STATUTORY RULES OF NORTHERN IRELAND

2004 No. 63

HEALTH AND SAFETY

Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004

Made - - - - 24th February 2004

Coming into operation 29th March 2004

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers conferred by Articles 17(1), (2), (4), (5) and (6) and 55(2) of, and paragraphs 1(1), (2) and (3), 3(1), 11, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) and of every other power enabling it in that behalf and for the purpose under Article 46(1)(**4**) of that Order of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland(**5**) under Article 13(1A)(**6**) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order, hereby makes the following Regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004 and shall come into operation on 29th March 2004.

General interpretation and application

2.—(1) In these Regulations –

"appropriate fitting" means a fitting which –

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**4**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**5**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**6**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(a) has been designed for the purpose of effecting a gastight seal in a pipe or other gasway;

(b) achieves that purpose when fitted; and

(c) is secure, so far as is reasonably practicable, against unauthorised opening or removal;

"distribution main" means any main through which a transporter is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

"emergency control" means a valve for shutting off the supply of gas in an emergency, being a valve intended for use by a consumer of gas;

"flue" means a passage for conveying the products of combustion from a gas appliance to the external air and includes any part of the passage in a gas appliance duct which serves the purpose of a flue;

"gas" means any substance which is, or if it were in a gaseous state, would be gas within the meaning of Part III of the Gas (Northern Ireland) Order 1996(**7**) except that it does not include gas consisting wholly or mainly of hydrogen when used in non-domestic premises;

"gas appliance" means an appliance designed for use by a consumer of gas for heating, lighting, cooking or other purposes for which gas can be used but it does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance, save that, for the purposes of regulations 3, 35 and 36, it does include a portable or mobile space heater supplied with gas from a cylinder, and the cylinder, pipes and other fittings used for supplying gas to that heater;

"gas fittings" means gas pipework, valves (other than emergency controls), regulators and meters, and fittings, apparatus and appliances designed for use by consumers of gas 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), but it does not mean –

(a) any part of a service pipe;

(b) any part of a distribution main or other pipe upstream of the service pipe;

(c) a gas storage vessel; or

(d) a gas cylinder or cartridge designed to be disposed of when empty;

"gas storage vessel" means a storage container designed to be filled or refilled with gas at the place where it is connected for use or a refillable cylinder designed to store gas, and includes the vapour valve; but it does not include a cylinder or cartridge designed to be disposed of when empty;

"gas water heater" includes a gas fired central heating boiler;

"installation pipework" means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting including any pipework used to connect a gas appliance to other installation pipework and any shut off device at the inlet to the appliance, but it does not include –

(a) a service pipe;

(b) a pipe comprised in a gas appliance;

(c) any valve attached to a storage container or cylinder; or

(d) service pipework;

"meter by pass" means any pipe and other gas fittings used in connection with it through which gas can be conveyed from a service pipe or service pipework to installation pipework without passing through the meter;

(**7**) S.I. 1996/275 (N.I. 2)

"primary meter" means the meter nearest to and downstream of a service pipe or service pipework for ascertaining the quantity of gas supplied through that pipe or pipework by a supplier;

"refillable cylinder" means a cylinder which is filled other than at the place where it is connected for use;

"the responsible person", in relation to any premises, means the occupier of the premises or, where there is no occupier or the occupier is away, the owner of the premises or any person with authority for the time being to take appropriate action in relation to any gas fitting therein;

"room-sealed appliance" means an appliance whose combustion system is sealed from the room in which the appliance is located and which obtains air for combustion from a ventilated uninhabited space within the premises or directly from the open air outside the premises and which vents the products of combustion directly to open air outside the premises;

"service pipe" means a pipe for distributing gas to premises from a distribution main, being any pipe between the distribution main and the outlet of the first emergency control downstream from the distribution main;

"service pipework" means a pipe for supplying gas to premises from a gas storage vessel, being any pipe between the gas storage vessel and the outlet of the emergency control;

"service valve" means a valve (other than an emergency control) for controlling a supply of gas, being a valve –

(a) incorporated in a service pipe;

(b) intended for use by a transporter of gas; and

(c) not situated inside a building;

"supplier" in relation to gas means –

(a) a person who supplies gas to any premises through a primary meter;

(b) a person who provides a supply of gas to a consumer by means of the filling or refilling of a storage container designed to be filled or refilled with gas at the place where it is connected for use whether or not such container is or remains the property of the supplier; or

(c) a person who provides gas in refillable cylinders for use by a consumer whether or not such cylinders are filled or refilled directly by that person and whether or not such cylinders are or remain the property of that person, but a retailer shall not be deemed to be a supplier when he sells a brand of gas other than his own;

"transporter" in relation to gas means a person who conveys gas through a distribution main;

"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 –

(a) installing or reconnecting the fitting;

(b) maintaining, servicing, permanently adjusting, disconnecting, repairing, altering or renewing the fitting or purging it of air or gas;

(c) where the fitting is not readily movable, changing its position; and

(d) removing the fitting,

but the expression does not include the connection or disconnection of a bayonet fitting or other self-sealing connector.

(2) For the purposes of these Regulations –

(a) any reference to installing a gas fitting includes a reference to converting any pipe, fitting, meter, apparatus or appliance to gas use; and

(b) a person to whom gas is supplied and who provides that gas for use in a flat or part of premises let by him shall not in so doing be deemed to be supplying gas.

(3) Subject to paragraphs (4) and (5), these Regulations shall apply to or in relation to gas fittings used in connection with –

(a) gas which has been conveyed to premises through a distribution main; or

(b) gas conveyed from a gas storage vessel.

(4) Save for regulations 37, 38 and 41 and subject to regulation 3(8), these Regulations shall not apply in relation to the supply of gas to, or anything done in respect of a gas fitting at, the following premises, that is to say –

(a) a factory within the meaning of the Factories Act (Northern Ireland) 1965(**8**) or any place to which any provisions of the said Act apply by virtue of sections 121 to 124 of that Act;

(b) a mine within the meaning of section 156(1) of the Mines Act (Northern Ireland) 1969(**9**), or a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(**10**) or any place deemed to form part of a mine or quarry for the purposes of that Act or that Order respectively;

(c) agricultural premises, being agricultural land, including land being or forming part of a market garden, and any building thereon which is used in connection with agricultural operations;

(d) temporary installations used in connection with any construction work within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995(**11**);

(e) premises used for the testing of gas fittings; or

(f) premises used for the treatment of sewage,

but they shall apply in relation to such premises or part thereof used for domestic or residential purposes or as sleeping accommodation.

(5) Nothing in these Regulations shall apply in relation to the supply of gas to, or anything done in respect of a gas fitting on –

(a) a self-propelled vehicle except when such a vehicle is –

(i) hired out in the course of a business; or

(ii) made available to members of the public in the course of a business carried on from that vehicle;

(b) a sea-going ship;

(c) a vessel not requiring a national or international load line certificate except when such vessel is –

(i) hired out in the course of a business;

(**8**) 1965 c. 20 (N.I.) as amended by S.R. 1981 No. 339, S.I. 1982/846 (N.I. 11), S.R. 1982 No. 429, S.I. 1983/150 (N.I. 4), S.R. 1984 No. 28, S.R. 1984 No. 283, S.R. 1985 No. 103, S.I. 1986/1035 (N.I. 9), S.R. 1986 No. 36, S.R. 1986 No. 247, S.R. 1986 No. 350, S.I. 1988/796 (N.I. 7), S.I. 1988/1303 (N.I. 13), S.R. 1989 No. 320, S.I. 1990/594 (N.I. 2), S.R. 1990 No. 374, S.I. 1991/194 (N.I. 1), S.R. 1991 No. 105, S.R. 1991 No. 471, S.R. 1992 No. 461, S.R. 1992 No. 535, S.I. 1993/2668 (N.I. 11), S.R. 1993 No. 19, S.R. 1993 No. 20, S.R. 1993 No. 37, S.I. 1995/755 (N.I. 2), 1995 c. 21, S.R. 1995 No. 209, S.R. 1996 No. 21, S.R. 1996 No. 510, S.R. 1996 No. 512, S.R. 1997 No. 387, S.R. 1998 No. 281, S.R. 1999 No. 13, S.R. 1999 No. 150, S.R. 1999 No. 304 and S.R. 2003 No. 152

(**9**) 1969 c. 6 (N.I.) as amended by S.R. 1980 No. 333, S.R. 1981 No. 339, S.I. 1981/1675 (N.I. 26), S.R. 1982 No. 429, S.I. 1982/846 (N.I. 11), 1983 c. 54, S.I. 1983/150 (N.I. 4), S.R. 1986 No. 247, S.I. 1988/796 (N.I. 7), S.I. 1990/246 (N.I. 2), S.R. 1991 No. 13, S.R. 1991 No. 239, S.R. 1992 No. 535, S.I. 1992/3073, S.R. 1993 No. 19, S.I. 1995/755 (N.I. 2), S.I. 1995/1980 (N.I. 12), S.R. 1997 No. 455, S.R. 1998 No. 67, S.R. 1998 No. 375, S.R. 1999 No. 150 and S.R. 1999 No. 304

(**10**) S.I. 1983/150 (N.I. 4) as amended by S.R. 1997 No. 455, S.R. 1999 No. 150 and S.R. 1999 No. 304

(**11**) S.R. 1995 No. 209; to which there are amendments not relevant to these Regulations

(ii) made available to members of the public in the course of a business carried out from that vessel; or

(iii) used primarily for domestic or residential purposes;

(d) a hovercraft; or

(e) a caravan used for touring otherwise than when hired out in the course of a business.

(6) Nothing in these Regulations shall apply in relation to –

(a) the supply of gas to the propulsion system of any vehicle or to any gas fitting forming part of such propulsion system;

(b) the supply of gas to, or anything done in respect of, a Bunsen burner used in an educational establishment; or

(c) work in relation to a control device on a gas appliance if –

(i) the device is intended primarily for use by a consumer of gas; and

(ii) the work does not involve breaking into a gasway.

(7) These Regulations shall not apply in relation to a gas fitting used for the purpose of training gas fitting operatives in a college or other training establishment, except that regulation 3(1) to (5) and (7) shall apply to work in relation to a gas fitting carried out by a person providing such training.

(8) These Regulations shall not apply in relation to a gas fitting used for the purpose of assessing the competence of a gas fitting operative at an assessment centre where such assessment is carried out for the purposes of a nationally accredited certification scheme, except that regulation 3(1) and (2) shall apply to work in relation to a gas fitting carried out by a person carrying out such assessment.

PART II

GAS FITTINGS – GENERAL PROVISIONS

Qualification and supervision

3.—(1) A person shall not carry out any work in relation to a gas fitting or gas storage vessel unless he is competent to do so.

(2) The employer of any person carrying out such work for that employer, every other employer and self-employed person who has control to any extent of such work and every employer and self-employed person who has required such work to be carried out at any place of work under his control shall ensure that paragraph (1) is complied with in relation to such work.

(3) Without prejudice to the generality of paragraphs (1) and (2) and subject to paragraph (4), an employer shall not allow any of his employees to carry out any work in relation to a gas fitting or service pipework and a self-employed person shall not carry out any such work, unless the employer or self-employed person, as the case may be, is a member of a class of persons approved for the time being by the Executive for the purposes of this paragraph.

(4) The requirements of paragraph (3) shall not apply in respect of –

(a) the replacement of a hose or regulator on a portable or mobile space heater; or

(b) the replacement of a hose connecting a refillable cylinder to installation pipework.

(5) An approval given pursuant to paragraph (3) (and any withdrawal of such approval) shall be in writing and notice of it shall be given to such persons and in such manner as the Executive considers appropriate.

(6) The employer of any person carrying out any work in relation to a gas fitting or gas storage vessel in the course of his employment shall ensure that such of the following provisions of these