

Gas safety Q&A



What is happening about the Gas safety in use Regulations (MOT style gas safety check) since HSE's consultation?

A. [HSE](#) has announced that they will amend 3 areas of the Gas safety in use Regulations (GSIUR) following the consultation November 2016 – January 2017.

Which regulations will be amended?

Regulations 2(4) (g), 26(9) (c) and 36(3) will be amended but it is Reg. 36(3) that is most relevant to social landlords because this will introduce flexibility in the timing of landlords' annual gas safety checks (i.e. MOT style), and clarify which defects should be recorded.

What are the benefits of the amended Regulation 36(3)?

It will enable landlords to meet the requirements of the legislation without reducing their gas safety check cycle year on year i.e. it will enable landlords to keep the same annual renewal date, even if the annual gas safety check was carried out up to 2 months before the renewal date. The proposals will be very similar to those set out in the consultation document ([CD280](#)) with any differences in wording of the final version from the consultation version will be for legal requirements rather than changes to the policy intent.

When will the amended Regulation 36(3) come into force?

The changes will come into force on 6 April 2018, with the Statutory Instrument (new regulations) expected to be published January 2018.

What action should landlords take to be ready for the amended Regulation 36(3)?

Once the new statutory instrument is published; landlords should review their existing arrangements for annual gas safety checks. A preliminary examination can be undertaken now by checking against the consultation document ([CD280](#)). Existing gas servicing and safety check contracts should be amended to reflect the new Regulation 36(3) and tender specifications for new contracts should allow for the MOT-style

flexibility provided by the new regulation. It will be important that systems are in place to record and maintain the annual gas safety check renewal date.

Would the amended Regulation 36(3) help with problems of gaining access?

Partially – the amended regulation will help with problems of gaining access by enabling landlords to start the annual cycle with sufficient time to allow for any legal and court procedures to gain access. The proposed flexibility offered by MOT-style checks would reduce the costs of servicing homes more frequently than legally required. Landlords would still have the costs for legal action to gain access.

Are there other ways to address the access problem?

Yes – one way would be for landlords to target, for early engagement, only those homes where there have been problems with gaining access for gas safety checks. This would enable the majority of stock to have planned annual servicing and gas safety checks on a more normal timetable. Another way would be publicise the safety risks and consequences of tenants refusing access, such as risks of a gas explosion to adjoining tenants where a tenant has refused access for their annual gas safety check, new locks, keys and inconvenience. New tenancy agreements can be drafted to make clear that tenants have to provide access for all statutory checks, such as annual gas safety checks, fire risk assessments.