

Consultation Paper

Gas Safety (Installation, Use and Management) (Application) Order 2021

Issue Date: 16.07.21

Closing Date: 18.08.21

Consultation Paper – HSWI CP16-07-21

Introduction

This Consultation Paper is issued by the Department of Environment, Food and Agriculture (DEFA) in association with the Health and Safety at Work Inspectorate.

The purpose of the consultation is to obtain views on proposed changes to gas safety legislation.

The consultation is particularly relevant to persons and businesses that work in the gas industry including network operators and gas suppliers.

The closing date for comments is 18.08.21.

Please send comments in writing, preferably by email to:

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Confidentiality and Data Protection

The information you send may be published in full or in a summary of responses. All information in responses may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2015 and the Data Protection Act 2018). If you want your response to remain confidential, you should explain why confidentiality is necessary. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding. The Department is registered with the Information Commissioner as a controller under Isle of Man data protection legislation. It collects and processes personal data to carry out its functions in the public interest under relevant legislation and may share personal data with other parties where there is a legal basis for doing so. DEFA's privacy policy can be found at <https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/privacy-notice/>

If you have a query in relation to how this consultation has been carried out, please contact the Department's policy officer at DPO-DEFA@gov.im

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1. Executive Summary

1.1 Overview

The Gas Safety (Installation, Use and Management) (Application Order) 2021 will apply the 'Gas Safety (Installation and Use) Regulations 1998' which are currently in effect in Great Britain and have been updated in recent years. This will replace the Island's equivalent legislation which has not been updated since 1996. The regulations place duties on gas work businesses and operatives, landlords and people who use gas appliances. The Order will also apply the 'Gas Safety (Management) Regulations 1996' placing duties on gas transporters including network operators, shippers and terminal operators.

It is intended that the Application Order will come into effect in around November this year.

1.2 What is the purpose of this Consultation Paper?

The consultation paper seeks views on the proposed application of updated gas safety regulations to the Island by the Gas Safety (Installation, Use and Management) (Application) Order 2021.

1.3 Who may be affected by this Consultation Paper?

The Application Order could affect any party that falls within the scope of the regulations it intends to apply including gas work operatives and businesses, landlords that rent out domestic premises who supply gas equipment for the use of their tenants, gas suppliers and gas consumers. The application of the regulations will also affect those businesses responsible for the transport, distribution and shipping of natural gas.

The main principles of the regulations proposed to be applied are as follows:

- Gas Safety (Installation and Use) Regulations 1998:
 - Duties, qualifications, general safety provisions for employers and people working with gas fittings and storage vessels.
 - Provisions relating to the safe installation and use of gas meters, regulators, pipes and appliances.
 - Duties for landlords in relation to safety checks on gas appliances in rented properties.
 - Duties in relation to the escape of gas.
- Gas Safety (Management) Regulations 1996:
 - The safe management of gas flow through a network, particularly those parts supplying domestic consumers, and a duty to minimise the risk of a gas supply emergency;
 - Arrangements for dealing with supply emergencies;
 - Arrangements for dealing with reported gas escapes and gas incidents;

- Gas composition
- All gas transporters will be required to prepare a safety case, submit it to the Department and have it accepted.

2. Consultation Process

2.1 The Department's regulatory obligations

The Department's regulatory objectives are set out in Section 82(3) of the Health and Safety at Work etc. Act 1974 (as applied to the island) which states:

'Before the Department makes any order, rules, or regulations under this Act it shall consult such organisations as it considers represents interests affected by the order, rules or regulations.'

2.2 Responding to the Consultation Paper

Dialogue with stakeholders is an essential element for successful development of the proposals and constructive feedback will help the Department reach an informed decision on the content of the proposals and manner of implementation. Respondents should note the following when responding to this Consultation Paper:

- As responses to the consultation may be subject to publication or disclosure in accordance with access to information regimes, respondents should state if they wish their response to remain confidential and, if so, the reasons for this.
- Submissions received by the closing date of the consultation will be considered but may not necessarily result in a change to the proposals following a review of all responses received.
- Professional bodies, trade associations and other representative groups should provide a summary of the people and organisations they represent when responding to a consultation as well as the methodology used to gain members' input.
- The Department requests that submissions are not made anonymously as they will not be considered or included in the Consultation Response.

This Consultation Paper has been published on the Isle of Man Government's Consultation Hub.

3. Proposals

3.1 Regulations

This order intends to apply two separate sets of GB regulations, both amended to suit the Island.

1. Approved Code of Practice and guidance for the Gas Safety (installation and Use) Regulations 1998 - <https://www.hse.gov.uk/pubns/books/l56.htm>
2. A Guide to the Gas Safety (Management) Regulations 1996 (GSMR) <https://www.hse.gov.uk/pubns/books/l80.htm>

3.2 Gas Safety (installation and Use) Regulations 1998

The application of these regulations will make no noticeable difference to the way gas operatives work on the Island, current standards and practices are already based on the latest GB gas regulations, approved codes of practice and advice given out by Gas Safe Register. Standards relating to gas work operative training and accreditation are based around the GB regulations.

The application of the regulations will place no additional cost burden on industry or gas consumers; although private landlords and local authorities will have an additional requirement to issue a gas safety record to their tenants, a vast majority already do this by applying best practice as responsible landlords.

Landlords will benefit from the introduction of a degree of flexibility to the timing of annual gas safety checks. This change means that landlords can carry out the annual gas safety check in the two months before the due date and retain the existing expiry date if they wish to. This avoids landlords having to wait until the last minute and not gaining access, or having to shorten the annual cycle period to comply with the law. There is no change to the legal requirement for an annual gas safety check or for maintenance to be carried out.

For the benefit of gas operatives, the regulations will incorporate an exemption into law to carry out alternative checks in situations where there is no gas meter to directly measure the heat input of a gas appliance and where it is not possible to measure the operating pressure, and extend the scope to include situations where the meter is not accessible or the meter display is not working.

These regulations will continue to apply to businesses and their operatives who carry out gas work on downstream gas installations and gas fittings. They will also continue to apply to landlords, gas suppliers and consumers.

The current 1996 IOM regulations were specifically amended to take account of LPG/air, a significantly different gas 'type' than the current Natural Gas and LPG supplies that we now have, requiring different installation standards and techniques to either NG or LPG. All LPG/air supplies have now been decommissioned and therefore parts of these regulations are outdated and are no longer relevant. Applying the GB regulations is the most sensible and effective way to take account of these differences.

Since their introduction the GB versions have been updated several times as a result of the introduction of new technologies and other industry changes, the most recent update to the GB version was 2018.

Recent changes in technology include the introduction of the use of combustion performance testing, energy efficient appliances, revised ventilation standards, the types of materials that can be used for gas pipework and flues systems etc.

Changes to the current regulations include:

- Higher risk gas appliances will be prohibited from being installed in sleeping accommodation.
- Landlords will be required to provide their tenants with gas safety records annually, within 28 days of the check taking place.
- Combustion performance will be accepted as an alternative method of confirming appliance safety where other methods of testing are not practicable.
- Removes specific requirements relating to LPG(air) including pipe sizing, gas supplier requirement rather than manufacturer's instructions etc.

The newly applied regulations will clarify:

- DIY scenarios and competency
- Exempt premises
- Competence in 'out of scope' premises
- Gas Safe Register reference
- Gas escape response and suppliers' responsibilities.

We will consult directly with:

- All Island based Gas Safe Registered businesses (through Gas Safe Register)
- Gas Safe Register
- Other Government departments
- Gas suppliers/transporters
- Local authorities and landlord associations

3.3 The Gas Safety (Management) Regulations 1996 (GSMR)

These regulations apply to the conveyance of Natural Gas (methane) through pipes to domestic and other consumers and cover four main areas:

- (a) The safe management of gas flow through a network, particularly those parts supplying domestic consumers, and a duty to minimise the risk of a gas supply emergency;
- (b) Arrangements for dealing with supply emergencies;
- (c) Arrangements for dealing with reported gas escapes and gas incidents;
- (d) Gas composition.

They will be applicable to Manx Utilities, Manx Gas (Islands Energy Group) and Gas Networks Ireland (GNI) and therefore the consultation process will be narrow and the intention is to consult directly with these organisations and any relevant government department.

The notable area for change will be that each transporter or shipper will be required to submit a safety case to DEFA which will need to be reviewed and approved by the Department.

This will incur costs by the gas transporters however, if already working to reasonable standards operators should already have appropriate policies and procedures in place to demonstrate the application of safety standards and compliance with appropriate codes of practice.

4. Impact Assessment

It is not believed that the proposed Application Order will have any significant adverse impact on any party, whether an individual, a business or another regulated entity.

5. Questions

Do you have any comments on the draft *Gas Safety (Installation, Use and Management) (Application) Order 2021*?

If so, please tell us your views and the reasons.