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STATUTORY INSTRUMENTS

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**1998 No. 2451**

**The Gas Safety (Installation and Use) Regulations 1998**

**PART G**

**MISCELLANEOUS**

**Escape of gas**

**37.—**(1) Where any gas escapes from any pipe of a gas supplier or from any pipe, other gas fitting or gas storage vessel used by a person supplied with gas by a gas supplier, the supplier of the gas shall, within 12 hours of being so informed of the escape, prevent the gas escaping (whether by cutting off the supply of gas to any premises or otherwise).

(2) If the responsible person for any premises knows or has reason to suspect that gas is escaping into those premises, 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.

(3) 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 the supplier of the gas.

(4) Where an escape of gas has been stopped by shutting off the supply, no person shall cause or permit the supply to be re-opened (other than in the course of repair) until all necessary steps have been taken to prevent a recurrence of such escape.

(5) In any proceedings for an offence under paragraph (1) above it shall be a defence for the supplier of the gas to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within the period of 12 hours referred to in that paragraph, and that he did effectually prevent the escape of gas as soon as it was reasonably practicable for him to do so.

(6) Nothing in paragraphs (1) and (5) above shall prevent the supplier of the gas appointing another person to act on his behalf to prevent an escape of gas supplied by that supplier.

(7) Nothing in paragraphs (1) to (6) above shall apply to an escape of gas from a network (within the meaning of regulation 2 of the Gas Safety (Management) Regulations 1996(1)) or from a gas fitting supplied with gas from a network.

(8) In this regulation any reference to an escape of gas from a gas fitting includes a reference to an escape or emission of carbon monoxide gas resulting from incomplete combustion of gas in a gas fitting, but, to the extent that this regulation relates to such an escape or emission of carbon monoxide gas, the requirements imposed upon a supplier by paragraph (1) above shall, where the escape or emission is notified to the supplier by the person to whom the gas has been supplied, be limited to advising that person of the immediate action to be taken to prevent such escape or emission and the need for the examination and, where necessary, repair of the fitting by a competent person.

**Commencement Information**

**11** Reg. 37 in force at 3.10.1998, see [reg. 1](#)

**Use of antifluatuators and valves**

**38.**—(1) Where a consumer uses gas for the purpose of working or supplying plant which is liable to produce pressure fluctuation in the gas supply such as to cause any danger to other consumers, he shall comply with such directions as may be given to him by the transporter of the gas to prevent such danger.

(2) Where a consumer intends to use for or in connection with the consumption of gas any gaseous substance he shall—

- (a) give to the transporter of the gas at least 14 days notice in writing of that intention; and
- (b) during such use comply with such directions as the transporter may have given to him to prevent the admission of such substance into the gas supply;

and in this paragraph “gaseous substance” includes compressed air but does not include any gaseous substance supplied by the transporter.

(3) Where a direction under paragraphs (1) or (2) above requires the provision of any device, the consumer shall ensure that the device is adequately maintained.

(4) Any direction given pursuant to this regulation shall be in writing.

**Commencement Information**

**12** Reg. 38 in force at 3.10.1998, see [reg. 1](#)

**Exception as to liability**

**39.** No person shall be guilty of an offence by reason of contravention of regulation 3(2) or (6), 5(1), 7(3), 15, 16(2) or (3), 17(1), 27(5), 30 (insofar as it relates to the installation of a gas fire, other gas space heater or a gas water heater of more than 14 kilowatt gross heat input), 33(1), 35 or 36 of these Regulations in any case in which he can show that he took all reasonable steps to prevent that contravention.

**Commencement Information**

**13** Reg. 39 in force at 3.10.1998, see [reg. 1](#)

**Exemption certificates**

**40.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Health and Safety Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons likely to be affected by the exemption, will not be prejudiced in consequence of it.

#### Commencement Information

**I4** Reg. 40 in force at 3.10.1998, see [reg. 1](#)

#### [<sup>F1</sup>Review

- 40A.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in regulations 2(4)(g), 26(9)(c) and (ca), 36(3) and 36A; and
  - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 6th April 2023.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
  - (b) assess the extent to which those objectives are achieved;
  - (c) assess whether those objectives remain appropriate; and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).]

#### Textual Amendments

**F1** [Reg. 40A](#) inserted (6.4.2018) by [The Gas Safety \(Installation and Use\) \(Amendment\) Regulations 2018 \(S.I. 2018/139\)](#), regs. 1, 7

#### Revocation and amendments

- 41.**—(1) The Gas Safety (Installation and Use) Regulations 1994(2), the Gas Safety (Installation and Use) (Amendment) Regulations 1996(3) and the Gas Safety (Installation and Use) (Amendment) (No. 2) Regulations 1996(4) are hereby revoked.
- (2) Schedule 2B to the Gas Act 1986(5) shall be amended as follows—
- (a) In paragraph 17(1) the words “pressure fluctuation in the transporter’s pipe-line system and any other” and the words “or danger” shall be deleted;
  - (b) In paragraph 17(2) after the words “if so required” there shall be added “other than for the purpose of preventing danger”; and

(2) [S.I. 1994/1886](#).

(3) [S.I. 1996/550](#).

(4) [S.I. 1996/2541](#).

(5) [1986 c. 44](#); Schedule 2B was inserted by the Gas Act [1995 \(c. 45\)](#) section 9(2) and Schedule 2.

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**Changes to legislation:** There are currently no known outstanding effects for the The Gas Safety (Installation and Use) Regulations 1998, PART G. (See end of Document for details)

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- (c) In paragraph 17(5) and (6) after the words “this paragraph” there shall be added “or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 or directions made thereunder”.

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**Commencement Information**

**I5** Reg. 41 in force at 3.10.1998, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Gas Safety (Installation and Use) Regulations 1998, PART G.