

Registered Social Landlords Fact Sheet 4

Gas Servicing

Introduction

Under the 1988 Gas Safety (Installations and Use) Regulations Landlords must ensure that any gas appliance and any flue that serves that appliance is maintained in a safe condition.

Responsibilities

If any of your properties have any gas appliances you must ensure that you have a gas safety check carried out annually, or within 12 months of the start of a new tenancy. It is recommended that Associations check gas installations and appliances immediately before the start of any new tenancy even if a safety certificate is still valid. You will be committing a criminal offence if the gas safety check does not take place on or before the expiry of 12 months since the last gas safety check.

The gas safety check, installations and maintenance must only be undertaken by a CORGI registered gas fitter.

You must give a copy of the CORGI gas fitters safety check report to your tenant within 28 days of the check being carried out or to new tenants before occupation. In addition you must keep a record of each safety check for at least two years.

If an appliance fails the safety check the CORGI gas fitter should note the defect on his report and disconnect the appliance.

Managing Agents

You may employ a managing agent to look after your property for example a supported housing project. In this case you need to be sure that the management agreement makes it clear who will be responsible for arranging the gas safety check.

If the responsibility is given to the managing agent and the safety check is not done then the agent will be prosecuted. However the Association may still remain responsible if they cannot show that you had systems in place for monitoring the performance of your agent.

Access Problems

You should take all reasonable steps to ensure the gas safety check is carried out. Keep a careful record of no access visits and copies of appointment letters. If a tenant refuses access or does not respond to requests for access you will need to consider seeking a court order. This could be an order for access or possession depending on the circumstances. You should not force entry or enter without the tenants consent.

Penalties

Breach of the gas regulations is a criminal offence. Associations or managing agents can be convicted for non compliance. The standard penalty is a £6,000 fine for each item and/or 6 months imprisonment. On the back of a Health and Safety Executive prosecution you should expect a claim for civil damages.

In the most serious cases charges of manslaughter could be brought.