



East Cambridgeshire District Council

The Grange, Nutholt Lane, Ely, Cambridgeshire. Tel: 01353 665555

Gas Safety – Frequently Asked Questions for Tenants: **Taken from HSE Information**

Q. What can I do if my landlord refuses to service the appliances he has provided for my use?

- A. Remind your landlord of their legal duties under the Gas Safety (Installation and Use) Regulations 1998. If they still refuse to service the appliances they have provided contact your local HSE Area Office.

Q. What can I do if my landlord won't provide me with a record of his safety check?

- A. Remind your landlord of their legal duties under the Gas Safety (Installation and Use) Regulations 1998. You may wish to write to your landlord requesting sight of the safety check record. If they still refuse to provide you with a copy contact your local HSE Area Office.

Q. Can my landlord use a handyman or plumber for gas work?

- A. CORGI registered installers with the required competence to do the particular work should always be used. By law (a) anyone (whether an employer or self-employed) running a business, e.g. a plumber, who carries out work on a gas appliance/fitting must be CORGI-registered, and (b) any individual doing gas work must be competent to do it safely. DIY gas work could be dangerous and is likely to be illegal. Landlords must use only a registered installer for maintenance and safety checks on gas equipment provided for tenants use.

Q. How can I ensure an installer is CORGI registered?

- A. CORGI registered installers should have a current CORGI identity card on which is an expiry date and details of the appliances they are competent to work on. If in any doubt you can ring CORGI or check on their web site to see if the installer is registered.

Q. What should I do if the installer is not CORGI registered and/or has falsely claimed they are CORGI registered?

- A. It is against the law for a non-registered installer to do any work on gas appliances and/or flues. Phone your local HSE area office or CORGI.

Q. What can I do if my landlord is harassing and/or threatening to evict me?

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A. Advice numbers to call include:

Shelter's Campaign for bedsit rights 020 7505 2135

Citizens Advice Bureau (local office)

Shelterline 0808 800 4444 (National, freephone, emergency 24 hour help line).

Shelterline is Britain's first 24 hour, free, national housing helpline. It provides advice to anyone with a housing problem. Whatever time you need it, wherever you are in Britain. Its advisors will tell you your rights, explain your options and help you to take action. If appropriate you may also be asked to contact your local Shelter housing aid centre. Further advice is also available by logging on to www.shelternet.org.uk

Q. What are the responsibilities of my landlord if they have provided LPG Heaters?

- A.** Landlord duties for LPG appliances are the same as for natural gas. The landlord must maintain all LPG appliances which they provide for tenants and have a safety check carried out at least once every 12 months by a CORGI registered installer.

Gas Safety – Frequently Asked Questions for Landlords:

Q. What if I cannot afford to do a safety check/service every year?

- A. You have a legal duty under the Gas Safety (Installation and Use) Regulations 1988 to maintain all appliances and flues, which have provided for your tenants to use and have them checked for safety at least once every 12 months by a CORGI registered installer.

Q. What if I ignore the regulations?

- A. You are putting lives at risk and breaking the law. The HSE gives gas safety a high priority and will take the appropriate action to ensure compliance with the regulations.

In certain circumstances this could result in a substantial fine and/or a custodial sentence.

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Q. I have LPG heaters in my properties - do I need them checked?

- A. Yes, Landlord duties for LPG appliances are the same as for natural gas.

The landlord must maintain all LPG appliances that they provide for tenants and have a safety check carried out at least once every 12 months by a CORGI registered installer.

Q. How far do I need to go if the tenant prevents or is not at home for the safety check?

- A.** A landlord has to show that they took all reasonable steps to comply with the law. The courts haven't made any decisions about what this means and the efforts you need to make will depend on individual circumstances.

However, a court is likely to view your actions as reasonable if you adopt the following procedure. If your gas installer doesn't get in on the first visit, you should give your tenant the opportunity to agree a suitable date and you should contact them in writing to explain why you need access. Make a minimum of three attempts to carry out the safety check and ensure you keep records of letters sent and/or telephone calls/conversations.

It is a good idea to include arrangements for access in the tenancy agreement.

Q. What do I have to do if I change a room containing a gas appliance into a bedroom for the first time?

- A.** Since 31st October 1998, any room converted to use as sleeping accommodation should not contain the following types of gas appliances:

A gas fire, gas space heater or gas water heater (including a gas boiler) over 14 kilowatts gross input unless it is room sealed.

A gas fire, gas space heater, or a gas water heater (including a gas boiler) of 14 kilowatts gross input or less or any instantaneous water heater unless it is room sealed or has an atmosphere-sensing device.

If you are unsure, you should ask a CORGI registered installer to check for you.

Q. What responsibility do I have if my tenant is ill and has to sleep downstairs in a room with a gas appliance?

- A.** You should advise your tenant at the start of the tenancy of any rooms that are unsuitable to be slept in due to an inappropriate appliance, for example a gas fire. However, if you find out that your tenant is sleeping in a room with a gas appliance that does not comply (as above), you should arrange for the appliance to be changed as soon as possible.

Sometimes the change of use will be short term, for example when someone is recovering from an injury or illness, and is expected to start using his or her proper bedroom again in a few days/weeks.

The current law is not entirely clear and interpretation would finally be for a court to decide in particular circumstances. However, a reasonable approach might be to allow the continued (short-term) use of the appliances concerned provided that they have been maintained within the last 12 months, have an up to date landlord's gas safety certificate, a carbon monoxide detector (choose one which complies with BS 7860 or BS EN 50291) is fitted in the room and advice is sought from a CORGI installer as to the need for additional safety checks. Another alternative is to provide alternative heating such as an electric fire.

You should keep the situation under review and if the tenant's health does not improve as expected, then the appliances must be changed to ones that comply. You should also warn the occupier to always turn off gas appliances at night and emphasise the need for ventilation in rooms where gas appliances are situated.

Q. What checks should I do between tenancies?

- A.** You should visually check the property to see if the departing tenant has either removed appliances unsafely, or alternatively left behind their own appliance, which should either be removed or checked for safety by a CORGI registered installer.

Before you re-let the property you need to ensure that all appliances are safe and have an up to date landlord's gas safety certificate (a copy of which needs to be given to the new tenant); it is also good practice to have the pipework inspected and tested for soundness.

If the property is likely to remain empty for a long period and/or there may be vandalism, you should think about asking for the gas to be isolated until a new tenant moves in. If, however, a new tenant is moving in quickly, and all the appliances and flues were checked recently, you should just arrange for a visual check to make sure nothing has changed.

Q. Can I keep Landlord's Gas Safety Certificates electronically?

- A.** The current gas safety regulations do not prevent you from keeping an electronic copy provided it incorporates an electronic signature. We are revising the current Regulations and considering what to include as law or guidance on standards for electronic signatures, which will need to be met when the new Regulations become law.

It may therefore be advisable to wait until this is finished. However, if you wish to use or develop electronic systems now, you are recommended to ask about their design standards in relation, for example, to the authenticity, integrity and reliability of the signature, before purchasing any new system.

Q. Do I have any responsibilities where the gas safety regulations do not apply?

- A.** If you are an employer or self-employed person, you may still have duties (including for gas safety) under the general provisions of the Health and Safety at Work Act and related regulations.

The courts haven't made any decisions about actions required and the efforts you need to make will depend on individual circumstances. However, the following action is recommended:

Where tenants own gas appliances, send a reminder that these should be serviced and checked for safety each year, and where possible, offer to include these (at reasonable cost) within the arrangements put in place by the landlord:

For rented property outside the scope of the Regulations (e.g. leases greater than 7 years) extend a similar approach to 1 above in the case of appliances provided by the landlord;

At the start of the tenancy you should advise the tenant of any flues or chimneys that are unsuitable for the installation of a gas appliance. You may also wish to consider regulating the installation of any appliance by a tenant through the conditions of a tenancy agreement.

It is also recommended to include all flues and chimneys connected to gas appliances within the landlord's safety check, even where they do not serve appliances provided by the landlord.

CONTACT DETAILS

- Transco Gas Emergency No. 0800
111 999
- HSE Gas Safety Advice Line
 - 0800300363
- CORGI
 - 0870 401 2300
 - www.corgi-group.com
 - Yellow Pages or Thomson Directory