STATUTORY RULES OF NORTHERN IRELAND

1997 No. 194

HEALTH AND SAFETY

Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997

Made - - - - *28th March 1997*

Coming into operation *12th May 1997*

The Department of Economic Development, being the Department concerned(**1**), in exercise of the powers conferred on it by Articles 17(1), (2), (4), (5) and (6) and 55(2) of, and paragraphs 1(1), (2) and (3), 3(1), 11, 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that 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:

Part I

General

Citation and commencement

1. These Regulations may be cited as the Gas Safety (Installation and Use) Regulations (Northern Ireland) 1997 and shall come into operation on 12th May 1997.

General interpretation and application

2.—(1) In these Regulations—

"Department" means the Department of Economic Development;

"distribution main" means any main through which a supplier or 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 operable by a consumer of gas;

(**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)

"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" has the meaning assigned to it by Article 4(4) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992(**3**);

"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 include—

(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;

(e) "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;

(f) "gas water heater" includes a gas fired central heating boiler;

(g) "installation pipework" means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting, 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;

(h) "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;

(i) "premises" shall not include any place which is within United Kingdom territorial waters adjacent to Northern Ireland;

(j) "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;

(k) "refillable cylinder" means a cylinder which may be filled other than at the place where it is connected for use;

(l) "the responsible person", in relation to any premises, means the occupier of the premises or, where there is no occupier or the occupier is unavailable, 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;

(**3**) S.I. 1992/1728 (N.I. 17); Article 4(4) was amended by S.I. 1996/275 (N.I. 2), Article 71(1) and Schedule 6

(m) "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 from the open air outside the premises and which vents the products of combustion to open air outside the premises;

(n) "service pipe" means a pipe for supplying 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;

(o) "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;

(p) "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 supplier or transporter of gas; and

(c) not situated inside a building;

(q) "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;

(r) "transporter" in relation to gas means a person, other than a supplier, who conveys gas through a distribution main;

(s) "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 the fitting;

(b) maintaining, servicing, permanently adjusting, 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.

(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) to (6), these Regulations shall apply to or in relation to gas fittings used in connection with gas which has been conveyed to premises through a distribution main or from a gas storage vessel.

(4) Save for regulation 37, 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 mine within the meaning of section 156(1) of the Mines Act (Northern Ireland) 1969(**4**) or a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(**5**) or any place deemed to form part of a mine or quarry for the purposes of that Act or that Order respectively;

(b) a factory within the meaning of the Factories Act (Northern Ireland) 1965(**6**) or any place to which any provisions of the said Act apply by virtue of sections 121 to 124 of that Act;

(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 building operation or work of engineering construction (both within the meaning of the Factories Act (Northern Ireland) 1965);

(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—

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

(ii) a service is provided to members of the public in the course of a business carried out from that vehicle;

(b) a sea-going ship;

(c) a vessel not requiring a national or international load line certificate except when—

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

(ii) a service is provided to members of the public in the course of a business carried out from that vessel;

(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; or

(b) the supply of gas to, or anything done in respect of, a bunsen burner used in a laboratory.

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.

(**4**) 1969 c. 6 (N.I.)
(**5**) S.I. 1983/150 (N.I. 4)
(**6**) 1965 c. 20 (N.I.)

(2) The employer of any person carrying out such work for that employer shall ensure that paragraph (1) is complied with.

(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 Department for the purposes of this paragraph.

(4) The requirements of paragraph (3) shall not apply in respect of the replacement of—

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

(b) 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 Department 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 Regulations as impose duties upon that person and are for the time being in operation are complied with by that person.

(7) A person shall not falsely pretend to be a member of a class of persons required to be approved under paragraph (3).

Duty on employer

4. Where an employer or a self-employed person requires any work in relation to a gas fitting to be carried out at any place of work under his control, he shall take reasonable steps to ensure that the person undertaking that work is, or is employed by, a member of a class of persons approved by the Department under regulation 3(3).

Materials and workmanship

5.—(1) A person shall not install a gas fitting unless every part of it is of good construction and sound material, of adequate strength and size to secure safety and of a type appropriate for the gas with which it is to be used.

(2) Without prejudice to the generality of paragraph (1), a person shall not install in a building any pipe or pipe fitting for use in the supply of gas which is—

(a) made of lead or lead alloy; or

(b) made of a non-metallic substance unless it is—

(i) a pipe connected to a readily movable gas appliance designed for use without a flue; or

(ii) a pipe entering the building and that part of it within the building is placed inside a metallic sheath which is so constructed and installed as to prevent, so far as is reasonably practicable, the escape of gas into the building if the pipe should fail.

(3) A person shall not carry out any work in relation to a gas fitting or gas storage vessel otherwise than in accordance with appropriate standards and in such a way as to prevent danger to any person.

General safety precautions

6.—(1) A person shall not carry out any work in relation to a gas fitting in such a manner that gas could be released unless steps are taken to prevent the gas so released constituting a danger to any person.