

Statutory Document No. 2023/0189



*Health and Safety at Work, Etc., Act 1977*

## **GAS SAFETY (INSTALLATION, USE AND MANAGEMENT) (APPLICATION) ORDER 2023<sup>1</sup>**

*Approved by Tynwald: 13 December 2023*  
*Coming into Operation: in accordance with article 2*

The Department of Environment, Food and Agriculture makes the following Order following consultation with such other organisations as it considers represent interests which will be affected by the Order<sup>1</sup>, under section 1(1)(b) and (d) of the Health and Safety at Work, Etc., Act 1977.

### **1 Title**

This Order is the Gas Safety (Installation, Use and Management) (Application) Order 2023.

### **2 Commencement**

If approved by Tynwald:

- (a) for the purposes of the application of the Gas Safety (Management) Regulations 1996 as part of the law of the Island, the amendment to the definition of “WN” in the Table in paragraph 1 of Schedule 3 to those Regulations made by regulation 14(2)(a)(v) of the Gas Safety (Management) (Amendment) Regulations 2023<sup>2</sup>, comes into operation on the same day as that provision comes into force in the UK; and
- (b) the rest of this Order comes into operation on the day after it is approved.

### **3 Application**

- (1) The Gas Safety (Management) Regulations 1996<sup>3</sup> of Parliament apply as part of the law of the Island, subject to the modifications in article 4.

<sup>1</sup> As required by section 1(4) of the Health and Safety at Work, Etc., Act 1977.

<sup>2</sup> SI 2023/284.

<sup>3</sup> SI 1996/551, as amended by SI 2023/284.

- (2) The Gas Safety (Installation and Use) Regulations 1998<sup>4</sup> of Parliament apply as part of the law of the Island, subject to the modifications in article 5.
- (3) This Order applies to all places within the Island.

#### 4 Gas Safety (Management) Regulations 1996 modified

- (1) The Gas Safety (Management) Regulations 1996 are modified as follows.
- (2) For “Executive”, in every place it occurs, substitute **“Department”**.
- (3) For “Great Britain”, in every place it occurs, substitute **“the Isle of Man”**.
- (4) In regulation 2 (interpretation) —
  - (a) In paragraph (1) —
    - (i) for the definition of “the 1998 Regulations”, substitute —

**“the 1998 Regulations”** means the Gas Safety (Installation and Use) Regulations 1998<sup>5</sup> as they have effect in the Island by virtue of the Gas Safety (Installation, Use and Management) (Application) Order 2023<sup>6</sup>; **”**
    - (ii) omit the definition “biogas” and “biomethane”;
    - (iii) omit the definition of “biomethane production facility”;
    - (iv) after the definition of the “the 1998 Regulations”, insert —

**“the Department”** means the Department of Environment, Food and Agriculture; **”**
    - (v) omit the definition of “the Executive”; and
    - (vi) omit the definition of “LNG facility”;
  - (b) in paragraph (2), omit “, a biomethane production facility, an LNG facility”;
  - (c) for paragraph (4), substitute —

**(4)** Where gas which does not conform with the requirements referred to in regulation 8(1) is conveyed from a gas processing facility for treatment or blending so as to bring it into conformity with those requirements, any pipes used exclusively for conveying gas from that facility to the point where the gas is treated or blended or to non-domestic premises or to both, shall not be treated as part of a network for the purposes of these Regulations. **”**; and
  - (d) in paragraph (10), omit “or 10(4)”.

<sup>4</sup> SI 1998/2451, as amended by SI 2018/139.

<sup>5</sup> SI 1998/2451, as amended by SI 2018/139.

<sup>6</sup> SD 2023/0189.

- (5) In regulation 6 (co-operation) —
  - (a) in paragraph (2), omit sub-paragraphs (e), (f), (g) and (h); and
  - (b) omit paragraph (3).
- (6) In regulation 7 (gas escapes and investigations) —
  - (a) in paragraph (3), omit “and the holder of a licence issued under section 7A(1) of the Gas Act 1986”; and
  - (b) in paragraph (14), for “regulation 11(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013”, substitute **“regulation 6(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 as they have effect in the Island by virtue of the Health and Safety (Reporting of Injuries Etc.) Order 1992<sup>7</sup>”**.
- (7) In regulation 8 (content and other characteristics of gas) —
  - (a) in paragraph (1), for “paragraphs (1A) to (4)”, substitute **“paragraphs (2) to (4)”**; and
  - (b) omit paragraphs (1A), (1B) and (6).
- (8) In regulation 9(1)(g) (keeping documents), omit “and 10(6)”.
- (9) Omit regulation 10 (transitional provisions).
- (10) Omit regulation 10A (transitional provisions: emergency reporting service provider safety case).
- (11) Omit regulation 13 (review of these Regulations).
- (12) In Schedule 1 (particulars to be included in safety case of a person conveying gas), in paragraph 5 (safety management), for “1999”, substitute **“2003”**.

## 5 Gas Safety (Installation and Use) Regulations 1998 modified

- (1) The Gas Safety (Installation and Use) Regulations 1998 are modified as follows.
- (2) For “Health and Safety Executive”, in every place it occurs, substitute **“Department”**.
- (3) In regulation 2 (general interpretation and application) —
  - (a) in paragraph (1) —
    - (i) for the definition of “gas”, substitute —

“gas” has the meaning given in the Gas Regulation Act 1995; <b>“</b>	and
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    - (ii) after the definition of “supplier”, insert —

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<sup>7</sup> GC 518 No 92.



- (b) a tenancy for a periodic term; and
- (c) any statutory extension of the term of a lease arising out of a lease or tenancy referred to in sub-paragraphs (a) or (b) above, and in determining whether a lease is one which falls within sub-paragraph (a) above —
  - (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;
  - (iii) a lease (other than a lease to which sub-paragraph (b) above 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, together with the original term, amounts to 7 years or more; and
  - (iv) a “lease” does not include a mortgage term; ~~22~~;

- (iii) omit the definition of “statutory tenancy”; and
- (iv) for the definition of “tenant”, substitute —

~~23~~ “tenant” means any person entitled in possession to the property under any contract of tenancy, whether the interest of such tenant was acquired by original contract, assignment, operation of law or otherwise. ~~22~~; and

- (b) in sub-paragraph (3)(c)(ix), for “Executive”, substitute ~~23~~Department ~~22~~.

- (5) Omit regulation 37(7) (escape of gas).
- (6) Omit regulation 40A (review).
- (7) For regulation 41 (revocations and amendments), substitute —

#### ~~23~~ 41 Revocations and amendment

- (1) Schedule 2 to the Gas Regulation Act 1995 is amended as follows.

- (2) In sub-paragraphs 4(5) and (6) for the words “Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>8</sup>”, substitute **6** Gas Safety (Installation, Use and Management) (Application) Order 2023<sup>9</sup> **7**.

## 6 Revocation

The Gas Safety (Installation, Use and Management) (Application) Order 2021<sup>10</sup> is revoked.

**MADE 09 NOVEMBER 2023**

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<sup>8</sup> SD 2021/0363.

<sup>9</sup> SD 2023/0189.

<sup>10</sup> SD 2021/0363.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.