

HOW DO I KNOW WHETHER THE GAS INSTALLER IS GAS SAFE REGISTERED?

They should be able to provide you with a current Gas Safe registration certificate, or a Gas Safe Register ID card. This contains relevant details of the installer, including their Gas Safe registration number and the sort of work they are competent to carry out, but if you are in doubt you can always check by phoning the Gas Safe Register on 0800 408 5500.

WHAT IF AN APPLIANCE FAILS THE SAFETY CHECK?

The safety check record will contain details of any defect identified and remedial action taken. You must ensure that any safety defect is rectified (by a Gas Safe registered gas installer) before the equipment is used again.

It is an offence to use, or allow the use, of a gas appliance you know to be unsafe. In no circumstances should you reconnect an appliance that you have been told is unsafe, which has either been isolated or disconnected for safety reasons, until the fault has been rectified.

WHAT ACTION DO I TAKE IN THE EVENT OF A GAS ESCAPE?

If you smell gas, or suspect there is a gas escape, you should immediately shut off the gas supply and contact the GAS EMERGENCY - 749000

If you provide liquefied petroleum gas (LPG) for use by a tenant in premises OTHER THAN A BUILDING, e.g. a caravan or holiday home park, you must discuss emergency arrangements with your LPG supplier and agree what action to take in case of a gas escape or emission of carbon monoxide from any LPG appliance.

WHAT HAPPENS IF I DON'T MAINTAIN MY TENANTS' GAS APPLIANCES?

Failure to do so may result in loss of life. Not only that, you risk being prosecuted, and this could result in you facing a maximum penalty of £2,500 for each offence. If the case is then referred to the Royal Court, the maximum penalty may be an unlimited fine and the possibility of imprisonment.

FURTHER INFORMATION

If you would like more detailed information on the subject, you'll find the following HSE publication useful:

SAFETY IN THE INSTALLATION AND USE OF GAS SYSTEMS & APPLIANCES
APPROVED CODE OF PRACTICE AND GUIDANCE

If you need further advice about any of the gas safety issues mentioned in this leaflet, ring the Health and Safety Executive on (01481) 220010.



States of Guernsey
Health and Safety Executive

Gas Appliances

Get them checked
Keep them safe



Landlords

A guide to landlords' duties

This leaflet is aimed at landlords and explains some of the main requirements of the Ordinance

This leaflet is aimed at landlords and explains some of the main requirements of the Ordinance. It also gives guidance on how to comply with them (see yellow boxes). The leaflet will also be of interest to tenants, making them aware of landlords' duties. Each year about 30 people die in the UK from Carbon Monoxide Poisoning caused by poorly installed or badly maintained gas appliances and flues. The Health and Safety (Gas) (Guernsey) Ordinance, 2006 specifically deals with the installation, maintenance and use of gas appliances, fittings and flues in domestic and certain commercial premises. They place duties on landlords (details of landlords who would be exempt can be found in the Approved Code of Practice on the Ordinance - See Further Information Section) to ensure that gas appliances, fittings and flues provided for tenants use are safe. These duties to protect tenants' safety are in addition to the more general ones that landlords have under The Health and Safety at Work (General) (Guernsey) Ordinance, 1987.

WHAT TYPE OF PROPERTY IS COVERED?

The duties generally apply to appliances and flues in 'RELEVANT PREMISES', that is those occupied for residential purposes under either a licence, a tenancy agreement for a set term or a lease as defined in the Ordinance. Essentially any lease under seven years is covered.

WHAT ARE MY MAIN DUTIES AS A LANDLORD?

You are required to:

- Ensure gas fittings and flues are MAINTAINED in a safe condition;
- Ensure an ANNUAL SAFETY CHECK is carried out on each gas appliance / flue. Before any new lease starts, you must make sure that these checks have been carried out within one year before the start of the lease date, unless the appliances in the property have been installed for less than 12 months, in which case they should be checked within 12 months of their installation date;
- Have all installation, maintenance and safety checks carried out by a Gas Safe registered gas installer;
- Keep a record of each safety check for two years;
- Issue a copy of the safety check record to each existing tenant within 28 days of the check being completed, or to any new tenant before they move in (in certain cases there is an option to display the record).

The Ordinance specifies the gas safety matters to be covered. You should not assume that an annual service inspection meets the safety check or requirement, or that a safety check will be sufficient to provide effective maintenance. Ask the advice of a Gas Safe registered gas installer where necessary.

WHICH GAS EQUIPMENT IS COVERED?

The safety check and maintenance requirements generally apply to any gas appliance or flue installed in the 'relevant premises' except that:

- Appliances owned by the tenant are not covered;
- Flues / chimneys SOLELY connected to an appliance owned by the tenant are not covered
- Any appliances and flues serving 'relevant premises' such as central heating boilers not installed in tenants' accommodation, but used to heat them) ARE covered. The safety check does not apply to any gas appliance (such as gas fires provided for customers in non-residential areas of public houses) that are exclusively used in a part of premises occupied for NON-RESIDENTIAL purposes.

Your duty to maintain and carry out safety checks applies to fixed as well as portable appliances, such as LPG cabinet heaters.

CAN I DELEGATE DUTIES TO A TENANT?

No, except that a contract may be drawn up between a landlord or tenant for an appliance or flue installed in a NON-RESIDENTIAL part of a premises, for example shops and public houses etc.

WHAT HAPPENS IF I USE A MANAGING AGENT

You need to ensure that the management contract clearly specifies who is responsible for making sure that maintenance and safety check obligations are met and records kept.

WHAT IF PROPERTY IS SUB-LET?

In these situations the 'original' landlord may retain duties which overlap with those acquired by the person who sublets. In such cases, close co-operation and clear allocation of duties is essential to ensure that legal duties are fully met, and that the terms of the contract properly safeguard tenants' safety

WHAT ACTION IS REQUIRED TO GAIN ACCESS TO PROPERTY

The contract you draw up with the tenant should allow you access for any maintenance or safety check work to be carried out. You have to take 'ALL REASONABLE STEPS' to ensure this work is carried out, and this may involve giving written notice to a tenant requesting access, and explaining the reason.

Keep a record of any action, in case a tenant refuses access and you have to demonstrate what steps you have taken. If a tenant continues to refuse access after repeated contacts, you may need to consider proper action through the courts under the terms of their tenants' contracts, but not use force to gain entry into the property.