

FACT SHEET



Gas Regulations Danger Do Not Use Notices

MARCH 2018

The legal helpline is available to members with individual queries
arla.co.uk/members/legal-advice

MORE INFO

Find a Gas Safe registered engineer
gassaferegister.co.uk

Warning label
gassaferegister.co.uk/help-and-advice/gas-safety-in-the-home/warning-labels/

Gas Industry Unsafe Situations Procedure (GIUSP)
gassaferegister.co.uk/media/1774/tb_001_-_gas_industry_unsafe_situation_procedure_-_giusp_edition-71.pdf



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CONTEXT

Gas Safe registered engineers have a responsibility to advise landlords when they find dangerous gas installations in a property. Their actions are determined by the requirements of the Gas Safety (Installation and Use) Regulations 1998 and the guidance given in the Gas Industry Unsafe Situations Procedure (GIUSP). When a Gas Safe registered engineer has identified a gas related danger in the property they will attach a warning label to the dangerous gas fitting and provide landlords with a warning notice.

THE CHANGES

Following a recent enquiry, the GIUSP has determined that any gas installation in a property considered 'Immediate Danger' (if operated or left connected to a gas supply, it is considered to be an immediate danger to life or property) and 'At Risk' (where one or more recognised faults are present which could constitute a danger to life or property without further faults developing) will now be given a single Danger Do Not Use warning message. The aim is to make it clearer and simpler for users to understand when appliances must not be used.

ELIGIBILITY

Under the Gas Safety (Installation and Use) Regulations 1998 landlords in the UK are responsible for ensuring that gas appliances, fittings and flues provided for tenants are safe. To ensure they are safe landlords must use a Gas Safe registered engineer to carry out installation, maintenance and annual safety checks on every gas appliance they provide in a rental property.

NB: Before any gas work is carried out landlords should always check the engineers' ID card and make sure the engineer is qualified for the work they are about to do before they carry it out.

WHAT DOES THIS MEAN?

When a registered gas engineer identifies an unsafe situation, they will try to find the cause and repair any faults. Where this is not possible they should inform the landlord that the fault should be repaired before the gas appliance is used again. If it can't be fixed straight away the engineer should make the installation safe by turning it off and/or disconnecting the gas supply to the affected appliance.

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NB: The Gas Safe registered engineer should first seek the permission of the gas user/responsible person before disconnecting or turning off the gas. If the gas user/responsible person is not the owner then the engineer must provide details to the owner, eg landlord or letting agent.

If the engineer has identified a gas related danger in the property they will attach a Danger Do Not Use message to the gas appliance.

NB: If a registered Gas Safe engineer tells a landlord that there is an unsafe installation it is the landlord's responsibility to make sure it is not used again until it has been repaired.

In certain circumstances, suppliers or transporters of gas must be notified or informed of safety defects and dangers. If they are contacted, the Gas Emergency Service Provider (National Grid) can use their powers of entry (granted under the Gas Safety (Rights of Entry) Regulations 1996) if permission is not given for the engineer to make the installation safe.

NB: If the Gas Emergency Service Provider has visited a property as a result of a smell of gas or fumes and cannot confirm the installation is safe, they may also attach a Danger Do Not Use message to the gas installation and issue landlords with an appropriate warning notice.

Where a warning notice has been issued by the Gas Emergency Service Provider, customers will be told not to use the gas installation until it has been checked by an appropriately qualified Gas Safe registered engineer.

NB: It is the responsibility of landlords to arrange for the gas installation to be checked by a Gas Safe registered engineer.

THE IMPACT

The 'Not to Current Standards' (NCS) category has been removed from the procedure because, by definition, these situations are not unsafe. However, they can still be described as NCS and/or advice given but the appliance does not need shutting down.

Gas engineers can inform landlords of situations where improvements can be made using the 'best advice' protocol in the same way that they would do for system improvements and boiler exchanges. However, engineers will no longer do this as part of any unsafe situation warning or notification process. In addition, installation work cannot be carried out that does not meet manufacturers' installation instructions or the relevant gas industry standard(s).

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ENFORCEMENT

If landlords don't maintain their tenant's gas appliances this could result in loss of life and prosecution (including facing imprisonment) or a fine, or both, for each offence. If the case is referred to the Crown Court the maximum penalty may be imprisonment (up to two years), or an unlimited fine, or both. Furthermore, failure to carry out correct checks can also render property or landlord insurance invalid.

TIMETABLE

The use of the new Danger Do Not Use messages were introduced on 1 July 2015 but in order to help businesses and engineers adapt to the changes they have been given a 12-month lead-in period. Full compliance was expected by 1 July 2016.