

2023 No. 284

HEALTH AND SAFETY

The Gas Safety (Management) (Amendment) Regulations 2023

Made - - - - *7th March 2023*

Laid before Parliament *9th March 2023*

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 15(1), (2) and (4)(a), 43(2), (4), (5) and (6) and 82(3)(a) of, and paragraphs 1(1)(c), 15(1), 16 and 21(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (“the Act”)(a).

These Regulations give effect without modifications to proposals submitted to the Secretary of State by the Health and Safety Executive under section 11(3) of the Act. Before submitting the proposals, the Health and Safety Executive consulted the Office for Nuclear Regulation(b) and such other bodies as appeared to be appropriate as required by section 50(3) of the Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Gas Safety (Management) (Amendment) Regulations 2023.

(2) Regulation 0 comes into force on 6th April 2025.

(3) Otherwise, these Regulations come into force on 6th April 2023.

(4) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment of the Gas Safety (Management) Regulations 1996

2. The Gas Safety (Management) Regulations 1996(c) are amended in accordance with regulations 3 to 14.

Amendment of regulation 2

3.—(1) Regulation 2 (interpretation) is amended as follows.

(a) 1974 c. 37. Section 11 was substituted by S.I. 2008/960 and amended by paragraph 2 of Schedule 12 to the Energy Act 2013 (c. 32) (“the 2013 Act”), section 1(4) of the Deregulation Act 2015 (c. 20) and paragraph 2 of Schedule 1 to the Building Safety Act 2022 (c. 30). Section 15 was amended by paragraph 6 of Schedule 15 to the Employment Protection Act 1975 (c. 71), by Schedule 12 to the Criminal Law Act 1977 (c. 45), by section 4 of the Offshore Safety Act 1992 (c. 15), by paragraph 2 of Schedule 3 to the Health and Safety (Offences) Act 2008 (c. 20), by paragraph 5 of Schedule 12 to the 2013 Act and by S.I. 2002/794, 2008/960 and 2015/1682. For the purposes of section 15, “specified” has the meaning given in subsection (10) of that section. Section 43 was amended by paragraph 12 of Schedule 15, and Schedule 18, to the Employment Protection Act 1975 (c. 71) and by S.I. 2002/794 and 2008/960. There are amendments to section 82 and Schedule 3 not relevant to these Regulations. For the purposes of Schedule 3, “specified” has the meaning given in paragraph 23(1) of that Schedule.

(b) The Office for Nuclear Regulation was established by section 77 of the Energy Act 2013 (c. 32).

(c) S.I. 1996/551.

- (2) In paragraph (1)—
- (a) omit the definition of “the 1994 Regulations”;
 - (b) after that definition insert—
 - ““the 1998 Regulations” means the Gas Safety (Installation and Use) Regulations 1998(a);
 - “biogas” and “biomethane” have the meanings given in section 100(3) of the Energy Act 2008(b);
 - “biomethane production facility” means a facility for the production of biomethane from biogas;”;
 - (c) in the following definitions, for “the 1994 Regulations” substitute “the 1998 Regulations”—
 - (i) “distribution main”;
 - (ii) “emergency control”;
 - (iii) “gas fittings”;
 - (iv) “installation pipework”;
 - (v) “service pipe”;
 - (d) after the definition of “emergency control” insert—
 - ““emergency reporting service provider” is to be construed in accordance with paragraphs (3A) and (3B) of regulation 3;”;
 - (e) after the definition of “interconnector” insert—
 - ““LNG facility” means a facility for the reception and regasification of liquid natural gas and any activity, including temporary storage of gas or liquid gas, which is necessary for that reception or regasification.”.
- (3) In paragraph (2), after “a gas processing facility” insert “, a biomethane production facility, an LNG facility”.
- (4) In paragraph (4)—
- (a) after “gas”, in the first place it occurs, insert “(other than biogas or any gas produced from biogas)”;
 - (b) after “a gas processing facility”, insert “, or an LNG facility,”;
 - (c) for the words from “, any pipes” to the end substitute—
 - “—
 - (a) any pipes used exclusively for conveying gas (other than biogas or gas produced from biogas) from that facility to the point where the gas is treated or blended or to non-domestic premises (or to both) are not to be treated as part of a network for the purposes of these Regulations;
 - (b) any pipes used exclusively for conveying gas (including biogas or gas produced from biogas) from that facility to the point where the gas is treated or blended or to non-domestic premises (or to both) are not to be treated as part of a network for the purposes of these Regulations at any time when they are being used to convey gas which is not biogas or produced from biogas.”.
- (5) After paragraph (10) insert—
- “(10A) In these Regulations any reference, in relation to a network, to an emergency reporting service provider is a reference to an emergency reporting service provider who has prepared and had accepted a safety case relating to that network pursuant to regulation 3(3A).”.

(a) S.I. 1998/2451.

(b) 2008 c. 32. The definition of “biogas” was inserted by S.I. 2011/2195. There are other amendments to section 100(3) but none is relevant to these Regulations.

Amendment of regulation 3

4.—(1) Regulation 3 (duties on persons conveying gas) is amended as follows.

(2) In paragraph (1)—

- (a) omit “and” at the end of sub-paragraph (a);
- (b) after sub-paragraph (a) insert—

“(aa) there is a sole emergency reporting service provider for the network; and”.

(3) After paragraph (3) insert—

“(3A) For the purposes of these Regulations, an “emergency reporting service provider” is a person who has prepared a safety case containing the particulars specified in Schedule 2A and has had that safety case accepted by the Executive.

(3B) Where an emergency reporting service provider has given written notice to the Executive and all persons who are conveying gas in the network that they no longer intend to act in that capacity, that person ceases to be an emergency reporting service provider on the relevant date.

(3C) For the purposes of paragraph (3B) “the relevant date” means—

- (a) the date specified in the written notice given by the person, which may not be before the end of the period of two years beginning with the date on which the notice is given; or
- (b) if earlier, the date on which another person who has prepared a safety case in relation to the relevant network containing the particulars specified in Schedule 2A has their safety case accepted by the Executive.”.

(4) In paragraph (4), after “co-ordinator” insert “or the emergency reporting service provider (or both)”.

Amendment of regulation 5

5. In regulation 5 (duty to conform with safety case), in paragraph (1), after “co-ordinator” insert “or an emergency reporting service provider”.

Amendment of regulation 6

6.—(1) Regulation 6 (co-operation) is amended as follows.

(2) In paragraph (1), for “and with a network emergency co-ordinator” substitute “, with a network emergency co-ordinator and with any emergency reporting service provider”.

(3) In paragraph (2)—

- (a) in sub-paragraph (c), after “gas” insert “or an emergency reporting service provider”;
- (b) after sub-paragraph (c) insert—

“(ca) an emergency reporting service provider in relation to a person conveying gas or a network emergency co-ordinator;”;

(c) in sub-paragraph (h)—

- (i) after “a gas production facility” insert “, a biomethane production facility”;
- (ii) after “a storage facility” insert “, an LNG facility”.

Amendment of regulation 7

7.—(1) Regulation 7 (gas escapes and investigations) is amended as follows.

(2) For paragraph 1 substitute—

“(1) An emergency reporting service provider—

- (a) must provide a continuously staffed telephone service for enabling persons to report an escape of gas from a network or from a gas fitting supplied with gas from a relevant network, and
- (b) may provide other continuously staffed means for enabling persons to report such an escape to it.

(1A) In this regulation “relevant network”, in relation to an emergency reporting service provider (“N”), means—

- (a) the network for which N is the emergency reporting service provider, or
- (b) where N is the emergency reporting service provider for two or more networks, any of the networks for which N is the emergency reporting service provider,

and references to a “relevant service provider” are to be construed accordingly.

(1B) The telephone service provided for the purposes of paragraph (1)(a) must be contactable within Great Britain by the use of one telephone number.

(1C) Where the emergency reporting service provider is not the same for all networks—

- (a) the emergency reporting service providers must ensure, for the purposes of paragraph (1)(a), that they are all contactable within Great Britain by the use of the same telephone number, and
- (b) where an emergency reporting service provider (“E”) also provides other means for enabling persons to report gas escapes to it, E must have in place arrangements to ensure that any gas escape notified to E which concerns a network for which E is not the emergency reporting service provider is notified forthwith to the relevant emergency reporting service provider.”.

(3) In paragraph (2) for “Where British Gas p.l.c” substitute “If an emergency reporting service provider”.

(4) In paragraph (3) for “British Gas p.l.c” substitute “the emergency reporting service provider for the relevant network”.

(5) After paragraph (3) insert—

“(3A) But paragraph (3) does not apply if the person who discovers or is notified of the escape of gas is the emergency reporting service provider for that network.”.

(6) In paragraph (8) for “British Gas p.l.c” substitute “the emergency reporting service provider for the network from which the premises are supplied with gas”.

(7) After paragraph (8) insert—

“(8A) But paragraph (8) does not apply if the responsible person is the emergency reporting service provider for that network.”.

(8) In paragraph (11)—

- (a) in the words before sub-paragraph (a)—
 - (i) after “conveying gas” insert “(“C”);
 - (ii) for “his behalf” substitute “C’s behalf”;
 - (iii) for “he does” substitute “C does”;
- (b) in sub-paragraph (a)—
 - (i) for “he” substitute “C”;
 - (ii) for “British Gas p.l.c” substitute “the emergency reporting service provider for the network”;
- (c) in sub-paragraph (b), for “the person conveying the gas”, in both places it occurs, substitute “C”.

(9) After paragraph (11) insert—

“(11A) But paragraph (11)(a) does not apply where C is the emergency reporting service provider for that network.”.

(10) In paragraph (17)(a), for “the 1994 Regulations” substitute “the 1998 Regulations”.

Amendment of regulation 8

8.—(1) Regulation 8 (content and other characteristics of gas) is amended as follows.

(2) In paragraph (1), for “paragraphs (2) to (4)” substitute “paragraphs (1A) to (4)”.

(3) After paragraph (1) insert—

“(1A) A person may convey out of specification biogas from a relevant facility in a relevant pipe for treatment or blending so as to bring it into conformity with those requirements.

(1B) For the purposes of paragraph (1A)—

“out of specification biogas” means gas which—

(a) is biogas or produced from biogas, and

(b) does not conform with the requirements specified in Part 1 of Schedule 3;

“relevant facility” means a biomethane production facility or a gas processing facility;

“relevant pipe” means a pipe used exclusively for conveying gas (including out of specification biogas) to—

(a) the point where the gas is treated or blended, or

(b) that point and non-domestic premises.”.

(4) After paragraph (5) insert—

“(6) But paragraph (5) does not apply in respect of any out of specification biogas which is conveyed in a relevant pipe as permitted by paragraph (1A).”.

Transitional provisions

9. For regulation 10 substitute—

“Pipes used to convey biogas or gas made from biogas: transitional provisions

10.—(1) A BPF pipe transporter (“B”) may continue to convey gas in a BPF pipe on and after 6th April 2023 despite the fact that B does not have a safety case prepared pursuant to regulation 3(1)(a) which has been accepted by the Executive.

(2) But paragraph (1) ceases to apply to B—

(a) on 6th October 2024, if B has not prepared a safety case pursuant to regulation 3(1)(a) and sent it to the Executive before that date;

(b) if the Executive rejects the safety case prepared by B pursuant to regulation 3(1)(a), on the date on which the Executive rejects B’s safety case (whether this date is before or after 6th October 2024).

(3) In this regulation—

“BPF pipe transporter” means a person who, immediately before 6th April 2023—

(a) is conveying gas in a BPF pipe; and

(b) is not conveying gas in any part of any existing network to which the BPF pipe is connected;

“BPF pipe” means a pipe conveying gas from a biomethane production facility which, immediately before 6th April 2023—

(a) is connected to an existing network; but

(b) is not treated as part of that network for the purposes of these Regulations;

“existing network” means a network within the meaning of these Regulations as they had effect immediately before 6th April 2023.

Transitional provisions: emergency reporting service provider safety case

10A.—(1) This regulation applies where, immediately before 6th April 2023, a person (“P”) has an accepted EHP safety case.

(2) P’s accepted EHP safety case is to be treated, on and after 6th April 2023, as if it had been prepared pursuant to, and accepted by the Executive under, regulation 3(3A).

(3) Accordingly, on 6th April 2023, P becomes the emergency reporting service provider for each network.

(4) Regulation 4 applies in relation to P as if the requirement in paragraph (3) of that regulation to make a thorough review of the contents of its accepted EHP safety case every three years were a requirement to—

- (a) make a thorough review of the accepted EHP safety case by the end of the period of three years beginning with the day on which P last reviewed that safety case, and
- (b) at least every three years thereafter.

(5) Nothing in this regulation prevents P from giving written notice for the purposes of regulation 3(3B) on or after 6th April 2023 in relation to any or all of the networks.

(6) In this regulation “accepted EHP safety case” means a safety case prepared pursuant to, and accepted by the Executive under, paragraph 3 of exemption No. 8 of 2016 granted by the Executive in pursuance of its powers under regulation 11(1) of these Regulations on 5th September 2016 to National Grid Gas Distribution Limited, a company registered in England and Wales with the company number 10080864.”.

Revocation of regulation 12

10. Omit regulation 12 (repeals, revocations and amendment).

Insertion of Regulation 13

11. After regulation 12 insert—

“Review of these Regulations

13.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in these Regulations, as amended by the Gas Safety (Management) (Amendment) Regulations 2023;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) Section 30(4) of the Small Business, Enterprise and Employment Act 2015^(a) requires that a report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory regime established by the regulatory provisions referred to in paragraph (1)(a),
- (b) assess the extent to which the objectives are achieved, and
- (c) assess whether those objectives remain appropriate, and if so, the extent to which they could be achieved by a system which imposes less onerous regulatory provision.

(3) The first report must be published before the end of the period of five years beginning with 6th April 2023.

(a) 2015 c. 26.

(4) Subsequent reports must be published under this regulation at intervals not exceeding five years.

(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).”.

Amendment of Schedule 1

12. In paragraph 12 of Schedule 1, after “network emergency co-ordinator”, in both places it occurs, insert “or the emergency reporting service provider for the network”.

New Schedule 2A

13. The Schedule inserts a new Schedule 2A into the Gas Safety (Management) Regulations 1996.

Amendment of Schedule 3

14.—(1) Schedule 3 (content and other characteristics of gas) is amended as follows.

(2) In Part 1—

(a) in the table following paragraph 1—

(i) in the entry for “oxygen content”, for “ $\leq 0.2\%$ (molar)” substitute “ $\leq 1.0\%$ (molar), where the gas is conveyed in a pipe operated at a pressure of ≤ 38 barg, and $\leq 0.2\%$ molar, where the gas is conveyed in a pipe operated at a pressure of > 38 barg”;

(ii) in the entry for “impurities”, for “the 1994 Regulations” substitute “the 1998 Regulations”;

(iii) in the entry for “hydrocarbon dew point and water dewpoint”, for “the 1994 Regulations” substitute “the 1998 Regulations”;

(iv) after that entry insert—

“RD	≤ 0.700 ”;
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(v) in the entry for “WN”, for “ ≥ 47.20 MJ/m³” substitute “ ≥ 46.50 MJ/m³”;

(vi) omit the entry for “ICF”;

(vii) omit the entry for “SI”;

(b) in paragraph 3, for “the 1994 Regulations” substitute “the 1998 Regulations”;

(c) in paragraph 4 omit sub-paragraph (2).

(3) In Part 2—

(a) in paragraph 1—

(i) omit sub-paragraph (b);

(ii) after that sub-paragraph insert—

“(c) RD ≤ 0.700 ”;

(b) in paragraph 2 omit sub-paragraph (2).

(4) In Part 3—

(a) in paragraph 1—

(i) omit the definition of “C₃H₈”;

(ii) omit the definition of “equivalent mixture”;

(iii) omit the definition of “ICF”;

(iv) after that definition insert—

““gross calorific value” means the gross calorific value, expressed in MJ/ m³, of a dry gas determined on the basis that the water produced by combustion is assumed to be condensed;”;

(v) in the definition of “mg/m³” for “at 15C and 1.01325 bar” substitute “under the reference conditions”;

(vi) for the definition of “MJ/ m³” substitute—

““MJ/ m³” means megajoules per cubic metre under the reference conditions;”;

(vii) omit the definition of “N₂”;

(viii) omit the definition of “PN”;

(ix) for the definition of “relative density” substitute—

““relative density” (“RD”) means the ratio of VG to VA (expressed in the same units) where—

VG is the mass of a volume of the gas when containing no water vapour under the reference conditions; and

VA is the mass of the same volume of air containing no water vapour under those conditions;”;

(x) omit the definition of “SI”;

(xi) for the definition of “WN” substitute—

““WN” means the Wobbe Number of the gas, which is calculated in accordance with the following formula—

gross calorific value ÷ $\sqrt{\text{relative density}}$.”;

(xii) omit “trigonometric functions are to be evaluated in radians.”;

(b) after paragraph 1 insert—

“**1A.** In this Schedule, the reference conditions are 15C and 1.01325 bar.”;

(c) omit paragraph 2.

Amendment of the Health and Safety and Nuclear (Fees) Regulations 2022

15.—(1) The Health and Safety and Nuclear (Fees) Regulations 2022(a) are amended as follows.

(2) In regulation 15 (fees payable in respect of gas safety functions)—

(a) in paragraph (2), for “or by a network emergency co-ordinator” insert “, by a network emergency co-ordinator or by an emergency reporting service provider”;

(b) in paragraph (4), for the definition of ““network”, “network emergency co-ordinator” and “safety case”” (other than “and” at the end) substitute—

““emergency reporting service provider”, “network”, “network emergency co-ordinator” and “safety case” have the meanings given in the 1996 Regulations (see regulation 2(1) of those Regulations);”.

(3) In Schedule 11 (fees payable in respect of gas safety functions), in column 2 for “or the network emergency coordinator”, in both places it occurs, substitute “, the network emergency co-ordinator or the emergency reporting service provider”.

(a) S.I. 2022/1378, as amended by S.I. 2023/247.

7th March 2023

Mims Davies
Parliamentary Under Secretary of State
Department for Work and Pensions

SCHEDULE

Regulation 13

Emergency Reporting Service Provider: Safety Case

After Schedule 2 to the Gas Safety (Management) Regulations 1996 insert—

“SCHEDULE 2A

Regulation 3(3A)

Particulars to be included in safety case of an emergency reporting service provider

1. Name and address of the person preparing the safety case (referred to in this Schedule as “the duty holder”).
2. A general description of any network to which the safety case relates, including the boundary of the network.
3. A general description of the plant and premises the duty holder intends to use in connection with the arrangements and procedures described in the duty holder’s safety case pursuant to this Schedule.
4. Where the duty holder intends to provide any service under paragraph (1)(b) of regulation 7, particulars of the communication methods to be used by the duty holder.
- 5.—(1) Particulars to demonstrate that the duty holder has established adequate arrangements to enable the duty holder to comply with the duties, and carry out all of the functions, of an emergency reporting service provider under regulation 7, including in particular—
 - (a) particulars to demonstrate that the duty holder has established adequate arrangements for ensuring that each relevant service is manned only by persons who are competent and have the necessary equipment and training to—
 - (i) establish the location of the person reporting the gas escape and, if different, the likely location of the escape,
 - (ii) determine whether the gas escape is controllable or uncontrollable,
 - (iii) if the gas escape is controllable, determine whether steps can be taken to control the escape and if so, advise the person reporting the escape how to do so, and confirm if it has been controlled, and
 - (iii) provide appropriate advice to the person reporting the gas escape on the steps that may be taken to minimise the risk of harm to themselves and others;
 - (b) particulars to demonstrate that the duty holder has established adequate arrangements for ensuring that the service required by regulation 7(1)(a), and any service provided under regulation 7(1)(b), is available throughout Great Britain and manned continuously, including—
 - (i) arrangements for ensuring business continuity and disaster recovery capability, and

- (ii) particulars to demonstrate that the duty holder has established adequate arrangements for testing and rehearsing those arrangements;
 - (c) particulars to demonstrate that the duty holder has established adequate arrangements for ensuring that calls to the service required by regulation 7(1)(a) are answered, and any communications made through a service provided under regulation 7(1)(b) are responded to, in a timely manner;
 - (d) where the duty holder provides a service under regulation 7(1)(b), particulars of the procedures and arrangements that the duty holder has established for ensuring that a gas escape reported to it concerning a network for which it is not the emergency reporting service provider is, in accordance with paragraph (1C)(b) of regulation 7, reported to the correct emergency reporting service provider;
 - (e) particulars of the procedures and arrangements that the duty holder has established for ensuring that a gas escape is reported, in accordance with paragraph (2) of regulation 7, to the person conveying gas on the network who is responsible for preventing the gas escaping.
- (2) In this paragraph “relevant service” means—
- (a) the service required by regulation 7(1)(a),
 - (b) any service provided under regulation 7(1)(b), or
 - (c) a service provided for the purposes of regulation 7(3) or (8).

6. Particulars to demonstrate that the duty holder has established adequate arrangements for passing and receiving information relevant to health and safety to and from other persons who have duties under these Regulations.

7. Particulars of the arrangements the duty holder has established to enable the duty holder to comply with regulation 6 (co-operation).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gas Safety (Management) Regulations 1996 (S.I. 1996/551) (“the 1996 Regulations”). The 1996 Regulations provide for the preparation and acceptance of safety cases in respect of the conveyance of gas in a network and impose requirements in respect of gas escapes and the composition and pressure of gas. With one exception, these Regulations come into force on 6th April 2023.

These Regulations update the requirements set out in Schedule 3 to the 1996 Regulations as to the characteristics and composition of gas which is conveyed in a network. The updates include a revision to the range within which the Wobbe Number of gas must fall. The revision to the Wobbe Number range comes into force on 6th April 2025.

These Regulations also amend the 1996 Regulations:

- (a) to bring pipes used to convey gas from biomethane production facilities and LNG facilities within the definition of “network” for the purposes of those Regulations;
- (b) to require there to be a sole emergency reporting service provider for each network and set out the functions of that provider. An “emergency reporting service provider” is a person who has prepared a specific safety case that is accepted by the Health and Safety Executive;
- (c) to make clear that operators of LNG facilities must co-operate with a person conveying gas in a network, a national emergency co-ordinator and an emergency reporting service provider;
- (d) to make a number of minor drafting and consequential amendments and transitional provisions;
- (e) to require the Secretary of State to keep the provisions of the 1996 Regulations as amended by these Regulations under review.

These Regulations also amend the Health and Safety and Nuclear (Fees) Regulations 2022 (S.I. 2022/1378) so a fee is payable by an emergency reporting service provider, or a person applying to be such a provider, to the Health and Safety Executive in respect of the exercise of its functions.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published alongside the instrument on [legislation.gov.uk](https://www.legislation.gov.uk). Copies of the impact assessment are also available from the Energy Policy Team, HSE, Engagement and Policy Division, 2.2 Redgrave Court, Bootle, L20 7HS.

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