

A Brief Guide to Lettings and the Gas Safety Regulations 1998 & 2018



This leaflet is designed as a brief guide and summary of the Gas Safety (Installation and Use) Regulations 1998 and 2018. These Regulations re-enact, with amendments, the earlier 1994 Regulations. Anyone who owns property which is let out needs to be aware of their obligations and the implications of this legislation. Further sources of information are given at the end of the leaflet.

The Regulations make several requirements regarding gas appliances in properties generally, and some extra demands with respect to rented properties.

All gas installations

Gas appliances need to be regularly maintained so they run safely and reliably and must only be worked on by a qualified (currently Gas Safe Register) gas engineer. Heating appliances such as fires, water heaters and boilers, generally need to be serviced once a year. Other appliances may need less frequent servicing and the manufacturer's instructions should be consulted for the correct service interval.

Rented properties

Since October 1994, all gas appliances in rented properties have, by law, been subject to an annual safety check. Relevant appliances include gas central heating boilers, water heaters, gas cookers and gas fires. Since April 1996, this requirement has been extended to include flues serving any relevant gas appliance. Since April 2018, the annual gas safety check can now be carried out within two months before the due date and retain the existing 12 month expiry date. A check may also be carried out up to two months after the 12 month expiry date but only once in relation to each appliance or flue and only in order to align the expiry date with another appliance check so that both appliances have the same expiry date. The safety check must be carried out by a suitably qualified technician and, landlords and agents are required to furnish their tenants with a record that the test has been carried out.

Why is it important?

The penalty for non-compliance with the regulations is a substantial fine or even imprisonment in serious cases.

The Regulations require that

- ◆ All work to gas appliances and fittings be carried out by a suitable qualified engineer.
- ◆ No person shall install a gas appliance with open flues (non 'room-sealed appliances') in a bedroom (or any room used as sleeping accommodation), bathroom or shower room.
- ◆ Where the gas meter is installed in a meter box, the installer should supply the consumer with a suitably labelled key to the box.
- ◆ The installer or engineer must perform a defined series of safety checks and tests after carrying out any work on a gas appliance.
- ◆ Any person who installs a gas appliance in a property shall leave instructions for the occupier of the premises.
- ◆ A person responsible for the premises shall not use or permit to be used any gas appliance that is suspected or known to be faulty or incorrectly installed.

Tenanted premises

- ◆ It is the duty of the owner to ensure that all gas appliances and flues are maintained in a safe condition and are checked for safety at least every twelve months by a suitably qualified engineer. Newly installed appliances must be checked within 12 months of installation.
- ◆ Whilst it is not required that installation pipe work is subject to the annual safety check, there is a requirement that such pipework is maintained in a safe condition.
- ◆ The landlord (or his agent) must keep a record of the gas appliances in the property, dates of inspection, the defects identified and any remedial action taken. A copy of these records must be provided to each tenant within 28 days. New tenants must be provided with a copy before they move into the property.
- ◆ Where there is no relevant gas appliance in any room occupied by the tenant but elsewhere in the premises, a copy of the safety certificate can be displayed in a prominent position in the premises. Copies must be made available to the tenant on request
- ◆ The occupier and owner of the premises must be informed of any defect in any gas appliance or pipework in the property.

Ventilation

Vents and air bricks are often provided in order that gas appliances can draw in an adequate supply of air. Care must be taken not to block or obstruct such ventilation since this can prevent appliances from working correctly.

Chimneys & flues

The products of combustion also need to be safely vented and they usually escape through a chimney or flue. Some early types of flues (e.g. open flues) may need to be modified to bring them up to current standards.

If the flue or chimney is blocked, waste gases may build up in the room. This can be fatal. Flues must be checked before an appliance is fitted and annually thereafter as part of the gas safety check. Inspection hatches are required to be fitted for any concealed flue after 2012.

What checks are required

The statutory check will include:

- ◆ Check flue is clear, accessible and unobstructed
- ◆ Clean and check burners
- ◆ Pressure test on gas pipe work

There are some important points to watch for which may show an appliance is not working properly:

- ◆ Staining, sooting or discolouration on or around the appliance
- ◆ A yellow or orange flame instead of the normal blue.
- ◆ A strange smell when the gas appliance is working.

What action is required?

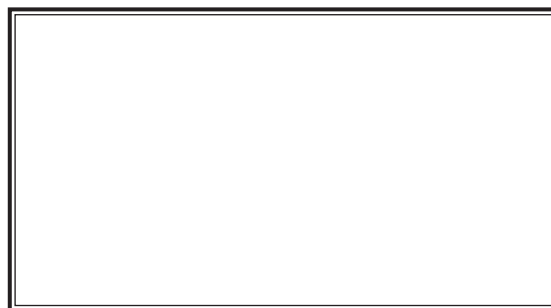
- ◆ Ensure that instruction booklets are available at the property for all gas appliances.
- ◆ Avoid buying or installing second-hand gas appliances into rented properties. Never attempt do-it-yourself installations or maintenance.
- ◆ Ensure that all gas appliances are checked as soon as possible before letting.
- ◆ Make sure that any used appliances installed are checked by a qualified engineer.
- ◆ Make sure that gas appliances are inspected annually and maintenance is carried out regularly.
- ◆ Records of the annual maintenance check must be kept until there have been two further checks of the appliance or flue 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. A copy must be given to each tenant within 28 days of the check.
- ◆ Check that inspection hatches are present for any concealed flue. After 31st December 2012, non-compliant installations or flues will be labelled as “at risk” and may be disconnected.

Where do you go for more information?

If you would like more information, you should try the following sources:

- ◆ Your local property or letting agent
- ◆ Local Office of the Health & Safety Executive.
- ◆ Copy of Regulations S.I 1998 No. 2451 & S.I 2018 No. 139. See also Gas Cooking Appliances (Safety) Regulations 1989. Hard Copy: TSO Orders. PO Box 29, Norwich, NR3 1GN. Tel: 0333 202 5070 or Online at: www.legislation.gov.uk.
- ◆ Gas Safety Advice Line run by the HSE. Tel: 0800 300363
- ◆ Online at www.hse.gov.uk/gas
- ◆ Gas Safe Register: www.gassaferegister.co.uk

Agent's Stamp



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N.B. This summary is intended to assist landlords and letting agents to understand the effects of the regulations. It is not an authoritative interpretation - this is a matter for the courts. For more details, you should refer to the text of the regulations themselves.

