



Who is a landlord?


In relation to domestic gas under the Gas Safety (Installation and Use) Regulations 1998 (GS(IU)R 98), a landlord is anyone who rents out a property that they own under a lease that is shorter than 7 years or under a licence . Regardless of whether you are a landlord under GS(IU)R 98 you may be considered a landlord under other related legislation.

Landlords' duties apply to a wide range of accommodation, occupied under a lease or licence , which includes, but not exclusively:

- residential premises provided for rent by local authorities, housing associations, private sector landlords, housing co-operatives, hostels
- rooms let in bed-sit accommodation, private households, bed and breakfast accommodation and hotels
- rented holiday accommodation such as chalets, cottages, flats, caravans and narrow boats on inland waterways.

Further details are given in HSC's Approved Code of Practice 'Safety in the installation and use of gas systems and appliances' which can be ordered through [HSE books](#).

What are my duties as a landlord in relation to gas safety?

You have duties under the Gas Safety (Installation and Use) Regulations 1998 to arrange maintenance by a **Gas Safe Registered engineer**  for all pipe work, appliances and flues, which you own and have provided for your tenants use. You must also arrange for an annual gas safety check to be carried out every 12 months by a Gas Safe Registered engineer. You must keep a record of the safety check for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in.

What are my duties as a letting/ management agent in relation to gas safety?

Landlords who use agents to manage properties need to ensure that the management contract clearly specifies who is responsible for carrying out the maintenance and safety check duties, and keeping associated records. If the contract specifies that the agent has responsibility then the same duties under the Gas Safety (Installation and Use) Regulations 1998 that apply to a landlord apply to you.

In this situation an agent must arrange maintenance by a **Gas Safe Registered engineer** for all pipe work, appliances and flues, which the landlord owns and provides for the tenants use. You must also arrange for an annual gas safety check to be carried out every 12 months by a Gas Safe Registered engineer. You must keep a record of the safety check for 2 years and issue a copy to each existing tenant within 28 days of the check being completed and issue a copy to any new tenants before they move in.

Do I have to use a Gas Safe Registered engineer to complete gas work?

Yes. The Gas Safety (Installation and Use) Regulations state that landlords must only use a **Gas Safe Registered engineer** for maintenance and safety checks on gas equipment they own and provide for tenants use in domestic premises. HSE advises that you check that the Gas Safe Registered engineer is competent to work in that specific area of gas. This is clearly marked on the back of the engineer's **Gas Safe Register registration card** .

Should I provide my tenants with a carbon monoxide (CO) alarm?

HSE strongly recommends the use of CO alarms as one useful precaution to give tenants advance warning of CO in the property. Importantly alarms should not be regarded as a replacement for regular maintenance and safety checks by a **Gas Safe Registered engineer** . CO alarms cost between £20-£30 and can be purchased in most hardware shops. Before purchasing a CO alarm, always ensure it complies with British Standard EN 50291 and carries a British or European approval mark, such as a Kitemark. CO alarms should be installed and maintained in line with the manufacturer's instructions .

What gas appliances do I have responsibilities for?

Any gas appliance that you own and provide for the tenant's use is included in your legal duties. If a tenant has their own gas appliance that you have not provided, then you have responsibilities for parts of the associated installation and pipe work but not for the actual appliance.

There are some good practice measures that you could adopt with appliances that tenants own:

1. Send a reminder to the tenant that their appliances should be serviced and checked for safety each year by a **Gas Safe Registered**, and where possible, offer to include these (at reasonable cost) within gas safety maintenance undertaken on your behalf.
2. At the start of the tenancy, advise the tenant of any flues or chimneys that are unsuitable for the installation of a gas appliance. You may also wish to consider regulating the installation of any appliance by a tenant through the conditions of the tenancy agreement.
3. It is also recommended to include all flues (e.g. chimneys) connected to gas appliances within your landlord's gas safety check, even where they do not serve appliances provided by the landlord. This may also help to fulfil other legal duties under the Health and Safety at Work etc. Act 1974.

What checks should be done between tenancies?

You must visually check the property to see if the departing tenant has either removed appliances unsafely, or alternatively left behind their own appliance, which should either be removed or checked for safety by a **Gas Safe Registered engineer**. The opportunity should be taken to clarify appliance ownership prior to renting the property again.

If you suspect that an appliance could have been tampered with, or there is the possibility of vandalism while a property remains empty, then HSE recommends you arrange for another gas safety check to be completed by a Gas Safe Registered engineer before giving access to new tenants.

Before you re-let the property you need to ensure that all appliances are safe and have an up to date landlord's gas safety certificate (a copy of which needs to be given to the new tenant); it is also good practice to arrange for the pipe work to be inspected and tested for soundness.

How far do I need to go if the tenant prevents access for a gas safety check?

A landlord has to show that they took all reasonable steps to comply with the law. HSE recommends the following best practice in these circumstances and strongly advises that a record be kept of all correspondence with the tenants:

- leave the tenant a notice stating that an attempt was made to complete the gas safety check and provide your contact details;
- write to the tenant explaining that a safety check is a legal requirement and that it is for the tenants own safety. Give the tenant the opportunity to arrange their own appointment;
- HSE inspectors will look for at least three attempts to complete the gas safety check, including the above suggestions; however the approach will need to be appropriate to each circumstance. It would ultimately be for a court to decide if the action taken was reasonable depending upon the individual circumstances.
- It is a good idea to include arrangements for access in the tenancy agreement.

What should I do if my tenant's heating and hot water has been switched off due to a gas safety check or maintenance?

If a gas appliance has been switched off by a **Gas Safe Registered engineer** it is because it is unsafe and should not be used. No matter how inconvenient the situation is for the tenant such action helps to ensure their safety. If a heating appliance has been disconnected then you must provide your tenant with emergency heating, for more information on this contact your **local authority** whilst arranging for appropriate remedial work by a Gas Safe Registered engineer.

Can I keep the Landlord's Gas Safety Certificates electronically?

Yes. So long as the electronic copy is:

- capable of being reproduced in hard copy format when required (e.g. for the tenant/HSE/housing department)
- secure from loss and interference
- Uniquely identifies the gas operative who carried out the safety check e.g. an electronic signature, a scanned signature, a payroll number unique to the operative, the name of the operative etc; the employer needs to have secure systems that link the individual operative to the unique identifier.

A landlord or gas engineer, with the landlord's agreement, may send or give a copy of the electronic record directly to the tenant, providing the tenant is happy with this arrangement and has the ability to access it.

Can a room containing a gas appliance still be used as a bedroom?

Since 31 October 1998, any room converted to use as sleeping accommodation should not contain the following types of gas appliances:

1. A gas fire, gas space heater or a gas water heater (including a gas boiler) over 14 kilowatts gross input unless it is room sealed.
2. A gas fire, gas space heater, or a gas water heater (including a gas boiler) of 14 kilowatts gross input or less or any instantaneous water heater unless it is room sealed or has an atmosphere-sensing device.

If a room contains one or more of the above appliances and was used as a bedroom prior to 1998 then you will need to do a risk assessment to determine if it can still be used as a bedroom. If you are unsure of the safety of any gas appliance you should get a **Gas Safe Registered engineer** to check it for you.

I have provided an LPG appliance for a property, does that need to be checked?

Yes, Landlord duties for LPG appliances are the same as for natural gas. The landlord must arrange maintenance by a **Gas Safe Registered engineer** for all LPG appliances which they own and provide for tenants and have a Gas Safe Registered engineer carry out a safety check carried out at least once every 12 months.

In addition to maintenance, there are some further safety precautions to take with LPG heaters:

- be aware that cabinet heaters need a good supply of fresh air to burn properly so the room must be well ventilated;
- ensure any heaters have an atmosphere sensing device- it will shut the appliance off if the air quality is poor;
- Ensure that the correct size and type of gas bottle is being used.
- Be aware that outdoor heaters are not designed for use indoors.

What if I use a managing agent?

If a managing agent is used to help you meet your duties, make sure that the management contract clearly specifies who is to make the arrangements for maintenance and safety checks. HSE strongly advises that you request to see copies of the maintenance information and safety check from the management agency to ensure maintenance has been completed, which will also help to fulfill your other legal duties.

What if I have shared ownership of my property with another housing company?

If you have shared ownership of your property and the lease is for longer than 7 years the housing company does not have landlord's duties under the Gas Safety (Installation and Use) Regulations 1998 (GS(IU)R 98). In this situation you would have the same responsibilities as a **home owner**.

In situations where a lease is shorter than 7 years then the housing company would be classified as a landlord under GS(IU)R 98. The contract between you and the housing company should clearly state who is responsible for the associated duties for domestic gas safety.

What if I break the regulations?

You are putting lives at risk and breaking the law. HSE gives gas safety a high priority and will take the appropriate action to ensure compliance with the regulations; this could result in a substantial fine and/or a custodial sentence. For further information visit our **enforcement page**.

How much will a landlord's gas safety check cost?

Gas Safe Register has no control over engineers' charges. It is advised that you obtain quotes from three different engineers before hiring someone.

What should I do if I smell gas or I am concerned about the safety of any gas appliances?

- If you suspect there is a gas leak you should immediately do the following:
- Call National Grid's Gas Emergency Freephone number: 0800 111 999
- Open all the doors and windows

- Shut off the gas supply at the meter control valve (if you know where it is)

It is illegal for anyone to use a gas appliance if they suspect it is unsafe. Turn the appliance off and do not touch it until it has been checked by a **Gas Safe Registered engineer** .

What support is available to help me understand my duties under the Gas Safety (Installation and Use) Regulations 1998?

The Gas Safety (Installation and Use) Regulations have an accompanying Approved Code of Practice titled 'Safety in the installation and use of gas systems and appliances'. This gives practical advice and guidance to those with responsibilities under the regulations and can be ordered through **HSE books**.

Free leaflets explaining some of the main requirements of landlords, under the Gas Safety (Installation and Use) Regulations 1998 and general gas safety information are available from HSE.

HSE runs a free Gas Safety Advice Line offering advice on gas safety that is open 8am-8pm Monday- Friday and 10am-4pm on a Saturday. To contact the Gas Safety Advice Line freephone 0800 300 363

In addition to this, Gas Safe Register offer lots of **advice and guidance to landlords** .

Landlords and tenants

Will I still have to arrange for a safety check to be carried out on any gas appliances, pipework etc. in my property?

Yes, landlords' duties under current domestic gas safety requirements remain unchanged. Advice on landlords duties are contained in **HSE's guidance to landlords and letting agents**

How can I check whether an engineer is qualified to undertake a gas safety check in my property?

All registered engineers under the new scheme must carry ID cards that identify the appliances on which they are qualified to work. Consumers are strongly encouraged to check the ID card before letting anyone begin work on their gas appliances.