

# A guide to gas safety in rented accommodation



## The duties of the landlord

### Keep it safe. Keep it legal

That's exactly what we, at CORGI, are here to help you achieve. And this document provides the information necessary to keep you within the law, while ensuring both your tenants and your property remain safe.

The current **Gas Safety (Installation and Use) Regulations 1998** are designed to prevent injury to the public from carbon monoxide poisoning, fire and explosion.

These regulations specify that it's the duty of landlords of 'relevant premises' to ensure that all gas appliances, fittings and flues provided for the use of tenants are safe.

By 'relevant premises' they mean all residential properties occupied for residential purposes under a licence or a tenancy agreement for a set term. Effectively, any lease of less than seven years is covered under the terms of the regulations.

### If they're not CORGI registered, they're not legal

The law also says that anyone you employ to carry out gas-related work **must be registered with CORGI**. If they are not CORGI registered, then they are working illegally and therefore, unsafely.

In fact, CORGI is the *only* body charged by the government's Health and Safety Executive (HSE) to maintain a register of competent gas installers in Great Britain, Northern Ireland, Guernsey and the Isle of Man.

### What does the law require of you?

As a landlord, you're legally required to ensure that:

- pipe work, appliances and flues provided for tenants are maintained in a safe condition.
- an annual safety check is carried out on each appliance and/or flue that you provide for tenants' use.
- maintenance and annual safety checks are **always carried out by a CORGI registered installer** with the relevant specialist knowledge for the job in hand.
- you keep a record of each safety check for at least two years.
- you issue a copy of any safety check to each existing tenant within 28 days of the safety check being completed and to any new tenant before they move in.
- all gas equipment (including any appliance left by a previous tenant) is safe or otherwise removed before re-letting.
- any management contract that you have with a managing agent clearly specifies who is required to make arrangements for maintenance, safety checks and record keeping. However, please be aware that **you maintain overall responsibility for ensuring all these duties are met**, irrespective of whether you employ a managing agent.

### And what happens if you fail to comply?

Recent high profile prosecutions of landlords who have breached the gas safety laws have highlighted the issue of tenant safety. Prosecution could result in a maximum penalty of £5,000 for each offence. **If the case goes to the Crown Court, the maximum penalty could be an unlimited fine, or even imprisonment.**

### Are there any exceptions to the law?

You are responsible for the safety of all gas appliances, fittings or flues EXCEPT:

- Any appliance owned by a tenant and the flue/chimney connected to it.
- Any gas appliances provided by a tenant/customer and exclusively used in non-residential areas of the premises.

### When is a tenant responsible for gas safety?

Apart from the tenant's duty to allow access for gas maintenance or safety work, and to report gas appliances they believe to be dangerous or faulty, the responsibility for the safety of appliances is all yours.

However, in some cases a contract may be drawn up between landlord and tenant to look after an appliance or flue installed in a non-residential part of the premises, such as a shop or a public house.

### But what if the property is sub-let?

As the 'original' landlord, you may retain duties that overlap those of the tenant who sub-lets. In such cases, clear (written and agreed) allocation of those duties is essential to ensure that legal responsibilities are fully met and that the terms of the contract assure the safety of all tenants.

### How should you gain access to a property?

The contract between you and your tenant should allow for access for gas maintenance or safety work, and you must take 'all reasonable steps' to ensure that such work is carried out. This may involve giving written notice to a tenant requesting access (of which the landlord should keep a written record in case it is needed as proof). **If a tenant refuses access after repeated contacts, you may need to consider legal action to gain access, but should never use force.**

### How do you find a CORGI registered installer?

Call our Customer Services team on **0800 915 0485** or visit our website: **[www.trustcorgi.com](http://www.trustcorgi.com)**