STATUTORY INSTRUMENTS

2018 No. 139

HEALTH AND SAFETY

The Gas Safety (Installation and Use) (Amendment) Regulations 2018

Made - - - -	*5th February 2018*
Laid before Parliament	*6th February 2018*
Coming into force - -	*6th April 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15(1), (2) and (5) and 82(3)(a) of, and paragraphs 1(1), (2) and 16 of Schedule 3 to, the Health and Safety at Work etc Act 1974(**1**).

These Regulations give effect without modification to proposals submitted to the Secretary of State, by the Health and Safety Executive, under section 11(3) of that Act.

Before submitting those proposals to the Secretary of State, the Health and Safety Executive carried out a consultation on the proposals in accordance with section 50(3) of that Act(**2**).

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) (Amendment) Regulations 2018 and come into force on 6th April 2018.

Introductory

2. The Gas Safety (Installation and Use) Regulations 1998(**3**) are amended in accordance with the following regulations.

Amendment of regulation 2(4)

3.—(1) In regulation 2(4) (disapplication of Regulations in relation to supply of gas, or in respect of gas fittings, for certain premises)(**4**)—

(**1**) 1974 c.37. Section 15(1) was substituted by section 116 of, and Schedule 15 to, the Employment Protection Act 1975 (c.71) and was amended by S.I. 2002/794. Section 15(2) was amended by section 116 of, and Schedule 12 to, the Energy Act 2013 (c.32).

(**2**) Section 50(3) was amended by section 116 of, and Schedule 15 to, the Employment Protection Act 1975, S.I. 2008/960, section 56 of, and Schedule 7 to, the Health and Social Care Act 2012 (c.7), and section 116 of, and Schedule 12 to, the Energy Act 2013.

(**3**) S.I. 1998/2451.

(**4**) Regulation 2(4) was amended by S.I. 1999/2024 and 2015/51.

(a) in sub-paragraph (e), omit the "or" at the end;

(b) in sub-paragraph (f), at the end, insert "or";

(c) after sub-paragraph (f), insert—

"(g) installations downstream of an isolation valve which—

(i) form a system exclusively used for the compression of gas;

(ii) are primarily used to supply compressed gas to vehicles; and

(iii) incorporate at least one gas compressor which has an electric motor input power rating exceeding 5 kilowatts,".

Amendment of regulation 26

4.—(1) Regulation 26(9) (gas appliances – safety precautions – examinations required) is amended as follows.

(2) In sub-paragraph (c), at the beginning, insert "subject to sub-paragraph (ca),".

(3) After sub-paragraph (c), insert—

"(ca) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance;".

Amendment of regulation 36(3)

5.—(1) Regulation 36(3) (timing of gas safety checks and record keeping obligations) is amended as follows.

(2) In sub-paragraph (a), after "Regulations or not" insert "; and see regulation 36A".

(3) In sub-paragraph (b), after "whichever is later" insert "(and see regulation 36A)".

(4) In sub-paragraph (c)—

(i) for "for a period of 2 years from the date of that check" substitute "until there have been two further checks of the appliance or flue under this paragraph or, in respect of an appliance or flue that is removed from the premises, for a period of 2 years from the date of the last check of that appliance or flue";

(ii) in paragraph (v), after "any" insert "safety".

Insertion of regulation 36A

6. After regulation 36 (duties of landlords), insert—

"**Determination of date when next safety check due under regulation 36(3)**

36A.—(1) Where a safety check of an appliance or a flue made in accordance with regulation 36(3)(a) or (b) is or was completed within the period of 2 months ending with the deadline date, that check is to be treated for the purposes of regulation 36(3)(a) and (b) as having been made on the deadline date.

(2) Subject to paragraph (3), the landlord may ensure that an appliance or flue is checked for safety within the 2 month period beginning with the deadline date, instead of checking it within the 12 month period ending with that date.

(3) The discretion conferred by paragraph (2) may be exercised—

(a) only once in relation to each appliance or flue in the relevant premises; and