



# GAS SAFETY (INSTALLATION, USE AND MANAGEMENT) (APPLICATION) ORDER 2021

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Statutory Document No. 20XX/XXXX



*Health and Safety at Work, Etc., Act 1977*

## **GAS SAFETY (INSTALLATION, USE AND MANAGEMENT) (APPLICATION) ORDER 2021**

*Approved by Tynwald:*

*Coming into Operation:*

[TBC]

The Department of Environment, Food and Agriculture makes the following Order, following consultation with such organisations as it considers represent interests which will be affected by the Order<sup>1</sup>, under section 1(1)(b) and (d) of the Health and Safety at Work, Etc., Act 1977.

### **1 Title**

This Order is the Gas Safety (Installation, Use and Management) (Application) Order 2021.

### **2 Commencement**

If approved by Tynwald this Order comes into operation on [TBC].

### **3 Application**

- (1) The Gas Safety (Management) Regulations 1996<sup>2</sup> of Parliament apply as part of the law of the Island, subject to the modifications in article 4.
- (2) The Gas Safety (Installation and Use) Regulations 1998<sup>3</sup> of Parliament apply as part of the law of the Island, subject to the modifications in article 5.
- (3) This Order applies to all places within the Island.

### **4 Gas Safety (Management) Regulations 1996 modified**

- (1) The Gas Safety (Management) Regulations 1996 are modified as follows.
- (2) For “1994”, in every place it occurs, substitute **1998**.
- (3) For “Executive”, in every place it occurs, substitute **Department**.

<sup>1</sup> As required by section 1(4) of the Health and Safety at Work, Etc., Act 1977.

<sup>2</sup> SI 1996 No. 551

<sup>3</sup> SI 1998 No. 2451

- (4) For “Great Britain”, in every place it occurs, substitute **“the Isle of Man”**.
- (5) For “British Gas p.l.c.”, in every place it occurs, substitute **“Manx Gas Limited”**.
- (6) In regulation 2 (interpretation) –
  - (a) for “Gas Safety (Installation and Use) Regulations 1994”, substitute **“Gas Safety (Installation and Use) Regulations 1998<sup>4</sup> as they have effect in the Island by virtue of the Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>5</sup>”**; and
  - (b) omit the definition of “Health and Safety Executive”.
- (7) In regulation 6 (co-operation) –
  - (a) omit sub-paragraphs (2)(e), (f), (g) and (h); and
  - (b) omit paragraph (3).
- (8) In regulation 7 (gas escapes and investigations), for “regulation 11(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”, substitute **“regulation 6(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 as they have effect in the Island by virtue of the Health and Safety (Reporting of Injuries Etc.) Order 1992<sup>6</sup>”**.
- (9) Omit regulation 10 (transitional provisions).
- (10) In regulation 12 (repeals, revocations and amendment) –
  - (a) for “Gas Act 1986”, in every place it occurs, substitute **“Gas Regulation Act 1995”**;
  - (b) for “section 16”, substitute **“section 8 (standards of quality)”**;
  - (c) for “Paragraphs 20 and 21 of Schedule 2B”, substitute **“Paragraphs 9 (prevention of gas escape) and 10 (information as to escapes of gas) of Schedule 2”**; and
  - (d) omit paragraphs (3), (4) and (5).
- (11) In Schedule 1 (particulars to be included in safety case of a person conveying gas), in paragraph 2 (safety management), for “1992”, substitute **“2003”**.

## **5 Gas Safety (Installation and Use) Regulations 1998 modified**

- (1) The Gas Safety (Installation and Use) Regulations 1998 are modified as follows.

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<sup>4</sup> SI 1998/2451

<sup>5</sup> SD 2021/0182

<sup>6</sup> GC 518 No 92

- (2) For “Health and Safety Executive”, in every place it occurs, substitute **“Department”**.
- (3) In regulation 2 (general interpretation and application) —
  - (a) in paragraph (1) —
    - (i) for the definition of “gas”, substitute —  
**“gas” has the meaning given in the Gas Regulation Act 1995;**  
and
    - (ii) after the definition of “supplier”, insert —  
**“temporary installations used in connection with any construction” means any site hut, building, structure, vehicle, vessel or caravan used for the storage, administration or welfare facilities intended to be used during construction works and removed once those works are complete but excludes any site hut, building, structure, vehicle, vessel or caravan used for accommodation;** and
  - (b) in paragraph (4) —
    - (i) in sub-paragraph (a), for “Mines and Quarries Act 1954” and “Quarries Regulations 1999”, substitute **Mines and Quarries Regulation Act 1950**;
    - (ii) for sub-paragraph (b), substitute —  
**(b) a factory within the meaning of —**
      - (i) the Factories and Workshops Acts, 1909 to 1936;
      - (ii) the Factories Act 1961, of Parliament; or
      - (iii) any place to which any provisions of Factories Act 1961 apply by virtue of sections 123 to 126 of that Act;and
    - (iii) in sub-paragraph (d), omit the words “within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations 2015”.
- (4) In regulation 14 (regulators), in sub-paragraph (1)(a), for “then”, substitute **than**.
- (5) In regulation 22 (testing and purging of pipes), in sub-paragraph (3)(b), for “of”, substitute **off**.
- (6) In regulation 36 (duties of landlords) —
  - (a) in paragraph (1) —
    - (i) for the definition of “landlord”, substitute —

“landlord” means —

- (a) where the relevant premises are occupied under a lease, the person for the time being entitled to the reversion expectant on that lease or who, apart from any statutory extension of the term of that lease, would be entitled to possession of the premises; and
- (b) where the relevant premises are occupied under a licence, the licensor, save that where the licensor is a tenant in respect of those premises, it means the person referred to in paragraph (i) above; ~~and~~;

(ii) for the definition of “lease”, substitute —

“lease” means —

- (a) a lease for a term of less than 7 years; and
- (b) a tenancy for a periodic term; and
- (c) any statutory extension of the term of a lease arising out of a lease or tenancy referred to in subparagraphs (a) or (b) above, and in determining whether a lease is one which falls within subparagraph (a) above —

- (i) any part of the term which falls before the grant shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant;
- (ii) a lease which is determinable at the option of the lessor before the expiration of 7 years from the commencement of the term shall be treated as a lease for a term of less than 7 years;
- (iii) a lease (other than a lease to which subparagraph (b) above applies) shall not be treated as a lease for a term of less than 7 years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to 7 years or more; and
- (iv) a “lease” does not include a mortgage term; ~~and~~;

(iii) omit the definition of “statutory tenancy”; and

(iv) for the definition of “tenant”, substitute —

“tenant” means any person entitled in possession to the property under any contract of tenancy, whether the

- interest of such tenant was acquired by original contract, assignment, operation of law or otherwise. ~~22~~; and
- (b) in sub-paragraph (3)(c)(ix), for “Executive”, substitute ~~23~~Department ~~22~~.
- (7) In regulation 37 (escape of gas) —
- (a) in paragraph (5) for “the did”, substitute ~~23~~the supplier of the gas did ~~22~~; and
- (b) omit paragraph (7).
- (8) Omit regulation 40A (review).
- (9) In regulation 41 (revocation and amendments) —
- (a) omit paragraph (1);
- (b) in paragraph (2) —
- (i) for “Schedule 2B to the Gas Act 1986 shall be”, substitute ~~23~~Schedule 2 to the Gas Regulation Act 1995 is ~~22~~;
- (ii) for sub-paragraph (a), substitute —
- ~~23~~(a) in paragraph 4 (use of anti-fluctuators and valves), sub-paragraph (1), omit the words “pressure fluctuation in the supply mains and any other” and the words “or danger”; ~~22~~;
- (iii) for sub-paragraph (b), substitute —
- ~~23~~(b) in sub-paragraph 4(2), after the words “if so required” insert the words ~~23~~other than for the purposes of preventing danger ~~22~~; ~~22~~; and
- (iii) for sub-paragraph (c), substitute —
- ~~23~~(c) in sub-paragraphs 4(5) and (6) after the words “this paragraph” insert ~~23~~or regulation 38 of the Gas Safety (Installation and Use) Regulations 1998 as they apply in the Island by virtue of the Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>7</sup> or directions made thereunder ~~22~~, ~~22~~.

## 6 Revocation

- (1) The Gas Safety (Application) Order 1996<sup>8</sup> is revoked.

<sup>7</sup> SD 2021/0182

<sup>8</sup> SD 326/96

**MADE [TBC] 2021**

*Minister for Environment, Food and Agriculture*



*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order applies the United Kingdom’s Gas Safety (Installation and Use) Regulations 1998 and Gas Safety (Management) Regulations 1996 (the “Regulations”) to the Island subject to the modifications set out in the Order.

The Gas Safety (Installation and Use) Regulations 1998 applied by this Order make provision in respect of the installation and use of gas fittings for the purpose of protecting the public from dangers arising from the distribution, supply or use of gas.

The Gas Safety (Management) Regulations 1996 provide for the preparation and acceptance of safety cases in respect of the conveyance of gas in a network and impose requirements in respect of gas escapes and the composition and pressure of gas.

This Order revokes and replaces the Gas Safety (Application) Order 1996.

The Order makes consequential amendments to the Gas Regulation Act 1995 to remove certain provisions relating to safety that are addressed in the Regulations as applied by this Order.