

THE CHURCH OF SCOTLAND

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Our Ref. IKJ/JSY/LD1152
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.....Mr Johnstone.....
Ext. 260

To: Property Conveners of all Congregations

Dear Sir/Madam,

Health and Safety
Safety of Heating and Water Supply Installations
The Gas Safety (Installation and Use) Regulations 1994

I write with regard to Regulation 35 of the above Regulations which imposes maintenance and record-keeping duties which may have a direct bearing on certain Church properties. I am also writing with regard to safety matters generally.

Regulation 35 is as follows:-

- (1) It shall be the duty of every employer or self-employed person to ensure that any gas appliance or installation pipework installed at any place of work under his control is maintained in a safe condition so as to prevent risk of injury to any person.
- (2) It shall be the duty of any person who owns a gas appliance or any installation pipework installed in premises or any part of premises let by him to ensure that such appliance or installation pipework is maintained in a safe condition so as to prevent risk of injury to any person.
- (3) Without prejudice to the generality of paragraph (2) above, a person subject to a duty imposed by that paragraph shall
 - (a) ensure that each appliance to which that duty extends is checked for safety at intervals of not more than 12 months by, or by an employee of, a member of a class of persons approved for the time being by the Health and Safety Executive for the purposes of regulation 3(3) of these Regulations; and
 - (b) keep a record in respect of the appliances to which that duty extends of the dates of inspection, the defects identified and any remedial action taken.

(4) The record referred to in paragraph (3)(b) above shall be made available upon request and upon reasonable notice for the inspection of any tenant who may be affected by the use or operation of any appliance to which the record relates.

It is not clear whether Regulation 35(1) will apply to Churches and halls as "place of work" is not defined in the Regulations. However, it may be that such buildings will be held to be places of work for organists and Church Officers and it would be prudent to regard such as falling within the scope of, Regulation 35.

Regulation 35(2) applies to all premises let out by congregations including Church halls (or at least to the parts thereof which may be let to outside bodies). It does not, however, apply to Manses occupied by the Minister of the Charge or which are unoccupied or to Manses (or other properties) which are occupied by retired Ministers or widows or widowers of Ministers where no rent is paid. The Regulations also do not apply to premises which are occupied by Church Officers as a condition of employment. Premises occupied on a caretaker basis also do not qualify.

Questions may arise as to whether premises are within the ambit of Regulation 35. The Law Department would be pleased to deal with any queries which congregations may have in this regard.

However, where there is some doubt over applicability, it would probably be best to assume that Regulation 35 will apply. In any event, as referred to below, Financial Courts will wish to ensure that any gas or other installation in premises under their control is as safe as is reasonably practicable.

The checks referred to in Regulation 35 (3)(a) should be carried out by a CORGI Registered Installer.

"gas appliance" and " installation pipework" are defined in the Regulations as follows:-

"gas appliance" means an appliance designed for use by a consumer of gas for heating, lighting, cooking or other purpose for which gas can be used but, save for the purposes of regulations 3 and 35 of these Regulations, it does not include a portable or mobile appliance supplied with gas from a cylinder, or the cylinder, pipes and other fittings used for supplying gas to that appliance;

"installation pipework", means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting, but it does not mean -

- (a) a service pipe; or
- (b) a pipe comprised in a gas appliance; or
- (c) any valve attached to a storage container or cylinder; or
- (d) service pipework; or
- (e) any part of a primary meter installation.

The Regulations came into force on 31st October 1994. In cases where there has been no safety check since that date, then appropriate checks should be carried out before 31st October 1995 and appropriate records kept. It is recommended such records be placed in the congregational Property Register.

Financial Courts should also be aware of the provisions of Regulation 34 (1):-

- (1) The responsible person for any premises shall not use a gas appliance or permit a gas appliance to be used if at any time he knows or has reason to suspect -
- (a) that there is insufficient supply of air available for the appliance for proper combustion at the point of combustion;
 - (b) that the removal of the products of combustion from the appliance is not being or cannot safely be carried out;
 - (c) that the room or internal space in which the appliance is situated is not adequately ventilated for the purpose of providing air containing a sufficiency of oxygen for the persons present in the room, or in, or in vicinity of, the internal space while the appliance is in use;
 - (d) that any gas is escaping from the appliance or from any gas fitting used in connection with the appliance; or
 - (e) that the appliance or any part of it or any gas fitting or other works for the supply of gas used in connection with the appliance is so faulty or maladjusted that it cannot be used without constituting a danger to any person.

"The responsible person", in relation to any premises, is defined in the Regulations as being the occupier of the premises or, where there is no occupier or the occupier is away, the owner of the premises or any person with authority for the time being to take appropriate action in relation to any gas fitting therein.

"gas fitting" is defined as follows:-

"gas fitting" means gas pipework, valves, regulators and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, cooking, or other purposes for which gas can be used (other than the purpose of an industrial process carried out on industrial premises) but it does not mean -

- (a) any part of a service pipe; or
- (b) any part of distribution main or other pipe upstream of the service pipe; or
- (c) a gas storage vessel; or
- (d) a gas cylinder or cartridge designed to be disposed of when empty.

HEATING AND WATER SUPPLY INSTALLATIONS GENERALLY

Irrespective of any statutory responsibility, Financial Courts should ensure that any premises for which they are responsible, are in as safe a condition as is reasonably practicable. The Church of Scotland General Trustees retain the services of a Heating and Energy Consultant who has recommended that the following procedures should be carried out annually and when premises previously vacant are about to be reoccupied :-

- (1) The completed heating installation should be examined for water, oil or gas leaks.
- (2) The feed and expansion tank and open vents should be examined and any faults rectified.
- (3) Isolating and control valves should be set to the proper position.
- (4) The chimney boiler flue passages should be cleaned, examined and any damage repaired.
- (5) The free air inlets to the boiler plant room should be examined and increased if below the boiler manufacturer's requirements.
- (6) The boiler(s) should be commissioned in accordance with manufacturers' data using flue gas testing equipment where appropriate.
- (7) An operational check should be carried out on the complete installation and should include the testing of boiler thermostats, safety valves, safety fuel cutoff devices, chimney draught, fuel flow rate, automatic controls and general heat distribution.

The Consultant has also made the following comments with regard to a recent case where serious illness arose following water contamination where a vacant Manse was re-occupied. The water contamination was linked to an incorrectly installed vent pipe from the heating installation and the Consultant has advised that implementation of the above procedures should have prevented contamination arising.

Additionally, the Consultant has recommended the following procedures for premises about to be occupied after a period of vacancy :-

- (1) The incoming main water supply pipe should be examined and any lead pipe work be replaced in accordance with Water Supply By-laws (Local Authority grants are often available for this work.)
- (2) The distribution pipework within the building should be examined and any lead pipework replaced with copper or other approved materials.
- (3) The water storage tank(s) should be examined, drained, cleaned, disinfected and flushed out. The tank(s) should be fitted with proper ventilated covers in accordance with Water Supply By-laws.

It is recognised that it may not always be practicable to replace lead pipework and (where Local Authority grants are not available) such may be beyond the means of some congregations. Any major replacement work should be approved in advance by both Presbytery and the General Trustees.

Yours faithfully

"MRS. J.S. WILSON"

