



Brookland Estates
Property Management

eBOOK – Property Safety Gas



Gas

Gas Safety (Installation & Use) Regulations 1998

These Regulations came into force on 31st October 1998 and are one of the most important pieces of legislation for letting agents and Landlords. Landlords of residential property must ensure that all gas appliances, pipework and flues are maintained in a safe condition.



A GAS SAFE registered engineer must provide the landlord with a Gas Safety Record annually.

The Landlord must provide the tenant(s) with a copy of that safety record at the start of the tenancy or within 28 days if the check has been done during tenancy.

Non-compliance is a criminal offence and carries monetary penalties or imprisonment.

If the property is found to be unsafe, the agent and Landlord can be held responsible for the consequences. If there was an accident and you hadn't carried out the gas check and you had a tenant die, your employer could face manslaughter charges. However tenants are aware of



their rights, so the main risk would be being sued by any tenant who had suffered!

It may be a defence to any prosecution, that the Landlord or the letting agent concerned took all reasonable steps and exercised all due diligence to avoid committing the offence. This is why keeping notes on file of any attempts to arrange safety checks is essential, as they would be your defence in court. So if a tenant won't allow you access you **MUST** make detailed notes every time you try to call them and write to them. The Health and Safety guidance states that Landlords have to take “**all reasonable steps**” to ensure access to enable safety checks and maintenance work to be carried out; if there is a problem the court would decide what comprises “all reasonable steps”.

The Annual Safety Check

The Regulations place a duty on the Landlord to ensure that all gas appliances, flues and associated pipework are maintained in a safe condition at all times.

[100 Trehitt Road CP12](#)

New Tenancies

Before any lease commences, it must be ensured that the gas safety check has been carried out **on each appliance and flue within the 12 month period before the tenancy commences.**

Under these Regulations, a Landlord's duty to maintain and check appliances does not apply to gas appliances which are owned by the tenant, nor to any flues that *ONLY* serve such appliances.

Appliances owned by the tenant are those which the tenant is entitled to remove from the property.

The Regulations *DO* apply to common flues that serve both an appliance owned by the tenant AND a separate appliance owned by the Landlord.

The Regulations require that the Landlord or his agent keep a record of safety checks on each appliance and flue.

Records should be kept for 2 years from the date of the check.

A Landlord or agent cannot ask the tenant to arrange the servicing of gas appliances themselves.

MAKE NOTES – Keep a record of any correspondence, in case a tenant refuses access and it is necessary to demonstrate what steps have been taken.

Tenants should be strongly advised to provide access for both safety checks and maintenance work in the interests of their own safety. It is a



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condition of most tenancies that the Landlord or any person authorised by him, may at reasonable times of the day and on giving 24 hours' notice in writing, enter the premises to carry out inspections and repairs. However if a tenant refuses to allow access to the property this does NOT mean you can force entry. You should explain the importance of the gas check and why it is needed and follow this conversation up in writing. **MAKE NOTES!**

Carbon monoxide

Carbon Monoxide leaks are most commonly caused by incorrectly installed or badly maintained appliances around the house like cookers, heaters or boilers, or blocked flues and chimneys.

Excess carbon monoxide can cause dizziness, nausea, headaches, disorientation, unconsciousness, breathing problems and death. As a gas, it is tasteless, colourless and odourless, which is why it is so dangerous.

Tenants should also be educated about the warning signs:

- If boiler and cooker flames are orange or yellow instead of blue, the affected appliance should be checked
- Increased condensation inside windows
- Pilot light that frequently goes out
- Dark staining around or on appliances
- Sooty marks on the walls around boilers, stoves or the cover of gas fires

The penalty imposed in a Magistrates Court for non-compliance is a fine of up to £20,000 or imprisonment, or both. If the case is then referred to a Crown Court, an unlimited fine or custodial sentence may be imposed.

Action Point

Have a look at a CP12 so you can interpret advice and spot hazard notices.