

HSE warns landlords to ensure gas appliances are maintained

The Health and Safety Executive (HSE) is warning all landlords to ensure gas appliances are safe for tenants.

The call follows the successful prosecution of a landlady who had failed to ensure the safety of gas appliances in one of her properties.

On 15 December 2008, Aruna Pravin Kukadia pleaded guilty to a breach of Regulation 36(3) of the Gas Safety (Installation and Use) Regulations 1998. She was fined £5,000 with costs of £3,719.

Health and Safety inspector Andrew Verrall-Withers, said: "I hope this case sends a clear message to landlords who may be tempted to cut back on safety checks thinking that nothing will be done unless someone is harmed.

"We need landlords to make sure their gas appliances are maintained to a safe standard and an annual check must be carried out and recorded. This is a time when many buy-to-let landlords are under a lot of pressure, but they must make sure they don't cut back on maintenance costs and put their tenants in danger".

In May 2006, the HSE received a complaint about an incident in February 2006 involving a property owned by Mrs Kukadia in Portinscale Road, Wandsworth. The complaint involved a heating system which was believed to be causing carbon monoxide leaks.

The HSE investigation showed that there was insufficient evidence for this, but a series of letters was sent to the defendant by the HSE to obtain the annual safety check records, which are required to be carried out and retained by all landlords renting property with gas appliances.

The records that were obtained from the defendant and the residents showed there were two gaps when the flat had been occupied in 2002/3 and 2005/6 and no annual landlord check had been produced.

The court heard that Mrs Kukadia had rented out 23 London properties and a series of other similar failures had occurred. It also heard that she had been provided with previous advice from the HSE in 2004, including letters and a leaflet clearly advising her about the safety checks she later failed to carry out. On that occasion the HSE eventually used an Improvement Notice to ensure one of her properties was checked.

Notes to editors

1. Regulation 36(3) of the Gas Safety (Installation and Use) Regulations 1998 states:

- a. "ensure that each appliance and flue to which that duty extends is checked for safety within twelve months of being installed and at intervals of not more than twelve months since it was last checked for safety (whether such check was made pursuant to these Regulations or not);
 - b. in the case of a lease commencing after the coming into operation of these Regulations, ensure that each appliance and flue to which the duty extends has been checked for safety within a period of twelve months before the lease commences or has been or is so checked within twelve months after the appliance or flue has been installed, whichever is later; and
 - c. A landlord shall ensure that a record in respect of any appliance or flue so checked is made and retained for a period of 2 years from the date of that 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 the premises (or, where appropriate, his agent) at which the appliance or flue is installed;
 - 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 undertaken complies with the requirements of paragraph (9) below;
 - viii. the name and signature of the individual carrying out the check; and
 - ix. the registration number with which that individual, or his employer is registered with a body approved by the Executive for the purposes of regulation 3(3) of these Regulations
2. The law requires that anyone who works on gas appliances must be competent, and if they are doing the work as a business, i.e. employer or self-employed, they must be a registered engineer.
 3. Every year about 20-30 people die from CO poisoning associated with domestic gas appliances, due mainly to these appliances not having been properly installed or maintained. HSE and Local Authorities enforce the Gas Safety Installation and Use Regulations 1998 in domestic and commercial premises. These regulations place responsibilities on a wide range of people, including those installing, servicing, maintaining or repairing gas appliances and other gas fittings; as well as suppliers and users of gas systems/appliances. Statutory obligations are placed on landlords to maintain gas appliances that they own.