STATUTORY RULES OF NORTHERN IRELAND

1997 No. 195

HEALTH AND SAFETY

Gas Safety (Management) Regulations (Northern Ireland) 1997

Made - - - -	*28th March 1997*
Coming into operation—	
The whole Regulations except regulation 8	*12th May 1997*
Regulation 8	*12th December 1997*

The Department of Economic Development, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1), 14(1), 15 and 20(*a*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) ("the 1978 Order") and by Article 4(2) and (3) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**3**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Management) Regulations (Northern Ireland) 1997 and shall come into operation on 12th May 1997 except regulation 8 which shall come into operation on 12th December 1997.

Interpretation

2.—(1) In these Regulations—

"the 1997 Regulations" means the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997(**4**);

"the Department" means the Department of Economic Development;

"distribution main" has the same meaning as in regulation 2(1) of the 1997 Regulations;

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 4(1)
(**3**) S.I. 1992/1728 (N.I. 17); Article 4(3)(*a*) was amended by Schedule 6 to the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))
(**4**) S.R. 1997 No. 194

"emergency control" has the same meaning as in regulation 2(1) of the 1997 Regulations;

"emergency service provider" means a person appointed pursuant to regulation 7(11);

"emergency shut-down valve" has the same meaning as in regulation 2 of the Pipelines Safety Regulations (Northern Ireland) 1997(**5**);

"gas" means any substance in a gaseous state which consists wholly or mainly of methane;

"gas fittings" means gas fittings as defined in regulation 2(1) of the 1997 Regulations as if the phrase "(other than the purpose of an industrial process carried out on industrial premises)" did not appear in that definition;

"gas processing facility" means any gas processing facility which—

(a) blends or purifies gas, removes from gas any of its constituent gases or separates from gas any oil or water; and

(b) is situated at a terminal which receives gas directly or indirectly from a gas production facility;

"gas production facility" means a facility for the extraction of gas from strata or for the manufacture of gas;

"installation pipework" has the same meaning as in regulation 2(1) of the 1997 Regulations;

"interconnector" means a pipeline used for the conveyance of gas to or from Northern Ireland;

"network" shall be construed in accordance with paragraphs (2) to (4);

"network emergency co-ordinator" shall be construed in accordance with regulation 3(2) and (3);

"pipe" includes a pipeline, distribution main, service pipe and any ancillary plant connected to a pipe and used for the conveyance of gas, but it does not include a pipe downstream of an emergency control;

"safety case" shall be construed in accordance with paragraph (5);

"service pipe" has the same meaning as in regulation 2(1) of the 1997 Regulations;

"supply emergency" means an emergency endangering persons and arising from a loss of pressure in a network or any part thereof.

(2) Any reference in these Regulations to a network is, subject to paragraphs (3) and (4), a reference to a connected network of pipes used for the conveyance of gas from a gas processing facility, a storage facility or to or from Northern Ireland.

(3) A network does not include that part of an interconnector between the point at which the interconnector enters or leaves Northern Ireland and the emergency shut-down valve within Northern Ireland which is nearest to that point.

(4) Where gas which does not conform with the requirements referred to in regulation 8(1) is conveyed from a gas processing facility for treatment or blending so as to bring it into conformity with those requirements, any pipes used exclusively for conveying gas from that facility to the point where the gas is treated or blended or to non-domestic premises or to both, shall not be treated as part of a network for the purposes of these Regulations.

(5) Any reference in these Regulations to a safety case is a reference to a document containing the particulars required by the provision of these Regulations pursuant to which the safety case is prepared, and—

(a) insofar as the document contains other particulars it shall not be treated as part of the safety case for the purposes of these Regulations;

(**5**) S.R. 1997 No. 193

(b) nothing in these Regulations shall require the particulars to relate to a source of risk other than the gas itself.

(6) Any reference in these Regulations to the Department accepting a safety case or revision thereof is a reference to the Department notifying in writing the person who prepared it that it is satisfied with the case for health and safety made out in it.

(7) Any reference in these Regulations to the conveyance of gas is a reference to the conveyance of gas through pipes.

(8) Any reference in these Regulations to conveying gas in a network includes a reference to conveying gas in any part of the network.

(9) Any reference in these Regulations to preventing a supply emergency is a reference to preventing a supply emergency from occurring or continuing.

(10) In these Regulations any reference, in relation to a network, to the network emergency co-ordinator is a reference to the network emergency co-ordinator who has prepared and had accepted a safety case relating to that network pursuant to regulation 3(2).

(11) Any reference in these Regulations to a person supplying or conveying gas, preparing a safety case or carrying out work in relation to a gas fitting is a reference to a person who does so in the course of a business or other undertaking carried on by him.

Duties on persons conveying gas

3.—(1) A person shall not convey gas in a network unless—

(a) he has prepared a safety case containing the particulars specified in Schedule 1 and that safety case has been accepted by the Department; and

(b) where any other person is conveying gas in that network, there is a sole network emergency co-ordinator for the network.

(2) For the purposes of these Regulations a network emergency co-ordinator is, subject to paragraph (3), a person who has prepared a safety case containing the particulars specified in Schedule 2 and has had that safety case accepted by the Department.

(3) Where a network emergency co-ordinator has given written notice to the Department and to all persons conveying gas in the network that he no longer intends to act in that capacity, he shall not be the network emergency co-ordinator for the purposes of these Regulations from the time such notice takes effect (which shall not be less that six months after it was given).

(4) Nothing in these Regulations shall prevent a person who conveys gas in a network from also being the network emergency co-ordinator.

Revision of safety cases

4.—(1) A person who has prepared a safety case pursuant to these Regulations shall revise its contents whenever it is appropriate, but nothing in this paragraph shall require him to have the revision accepted by the Department.

(2) Where a revision proposed to be made under paragraph (1) will render the safety case materially different from the last version accepted by the Department pursuant to these Regulations, the revision shall not be made unless the Department has accepted the revision, and for the purposes of this paragraph in determining whether a proposed revision will render the safety case materially different from the version referred to above, regard shall be had to the cumulative effect of that proposed revision and any previous revisions made under paragraph (1) but not subject to this paragraph.

(3) A person who has prepared a safety case which has been accepted by the Department pursuant to these Regulations shall make a thorough review of its contents at least every three years.

Duty to conform with safety case

5.—(1) Where a person has prepared and has had accepted a safety case pursuant to these Regulations he shall ensure, so long as he conveys gas in the network to which the safety case relates or remains a network emergency co-ordinator, as the case may be, that the procedures and arrangements described in the safety case and any revision thereof are followed.

(2) In criminal proceedings for a contravention of paragraph (1) it shall be a defence for the accused to prove that—

(a) in the particular circumstances of the case it was not in the best interests of health and safety to follow the procedures or arrangements concerned and there was insufficient time to revise the safety case pursuant to regulation 4; or

(b) the commission of the offence was due to a contravention by another person of regulation 6 and the accused had taken all reasonable precautions and exercised all due diligence to ensure that the procedures or arrangements were followed.

Co-operation

6.—(1) Every person to whom this paragraph applies shall co-operate so far as is necessary with a person conveying gas in a network and with a network emergency co-ordinator to enable them to comply with the provisions of these Regulations.

(2) Paragraph (1) applies to—

(a) a person conveying gas in the network;

(b) an emergency service provider;

(c) the network emergency co-ordinator in relation to a person conveying gas;

(d) a person conveying gas in pipes which are not part of a network by virtue of regulation 2(3) or (4);

(e) a person authorised to supply gas by a licence granted under Article 8(1)(*c*) of the Gas (Northern Ireland) Order 1996(**6**);

(f) a person exempted under Article 7(1) of the Gas (Northern Ireland) Order 1996 from Article 6(1)(*b*) or (*c*) of that Order;

(g) the person in control of—

(i) such part of an interconnector supplying gas to, or taking gas from, a network as is not included in a network by virtue of regulation 2(3);

(ii) a gas production facility;

(iii) a gas processing facility; or

(iv) a storage facility.

(3) The reference in paragraph (2)(*g*)(ii) to the person in control of a gas production facility is—

(a) where the facility is a fixed installation within the meaning of regulation 2(1) of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**7**), an operator within the meaning of that regulation;

(b) where the facility is at a borehole site within the meaning of regulation 2(1) of the Borehole Sites and Operations Regulations (Northern Ireland) 1995(**8**), an operator within the meaning of that regulation.

(**6**) S.I. 1996/275 (N.I. 2)
(**7**) S.R. 1995 No. 340 to which there are amendments not relevant to these Regulations
(**8**) S.R. 1995 No. 491

(4) A person conveying gas in a network may, subject to paragraph (5), direct a person not to consume gas for the period specified in the direction.

(5) A direction under paragraph (4) may—

(a) only be given where it is necessary to prevent a supply emergency or to prevent danger arising from the use of gas not conforming with the requirements of regulation 8;

(b) be given orally or in writing and may be withdrawn at any time.

(6) Where a direction is given to a person pursuant to paragraph (4), that person shall comply with it during the period specified in the direction except that this shall not require him to comply with a direction after it has been withdrawn.

(7) In criminal proceedings for a contravention of paragraph (6) it shall be a defence for the accused to prove that he had no knowledge of the direction.

(8) A person who conveys gas in a network shall, where he is requested to do so by a person proposing to carry out work in relation to a gas fitting, provide him with information about the operating pressures of the gas at the outlet of a service pipe.

Gas escapes and investigations

7.—(1) It shall be the duty of Phoenix Natural Gas Limited to provide a continuously manned telephone service (which shall be contactable from any place within Northern Ireland by the use of one telephone number) for enabling persons to report an escape of gas from a network or from a gas fitting supplied with gas from a network.

(2) Where Phoenix Natural Gas Limited is notified of such an escape of gas it shall, if it is not responsible for preventing the escape under paragraphs (4) or (5), report it forthwith to the person who is.

(3) A person referred to in regulation 6(2)(*a*) to (*c*) and the holder of a licence issued under Article 8(1)(*c*) of the Gas (Northern Ireland) Order 1996 who discovers or is notified of any such escape of gas (other than by virtue of a report made to him pursuant to paragraph (2)) shall report it forthwith to Phoenix Natural Gas Limited.

(4) Where any gas escapes from a network the person conveying the gas in the part of the network from which the gas escapes shall, as soon as is reasonably practicable after being so informed of the escape, attend the place where the gas is escaping, and, within 12 hours of being so informed of the escape, he shall prevent the gas escaping.

(5) Where any gas escapes from a gas fitting supplied with gas from a network, the person conveying the gas in the part of the network immediately upstream of the emergency control for the supply of gas to that fitting shall, as soon as is reasonably practicable, after being so informed of the escape, attend the place where the gas is escaping, and, within 12 hours of being so informed of the escape, he shall prevent the gas escaping.

(6) Where a person conveying gas in a network has reasonable cause to suspect that gas conveyed by him which has escaped has entered, or may enter, any premises, he shall, so far as is reasonably practicable, take all the steps necessary to avert danger to persons from such entry.

(7) If the responsible person for any premises knows or has reason to suspect that gas is escaping from a gas fitting in those premises supplied with gas from a network he shall immediately take all reasonable steps to cause the supply of gas to be shut off at such place as may be necessary to prevent further escape of gas.

(8) If gas continues to escape into those premises after the supply of gas has been shut off or when a smell of gas persists, the responsible person for the premises discovering such escape or smell shall immediately give notice of the escape or smell to Phoenix Natural Gas Limited.