislation, which also makes false claims of Gas Safe registration an offence. The Gas Safe Register will liaise with the TSOs on matters of false claims if there is no other criminal investigation by the HSE.
79. If false claims are only part of the criminal investigation, HSE might consider a joint investigation with TSOs.

80. Gas officers should pass information about unregistered fitters to Gas Safe Register at [REDACTED] with as much personal detail as possible to enable identification of the individual/business. This will be kept on record in case of future concerns.
81. If an appliance is fitted by an unregistered fitter but “signed off” by a registered engineer Gas Safe Register’s Technical Bulletin 014, *Gas Work*, <https://www.gassaferegister.co.uk/media/2017/tb-014-gas-work.pdf> provides industry guidance about registered engineers ‘signing off’ work done by unregistered fitters which if done for the purposes of circumventing duties under GSIUR is not acceptable. Inspectors should consider enforcement against the registered engineer under Section 3 of the Health and Safety at Work etc Act 1974 if there is evidence of them repeatedly signing off work done by unregistered fitters.
82. Also give consideration to the business / person who contracted gas work to unregistered gas fitters. Those requiring work in relation to a gas fitting in any place under their control should take reasonable efforts to obtain evidence that the person / business contract to is gas safe registered, as required by regulation 4 of GSIUR.

### Trainee Gas Fitters

Trainee gas fitters – industry standards accept that trainee gas fitters carry out “On the job” training, [IGEM/IG/1](#) Standards of training in gas work

83. On the job training must be under direct supervision of a Gas Safe Registered engineer.
84. Direct supervision is required from the Gas Safe Registered engineer to ensure that they can take full responsibility of the gas work. Supervising registered engineers must observe all of the gas work carried out by the trainee to meet this requirement.
85. NB: The Gas Safe Register is carrying out a feasibility study into the possibility of student registration.

Scenario	If you are satisfied that there is evidence of:	IEE
Unregistered gas fitters – employed or self employed	<ul style="list-style-type: none"> <li>Evidence of any gas work (as defined by GSIUR) while not a member of the Gas Safe Register – No evidence of ID or AR situation</li> </ul>	Notification of contravention letter for material breach of regulation 3(3)
	<ul style="list-style-type: none"> <li>Evidence of any gas work (as defined by GSIUR) while not a member of the Gas Safe Register AND evidence of ID or AR</li> </ul>	Notification of contravention letter for material breach of regulation

		3(1) and Reg 3(3) and PN
	<p>As above AND</p> <ul style="list-style-type: none"> <li>• signs of spillage, evidence of gas leak , recorded levels of CO</li> <li>• deliberate economic advantage</li> <li>• that there was a significant risk (ID or AR)</li> <li>• previous relevant advice from HSE or GSR</li> </ul>	Notification of contravention letter for material breach of regulation 3(1) and Reg 3(1), PN and consider Prosecution
Falsely claiming membership of the register	<ul style="list-style-type: none"> <li>• False use of GSR branding or use of an incorrect GSR registration number</li> <li>• In addition to aggravating features above</li> </ul>	<p>Notification of contravention letter for regulation 3(7)</p> <p>Consider prosecution</p>
Person (employer or self-employed) in control of work where work was required in relation to a gas fitting. For example Gas Fire sales contracting to unregistered fitters.	<ul style="list-style-type: none"> <li>• Sub contracted gas work to an unregistered fitter</li> </ul>	Letter (NOC) for regulation 4
<p><b>These are a guide; inspectors maintain their autonomy to make enforcement decisions based on the EMM and the evidence in each case.</b></p>		

### Builders and contractors

86. Following triage, concerns regarding construction work will be passed to:
- **Construction Principal Inspectors** if the construction **work is ongoing**.
  - **FOD Principal Inspectors** if the construction **work has been completed**.
87. **Upstream:** RIDDORs raised for dangerous occurrences for third party damage to gas pipelines upstream of the ECV will be considered by:
- Construction Division if the third party is a construction / civil engineering company.
  - FOD if the main work activity is a FOD activity (agriculture, utilities)
  - Any work carried out by the service provider or network (including contractors to the supplier or network provider) will be investigated by Energy Division, Gas and Pipelines.

88. **Downstream:** If the construction work is ongoing - further enquiries / investigation will be for the Construction Teams. If the construction work activity is completed the concern or RIDDOR will be passed to FOD for further enquiries.
89. If there is evidence of gas work – if the evidence indicates that the dangerous gas appliance was due to gas work consider material breaches of GSIUR against the gas fitter or contractor and material breaches of CDM or regulation 4 of GSIUR for those in control of the works.
90. **DIY stores, kitchen installers etc**, which subcontract gas work, should receive careful consideration particularly if they have come to HSE’s attention previously.
91. Regulation 8(1) alterations may include: chimneys reduced in height or capped, rubble blocking flues, fitting flue liners or terminal, altering ventilation through fitting double glazing, cavity wall insulation, removal of fixed permanent ventilation or blocking vents with insulation material, building extensions around flue terminals, fitting extractor fans – this list is not exhaustive.
92. Regulation 8(2) covers everything else that may affect safety such as blocking or obstructing an air supply vent or flue, changing the provision of ventilation in a room.
93. If construction inspectors identify ongoing construction work where there is evidence that alteration or modifications of premises would adversely affect the gas safety of the appliance within – without suitable prior consideration given to any implications for gas safety - consider material breaches of CDM or GSIUR regulation 8(1), (2) or (3).
94. If a serious concern is identified, i.e. a flue discharging products of combustion into a weather tight extension in occupied premises, contact the gas emergency services provider, who can cap off the gas to eliminate the risk. If appropriate, also consider contacting the technical team at GSR for further advice.
95. If contractors disturb or block flues or flue terminals giving rise to possible risks to gas consumers, and there is no evidence that;
- reasonable steps to understand the implications that the work will have on gas safety, or
  - the risks were properly addressed when alterations to premises were planned,
- the minimum action should a notification of contravention letter to the company if there is a material breach of GSIUR (regulation 8), HSW Act section 3 or CDM.
96. If this action results in an identified Gas Industry Unsafe Situation ([GIUSP](#) (ID or AR)), if there is a repeat offence, or where a serious or fatal incident occurs following building or house improvement work **and** there is sufficient evidence that the work caused, or materially contributed to, the incident or significant release of CO into living space **inspectors should consider prosecution;**
97. Building contractors' work can put lives at risk, e.g. through capping-off active chimneys serving gas appliances, blocking chimneys with rubble during chimney repairs, enclosing flues within newly built extensions or conservatories, or altering

the relative position of appliances/flues when fitting kitchen units or other cupboards. Energy-efficiency initiatives in homes, including social housing, e.g. loft and cavity wall insulation and external cladding, have the potential to impact on gas safety;

98. Builders may also be involved in carrying out gas work whilst unregistered, in some cases arranging for a subsequent check/approval by a Gas Safe registered engineer. Any unregistered gas work is a material breach of regulation 3(3) of the [GSIUR](#) – See Unregistered Fitters section, in particular paragraph 78 about signing off unregistered gas work.
99. All installation work involving gas fittings, appliances and gas pipework should only be undertaken by a Gas Safe registered engineer; work on the 'wet' side such as radiators and associated water pipework may however be done by others.

Scenario	If you are satisfied that there is evidence of:	IEE
Builder	<ul style="list-style-type: none"> <li>• There is a gas safety concern</li> <li>• Building works have physically altered the premises which has directly affected the safety of a gas fitting or vessel</li> <li>• No prior consideration of how alteration works will affect gas safety</li> <li>• A gas safe registered engineer has not considered the gas risks</li> </ul>	Notification of contravention letter for material breach of Regulation 8(1)
	<p>As above AND</p> <ul style="list-style-type: none"> <li>• Evidence of previous advice</li> <li>• The alteration works have resulted in a significant gas safety situation (ID /AR),</li> <li>• CO readings in living accommodation and / or home occupier showing signs of CO poisoning and / or</li> <li>• Previous relevant advice</li> </ul>	Notification of contravention letter for material breach of Regulation 8(1) and IN  Consider and Prosecution
Any other persons who affected gas fittings or flue or means of ventilation that	<ul style="list-style-type: none"> <li>• There is a gas safety concern</li> <li>• Any modifications other than physical alterations which have directly affected the safety of a gas fitting, flue or means of</li> </ul>	Notification of contravention letter for material breach

Scenario	If you are satisfied that there is evidence of:	IEE
affected the gas safety of that fitting or flue	ventilation without reasonable steps to ensure gas safety <ul style="list-style-type: none"> <li>• No prior consideration of how works will affect gas safety</li> <li>• A gas safe registered engineer has not considered the gas risks</li> </ul>	of Regulation 8(2)
	<ul style="list-style-type: none"> <li>• Evidence of previous advice</li> <li>• The works have resulted in a significant gas safety situation (ID /AR),</li> <li>• CO readings in living accommodation and / or home occupier showing signs of CO poisoning and / or</li> <li>• Previous relevant advice</li> </ul>	Notification of contravention letter for material breach of Regulation 8(2) and IN consider Prosecution
Principal contractor or project manager	<ul style="list-style-type: none"> <li>• The person with overall control of the work fails to ensure that alterations and modifications carried out do not affect gas safety.</li> </ul>	Notification of contravention letter for material breach of Regulation 8(3)
	As above AND <ul style="list-style-type: none"> <li>• Evidence of previous advice</li> <li>• The works have resulted in a significant gas safety situation (ID /AR),</li> <li>• CO readings in living accommodation and / or home occupier showing signs of CO poisoning and / or</li> <li>• Previous relevant advice</li> </ul>	Notification of contravention letter for material breach of Regulation 8(3) and IN consider Prosecution
Person (employer or self - employed) in control of work where work was required in relation to a gas fitting.	<ul style="list-style-type: none"> <li>• Sub contracted gas work to an unregistered fitter</li> </ul>	Letter (NOC) for regulation 4

## Legal Advice

100. As with all other HSE investigations, some gas investigations may require Independent Legal Oversight, and you should consider whether the criteria detailed in [OC 168/11](#) applies to your case. NB: this may not be required in Scotland, where sensitive cases should be discussed with the line manager and Head of Operations and, when appropriate with the COPFS.
101. Gas investigations often involve internet searches, and, in some circumstances, such online investigations may require directed surveillance authorisation. The Regulation of Investigatory Powers Act 2000 (RIPA) sets down strict criteria if it is intended to use directed surveillance which must be followed in such cases. More guidance on direct surveillance can be found at: <http://intranet.hse.int/legal/guidance/directed-surveillance.htm>.
102. If the identity of a suspect is disputed, please be aware that HSE acts in accordance with CODE D of the Police and Criminal Evidence Act 1984. CODE D governs how the identity of a suspect can be established within the context of a criminal investigation. If you require advice on how the CODE should be applied then you should discuss the issues with your Principal Inspector, or if necessary, contact Legal Adviser's Office (LAO) for more guidance.
103. If obtaining information from a bank, an inspector will need to use their Section 20 powers as banks owe a duty of confidentiality to their customers and will not release information voluntarily. To overcome any GDPR objection, the exemption should be quoted i.e. as provided by Paragraph 2 of Schedule 2 of the Data Protection Act 2018 as this information is required for law enforcement purposes. If this fails, approach your Principal Inspector or LAO for more guidance.

## Technical support for investigations

Incident	What support	Where to go for Technical support	Where to go for more information
Fire and explosion / CO incident / including incidents involving gas (natural or LPG) biofuel,	Investigation and evidence gathering in line with evidential continuity and CO simulations	HSE Science Division – Gas Incident Investigation	For urgent requests within office hours 8:30am until 5.00pm contact Buxton Reception 0203 028 2000 and ask for Gas Investigation specialist  If urgent out of hours assistance is required contact details for specialist Science Division personnel can be found in Annex 4 of your division's major incident contact list under Gas Engineering Incidents.

Incident	What support	Where to go for Technical support	Where to go for more information
oil & solid fuel			<p>Send non urgent requests and questions to [REDACTED]</p> <p>Contact can be made in the first instance, but this contact must be followed by a:  “HSLREQ1 - HSE Request for HSL Reactive Support form”</p> <p>This can be found at the ‘forms desktop’</p>
Exposure to CO symptoms	Interpretation of medical records	HSE’s Medical Advisor	Send a request through [REDACTED]
		Occupational Health Inspectors	Use normal contact routes
CO incident	Investigation into possible dangerous gas appliances.	Gas Safe Register	<p>Fill in a GSSR1 form which can be found at:  <a href="http://intranet.hse.int/science/howdoi/technical-support-for-gas-safety-investigations.htm">http://intranet.hse.int/science/howdoi/technical-support-for-gas-safety-investigations.htm</a></p> <p>Send GSSR1 forms to [REDACTED]</p>

104. For investigations where continuity of evidence is critical – both for Fire and Explosion and serious CO incidents (including some non-gas related CO incidents) - Science Division should be approached. Science Division can also assist where there is a need for any forensic analysis, laboratory testing or where secure storage of potentially evidential material such as parts of gas appliances is necessary; Science division can be approached using the email address [REDACTED]
105. In all other cases, technical support can be commissioned from Gas Safe Register.
106. Gas Safe Register provides investigation support as part of the contract to run the Register. Guidance on obtaining technical support for gas safety investigations may be found in the [Technical Support for Gas Safety Investigations](#) section of the *Research and Science & Engineering Projects* web page on the Intranet. This explains

that assistance for HSE (and LAs) should be commissioned using **form GSSR1**; <https://extranet.hse.gov.uk/lfserver/external/gssr1>.

107. LAs fill in GSSR1 forms which will be sent to the HSE band 2 to authorise. Police and Coroners must request technical support of GSR by approaching HSE Band 2s directly.
108. As part of the contract with Gas Safe Register, there is a maximum response time of 24 hours for serious incidents (fatalities, potential fatalities or other incidents with serious consequences). Gas Safe Register do not provide a 24 hour contact service. Requests can be made using the GSSR1 form above, telephone calls should be made in office hours and followed up by a GSSR1 form. Consider using a Notice to leave undisturbed on a gas appliance suspected of causing a CO Incident if the technical investigation is delayed.
109. If you require advice on the level of risk created by unsafe gas work to assist with benchmarking, determining the risk gap or sentencing guidelines contact Science Divisions Gas Investigation Specialist or GSR's technical advice line – Tel: 0800 408 5577
110. Any concerns raised regarding GSR's technical support please contact the HSE's Manager for the GSR Contract using the [REDACTED] email address
111. 'Expert' evidence/statements may be provided by Science Division or the Gas Safe Register depending on the circumstances.
112. 'Expert' evidence on the effects of exposure to carbon monoxide may be provided by HSE's Occupational Health Inspectors or Principal Medical Advisers.
113. **Only Gas Safe registered engineers should test, check or dismantle gas fittings. HSE staff should not, under any circumstance, attempt to interfere with any equipment which may still be 'live' to the gas supply (unless they are Gas Safe registered – Science Division).**
114. In the course of the investigation, the technical investigator may decide to carry out a CO simulation test. Further information on how to [manage a CO simulation](#) is available.
115. For procedural, regulatory and technical advice, consult Sector colleagues in the
  - Manufacturing Utilities Unit (MUU) – Downstream Gas Sector
  - Construction Sector

### **Fires and explosions**

116. Fires and explosions can often either completely or partially destroy relevant evidence. This can occur as a result of the fire/explosion itself or sometimes, as an inevitable consequence of the emergency services work.
117. The police will call out the gas conveyor to these incidents. It will often be unclear initially whether the source of the explosion is from the distribution network and for Energy Division to investigate, or from the pipework in the premises, in which case it falls to FOD. Until the source is established it has been agreed that FOD will make initial contact and/or attendance; see [OC 440/28](#).

118. Inspectors should make contact with the gas conveyor's engineer on site (or whoever attended site) for further information.
119. In the case of a fatality or serious incident where there is a dutyholder, consideration should be given as to whether HSE attends in line with HSE policy and procedure.
120. When buildings have been damaged by fire or explosion, advice about building stability may be required before entry - contact the appropriate Specialist Inspector or the local authority building control officer who deals with dangerous structures. If there is any doubt about safety of the building, HSE staff should not enter. Consideration should also be given to the possibility of the presence of asbestos in building debris and any necessary precautions taken.

### **Carbon monoxide incidents**

121. Bear in mind, due to difficulties in initially establishing whether CO was the cause of a death or injury the gas conveyor may make reports that are not later substantiated. For example, unexplained death near a gas appliance or suicide using a gas appliance. Gas suppliers may also want confirmation before committing themselves to the expense of an investigation.
122. If the incident has resulted in a fatality in England and Wales, the Coroner's Officer is responsible for investigating to confirm CO poisoning (or other cause of death). In Scotland, where a post-mortem has taken place, COPFS may be able to confirm whether the fatality was linked to CO poisoning, but this may be several weeks after the incident. A decision would still be needed on how to preserve potential evidence. Technical assistance can be provided by the Gas Safe Register (see para [106](#))
123. In other cases, contact should be made with the affected person(s), if necessary HSEs Occupational Health Inspectors (OHIs) can write to hospitals to request CO levels and assistance can be sought from Science Division's Principal Medical Advisors / OHIs to interpret the information.
124. If there is a concern for the safety of past clients exposed to dangerous situations by an individual who has completed gas work- information regarding HSE's duty to inform past clients can be found at [OC 440/35](#)

### *Effects of exposure to carbon monoxide*

125. Carbon Monoxide is a colourless, odourless, tasteless and non-irritant gas. It combines readily with the haemoglobin in the blood to produce carboxyhaemoglobin (COHb), thereby reducing the amount of oxygen being carried to vital organs. Death occurs by chemical asphyxia.
126. Symptoms in humans are related to carboxyhaemoglobin levels. The table below extrapolates the carboxyhaemoglobin values to approximate atmospheric CO levels, for a single 8-hour or 15-minute exposure, assuming a moderate level of physical activity in the exposed person. Symptoms are shown in the table for various levels of exposure.

### Carboxyhaemoglobin values in blood to approximate atmospheric CO levels

[extrapolated using the Coburn-Forster-Kane equation (Coburn RF, RE Forster and PB Kane, 1965)]

% COHb	Equivalent atmospheric CO concentration (ppm)		Symptoms
	8 hour	15 minute	
0.7 - 5	0.1 – 30	0.1 - 300	No clinical signs or symptoms in healthy individuals.
3 - 6	20 – 40	160 - 370	Cardiovascular effects in patients with pre-existing cardiovascular disease: exacerbation of pre-existing exercise-induced angina (chest pain); ventricular arrhythmia (abnormal heart rhythm) during exercise.
5 - 10	30 – 70	300 - 650	Compensatory increase in blood flow to brain and certain other vital organs. NB: Smokers normally average a 'background level' of 5% to 7% COHb though this may be higher depending on their smoking habits.
10 - 20	70 – 135	650 - 1350	Headache; exertional dyspnea (shortness of breath on minimal effort).
20 - 30	133 – 200	1350 - 2050	Throbbing headache, nausea, loss of fine manual dexterity and reduced capacity for calculation and discernment.
30 - 40	200 – 270	2050 - 2750	Severe headache, dizziness, nausea, vomiting, fatigue, visual disturbances.
40 - 50	270 – 335	2750 - 3450	Tachycardia (rapid heart rate), tachypnea (rapid breathing), syncope (fainting).
50 - 60	335 – 400	3450 - 4150	Coma and convulsions.
60 - 70	400 – 470	4150 - 4850	Respiratory failure and death, if not treated
> 70	> 470	> 4850	Rapidly fatal.

127. For living persons, COHb levels fall rapidly when exposure ceases and/or they are receiving oxygen treatment. So, to measure COHb, blood tests should be taken promptly. For example, 4 hours after exposure COHb may have reduced by up to 50%. For deceased persons, COHb levels at the time of death will remain unchanged in the absence of natural decomposition (eg if the body is kept cold in a mortuary).

#### **Gas Investigation/Prosecution advice**

128. More information on carrying out gas investigations and advice around gas prosecutions can be found in [FISH](#)

#### **Fee for Intervention (FFI) considerations**

129. Work carried out by administrative staff (eg Gas Officers) is not FFI cost recoverable;
130. Once an Inspector identifies a 'material breach' (eg, landlord has no gas safety record or work done by unregistered fitter), any work completed by the Inspector or Visiting Officer is cost recoverable as is any specific support/advice from the relevant EPD Sector (MUU/Utilities section); More information on Cost-recovery can be found at <http://intranet.hse.int/strategy/cost-recovery/>
131. Guidance on invoice comments can be found at <http://intranet.hse.int/strategy/assets/docs/invoice-comments-guidance.pdf>
132. **However**, time spent by any Gas Safe Register (GSR) personnel is **not** recoverable under FFI because of the terms of the service concession agreement with GSR;
133. The costs of the inspector's time are recoverable **without** the need for a site visit where sufficient evidence of a material breach is available. For example:
- using evidence from Gas Safe Register of 'At Risk' or 'Immediately Dangerous' work by an unregistered fitter, supported by evidence from the householder, or
  - evidence of a tenanted property where annual safety checks are not demonstrated to have been done/ there is evidence of poor maintenance.
134. When deciding how to apportion any FFI where there are multiple dutyholders (e.g. landlord & engineer) refer to the existing instructions on FFI procedure.

## Appendix 3 Further information on relevant legal requirements

### ***Health and Safety (Enforcing Authority) Regulations 1998***

135. The enforcement of HSW Act provisions, including those of GSIUR, at any particular premises is determined by the Health and Safety (Enforcing Authority) Regulations 1998 (EA Regulations). <http://www.hse.gov.uk/foi/internalops/og/og-00073-appendix1.htm>
136. Inspectors should note:
- schedule 1, which allocates premises to LAs, is linked to EA Regulations regulation 3(1) which deals with non-domestic premises only. Houses rented out to tenants by landlords are usually domestic premises and any related gas safety matters under GSIUR and HSW Act remain with HSE;
  - **schedule 2, para 4(b) states that the installation, maintenance or repair of any gas system, or any work in relation to a gas fitting is enforced by the HSE.** This claws back to HSE any gas installation, maintenance or repair work at local authority (LA)-assigned premises which is done by persons who do not normally work in the premises. Maintenance in this context should be regarded as actual work on an appliance, rather than failure to do any maintenance work at all;
  - HSE is responsible for all gas safety matters at council houses and flats (EA Regulations regulation 4(1)(a) and 4(3));
  - this does leave some gas safety matters to LAs at premises assigned to them under schedule 1. These are:
    - the use of gas, eg the use of unsafe appliances;
    - gas installation etc work done by employees or the self-employed, who normally work there; or
    - any failure on the part of an employer or landlord to maintain appliances at the premises (see (2) above).

### ***Gas incident reports [RIDDOR 2013 regulation 11(1)]***

137. All gas incidents causing death, unconsciousness or a person(s) being taken to hospital for treatment (including: exposure to unburnt gas, fire, explosion, carbon monoxide poisoning from any cause including misuse of an appliance, suicide and failure to have appliances serviced) are reportable under RIDDOR **even** where there is no work related activity. The person responsible for reporting the incident is,
- for incidents involving natural gas – the gas conveyor, and
  - for incidents involving liquefied petroleum gas – the gas supplier.
- If a fatal gas incident comes to HSE's attention where the correct notifier cannot be identified, then the local HSE office should submit the RIDDOR report in the absence of one.
138. Some RIDDOR 11(1) reports of 'suspected' carbon monoxide incidents might later prove to be false. This may happen:
- in the event of a CO death from petrol, or

- an unexplained death in a room with a heating appliance, or
- someone being taken to hospital after a CO alarm has activated or fumes smelled, or
- following visits by engineers responding to an emergency call, as their standard procedure is to assume the worst and isolate the gas supply.

### ***Dangerous gas fittings [RIDDOR 2013 regulation 11(2)]***

139. RIDDOR 11(2) requires an approved person to report a gas incident if they have sufficient information to decide that the design, construction, manner of installation, modification or servicing of a gas fitting is, or could have been, likely to cause the death, loss of consciousness or taking to hospital of a person because of:
- the accidental leakage of gas;
  - the incomplete combustion of gas; or
  - the inadequate removal of the products of combustion of gas,
140. This captures ongoing risks e.g. gas appliances identified as having serious flueing, ventilation or combustion defects which the approved person deem likely to cause serious injury.
141. The requirement has an element of work activity in that the dangerous fitting is as a result of the design, construction, manner of installation, modification or servicing of a gas fitting.

### ***Gas Safety (Management) Regulations 1996 (GSMR)***

142. The Gas Safety (Management) Regulations 1996 (GSMR), regulation 7(14) place duties on natural gas suppliers to carry out investigations of RIDDOR regulation 11(1) carbon monoxide (CO) incidents. Similar duties are placed on gas conveyors (Gas Distribution Networks or Independent Gas Distribution Networks) in relation to fire and explosion incidents arising out of gas escapes from fittings in domestic premises under GSMR regulation 7(12). [OC 440/28](#) advises on demarcation and liaison arrangements with Energy Division who cover incidents involving the supply pipework up to the meter.
143. There is no statutory requirement for LPG suppliers to carry out investigations under GSMR, however there is a duty on LPG suppliers, under GSIUR regulation 37, in the event of a gas escape. Where a dutyholder is implicated, inspectors should make arrangements for technical support (see *Technical support for investigations* (page 55) for more details) and LPG suppliers may assist with some investigations.
144. GSMR regulations require HSE to be notified before investigations on behalf of the supplier or conveyor commence. However, it should not be assumed that the investigator will always notify HSE, so it is advisable to be proactive in identifying the supplier's investigator. MUU Utilities Section maintains a list of gas suppliers' contact details and their appointed investigators. See [REDACTED]

145. If inspectors consider it appropriate to look at the incident location before the GSMR investigation commences, or along with the investigator nominated by the supplier to carry out the investigation, this should be arranged at the earliest opportunity.
146. There may be occasions where there is a conflict of interest, e.g. an engineer employed by the gas supplier has recently carried out work on an appliance in the property concerned. In such circumstances, it has been agreed with suppliers that they will use an independent investigator to carry out the GSMR investigation.
147. Investigations should proceed without any undue delay, particularly where a householder/tenant is without means of heating/cooking. There have been instances where Gas Safe registered engineers have carried out work on an appliance (e.g. at the request of the householder) before the gas supplier's investigation has begun, thereby preventing any meaningful investigation. **Engineers** should be aware that they **should check with HSE before starting work on an appliance** when there has been a gas incident reportable under RIDDOR 11(1). Unless the work has been a deliberate attempt to interfere with the investigation, report the matter to Gas Safe Register for their action.
148. Once a decision has been made to investigate a natural gas incident, reliance can often be placed on the supplier's investigation for much of the technical evidence; however it must be understood that they are working to fulfil the statutory duty under GSMR, and not specifically under HSE's direction, and it is essential to ensure that all parties are aware that the Police/HSE investigation has primacy, and that the supplier's investigation should not adversely affect this.
149. It is important to remember that suppliers/conveyors have a legal duty to investigate and their appointed investigator must not be excluded from the process, even if they attend as an observer only.
150. When a death has occurred, the police, coroner's officer or COPFS may wish to carry out their own investigations to obtain evidence about the cause of death for inquests (fatal accident inquiries in Scotland). The police, Coroner or COPFS may use the expertise of the gas supplier's investigator to collect and present evidence in cases in which HSE has no further interest (i.e. no dutyholder) and this should be facilitated where possible.
151. It is helpful when first making contact to encourage the GSMR investigator to call back if they find the situation is more serious than initially thought. At this point, or in cases where there has been a death, casualties, or indications of a serious breach and where additional evidence may be required, consideration should be given to enlisting support from Gas Safe Register and/or HSE's Science Division at an early stage. Where appropriate, also consider seeking advice from Occupational Health Inspectors / HSE Medical Advisors. See Technical support for investigations (page 55) for more information on requesting technical support and intranet pages <http://intranet.hse.int/science/howdoi/technical-support-for-gas-safety-investigations.htm>

### **Relevant Industry Standards**

152. A list of appropriate Standards, ACOs, guidance and other relevant information sources can be found on the Gas Safe Register website in the Legislative, normative and informative document list at [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk)
153. HSE can gain access to industry standards from the Gas Safe Register website's engineers pages. For username and password contact [REDACTED]
154. Advice on standards and their application can be obtained from technical specialists – go to Technical support for investigations (page 55) for contact details.

### **Data reporting**

155. In addition to HSE published [gas incident statistics](#) the gas industry has its own long established mechanism of reporting and recording information on CO incident investigations via the use of the 'Downstream Incident Data Report' (DIDR) form. The DIDR form is usually completed by the gas supplier's GSMR investigator. These forms are used to produce an annual incident report that is published by the [Gas Safety Trust](#).
156. The data collected via the DIDR process is analysed by industry over time to show trends in causation, appliances type etc. This is used to inform research needs, standards development and working practices. Whilst the completion of DIDR forms is not an HSE imposed requirement, HSE does support the process, and in the unusual event that FOD staff are approached to provide information, they are encouraged to complete the DIDR form once the investigation and any legal process is complete (this is most likely to happen if, unusually, no GSMR investigation is carried out). Consider HSE's duties under GDPR when completing a DIDR form.

### **Incident reporting**

157. The relevant gas conveyer (or the emergency service provider acting on their behalf) should report, via HSE's RIDDOR reporting website, within 2 hours of attending an incident. Conveyors are also obliged to notify the gas shipper/supplier of the incident within 2 hours, in accordance with duties under their [Uniform Network Code](#).
158. LPG incidents may not be reported initially by the LPG supplier (the dutyholder), as they may not be aware of the incident. In some cases, it may not be possible to identify the supplier. Where HSE staff are informed of incidents, e.g. by the police, they should, wherever possible, contact the gas supplier and ask them to report the incident to HSE's RIDDOR reporting website. Where the supplier cannot be identified, the local HSE office should make the report.

### **Downstream incident investigation by natural gas conveyors and suppliers**

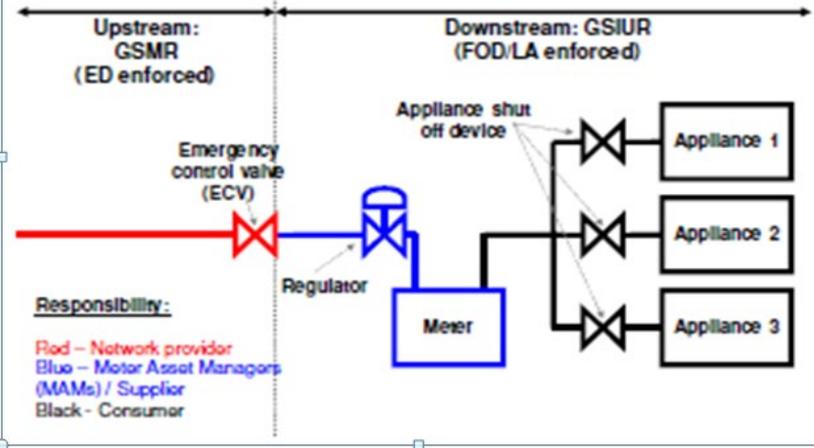
159. The 'conveyor', often known as the transporter, is the organisation which owns the gas service pipes and the 'supplier' is the organisation which supplies gas to consumers and bills them.

160. GSMR places duties on conveyors and suppliers of natural gas to investigate certain downstream incidents:
- Gas escapes from gas fittings in domestic premises that have resulted in a fire or explosion (i.e. not just those where there have been deaths or major injuries). The conveyor immediately upstream of the emergency control valve at the premises should investigate to establish whether the escape was from installation pipework or from an appliance (GSMR regulation 7(12)).
  - RIDDOR reportable incidents that have arisen as a result of an escape of carbon monoxide (CO) from incomplete combustion of gas in a fitting. The gas conveyor is required to notify the gas supplier of such incidents. The gas supplier should investigate to establish, so far as is reasonably practicable, the cause of the escape and accumulation of CO (GSMR regulation 7(14)).
161. Investigation for the Coroner / COPFS should, in addition to the above, aim to confirm that sufficient CO can be produced to result in the level of carboxyhaemoglobin (COHb) found at postmortem.
162. Gas conveyors and suppliers need to have in place the following arrangements for carrying out these investigations promptly following the incident being reported:
- Ensure that individuals who carry out investigations are suitably competent;
  - Notify HSE before any investigation required by GSMR begins; this will usually be via a phone call to the local office. This is to ensure that evidence is not disturbed before HSE has decided whether it will investigate the incident. In this instance, 'notify' goes beyond what is required by RIDDOR; and
  - Irrespective of whether HSE carries out an investigation or not, the conveyor/supplier must ensure that a report of their investigation is sent to HSE. This should set out:
    - A brief description of the incident,
    - Details of the causal factors and
    - Any remedial action taken or proposed
163. Note that fires/explosions involving distribution pipework upstream of the consumer's emergency control valve (ECV) are dealt with by Energy Division(ED).
164. The above applies to natural gas only; there are no equivalent arrangements for LPG.

### ***Rights of entry***

165. Gas conveyors have right of entry to properties where there is a supply of piped natural gas, under the Gas Safety (Rights of Entry) Regulations 1996, for the purposes of preventing gas escapes and averting danger to life and property. HSE inspectors also have powers of entry in an emergency situation under the Health and Safety at Work etc Act 1974. Entry into domestic premises against the wishes of the occupier should only be considered in exceptional circumstances and in consultation with a senior manager and Legal Advisors' Office.

## Definitions

Term	Source	Definition
Downstream domestic gas dutyholders		<p>Downstream domestic gas dutyholders are:</p> <ul style="list-style-type: none"> <li>• Landlords and Managing or Letting Agents of domestic rented properties</li> <li>• Unregistered Gas Fitters</li> <li>• Building and home improvement contractors</li> <li>• Registered gas engineers</li> <li>• Meter Asset Managers</li> </ul>
Downstream Gas		<p>Downstream gas – covered by Gas Safety (Installation and Use) Regulations in domestic (other regs apply to industrial settings) – regulated by FOD / LA; downstream of the emergency control valve (this means from where the network ends to the end user’s appliances).</p>  <p><b>Responsibility:</b>  Red – Network provider  Blue – Meter Asset Managers (MAMs) / Supplier  Black - Consumer</p>
Emergency Control Valve (ECV)	L56 p9, paragraph 25	<p>A valve for shutting off the supply of gas in an emergency, being a valve intended for use by a consumer of gas. The outlet of the first ECV downstream of the distribution main which marks the interface between the ‘service pipe’ (upstream) and the ‘installation pipework’ (downstream). The ECV is part of the service pipe and owned by the gas distribution network.</p>
Gas	L56 p9, paragraph 28	<p>(a) methane, ethane, propane, butane, hydrogen and carbon monoxide;  (b) a mixture of two or more of these gases; and  (c) a combustible mixture of one or more of these gases and air.</p>

Term	Source	Definition
Gas event	previous HSE gas events guidance	<p>A gas event that involves natural gas and LPG are gas incidents, dangerous gas fittings and gas concerns as defined below:</p> <ul style="list-style-type: none"> <li>• <b>Fire or explosion</b> resulting from an escape of flammable gas [notifiable under the Gas Safety (Management) Regulations 1996 (GSMR) r. 7(16)]</li> <li>• <b>Injury</b> [reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR), r. 11(1)] due to exposure to carbon monoxide or unburnt gas, or a fire or explosion resulting from an escape of flammable gas resulting in: <ul style="list-style-type: none"> <li>○ Fatality or fatalities</li> <li>○ Loss of consciousness</li> <li>○ Person(s) taken to hospital because of an injury arising in connection with the use of gas.</li> </ul> </li> <li>• <b>Dangerous gas fittings</b> [reportable under RIDDOR r.11(2)] where work has left a gas fitting (i.e. gas meters, pipework, appliances) or flue in a condition such that it presents an immediate danger to life and / or property if it is operated or left connected to a gas supply.</li> <li>• <b>Gas Concerns</b> originally notified from outside HSE, about domestic gas safety issues [including unsafe fittings, fitter registration / competence and lack of a Landlord Gas Safety Records (LGSR)] and sufficiently specific to: <ul style="list-style-type: none"> <li>○ Identify the issue and the dutyholder and/or location and</li> <li>○ Appear to constitute a significant breach of law for which the HSE is the enforcing authority.</li> </ul> </li> </ul> <p>For further guidance see:  <a href="https://www.hse.gov.uk/riddor/examples-reportable-incidents.htm">https://www.hse.gov.uk/riddor/examples-reportable-incidents.htm</a></p>

Term	Source	Definition
Gas fittings	regulation 2(1) GSIUR	Gas fittings is gas pipework, valves (other than emergency controls), regulators and meters, fittings, apparatus and appliances designed for use by gas consumers for heating, lighting, cooking or other purposes for which gas can be used (other than the purpose of an industrial process carried out on industrial premises).
Gas Industry Unsafe Situations Procedure (GIUSP)		<p>This is the industry standard which provides guidance to gas professionals on situations which would be considered 'At Risk' or 'Immediately Dangerous'.</p> <ul style="list-style-type: none"> <li>• <b>Immediately Dangerous (ID)</b> – Is a dangerous appliance/installation, which if left connected to a gas supply is an immediate danger to life or property. Examples of this are combustion products entering the room, and gas escapes</li> <li>• <b>At Risk (AR)</b> – Is a potentially dangerous appliance/installation where one or more faults exist and which, as a result may in the future constitute a danger to life or property. An example of this is inadequate ventilation.</li> </ul> <p><a href="https://www.igem.org.uk/technical-services/technical-standards/general-standards/igem-g-11-gas-industry-unsafe-situations-procedure/">https://www.igem.org.uk/technical-services/technical-standards/general-standards/igem-g-11-gas-industry-unsafe-situations-procedure/</a></p>
Gas work	regulation 2(1) GSIUR	<p>Gas “work” in relation to a gas fitting includes any of the following activities carried out by any person, whether an employee or not, that is to say:</p> <p>(a) installing or re-connecting the fitting</p> <p>(b) maintaining, servicing, permanently adjusting, disconnecting, repairing, altering or renewing the fitting or purging it of air or gas</p> <p>(c) where the fitting is not readily movable, changing its position</p> <p>or</p> <p>(d) removing the fitting but the expression does not include the connection or disconnection of a bayonet fitting or other self-sealing connector.</p>
Major Incident		A major gas incident that has resulted in death, loss of consciousness or taking to hospital of a person.

Term	Source	Definition
Upstream Gas Events		<p>Upstream gas pipeline – covered by Gas Safety Management Regulations – regulated by Energy Division; upstream of, and including, the emergency control valve (this means in the pipework that supplies the gas from the network to the end user).</p> <p>The diagram illustrates the gas supply system divided into two sections: Upstream (GSMR, ED enforced) and Downstream (GSIUR, FOD/LA enforced). The upstream section is shown in red and includes the network provider's pipework leading to an Emergency Control Valve (ECV). The downstream section is shown in blue and includes the Meter Asset Manager's (MAM) pipework, a Regulator, a Meter, and three Appliances (Appliance 1, 2, and 3) each with its own shut-off device. A legend indicates: Red – Network provider, Blue – Meter Asset Managers (MAMs) / Supplier, and Black – Consumer.</p>

## Who to report Gas Events to

Gas dutyholders covered by GSIUR	Report to:
Landlords and Managing or Letting Agents of domestic rented properties	FOD
Unregistered Gas Fitters	FOD
Building and home improvement contractors for Ongoing construction projects	Construction Division
Registered gas engineers Meter Asset Managers	FOD

Gas dutyholders not covered by GSIUR	Report to:
Manufacturers of commercial catering equipment or industrial space heaters not meeting the requirements of the Gas Appliances (Safety) Regulations 1995	Product Safety Team
Gas Pipeline Incidents involving suppliers or conveyor companies upstream of the emergency control valve	Energy Division (ED5)

<b>Gas dutyholders not covered by GSIUR</b>	<b>Report to:</b>
Gas Pipeline Incidents involving incidents upstream of the ECV following work where the main activity was construction work, for example pipework disturbed during excavation of footings for a new build house / extension	Construction Division
Gas Pipeline Incidents upstream of the ECV where the pipelines have been disturbed during the course of work where the main activity is not construction work as defined by CDM – for example, agricultural work, utilities	FOD