

The Health and Safety (Gas) (Guernsey) Ordinance, 2006

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The Health and Safety (Gas) (Guernsey) Ordinance, 2006

THE STATES, in pursuance of their Resolution of the 27th April, 2005^a, and in exercise of the powers conferred on them by sections 2 and 3 of the Health, Safety and Welfare of Employees Law, 1950^b and sections 3, 4 and 5 of the Health and Safety at Work etc. (Guernsey) Law, 1979^c, and all other powers enabling them in that behalf, hereby order:-

PART I APPLICATION OF ORDINANCE

Application of this Ordinance and Health and Safety at Work Ordinance.

1. (1) Subject to the provisions of section 2, this Ordinance applies to or in relation to gas fittings used in connection with -

- (a) gas which has been conveyed to premises through a distribution main, or
- (b) gas conveyed from a gas storage vessel.

(2) The provisions of this Ordinance -

^a Article VI of Billet d'État No. IV of 2005.

^b Ordres en Conseil Vol. XIV, p. 312.

^c Ordres en Conseil Vol. XXVII, p. 155.

- (a) shall be read as one with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987^d, and
- (b) are relevant statutory provisions for the purposes of that Ordinance.

Cases to which this Ordinance does not apply.

2. (1) Except for sections 37 and 38, and subject to section 3(8), this Ordinance does not apply in relation to the supply of gas to, or anything done in respect of a gas fitting at, the following premises -

- (a) a quarry within the meaning of the Quarries (Safety) Ordinance, 1954^e,
- (b) a factory within the meaning of section 81 of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952^f,
- (c) agricultural premises, being agricultural land, including land being or forming part of a market garden, and any building thereon which is used in connection with agricultural operations,
- (d) temporary installations used in connection with building operations within the meaning of section 27(2)

^d Recueil d'Ordonnances Tome XXIV, p. 162.

^e Recueil d'Ordonnances Tome XI, p. 3.

^f Recueil d'Ordonnances Tome X, p. 194.

of the Safety of Employees (Miscellaneous Provisions)
Ordinance, 1952,

- (e) premises used for the testing of gas fittings, or
- (f) premises used for the treatment of sewage,

but this Ordinance does apply in relation to such premises or any part thereof used for domestic or residential purposes or as sleeping accommodation.

(2) Nothing in this Ordinance applies in relation to the supply of gas to, or anything done in respect of a gas fitting on -

- (a) a self-propelled vehicle, except when the vehicle is -
 - (i) hired out in the course of a business, or
 - (ii) made available to members of the public in the course of a business carried out from the vehicle,
- (b) a sea-going ship, or
- (c) a vessel not requiring a national or international load line certificate except when the vessel is -
 - (i) hired out in the course of a business,
 - (ii) made available to members of the public in the course of a business carried out from the vessel,
or

- (iii) used primarily for domestic or residential purposes,
 - (d) a hovercraft, or
 - (e) a caravan used for touring except where the caravan is hired out in the course of a business.
- (3) Nothing in this Ordinance applies in relation to -
 - (a) the supply of gas to the propulsion system of any vehicle or to any gas fitting forming part of such a propulsion system,
 - (b) the supply of gas to, or anything done in respect of, a bunsen burner used in an educational establishment, or
 - (c) work in relation to a control device on a gas appliance if -
 - (i) the device is intended primarily for use by a consumer of gas, and
 - (ii) the work does not involve breaking into a gasway.

(4) This Ordinance does not apply in relation to a gas fitting used for the purpose of training gas fitting operatives in a college or other training establishment, except that subsections (1) to (5) and (7) of section 3 apply to work in relation to a gas fitting carried out by a person providing such training.

(5) This Ordinance does not apply in relation to a gas fitting used for the purpose of assessing the competence of a gas fitting operative at an assessment centre where the assessment is carried out for the purposes of an accredited certification scheme, except that section 3(1) and (2) does apply to work in relation to a gas fitting carried out by a person carrying out such an assessment.

PART II GAS FITTINGS - GENERAL PROVISIONS

Qualification and supervision.

3. (1) No person shall carry out any work in relation to a gas fitting or a gas storage vessel unless he is competent to do so.

(2) The employer of any person carrying out any such work for that employer, every other employer and self-employed person who has control to any extent of any such work and every employer and self-employed person who has required any such work to be carried out at any place of work under his control shall ensure that subsection (1) is complied with.

(3) Without prejudice to the generality of subsections (1) and (2), and subject to subsection (4), no employer shall allow any of his employees to carry out any work in relation to a gas fitting or service pipework, and no self-employed person shall carry out any such work, unless the employer or self-employed person, as the case may be, is a member of a class of persons approved for the time being by the Department for the purposes of this subsection.

(4) The requirements of subsection (3) do not apply in respect of the replacement of -

- (a) a hose or regulator on a portable or mobile space-heater, or
- (b) a hose connecting a refillable cylinder to installation pipework.

(5) An approval given pursuant to subsection (3) and any withdrawal of such an approval shall be in writing and notice of it shall be given to such persons and in such manner as the Department considers appropriate.

(6) The employer of any person carrying out any work in relation to a gas fitting or gas storage vessel in the course of his employment shall ensure that such of the provisions of this Ordinance as impose duties on that person are complied with by that person.

(7) No person shall falsely pretend to be a member of a class of persons required to be approved for the purposes of subsection (3).

(8) Notwithstanding paragraph (b) of section 2(1), when a person is carrying out work in premises referred to in that paragraph in relation to a gas fitting in a vehicle, vessel or caravan -

- (a) subsections (1), (2) and (6) of this section shall be complied with in respect thereof, and
- (b) he shall ensure, so far as is reasonably practicable, that the installation of the gas fittings and flues will not contravene the provisions of this Ordinance when the gas fittings are connected to the gas supply,

but this subsection does not apply where the person has reasonable grounds for believing that the vehicle, vessel or caravan will be first used for a purpose which when so used will exclude it from the application of this Ordinance by virtue of paragraph (a), (c) or (e) of section 2(2).

Duty on employer.

4. Where an employer or a self-employed person requires any work in relation to a gas fitting to be carried out at any place of work under his control, or where an employer or self-employed person has control to any extent of work in relation to a gas fitting, he shall take reasonable steps to ensure that the person undertaking that work is, or is employed by, a member of a class of persons approved by the Department under section 3(3).

Materials and workmanship.

5. (1) No person shall install a gas fitting unless every part of it is of good construction and sound material, of adequate strength and size to secure safety and of a type appropriate for the gas with which it is to be used.

(2) Without prejudice to the generality of subsection (1), no person shall install in a building any pipe or pipe fitting for use in the supply of gas which is -

- (a) made of lead or lead alloy, or
- (b) made of a non-metallic substance unless it is -
 - (i) a pipe connected to a readily movable gas appliance designed for use without a flue, or
 - (ii) a pipe entering the building and that part of it within the building is placed inside a metallic

sheath which is so constructed and installed as to prevent, so far as is reasonably practicable, the escape of gas into the building if the pipe should fail.

(3) No person shall carry out any work in relation to a gas fitting or gas storage vessel except in accordance with appropriate standards and in such a way as to prevent danger to any person.

General safety precautions.

6. (1) No person shall carry out any work in relation to a gas fitting in such a manner that gas could be released unless steps are taken to prevent the gas so released constituting a danger to any person.

(2) No person carrying out work in relation to a gas fitting shall leave the fitting unattended unless every incomplete gasway has been sealed with the appropriate fitting or the gas fitting is otherwise safe.

(3) Any person who disconnects a gas fitting shall, with the appropriate fitting, seal off every outlet of every pipe to which it was connected.

(4) No person carrying out work in relation to a gas fitting which involves exposing gasways which contain or have contained flammable gas shall smoke or use any source of ignition in such a manner as may lead to the risk of fire or explosion.

(5) No person searching for an escape of gas shall smoke or use any source of ignition.

(6) Where a person carries out any work in relation to a gas fitting which might affect the gas tightness of the gas installation he shall immediately

thereafter test the installation for gas tightness at least as far as the nearest valves upstream and downstream in the installation.

(7) No person shall install a gas storage vessel unless the site where it is to be installed is such as to ensure that the gas storage vessel can be used, filled or re-filled without causing a danger to any person.

(8) No person shall install in a cellar or basement -

(a) a gas storage vessel, or

(b) an appliance fuelled by liquefied petroleum gas which has an automatic ignition device or a pilot light.

(9) No person shall intentionally or recklessly interfere with a gas storage vessel or otherwise do anything which might affect a gas storage vessel so that the subsequent use of that vessel might cause a danger to any person.

(10) No person shall store or keep gas consisting wholly or mainly of methane on domestic premises; and, for the purpose of this subsection, such gas from time to time present in pipes or in the fuel tank of any vehicle propelled by gas shall be deemed not to be so stored or kept.

Protection against damage.

7. (1) Any person installing a gas fitting shall ensure that it is properly supported and so placed or protected as to avoid any undue risk of damage to the fitting.

(2) No person shall install a gas fitting if he has reason to suspect that foreign matter may block or otherwise interfere with the safe operation of the

fitting unless he has fitted to the gas inlet of, and any airway in, the fitting a suitable filter or other suitable protection.

(3) No person shall install a gas fitting in a position where it is likely to be exposed to any substance which may corrode gas fittings unless the fitting is constructed of materials which are inherently resistant to being so corroded or it is suitably protected against being so corroded.

Existing gas fittings.

8. (1) No person shall make any alteration to any premises in which a gas fitting or gas storage vessel is fitted if that alteration would adversely affect the safety of the fitting or the vessel in such a manner that, if the fitting or the vessel had been installed after the alteration, there would have been a contravention of this Ordinance.

(2) No person shall do anything which would affect a gas fitting or any flue or means of ventilation used in connection with the fitting in such a manner that the subsequent use of the fitting might constitute a danger to any person; but this subsection does not apply to an alteration to premises.

(3) In relation to any place of work under his control, an employer or a self-employed person shall ensure, so far as reasonably practicable, that the provisions of subsections (1) and (2) are complied with.

Emergency controls.

9. (1) No person shall for the first time enable gas to be supplied for use in any premises unless there is provided an appropriately sited emergency control to which there is adequate access.

(2) Any person installing an emergency control shall ensure that -

- (a) any key, lever or hand-wheel of the control is securely attached to the operating spindle of the control,
- (b) any such key or lever is attached so that -
 - (i) the key or lever is parallel to the axis of the pipe in which the control is installed when the control is in the open position, and
 - (ii) where the key or lever is not attached so as to move only horizontally, gas cannot pass beyond the control when the key or lever has been moved as far as possible downwards,
- (c) either the means of operating the key or lever is clearly and permanently marked or a notice in permanent form is prominently displayed near such means so as to indicate when the control is open and when the control is shut, and
- (d) any hand-wheel indicates the direction of opening or closing of the control.

(3) Where a person installs an emergency control which is not adjacent to a primary meter, he shall immediately thereafter prominently display on or near the means of operating the control a suitably worded notice in permanent form indicating the procedure to be followed in the event of an escape of gas.

(4) Where any person first supplies gas to premises where an emergency control is installed, he shall ensure that the notice required by subsection

(3) remains suitably worded or shall, where necessary, forthwith amend or replace that notice so as to give effect to the provisions of that subsection.

(5) This section does not apply where gas is supplied in a refillable cylinder except where two or more cylinders are connected by means of an automatic changeover device.

Maintaining electrical continuity.

10. In any case where it is necessary to prevent danger, no person shall carry out work in relation to a gas fitting without using a suitable bond to maintain electrical continuity until the work is completed and permanent electrical continuity has been restored.

PART III

METER INSTALLATIONS AND REGULATORS

Interpretation of Part III.

11. In this Part -

"**meter box**" means a receptacle or compartment designed and constructed to contain a meter with its associated fittings,

"**meter compound**" means an area or room designed and constructed to contain one or more meters with their associated fittings,

"**secondary meter**" means a meter, other than a primary meter, for ascertaining the quantity of gas provided by a person for use by another person.

Meters - general provisions.

12. (1) No person shall install a meter in any premises unless the site where it is to be installed is such as to ensure so far as is reasonably practicable that the means of escape from those premises in the event of fire is not adversely affected.

(2) No person shall install a meter in any premises unless it is of sound construction adequate to ensure so far as is reasonably practicable that in the event of fire gas is not able to escape in hazardous quantities; but this subsection does not apply to any meter installed in non-domestic premises to which gas is supplied through a readily accessible service valve.

(3) No person shall install a meter unless the installation is so placed as to ensure that there is no risk of damage to it from electrical apparatus.

(4) No person shall install a meter except in a readily accessible position for inspection and maintenance.

(5) Where a meter has bosses or side pipes attached to the meter by a soldered joint only, no person shall make rigid pipe connections to the meter.

(6) Where a person installs a meter and the pipes and other gas fittings associated with it, he shall ensure that -

(a) immediately thereafter they are adequately tested to verify that they are gas tight and examined to verify that they have been installed in accordance with this Ordinance, and

(b) immediately after such testing and examination, purging is carried out throughout the meter and every other gas fitting through which gas can then flow so as

to remove safely all air and gas other than the gas to be supplied.

Meter housings.

13. (1) Where a meter is housed in a meter box or meter compound attached to or built into the external face of the outside wall of any premises, the meter box or meter compound shall be so constructed and installed that any gas escaping within the box or compound cannot enter the premises or any cavity in the wall but must disperse to the external air.

(2) No person shall knowingly store readily combustible materials in any meter box or meter compound.

(3) No person shall install a meter in a meter box provided with a lock unless the consumer has been provided with a suitably labelled key to that lock.

(4) No person shall install a meter within a meter compound which is capable of being secured unless the consumer has been provided with a suitably labelled key for that compound.

Regulators.

14. (1) No person shall install a primary meter or meter bypass used in connection with a primary meter unless -

- (a) there is a regulator controlling the pressure of gas supplied through the meter or the bypass, as the case may be, which provides adequate automatic means for preventing the gas fittings connected to the downstream side of the regulator from being subjected to a pressure greater than that for which they were designed,

- (b) where the normal pressure of the gas supply is 75 millibars or more at the inlet to the regulator, there are also adequate automatic means for preventing, in case the regulator should fail, those gas fittings from being subjected to such a greater pressure, and
- (c) where the regulator contains a relief valve or liquid seal, such valve or seal is connected to a vent pipe of adequate size and so installed that it is capable of venting safely.

(2) Without prejudice to the requirements of subsection (1), no person shall cause gas to be supplied from a gas storage vessel (other than a refillable cylinder or a cylinder or cartridge designed to be disposed of when empty) to any service pipework or gas fitting unless -

- (a) there is a regulator installed which controls the nominal operating pressure of the gas,
- (b) there is adequate automatic means for preventing the installation pipework and gas fittings downstream of the regulator from being subjected to a pressure different from that for which they were designed, and
- (c) there is an adequate alternative automatic means for preventing the service pipework from being subjected to a greater pressure than that for which it was designed should the regulator referred to in paragraph (a) fail.

(3) No person shall cause gas to be supplied through an installation consisting of one or more refillable cylinders unless the supply of gas passes through a regulator which controls the nominal operating pressure of the gas.

(4) Without prejudice to subsection (3), no person shall cause gas to be supplied through an installation consisting of four or more refillable cylinders connected to an automatic change-over device unless there is an adequate alternative means for preventing the installation pipework and any gas fitting downstream of the regulator from being subjected to a greater pressure than that for which it was designed should the regulator fail.

(5) Where a person installs -

- (a) a regulator for controlling the pressure of gas through a primary meter, through a meter bypass used in connection with a primary meter or from a gas storage vessel, or
- (b) a gas appliance itself fitted with a regulator for controlling the pressure of gas to that appliance,

he shall immediately thereafter ensure, in either case, that the regulator is adequately sealed so as to prevent its setting from being interfered with without breaking of the seal.

(6) In relation to -

- (a) gas from a distribution main, and
- (b) gas from a gas storage vessel,

no person except the supplier or a person authorised to act on his behalf shall break a seal applied under subsection (5), other than a seal applied to a regulator for controlling the pressure of gas to the appliance to which the regulator is fitted.

(7) A person who breaks a seal applied under subsection (5) shall apply as soon as is practicable a new seal which is adequate to prevent the setting of the regulator from being interfered with without breaking such seal.

Meters - emergency notices.

15. (1) No person shall supply gas through a primary meter installed after the commencement of this Ordinance or for the first time supply gas through an existing primary meter after the commencement of this Ordinance unless he ensures that a suitably worded notice in permanent form is prominently displayed on or near the meter indicating the procedure to be followed in the event of an escape of gas.

(2) Where a meter is installed or relocated in any premises at a distance of more than 2 metres from, or out of sight of, the nearest upstream emergency control in the premises, no person shall supply or provide gas for the first time through the meter unless he ensures that a suitably worded notice in permanent form is prominently displayed on or near the meter indicating the position of that control.

Primary meters.

16. (1) No person shall install a prepayment meter as a primary meter through which gas passes to a secondary meter.

(2) Any person -

(a) who first provides gas through any service pipe or service pipework after the commencement of this Ordinance to more than one primary meter, or

- (b) who subsequently makes any modification which affects the number of primary meters so provided,

shall ensure that a notice in permanent form is prominently displayed on or near each primary meter indicating that more than one primary meter is provided with gas through that service pipe or service pipework.

(3) Where a primary meter is removed, the person who last supplied gas through the meter before removal shall -

- (a) where the meter is not forthwith re-installed or replaced by another meter -

- (i) close any service valve which controlled the supply of gas to that meter and did not control the supply of gas to any other primary meter,

- (ii) seal the outlet of the emergency control with an appropriate fitting, and

- (iii) clearly mark any live gas pipe in the premises in which the meter was installed to the effect that the pipe contains gas, and

- (b) where the meter is not re-installed or replaced by another meter before the expiry of the period of 12 months beginning on the date of removal of the meter and there is no such service valve as is mentioned in paragraph (a)(i), ensure that the service pipe or service pipework for those premises is disconnected as near as

is reasonably practicable to the main or storage vessel and that any part of the pipe or pipework which is not removed is sealed at both ends with the appropriate fitting.

(4) Where a person proposes to remove a primary meter he shall give sufficient notice of it to the person supplying gas through the meter to enable him to comply with subsection (3).

Secondary meters.

17. (1) Any person supplying or permitting the supply of gas through a primary meter to a secondary meter shall ensure that a line diagram in permanent form is prominently displayed on or near the primary meter or gas storage vessel and on or near all emergency controls connected to the primary meter showing the configuration of all meters, installation pipework and emergency controls.

(2) Any person who changes the configuration of any meter, installation pipework or emergency control so that the accuracy of the line diagram referred to in subsection (1) is affected shall ensure that the line diagram is amended so as to show the altered configuration.

PART IV
INSTALLATION PIPEWORK

Safe use of pipes.

18. (1) No person shall install any installation pipework in any position in which it cannot be used with safety having regard to the position of other pipes, pipe supports, drains, sewers, cables, conduits and electrical apparatus and to any parts of the structure of any premises in which it is installed which might affect its safe use.

(2) Any person who connects any installation pipework to a primary meter shall, in any case where electrical equipotential bonding may be necessary, inform the responsible person that such bonding should be carried out by a competent person.

Enclosed pipes

19. (1) No person shall install any part of any installation pipework in a wall or a floor or standing of solid construction unless it is so constructed and installed as to be protected against failure caused by the movement of the wall, the floor or the standing, as the case may be.

(2) No person shall install any installation pipework so as to pass through a wall or a floor or standing of solid construction (whether or not it contains any cavity) from one side to the other -

(a) unless any part of the pipe within the wall, floor or standing, as the case may be, takes the shortest practicable route, and

(b) unless adequate means are provided to prevent, so far as is reasonably practicable, any escape of gas from the pipework passing through the wall, floor or standing from entering any cavity in the wall, floor or standing.

(3) No person shall, subject to subsection (4), install any part of any installation pipework in the cavity of a cavity wall unless the pipe is to pass through the wall from one side to the other.

(4) Subsection (3) does not apply to the installation of installation pipework connected to a living flame effect gas fire provided that the pipework in the cavity is as short as is reasonably practicable, enclosed in a gas tight sleeve and sealed

at the joint at which the pipework enters the fire; and in this subsection a "**living flame effect gas fire**" means a gas fire -

- (a) designed to simulate the effect of a solid fuel fire,
- (b) designed to operate with a fanned flue system, and
- (c) installed within the inner leaf of a cavity wall.

(5) No person shall install any installation pipework or any service pipework under the foundations of a building or in the ground under the base of a wall or footings unless adequate steps are taken to prevent damage to the installation pipework or service pipework in the event of the movement of those structures or the ground.

(6) Where any installation pipework is not itself contained in a ventilated duct, no person shall install any installation pipework in any shaft, duct or void which is not adequately ventilated.

Protection of buildings.

20. No person shall install any installation pipework in a way which would impair the structure of a building or impair the fire resistance of any part of its structure.

Clogging precautions.

21. No person shall install any installation pipework in which deposition of liquid or solid matter is likely to occur unless a suitable vessel for the reception of any deposit which may form is fixed to the pipe in a conspicuous and readily accessible position and safe means are provided for the removal of the deposit.

Testing and purging of pipes.

22. (1) Where a person carries out work in relation to any installation pipework which might affect the gastightness of any part of it, he shall immediately thereafter ensure that -

- (a) that part is adequately tested to verify that it is gastight and examined to verify that it has been installed in accordance with this Ordinance, and
- (b) after such testing and examination, any necessary protective coating is applied to the joints of that part.

(2) Where gas is being supplied to any premises in which any installation pipework is installed and a person carries out work in relation to the pipework, he shall also ensure that -

- (a) immediately after complying with the provisions of paragraphs (a) and (b) of subsection (1), purging is carried out throughout all installation pipework through which gas can then flow so as to remove safely all air and gas other than the gas to be supplied,
- (b) immediately after such purging, if the pipework is not to be put into immediate use, it is sealed off at every outlet with the appropriate fitting,
- (c) if such purging has been carried out through a loosened connection, the connection is retested for gastightness after it has been retightened, and
- (d) every seal fitted after such purging is tested for gas tightness.

(3) Where gas is not being supplied to any premises in which any installation pipework is installed -

- (a) no person shall permit gas to pass into the installation pipework unless he has caused such purging, testing and other work as is specified in paragraphs (a) to (d) of subsection (2) to be carried out, and
- (b) a person who provides a gas supply to those premises shall, unless he complies with paragraph (a), ensure that the supply is sealed off with an appropriate fitting.

Marking of pipes.

23. (1) Any person installing, elsewhere than in any premises or part of premises used only as a dwelling or for living accommodation, a part of any installation pipework which is accessible to inspection shall permanently mark that part in such a manner that it is readily recognisable as part of a pipe for conveying gas.

(2) The responsible person for the premises in which any such part is situated shall ensure that the part continues to be so recognisable so long as it is used for conveying gas.

Large consumers.

24. (1) Where the service pipe to any building having two or more floors to which gas is supplied or (whether or not it has more than one floor) a floor having areas with a separate supply of gas has an internal diameter of 55^{mm} or more, no person shall install any incoming installation pipework supplying gas to any of those floors or areas, as the case may be, unless -

- (a) a valve is installed in the pipe in a conspicuous and readily accessible position, and
- (b) a line diagram in permanent form is attached to the building in a readily accessible position as near as practicable to the primary meter or (where there is no primary meter) the emergency control, or to the gas storage vessel, as the case may be, indicating the position of all installation pipework of internal diameter of -
 - (i) 25^{mm} or more, where gas is supplied from a gas storage vessel, or
 - (ii) 35^{mm} or more, in any other case,

and all meters, emergency controls, valves and pressure test points of the gas supply systems in the building.

(2) Subsection (1) applies to service pipework as it applies to a service pipe except that the reference therein to an internal diameter of 55^{mm} or more is to be a reference to an internal diameter of 30^{mm} or more.

(3) In subsection (1)(b) "**pressure test point**" means a gas fitting to which a pressure gauge can be connected.

PART V GAS APPLIANCES

Interpretation of Part V.

25. In this Part -

"**flue pipe**" means a pipe forming a flue but does not include a pipe built as a lining into either a chimney or a gas appliance ventilation duct,

"**operating pressure**", in relation to a gas appliance, means the pressure of gas at which it is designed to operate.

Gas appliances - safety precautions.

26. (1) No person shall install a gas appliance unless it can be used without constituting a danger to any person.

(2) No person shall connect a flued domestic gas appliance to the gas supply system except by a permanently fixed rigid pipe.

(3) No person shall install a used gas appliance without verifying that it is in a safe condition for further use.

(4) No person shall install a gas appliance which does not comply with any enactment imposing a prohibition or restriction on the supply of such an appliance on grounds of safety.

(5) No person carrying out the installation of a gas appliance shall leave it connected to the gas supply unless -

(a) the appliance can be used safely, or

(b) the appliance is sealed off from the gas supply with an appropriate fitting.

(6) No person shall install a gas appliance without there being at the inlet to it means of shutting of the supply of gas to the appliance unless the provision of such means is not reasonably practicable.

(7) No person shall carry out work in relation to a gas appliance which bears an indication that it conforms to a type approved by any person as complying with safety standards in such a manner that the appliance ceases to comply with those standards.

(8) No person carrying out work in relation to a gas appliance which bears an indication that it so conforms shall remove or deface the indication.

(9) Where a person performs work on a gas appliance, he shall immediately thereafter examine -

- (a) the effectiveness of any flue,
- (b) the supply of combustion air,
- (c) its operating pressure or heat input or, where necessary, both, and
- (d) its operation so as to ensure its safe functioning,

and he shall forthwith take all reasonably practicable steps to notify any defect to the responsible person and, where different, the owner of the premises in which the appliance is situated or, where neither is reasonably practicable, the supplier of gas to the appliance.

(10) Subsection (9) does not apply in respect of -

- (a) the direct disconnection of the gas supply of a gas appliance, or
- (b) the purging of gas or air from an appliance or its associated pipework or fittings in any case where that purging does not adversely affect the safety of that appliance, pipe or fitting.

Flues.

27. (1) No person shall install a gas appliance to any flue unless the flue is suitable and in a proper condition for the safe operation of the appliance.

(2) No person shall install a flue pipe so that it enters a brick or masonry chimney in such a way that the seal between the flue pipe and the chimney cannot be inspected.

(3) No person shall connect a gas appliance to a flue which is surrounded by an enclosure unless that enclosure is so sealed that any spillage of the products of combustion cannot pass from the enclosure to any room or internal space other than the room or internal space in which the appliance is installed.

(4) No person shall install a power operated flue system for a gas appliance unless it safely prevents the operation of the appliance if the draught fails.

(5) No person shall install a flue other than in a safe position.

Access.

28. No person shall install a gas appliance except in such a manner that it is readily accessible for operation, inspection and maintenance.

Manufacturer's instructions.

29. Any person who installs a gas appliance shall leave for the use of the owner or occupier of the premises in which the appliance is installed all instructions provided by the manufacturer accompanying the appliance.

Room-sealed appliances.

30. (1) No person shall install a gas appliance in a room used or intended to be used as a bathroom or a shower room unless it is a room-sealed appliance.

(2) No person shall install a gas fire, other gas space heater or a gas water heater of more than 14-kilowatt gross heat input in a room used or intended to be used as sleeping accommodation unless the appliance is a room-sealed appliance.

(3) No person shall install a gas fire, other gas space heater or a gas water heater of 14-kilowatt gross heat input or less in a room used or intended to be used as sleeping accommodation and no person shall install an instantaneous water heater unless (in each case) -

- (a) it is a room-sealed appliance, or
- (b) it incorporates a safety control designed to shut down the appliance before there is a build up of a dangerous quantity of the products of combustion in the room concerned.

(4) The references in subsections (1) to (3) to a room used or intended to be used for the purpose therein referred to includes a reference to -

- (a) a cupboard or compartment within such a room, or

- (b) a cupboard, compartment or space adjacent to such a room if there is an air vent from the cupboard, compartment or space into such a room.

Suspended appliances.

31. No person shall install a suspended gas appliance unless the installation pipework to which it is connected is so constructed and installed as to be capable of safely supporting the weight imposed on it and the appliance is designed to be so supported.

Flue dampers.

32. (1) Any person who installs an automatic damper to serve a gas appliance shall -

- (a) ensure that the damper is so interlocked with the gas supply to the burner that burner operation is prevented in the event of failure of the damper when not in the open position, and
- (b) immediately after installation examine the appliance and the damper to verify that they can be used together safely without constituting a danger to any person.

(2) No person shall install a manually operated damper to serve a domestic gas appliance.

(3) No person shall install a domestic gas appliance to a flue which incorporates a manually operated damper unless the damper is permanently fixed in the open position.

Testing of appliances.

33. (1) Where a person installs a gas appliance at a time when gas is being supplied to the premises in which the appliance is installed, he shall immediately thereafter test its connection to the installation pipework to verify that it is gastight and examine the appliance and the gas fittings and other works for the supply of gas and any flue or means of ventilation to be used in connection with the appliance for the purpose of ascertaining whether -

- (a) the appliance has been installed in accordance with this Ordinance,
- (b) the operating pressure is as recommended by -
 - (i) the supplier of the gas to the appliance, or some other properly qualified person, in the case of an appliance converted for use with a mixture of liquefied petroleum gas and air, or
 - (ii) the manufacturer of the appliance, in any other case,
- (c) the appliance has been installed with due regard to any manufacturer's instructions provided to accompany the appliance, and
- (d) all gas safety controls are in proper working order.

(2) Where a person carries out such testing and examination in relation to a gas appliance and adjustments are necessary to ensure compliance with the requirements specified in paragraphs (a) to (d) of subsection (1), he shall either carry out those adjustments or disconnect the appliance from the gas supply or seal off the appliance from the gas supply with an appropriate fitting.

(3) Where gas is not being supplied to any premises in which any gas appliance is installed -

- (a) no person shall subsequently permit gas to pass into the appliance unless he has caused such testing, examination and adjustment as is specified in subsections (1) and (2) to be carried out, and
- (b) a person who subsequently provides a gas supply to those premises shall, unless he complies with paragraph (a), ensure that the appliance is sealed off from the gas supply with an appropriate fitting.

Use of appliances.

34. (1) The responsible person for any premises shall not use a gas appliance or permit a gas appliance to be used if at any time he knows or has reason to suspect that it cannot be used without constituting a danger to any person.

(2) For the purposes of subsection (1), the responsible person means the occupier of the premises, the owner of the premises and any person with authority for the time being to take appropriate action in relation to any gas fitting therein.

(3) Any person engaged in carrying out any work in relation to a gas main, service pipe, service pipework, gas storage vessel or gas fitting who knows or has reason to suspect that any gas appliance cannot be used without constituting a danger to any person shall forthwith take all reasonably practicable steps to inform the responsible person for the premises in which the appliance is situated and, where different, the owner of the appliance or, where neither is reasonably practicable, the supplier of gas to the appliance.

(4) In subsection (3) the expression "work" shall be construed as if, in the definition of "work" in section 49(1), every reference to a gas fitting were a reference to a gas main, service pipe, service pipework, gas storage vessel or gas fitting.

PART VI
MAINTENANCE, ESCAPES OF GAS, ETC

Duties of employers and self-employed persons.

35. It is the duty of every employer or self-employed person to ensure that any gas appliance, installation pipework or flue installed at any place of work under his control is maintained in a safe condition so as to prevent risk of injury to any person.

Duties of landlords.

36. (1) In this Ordinance -

"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, and
- (b) where the relevant premises are occupied under a licence, the licensor, except that where the licensor is himself a tenant in respect of those premises, it means the person referred to in paragraph (a),

"lease" means -

- (a) a lease for a term of less than 7 years,
- (b) a tenancy for a periodic term, and
- (c) any right to occupy the relevant premises during any period in which the execution of an order for eviction from the premises is suspended by order of the Royal Court under the Stay of Evictions Laws 1946 and 1954^g, but only where the stay of execution is granted to a person who was a tenant or sub-tenant of the premises under a lease or tenancy referred to in paragraph (a) or (b),

and in determining whether a lease is one which falls within paragraph (a) -

- (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, and
- (iii) a lease (other than a lease to which paragraph (b) 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,

^g

Ordres en Conseil Vol. XII, p. 262 and Vol. XVI, p. 43.

together with the original term, amounts to 7 years or more,

"relevant gas fitting" means -

- (a) any gas appliance (other than an appliance which the tenant is entitled to remove from the relevant premises) or any installation pipework installed in any relevant premises, and
- (b) any gas appliance or installation pipework which, directly or indirectly, serves the relevant premises and which -
 - (i) is installed in any part of the premises in which the landlord has an estate or interest, or
 - (ii) is owned by the landlord or is under his control,

but it does not include any gas appliance or installation pipework exclusively used in a part of the premises occupied for non-residential purposes,

"relevant premises" means premises or any part of premises occupied, whether exclusively or not, for residential purposes, in consideration of money or money's worth, under -

- (a) a lease, or
- (b) a licence,

"tenant" means a person who occupies relevant premises and who is-

- (a) where the relevant premises are occupied under a lease, the person for the time being entitled to the term of the lease, and
- (b) where the relevant premises are occupied under a licence, the licensee.

(2) Every landlord shall ensure that there is maintained in a safe condition -

- (a) any relevant gas fitting, and
- (b) any flue which serves any relevant gas fitting,

so as to prevent the risk of injury to any person in lawful occupation of relevant premises.

(3) Without prejudice to the generality of subsection (2), a landlord shall -

- (a) ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at least once in any 12 month period (whether beginning before or after the commencement of this Ordinance),
- (b) in the case of a lease commencing after the commencement of this Ordinance, and without prejudice to paragraph (a), ensure that each appliance and flue to which that duty extends is or has been

checked for safety within 12 months before the lease commences or within 12 months of being installed, whichever is later, and

(c) ensure that a record in respect of any appliance or flue so checked is made and retained for a period of two years from the date of the check, which record shall include the following information -

(i) the date on which the appliance or flue was checked,

(ii) the address of the premises at which the appliance or flue is installed,

(iii) the name and address of the landlord of those premises (or, where appropriate, his agent),

(iv) a description of and the location of each appliance or flue checked,

(v) any defect identified,

(vi) any remedial action taken,

(vii) confirmation that the check complies with subsection (9),

(viii) the name and signature of the individual carrying out the check, and

(ix) if appropriate, the registration number with which that individual, or his employer, is registered with a body approved by the Department for the purposes of section 3(3).

(4) Every landlord shall ensure that any work in relation to a relevant gas fitting or any check of a gas appliance or flue carried out pursuant to subsection (2) or (3) is carried out by, or by an employee of, a member of a class of persons approved by the Department for the purposes of section 3(3).

(5) The record referred to in subsection (3)(c) shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any appliance to which the record relates.

(6) Notwithstanding subsection (5), every landlord shall ensure that -

(a) a copy of the record made pursuant to the requirements of subsection (3)(c) is given to each existing tenant of the premises to which the record relates within 28 days of the date of the check, and

(b) a copy of the last record made in respect of each appliance or flue is given to any new tenant of the premises to which the record relates before that tenant occupies those premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed within those premises.

(7) Where there is no relevant gas fitting in any room occupied or to be occupied by the tenant in relevant premises, the landlord may, instead of ensuring that a copy of the record referred to in subsection (6) is given to the tenant, ensure that there is displayed in a prominent position in the premises (from such time as a copy would have been required to have been given to the tenant under that subsection), a copy of the record with a statement endorsed on it that the tenant is entitled to have his own copy of the record on request to the landlord at an address specified in the statement; and, on any such request being made, the landlord shall give the tenant a copy of the record as soon as is practicable.

(8) A copy of the record given to a tenant pursuant to subsection (6)(b) need not contain a copy of the signature of the individual carrying out the check if the copy of the record contains a statement that another copy containing a copy of that signature is available for inspection by the tenant on request to the landlord at an address specified in the statement; and, on any such request being made, the landlord shall make such a copy available for inspection as soon as is practicable.

(9) A safety check carried out pursuant to subsection (3) shall include, but shall not be limited to, an examination of the matters referred to in paragraphs (a) to (d) of section 26(9).

(10) Nothing done or agreed to be done by a tenant of relevant premises or by any other person in lawful occupation of them in relation to the maintenance or checking of a relevant gas fitting or flue in the premises (other than one in part of the premises occupied for non-residential purposes) shall be taken into account in determining whether a landlord has discharged his obligations under this section (except in so far as it relates to access to that gas fitting or flue for the purposes of such maintenance or checking).

(11) Every landlord shall ensure that in any room occupied or to be occupied as sleeping accommodation by a tenant in relevant premises there is not fitted a relevant gas fitting of a type the installation of which would contravene section 30(2) or (3).

(12) Subsection (11) does not apply in relation to a room which, since before the commencement of this Ordinance, has been occupied or intended to be occupied as sleeping accommodation.

Escapes of gas.

37. (1) Where any gas escapes from any pipe of a gas supplier, or from any pipe, other gas fitting or gas storage vessel used by a person supplied with gas by a gas supplier, the supplier of the gas shall, within 12 hours of being informed of the escape, prevent the gas escaping (whether by cutting off the supply of gas to any premises or otherwise).

(2) If the responsible person for any premises knows or has reason to suspect that gas is escaping into those premises, he shall immediately take all reasonable steps to cause the supply of gas to be shut off at such place as may be necessary to prevent further escape of gas.

(3) If gas continues to escape into those premises after the supply of gas has been shut off or when a smell of gas persists, the responsible person for the premises discovering the escape or smell shall immediately give notice of the escape or smell to the supplier of the gas.

(4) Where an escape of gas has been stopped by shutting off the supply, no person shall (other than in the course of repair) re-open the supply, or cause or permit the supply to be re-opened, until all necessary steps have been taken to prevent a recurrence of the escape.

(5) In any proceedings for an offence under subsection (1) it is a defence for the supplier of the gas to prove that it was not reasonably practicable for him effectually to prevent the gas from escaping within the period of 12 hours referred to in that subsection, and that he did effectually prevent the escape of gas as soon as it was reasonably practicable for him to do so.

(6) Nothing in subsections (1) and (5) prevents the supplier of the gas appointing another person to act on his behalf to prevent an escape of gas supplied by that supplier.

(7) In this section any reference to an escape of gas from a gas fitting includes a reference to an escape or emission of carbon monoxide gas resulting from incomplete combustion of gas in a gas fitting, but, to the extent that this section relates to such an escape or emission of carbon monoxide gas, the requirements imposed on a supplier by subsection (1) are, where the escape or emission is notified to the supplier by the person to whom the gas has been supplied, limited to advising that person of the immediate action to be taken to prevent the escape or emission and the need for the examination and, where necessary, repair of the fitting by a competent person.

Use of antifluatuators and valves.

38. (1) Where a consumer uses gas for the purpose of working or supplying plant which is liable to produce pressure fluctuation in the gas supply such as to cause any danger to other consumers, he shall comply with such directions as may be given to him by the supplier of the gas to prevent such danger.

(2) Where a consumer intends to use for or in connection with the consumption of gas any gaseous substance he shall -

- (a) give to the supplier of the gas at least 14 days notice in writing of that intention, and

- (b) during such use comply with such directions as the supplier may have given to him to prevent the admission of such substance into the gas supply,

and in this subsection "**gaseous substance**" includes compressed air but does not include any gaseous substance supplied by the supplier.

(3) Where a direction under subsection (1) or (2) requires the provision of any device, the consumer shall ensure that the device is adequately maintained.

(4) Any direction given pursuant to this section shall be in writing.

PART VII

RIGHTS OF ENTRY, DISCONNECTION, APPEALS, ETC

Rights of entry.

39. Where a supplier of gas has reasonable cause to suspect -

- (a) that gas conveyed or supplied by him is escaping, or may escape, in any premises, or
- (b) that gas conveyed or supplied by him which has escaped has entered, or may enter, any premises,

any officer authorised by the supplier may, on production of some duly authenticated document showing his authority, with such other persons (if any) as may be necessary, enter the premises to carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.

Inspection, testing and disconnection, etc.

40. Any officer authorised by a supplier of gas may, on production of some duly authenticated document showing his authority, with such other persons (if any) as may be necessary -

- (a) enter any premises in which there is a service pipe connected with a gas main for the purpose of inspecting -
 - (i) any gas fitting on the premises,
 - (ii) any flue or means of ventilation used in connection with any such gas fitting, and
 - (iii) any service pipe or other apparatus on the premises which is used for the conveyance or supply of gas or which is connected with a gas main,
- (b) where he so enters any such premises, examine or apply any test to any object mentioned in paragraph (a) and (where the object is a gas fitting) verify the supply of air available for it, with a view to ascertaining whether -
 - (i) the provisions of this Ordinance or any other statutory provision having effect for the purpose of protecting the public against risks to health and safety have been complied with, or
 - (ii) the object is in such a condition, or (in the case of a gas fitting) the supply of air available for it

is so inadequate, that it (or, in the case of a flue or means of ventilation, the gas fitting in connection with which it is used) is likely to constitute a danger to any person or property, and

(c) where in his opinion it is necessary to do so for the purpose of averting danger to life or property, and notwithstanding any contract previously existing -

(i) disconnect and seal off any gas fitting or any part of the gas supply system on the premises, and

(ii) disconnect the supply of gas to the premises or, if no such supply is being given, signify the refusal of the supplier to give or, as the case may be, allow such a supply.

Notification to consumer.

41. (1) Where an officer authorised by a supplier of gas takes any action in relation to any premises in the exercise of a power conferred by section 40(c), the supplier shall, within five working days after the day on which the action is taken, serve on the consumer a notice in writing -

(a) specifying -

(i) the nature of the defect or other circumstances in consequence of which the power was exercised, and

(ii) the nature of the danger in question and the action taken in the exercise of the power, and

(b) stating -

(i) that the consumer has a right to make representations under this Ordinance to the Department against the action taken within a period of 28 days beginning on the date of the notice or such longer period as the Department may at any time in any particular case allow,

(ii) the grounds on which and the manner in which he can make representations (see sections 42 and 43), and

(iii) the effect of sections 45 and 46.

(2) Where an officer authorised by a supplier of gas takes any action in relation to any premises in the exercise of a power conferred by section 40(c), he shall at the same time, in accordance with subsection (3), affix a prominent notice of the effect of the relevant provision of sections 45 and 46.

(3) The notice required by subsection (2) shall be affixed -

(a) where a gas fitting or any part of the gas supply system on the premises has been disconnected or sealed off, to, or to part of the premises near to, the gas fitting or part of the gas supply system in question,

- (b) where the supply of gas to the premises has been disconnected, to, or to a part of the premises near to, the meter nearest downstream to the point of disconnection or, if there is no such meter, to a conspicuous part of the premises, or
- (c) where the supplier has signified its refusal to give or allow such a supply, to, or to a part of the premises near to, the meter nearest downstream to the point from which gas would be supplied or, if there is no such meter, to a conspicuous part of the premises.

Representations to Department.

42. (1) A consumer on whom a notice is served under section 41(1) may, within a period of 28 days beginning on the date of the notice, or such longer period as the Department may at any time in any particular case allow, make representations to the Department against the action taken in the exercise of the powers conferred by section 40(c) on any of the following grounds -

- (a) that the defect or other circumstances specified in the notice did not constitute a danger such as to justify the action taken specified in the notice,
- (b) that the defect or other circumstances so specified did not exist at the time the action was taken, or
- (c) that the defect or other circumstances so specified have ceased to exist.

(2) Representations under this section are of no effect unless made by notice in writing given to the Department at its principal office and indicating the grounds on which they are made.

(3) On receipt of any such representations the Department may, if the consumer or the gas supplier so desires, afford each of them an opportunity of appearing before, and being heard by, a person appointed by the Department for the purpose.

Directions of Department.

43. (1) On consideration of representations under section 42 the Department may direct, subject to any right of the gas supplier to refuse to convey or supply gas to the premises -

- (a) that any gas fitting or part of the gas supply system on the premises which has been disconnected under this Ordinance shall remain disconnected or shall or may be reconnected,
- (b) that any supply of gas to the premises which has been disconnected under this Ordinance shall remain disconnected or shall or may be reconnected, or
- (c) where the refusal of the gas supplier to give or allow such a supply has been signified under this Ordinance, that the supplier shall not give a supply of gas or shall or may cause gas to be supplied to the premises,

and may give such supplementary directions as it considers to be appropriate in consequence of its consideration of the representations.

(2) The functions of the Department under this section and section 42 may be exercised by -

- (a) the Minister and one other voting member, or
- (b) any two voting members,

if in either case authorised in that behalf by the Department.

Right of appeal to Royal Court.

44. (1) A person aggrieved by a decision of the Department to make a direction under section 43 may appeal to the Royal Court sitting as an Ordinary Court ("**the Royal Court**") against the decision.

(2) The grounds of an appeal under this section are that -

- (a) the decision was ultra vires or unreasonable in law,
- (b) a material error as to the facts has been made,
- (c) there was a material procedural error, or
- (d) there was some other error of law, including bad faith or lack of proportionality.

(3) An appeal under this section shall be instituted -

- (a) within a period of 28 days immediately following the date of the Department's decision, and
- (b) by summons served on the Minister of the Department

stating the grounds and material facts on which the appellant relies.

(4) The Department may, where an appeal under this section has been instituted, apply to the Royal Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and, on hearing such an application, the Royal Court may -

- (a) dismiss the appeal or dismiss the Department's application (in either case on such terms and conditions as the Royal Court may direct), or
- (b) make such other order as the Royal Court considers just,

and the provisions of this subsection are without prejudice to the inherent powers of the Royal Court or to the provisions of rule 36(2) of the Royal Court Civil Rules, 1989^h.

(5) On an appeal under this section the Royal Court may -

- (a) set the decision of the Department aside and, if the Royal Court considers it appropriate to do so, remit the matter to the Department with such directions as the Royal Court thinks fit, or
- (b) confirm the decision, in whole or in part.

(6) On an appeal under this section against a decision the Royal

^h O.R.C. No. VII of 1989.

Court may, on the application of the appellant, and on such terms and conditions as the Royal Court thinks just, order that the decision or any part of the decision shall not have effect pending the determination of the appeal.

(7) The decision of the Royal Court on an appeal under this section is final.

Prohibition of reconnection or restoration of supply.

45. (1) Subject to subsection (2), no person shall, except with the consent of the supplier of gas or in pursuance of directions given by the Department under section 43 -

- (a) reconnect any gas fitting or any part of a gas supply system which has been disconnected by or on behalf of the gas supplier in the exercise of a power conferred by this Ordinance where he knows or has reason to believe that it has been so disconnected,
- (b) reconnect the supply of gas to any premises which has been disconnected by or on behalf of the gas supplier in the exercise of any such power where he knows or has reason to believe that it has been so disconnected, or
- (c) cause gas from a gas main to be conveyed to any premises where in pursuance of this Ordinance the refusal of the gas supplier to give or allow a supply of gas to those premises has been signified and that refusal has not been withdrawn and he knows or has reason to believe that such refusal has been signified and has not been withdrawn.

(2) The prohibition imposed by subsection (1)(a) and (b) does not apply -

- (a) in the course of the repairing or testing of any gas fitting or any part of a gas supply system, or
- (b) where all necessary steps have been taken to remedy and prevent a recurrence of the defect or other circumstance in respect of which the disconnection was carried out.

PART VIII
OFFENCES AND EXCEPTIONS

Offences.

46. (1) It is an offence for a person -
- (a) to contravene, or to attempt to contravene, any provision of this Ordinance or any direction under section 43, or
 - (b) to fail to discharge any duty to which he is subject by virtue of any such provision or direction.
- (2) A person guilty of an offence under subsection (1) is liable -
- (a) on summary conviction, to a fine not exceeding level 4 on the uniform scale,
 - (b) on conviction on indictment, to a fine.

Exception as to liability.

47. No person is guilty of an offence by reason of a contravention of section 3(2) or (6), 5(1), 7(3), 15, 16(2) or (3), 17(1), 30 (insofar as it relates to the installation of a gas fire, other gas space heater or a gas water heater of more than 14 kilowatt gross heat input), 33(1), 35 or 36 in any case in which he can show that he took all reasonable steps to prevent that contravention.

Exemption certificates.

48. (1) Subject to subsection (2), the Department may, by a certificate in writing, exempt any person or class of persons from any requirement or prohibition imposed by this Ordinance, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to -

- (a) the conditions, if any, which it proposes to attach to the exemption, and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons likely to be affected by the exemption will not be prejudiced in consequence of it.

PART IX
MISCELLANEOUS

Interpretation.

49. (1) In this Ordinance, unless the context requires otherwise -

"accredited certification scheme" means a nationally accredited certification scheme or other certification scheme accredited by the Department,

"appropriate fitting" means a fitting which -

- (a) has been designed for the purpose of effecting a gas tight seal in a pipe or other gasway,
- (b) achieves that purpose when fitted, and
- (c) is secure, so far as is reasonably practicable, against unauthorised opening or removal,

"contravention" includes failure to comply, and related expressions shall be construed accordingly,

"Department" means the States of Guernsey Commerce and Employment Department,

"distribution main" means any main through which a supplier is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk,

"emergency control" means a valve for shutting off the supply of gas in an emergency, being a valve intended for use by a consumer of gas,

"flue" means a passage for conveying the products of combustion from a gas appliance to the external air and includes any part of the passage in a gas appliance duct which serves the purpose of a flue,

"gas" means -

- (a) any substance in a gaseous state which consists wholly or mainly of -
 - (i) methane, ethane, propane, butane, hydrogen or carbon monoxide,
 - (ii) a mixture of two or more of those gases, or
 - (iii) a combustible mixture of one or more of those gases and air, and
- (b) any other substance in a gaseous state which is gaseous at a temperature of 15 degrees C and a pressure of 1013.25 millibars and is specified in regulations made by the Department,

"gas appliance" means an appliance designed for use by a consumer of gas for heating, lighting, cooking or other purposes for which gas can be used but does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance, save that, for the purposes of sections 3, 35 and 36, it does include a portable or mobile space heater supplied with gas from a cylinder, and the cylinder, pipes and other fittings used for supplying gas to that heater,

"gas fittings" means gas pipework, valves (other than emergency controls), regulators and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, cooking or other

purposes for which gas can be used (other than the purpose of an industrial process carried out on industrial premises), but it does not mean -

- (a) any part of a service pipe,
- (b) any part of a distribution main or other pipe upstream of the service pipe,
- (c) a gas storage vessel, or
- (d) a gas cylinder or cartridge designed to be disposed of when empty,

"gas storage vessel" means a storage container designed to be filled or re-filled with gas at the place where it is connected for use or a refillable cylinder designed to store gas, and includes the vapour valve, but it does not include a cylinder or cartridge designed to be disposed of when empty,

"gas water heater" includes a gas fired central heating boiler,

"injury" means the death of, or any injury to, any person, including any illness or disease and any impairment of a person's physical or mental condition,

"inspector" means an inspector appointed under section 15 of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987ⁱ,

"installation pipework" means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting including

ⁱ Recueil d'Ordonnances Tome XXIV, p. 162.

any pipework used to connect a gas appliance to other installation pipework and any shut off device at the inlet to the appliance, but it does not mean -

- (a) a service pipe,
- (b) a pipe comprised in a gas appliance,
- (c) any valve attached to a storage container or cylinder, or
- (d) service pipework,

"meter bypass" means any pipe and other gas fittings used in connection with it through which gas can be conveyed from a service pipe or service pipework to installation pipework without passing through the meter,

"primary meter" means the meter nearest to and downstream of a service pipe or service pipework for ascertaining the quantity of gas supplied through that pipe or pipework by a supplier,

"refillable cylinder" means a cylinder which is filled other than at the place where it is connected for use,

"relevant statutory provisions" has the meaning given by section 35(1) of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987,

"responsible person", in relation to any premises, means the occupier of the premises or, where there is no occupier or the occupier is away, the owner of the premises or any person with authority for the time being to take appropriate action in relation to any gas fitting therein,

"room-sealed appliance" means an appliance whose combustion system is sealed from the room in which the appliance is located and which obtains air for combustion from a ventilated uninhabited space within the premises or directly from the open air outside the premises and which vents the products of combustion directly to the open air outside the premises,

"Royal Court" : see section 44,

"service pipe" means a pipe for supplying gas to premises from a distribution main, being any pipe between the distribution main and the outlet of the first emergency control downstream from the distribution main,

"service pipework" means a pipe for supplying gas to premises from a gas storage vessel, being any pipe between the gas storage vessel and the outlet of the emergency control,

"service valve" means a valve (other than an emergency control) for controlling a supply of gas, being a valve -

- (a) incorporated in a service pipe,
- (b) intended for use by a supplier of gas, and
- (c) not situated inside a building,

"supplier", in relation to gas, means -

- (a) a person who conveys gas through a distribution main,
- (b) a person who supplies gas to any premises through a primary meter,

- (c) a person who provides a supply of gas to a consumer by means of the filling or re-filling of a storage container designed to be filled or re-filled with gas at the place where it is connected for use whether or not such container is or remains the property of the supplier, or
- (d) a person who provides gas in refillable cylinders for use by a consumer whether or not such cylinders are filled or re-filled directly by that person and whether or not such cylinders are or remain the property of that person, but a retailer shall not be deemed to be a supplier when he sells a brand of gas other than his own,

"**work**" in relation to a gas fitting includes any of the following activities carried out by any person, whether an employee or not -

- (a) installing or reconnecting the fitting,
- (b) maintaining, servicing, permanently adjusting, disconnecting, repairing, altering or renewing the fitting or purging it of air or gas,
- (c) where the fitting is not readily movable, changing its position, and
- (d) removing the fitting,

but the expression does not include the connection or disconnection of a bayonet fitting or other self-sealing connector,

"**working day**" does not include any Saturday, Sunday, Christmas Day, Good Friday or public holiday.

(2) For the purposes of this Ordinance -

(a) any reference to installing a gas fitting includes a reference to converting any pipe, fitting, meter, apparatus or appliance to gas use, and

(b) a person to whom gas is supplied and who provides that gas for use in a flat or part of premises let by him shall not in so doing be deemed to be supplying gas.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

General provisions as to subordinate legislation.

50. (1) Regulations under this Ordinance -

(a) may be amended or repealed by subsequent regulations hereunder, and

(b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient.

(2) Any power conferred by this Ordinance to make regulations may be exercised -

(a) in relation to all cases to which the power extends, or in

relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Regulations made by the Department under this Ordinance shall be laid before a meeting of the States as soon as possible after being made and, if at that or the next meeting the States resolve that the regulations be annulled, then they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Extent.

51. This Ordinance has effect in the islands of Guernsey, Herm and Jethou.

Citation.

52. This Ordinance may be cited as the Health and Safety (Gas) (Guernsey) Ordinance, 2006.

Commencement.

53. This Ordinance shall come into force on the 1st June, 2006.