



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Regulation of Gas Installers with respect to Safety

Definition for the Scope of Gas Works With regard to Liquefied Petroleum Gas (LPG)

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QUERIES TO:	Tara Scully tscully@cer.ie

*The Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24.
www.cer.ie*

CER – Information Page

Under the Electricity Regulation Act 1999, (the ‘1999 Act’)¹, the CER has the responsibility to regulate the activities of natural gas undertakings, natural gas installers and LPG installers with respect to safety.

Section 9(G) of the 1999 Act also provides that the CER “*may by regulations designate a class or classes of works to be gas works.*” In this instance ‘works’ mean work which is related to the installation, removal, repair or replacement of a natural gas fitting or a LPG fitting. These regulations set out the classes of work that can only be completed by a Registered Gas Installer. Once in place it will be illegal for any person who is not a Registered Gas Installer to undertake these classes of work subject to certain limited exceptions². In essence by designating a class of *gas works*, the CER will set the scope of the system for regulation of gas installers with respect to safety.

The CER published its final decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083) in May 2009. This decision was subsequently translated into regulations (S.I. No. 225 of 2009³), as required under the 1999 Act, on the 26th June 2009. S.I. No. 225 of 2009 outlines those *gas works* on natural gas fittings designed to be used in a domestic setting that can only be carried out by a Registered Gas Installer.

The CER designated the Register of Gas Installers Ireland (RGII) as the Gas Safety Supervisory Body (GSSB) in December 2008. The role of the GSSB is to regulate the work of gas installers in Ireland, with respect to safety, on behalf of the CER. RGII commenced registering natural gas installers in January 2009 with the regulatory system becoming fully operational in June 2009 in line with the commencement of S.I. No. 225 of 2009.

The CER published its consultation document entitled “Regulation of Gas Installers with respect to Safety – Definition for the Scope of Gas Works with regard to Liquefied Petroleum Gas (LPG)” on 3rd February 2011 (CER/11/022). The consultation document set out the CER’s intention to extend the scope of *gas works* to include *gas works* relating to LPG thus extending the regulatory regime to the LPG industry. It also set out the CER’s proposed definition of the scope of *gas works* relating to LPG.

The purpose of this paper is to present the CER’s decision on the matter of *gas works* with regard to LPG. This decision paper will be translated into regulations on the 27th June 2011, as required under the 1999 Act.

¹ As amended by the Energy (Miscellaneous Provisions) Act 2006 and the Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010

² These certain limited exemptions are for system operators, gas emergency officers and gas safety officers carrying out their functions.

³ Electricity Regulation Act 1999 (Gas Works) Regulations 2009 - S.I. No. 225 of 2009

Target Audience:

This decision paper is aimed specifically at the LPG installer industry, the gas industry and the general public.

Related Documents:

- [A Natural Gas Safety Regulatory Framework for Ireland \(ref. CER/07/172\);](#)
- [Vision for the Regulation of Gas Installers with Respect to Safety \(ref. CER/07/225\);](#)
- [Launch of Process for the Designation of the Gas Safety Supervisory Body;](#)
- [CER – HSA Memorandum of Understanding \(ref. CER/08/104\);](#)
- [Economic Regulation of the Gas Safety Supervisory Body and any Electrical Safety Supervisory Bodies to be designated by the CER \(ref. CER/08/108\);](#)
- [Criteria Document for the Regulation of Gas Installers with respect to safety \(ref. CER/08/130\);](#)
- [Definition for the Scope of Gas Works with regard to Liquefied Petroleum Gas \(LPG\) \(ref: CER/11/022\);](#)
- [Gas Works Final Decision Paper \(ref. CER/09083\);](#)
- [S.I. No. 225 of 2009: Gas Works Regulations 2009 and related guidance notes;](#)
- [Safety Regulation of the Liquefied Petroleum Gas Industry in Ireland – Policy Paper \(ref. CER/09/082\);](#)
- Irish Standard I.S. 813, Domestic Gas installations published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
- Irish Standard I.S. 820, Non-domestic Gas installations published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
- Irish Standard I.S. EN 1949, Specification for the Installation of LPG Systems for Habitation Purposes in Leisure Accommodation Vehicles and in Other Road Vehicles published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
- Irish Standard I.S. EN ISO 10239, Small Craft- Liquefied Petroleum Gas (LPG) Systems published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
- Gas Appliance Directive (G.A.D.) 2009/142/EC.

For further information on this decision paper, please contact **Tara Scully** (tsully@cer.ie) at the CER.

Executive Summary

Under the Electricity Regulation Act 1999, (the ‘1999 Act’)⁴, the CER has the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety. The CER set out its approach to the regulation of natural gas undertakings and natural gas installers in the decision papers, “*A Natural Gas Safety Regulatory Framework for Ireland*” (ref. CER/07/172) and “*Vision for the Regulation of Gas Installers with Respect to Safety*” (ref. CER/07/225). The responsibility of the CER, under the 1999 Act,⁵ was extended to similarly regulate the activities of LPG installers with respect to safety in June 2010.

Section 9(G) of the 1999 Act also provides that the CER “*may by regulations designate a class or classes of works to be gas works.*” In this instance ‘works’ mean work which is related to the installation, removal, repair or replacement of a natural gas fitting or a LPG fitting. These regulations set out the classes of work that can only be completed by a Registered Gas Installer. Once in place it will be illegal for any person who is not a Registered Gas Installer to undertake these classes of work subject to certain limited exceptions⁶. In essence by designating classes of *gas works*, the CER is setting the scope of the system for regulation of gas installers with respect to safety.

The CER published its final decision paper on the Scope of Gas Works with regard to Natural Gas (ref. CER/09/083) in May 2009. This decision was subsequently translated into regulations (S.I. No. 225 of 2009⁷), as required under the 1999 Act, on the 26th June 2009. S.I. No. 225 of 2009 outlines those *gas works* on natural gas fittings that can only be carried out by a Registered Gas Installer. The CER designated the Register of Gas Installers Ireland (RGII) as the Gas Safety Supervisory Body (GSSB) in December 2008. The role of the GSSB is to regulate the work of gas installers in Ireland, with respect to safety, on behalf of the CER. RGII commenced registering natural gas installers in January 2009 with the regulatory system becoming fully operational in June 2009 in line with the commencement of S.I. No. 225 of 2009.

In this paper, the CER presents its decision on the definition for the scope of *gas works* relating to LPG, and the extension of the scope of *gas works* to include *gas works* relating to LPG including:

1. Implementing classes of *gas works* for those works on LPG fittings in the domestic customer category before the end of 2011(See Section 3.2).
2. Extending the regulatory model and the definition of *gas works* to include those works on LPG fittings used or designed to be used by commercial LPG customers in the medium term (post 2011) when certain conditions exist (See Section 3.3).

⁴ As amended by Sections 12 and 13 of the Energy (Miscellaneous Provisions) Act 2006.

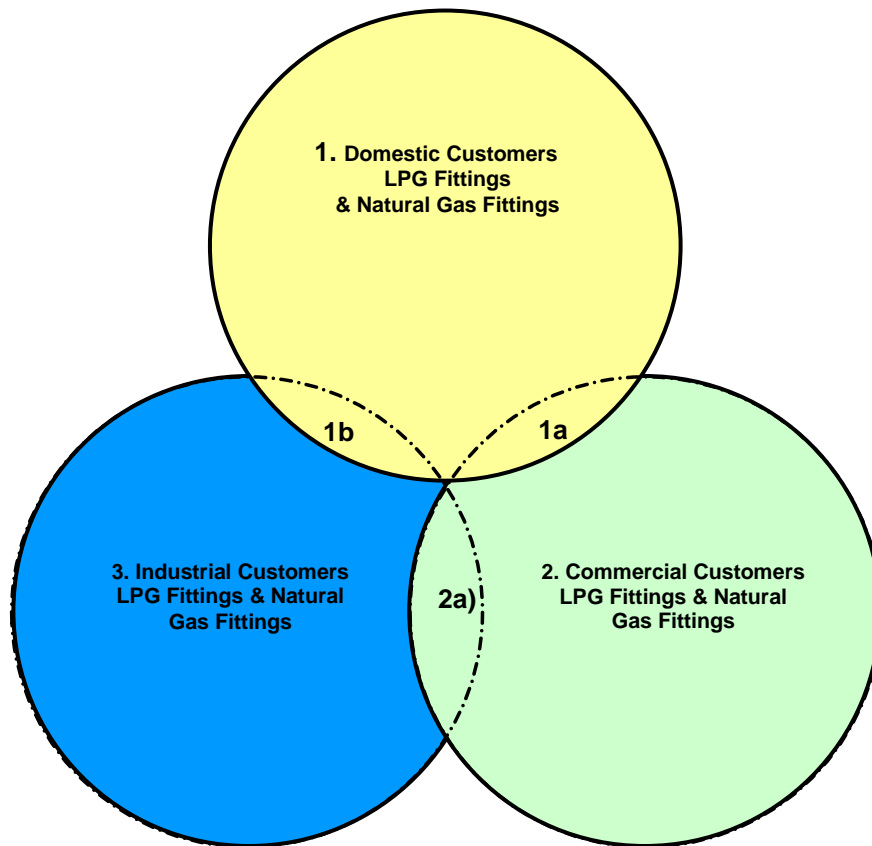
⁵ As amended by the Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010.

⁶ These certain limited exemptions are for system operators, gas emergency officers and gas safety officers carrying out their functions.

⁷ Electricity Regulation Act 1999 (Gas Works) Regulations 2009 - S.I. No. 225 of 2009.

3. Not extending the regulatory model and the definition of gas *works* to include those works on LPG fittings used or designed to be used by Industrial LPG customers at this stage (See Section 3.4).

In summary the CER is extending the scope of gas works to include options 1, 1a and 1b as depicted in the diagram below (i.e. Minimum Scope of Gas Works). The CER's final policy decision in this regard is set out in Section 3.0 of this paper.



Key	
1. Natural gas fittings and LPG fittings designed for use by domestic gas customers only	
1a) Natural gas fittings and LPG fittings designed to be used by domestic gas customers but installed in commercial premises	
1b) Natural gas fittings and LPG fittings designed to be used by domestic gas customers but installed in Industrial premises	
Scope of Regulatory Model	Includes For
A. Minimum Scope of Gas Works	1., 1 a), 1 b)

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1.0 Introduction

1.1 The Commission for Energy Regulation

The Commission for Energy Regulation (the ‘CER’) is the independent body responsible for overseeing the regulation of Ireland's electricity and gas sectors. The CER was initially established and granted regulatory powers over the electricity market under the *Electricity Regulation Act 1999*. The enactment of the *Gas (Interim) (Regulation) Act, 2002* expanded the CER's jurisdiction to include regulation of the natural gas market, while the *Energy (Miscellaneous Provisions) Act 2006*, granted the CER additional powers in relation to gas and electrical safety. The *Electricity Regulation Amendment (SEM) Act 2007* outlined the CER's functions in relation to the Single Electricity Market (SEM) for the island of Ireland. This market is regulated by the CER and the Northern Ireland Authority for Utility Regulation (NIAUR). Most recently the CER's remit has been extended, by the *Petroleum (Exploration and Extraction) Safety Act 2010*, to include the safety regulation of upstream petroleum activities and by the *Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010*, to include the regulation of LPG installers with respect to safety. The CER's safety remit is expected to be further extended in 2011, to include the safety regulation of LPG distribution networks, LPG appliance-related incident reporting and the promotion of LPG safety by the CER, with the enactment of the *Energy (Miscellaneous Provisions) Act 2010*. The CER is working to ensure that consumers benefit from regulation and the introduction of competition in the energy sector.

1.2 Relevant Legislation

The CER was initially established under the *Electricity Regulation Act 1999*, (the ‘1999 Act’). The 1999 Act is the principal legislation in the context of CER's responsibilities with regard to the safety regulation of gas installers. However, it has been amended by the *Energy (Miscellaneous Provisions) Act 2006* (the ‘2006 Act’) and the *Energy (Biofuel Obligation and Miscellaneous Provisions) Act 2010* (the ‘2010 Act’) to extend the CER's functions in the areas of safety. Specifically;

- The 2006 Act granted the CER additional powers in relation to gas and electrical safety. In particular the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety;
- The 2010 Act further extends the CER's statutory function to regulate the activities of LPG installers with respect to safety.

Hereafter any reference made to the ‘1999 Act’ includes amendments made by the ‘2006 Act’ and the ‘2010 Act’.

1.3 Purpose of this paper

The purpose of this paper is to outline the CER's decision on the Definition for the Scope of Gas Works with regard to LPG. The CER carried out a public consultation process comprising the publication of a consultation paper for public comment on this topic on 3rd February 2011 (ref: CER/11/022). The CER has considered fully the comments and submissions received to the consultation paper. Issues raised during the consultation process are addressed in a separate response paper (CER/11/074a) published on www.cer.ie

1.4 Comments Received

The CER received 7 submissions to the consultation paper (ref: CER/11/022). Submissions were received from the following organisations or individuals:

- Bord Gáis Networks (BGN);
- Calor Teoranta (CT)
- The Health and Safety Authority (HSA);
- The Inland waterways Association of Ireland (IWAI);
- The Irish Liquefied Petroleum Gas Association (ILPGA);
- Johnston caravans Limited (JCL); and
- The National Standards Authority of Ireland (NSAI).

On 21st April 2011, the CER published each of the responses received on the CER's website www.cer.ie.

1.5 Background Information

Under the provisions of the 1999 Act, the CER has the responsibility to regulate the activities of natural gas undertakings, natural gas installers and LPG installers with respect to safety.

The CER published its decision paper "*A Natural Gas Safety Regulatory Framework for Ireland*" (ref. CER/07/172) in October 2007, which sets out the CER's approach to the regulation of natural gas undertakings which includes gas storage, liquefied natural gas (LNG), transmission, distribution and shipper and supplier businesses operating within Ireland. In December 2007, the CER also published its decision paper "*Vision for the Regulation of Gas Installers with Respect to Safety*" (ref. CER/07/225), which sets out the CER's high level approach to the regulation of natural gas installers with respect to safety within the Framework. In particular, the "*Vision for the Regulation of Gas Installers with Respect to Safety*" decision paper sets out the CER's approach to achieving its safety responsibilities with respect to gas installers through:

“Designating categories of gas works which may only be undertaken by individually registered installers who are competent, operating to the appropriate standard, using the appropriate materials, who will certify their work as safe and will be subject to ongoing regulation and inspection by the Gas Safety Supervisory Body”.

In this instance ‘works’ mean work which is related to the installation, removal, repair or replacement of a natural gas fitting. The CER designated a class of works to be *gas works* via regulations in June 2009. This regulation set out those *gas works* on natural gas fittings that can only be completed by a Registered Gas Installer. It is illegal for any person who is not a Registered Gas Installer to undertake these classes of *gas works* subject to certain limited exceptions.⁸

The CER designated the Register of Gas Installers Ireland (RGII) as the Gas Safety Supervisory Body (GSSB) in December 2008. The role of the GSSB is to regulate the work of gas installers in Ireland, with respect to safety. RGII commenced registering natural gas installers in January 2009 with the regulatory system becoming fully operational in June 2009. Installers are required to meet certain entry requirements such as: specific training criteria, hold appropriate commercial insurance, pay the appropriate membership fee and sign and accept the Rules of Registration. There are currently over 2,800 Registered Gas Installers (RGIs). All RGIs are subject to ongoing inspection by RGII inspectors.

The CER’s Vision Document outlined the CER’s intention to extend the regulatory scheme to incorporate the regulation of LPG installers following the establishment of the system for the regulation of natural gas installers. In order to extend the regulatory scheme to include the LPG industry the CER must designate a class or classes of works to be *gas works* for LPG via regulations. These regulations will set out those *gas works* relating to LPG that can only be completed by a Registered Gas Installer. Once in place it will be illegal for any person who is not a Registered Gas Installer to undertake these classes of work subject to certain limited exceptions. In essence, by designating the classes of *gas works* relating to LPG, the CER will set the scope of the regulatory system for LPG installers.

Further to the conclusion of the consultation process, the CER has considered the responses received and is now publishing its decision on the scope of *gas works* relating to LPG. Appendix 1 (ref: CER/11/074a) which accompanies the publication of this paper sets out the comments the CER received during the consultation process and its response to same.

⁸ There are certain limited exemptions for system operators, gas emergency officers and gas safety officers carrying out their functions.

1.6 Structure of this paper

This paper is structured as follows:

- Section 2:** Provides a summary of the options for the Scope of Gas Works for LPG outlined in the CER's consultation paper (ref: CER/11/022).
- Section 3:** Sets out the CER's decision on the Scope of Gas Works for LPG.
- Section 4:** Sets out the next steps and the CER's timetable for implementation of this decision.
- Appendix 1:** **The Response Document** - to view Appendix 1, please download the following document accompanying this paper from www.cer.ie: Response Document – (Ref: CER/11/074a).

2.0 Consideration of Legislative Context & Provisions and Potential Scope of Gas Works relating to LPG

2.1 Overview of Consultation Proposals

The CER's consultation paper on the Scope of Gas Works with regard to LPG presented an analysis of;

- the legislative context and provisions (ref: Section 2.0 CER/11/022)
- the extent of safety risks associated with the utilisation of LPG by Domestic, Commercial and Industrial LPG Customers (ref: Section 4.0 CER/11/022)
- the ability of existing legislative provisions in managing the safety risks in such environments (ref: Section 4.0 CER/11/022); and
- the suitability of the regulatory model provided for in the 1999 Act in respect to the regulation of LPG installers in the domestic, commercial and industrial environments (ref: Section 4.0 CER/11/022).

It was within the context of this analysis that the CER proposed three potential options for the Scope of Gas Works with regard to LPG namely:

Minimum Scope of Gas Works with respect to Domestic LPG customers⁹

The minimum scope of *gas works* includes work related to the installation, removal, repair or replacement of LPG fittings used or designed to be used by domestic customers. This would include those LPG fittings (which include domestic appliances) designed to be used by domestic customers where they are used by both commercial and industrial customers.

Note: The CER Implemented a class of *gas works* for those works on natural gas fittings in the domestic customer category on the 26th June 2009. The existing *gas works* regulations include those works on natural gas fittings covered under Irish Standard I.S. 813 - Domestic Gas Installations used or designed to be used by domestic customers including where they are used by both commercial and industrial customers.

Maximum Scope of Gas Works with respect to Industrial LPG customers¹⁰

The potential maximum scope of *gas works* would also include all works related to the installation, removal, repair or replacement of:

- all LPG fittings used or designed to be used by domestic customers;
- all LPG fittings used or designed to be used by commercial customers;

⁹ This is referred to as Option A: Minimum Scope of Gas Works throughout this paper

¹⁰ This is referred to as Option C: Maximum Scope of Gas Works throughout this paper

- all LPG fittings used or designed to be used by industrial customers;
- LPG fittings designed to be used by domestic customers but which are used by both commercial and industrial customers;
- LPG fittings designed to be used by commercial customers but which are used by industrial customers.

The CER proposed not to extend the regulatory model and the definition of *gas works* to include those works on natural gas fittings designed to be used by industrial gas customers at this stage.

Intermediate Scope of Gas Works with respect to Commercial LPG customers¹¹.

The proposed intermediate scope of *gas works* would include all works identified in the potential maximum scope of *gas works* above excluding:

- All LPG fittings used or designed to be used by industrial customers.

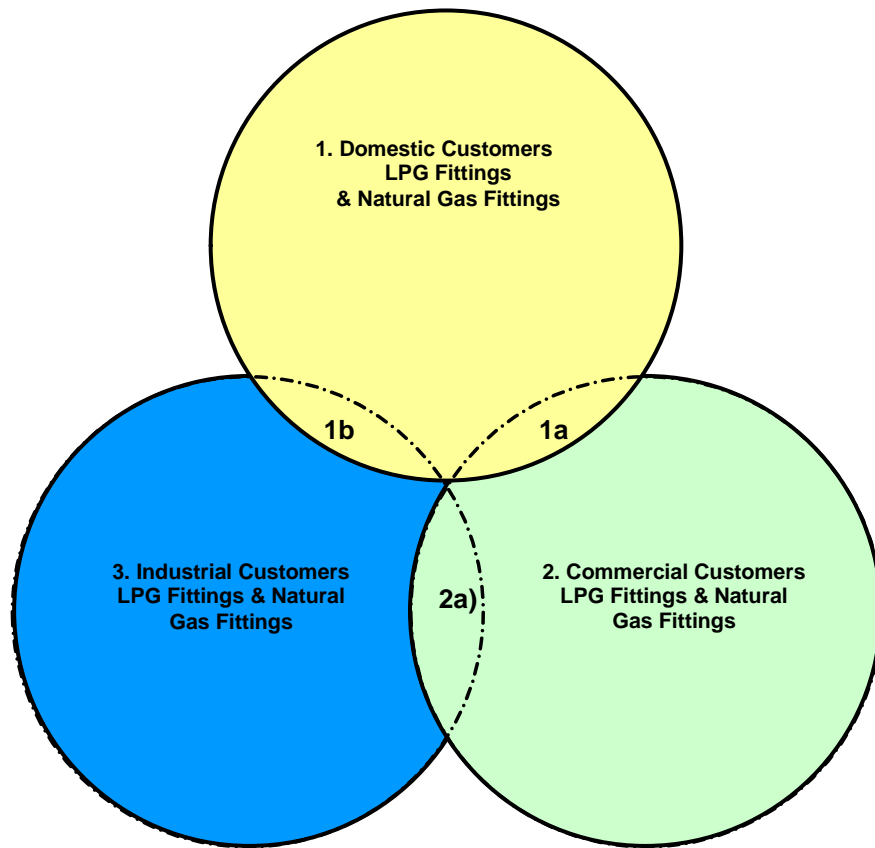
The CER proposed introducing further regulations which will prohibit persons who are not registered from undertaking “commercial” gas work when the following conditions exist:

- a. the new regulatory system has operated successfully in the domestic sphere for a reasonable period of time;
- b. appropriate training course/courses and award(s) which relate directly to commercial *gas works* is/are widely available in the commercial arena for a reasonable period of time; and
- c. A competency assessment process is in place which enables the competence of an individual to be formally assessed against the provisions of the standards applicable to the commercial *gas work* (I.S. 820 and other relevant standards).

Commercial *gas works* will include those works on LPG fittings and natural gas fittings used or designed to be used by commercial gas customers including where they are used by industrial customers, in the medium term (post 2011).

These three potential scope options are illustrated in Diagram 1 below:

¹¹ This is referred to as Option B: Intermediate Scope of Gas Works throughout this paper.

**Diagram 1: Potential Scope of Gas Works**

Key	
1. Natural gas fittings and LPG fittings designed for use by domestic gas customers only	2. Natural gas fittings and LPG fittings designed to be used by commercial customers only
1a) Natural gas fittings and LPG fittings designed to be used by domestic gas customers but installed in commercial premises	2a) Natural gas fittings and LPG fittings designed to be used by commercial customers but installed in industrial premises
1b) Natural gas fittings and LPG fittings designed to be used by domestic gas customers but installed in Industrial premises	3. Natural gas fittings and LPG fittings designed to be used by industrial customers only
Scope of Regulatory Model	Includes For
A. Minimum Scope of Gas Works	1., 1 a), 1 b)
B. Intermediate Scope of Works	1., 1 a), 1 b), 2. and 2 a)
C. Maximum Scope of Gas Works	1., 1 a), 1 b), 2. , 2 a) and 3.

The CER's final policy decision on the scope of Gas Works with regard to LPG is set out in Section 3.0 of this paper.

3.0 CER Decision on the Scope of Gas Works related to Liquefied Petroleum Gas (LPG)

3.1 Introduction

The CER has taken its policy decision on the scope of *gas works* related to LPG with due regard to:

- the requirements and obligations placed on the CER under the 1999 Act;
- the extent of safety risks associated with the utilisation of LPG by domestic, commercial and industrial customers;
- the existing legislative provisions in such environments;
- the suitability of the regulatory model provided for in the 1999 Act with respect to the regulation of LPG installers in the commercial and industrial gas works area;
- comments received to the consultation paper: Definition for the Scope of Gas Works with regard to LPG (ref: CER/11/022).

For the avoidance of doubt it is the CER's view that it is clearly obligated to implement '*Option A: Minimum Scope of Gas Works*' with respect to Domestic LPG customers as illustrated in Diagram 1. Therefore the *gas works* regulations must include work related to the installation, removal, repair or replacement of LPG fittings used or designed to be used by Domestic LPG customers described in Section 3.2. It also includes work on those LPG fittings designed to be used by Domestic LPG customers being used by both Commercial and Industrial LPG customers as described in Sections 3.3 and 3.4. It is clear from the 1999 Act that capturing such work under the regulatory system represents the primary public policy intent of the legislation.

However, with a view to being consistent with the position taken with respect to natural gas, the CER had to make a policy decision whether or not it was appropriate to extend the scope of *gas works* to include '*Option B: Intermediate Scope of Gas Works*' with respect to Commercial LPG customers, or further still, to include '*Option C: Maximum Scope of Gas Works*' with respect to Industrial LPG Customers.

The CER, following review of responses received to its consultation and draft decision papers, outlines below its final decision on the scope of *gas works* with respect to the domestic, commercial and industrial customer categories.

It should be noted that it is extremely difficult to define or categorise classes of domestic, commercial and industrial customers succinctly as there will always be anomalous situations whereby a particular end-user may 'fall between' two categories- e.g. a take-away restaurant using a commercial gas cooking range that is situated in a domestic property. The CER will publish guidelines to assist persons in identifying those *gas works* relating to LPG which can only be carried out by a Registered Gas Installer, in conjunction with enactment of Gas Works Regulations.

3.2 Domestic LPG Customers

For the purposes of this decision paper ‘Domestic LPG customers’ are defined as those end users who use LPG on a permanent, temporary or seasonal basis, for residential purposes such as space heating, cooking and hot water, utilising standardised and gas burning appliances approved under the requirements of the G.A.D¹² (as well as gas appliances manufactured before the introduction of the G.A.D). The definition of Domestic LPG customers includes those customers who use LPG for residential purposes in privately owned, rented and/or hired fixed and mobile residential premises, as follows:

Domestic LPG Customers (fixed dwellings)

There are approximately 20,000 Domestic LPG customers within Ireland whose supply is via an individual bulk tank. An additional 12,500 domestic customers are supplied via central storage/distribution network systems.

In addition to individual bulk and central storage/distributed network supplied LPG, there is a very significant market in LPG cylinders used by domestic customers for non-primary heating purposes such as spot heating (e.g. cabinet heaters), which is very common, and leisure activities involving the use of barbecues and patio heaters. These activities are recognised as being outside the scope of the regulations, since they involve the use of **portable** LPG appliances which are excluded from the legal definition of a LPG fitting¹³. However, the use of LPG cylinders connected to **non-portable** domestic appliances is deemed to be within the scope of the regulations (e.g. an installed gas cooker connected to a LPG cylinder).

LPG supplied in cylinders accounts for approximately 24% of the total usage (all customers) in Ireland and it is estimated that cylinders are used in one form or another by approximately half of the country's population.

Domestic LPG Customers (mobile dwellings)

It is recognised that there is extensive use of LPG on a permanent, temporary or seasonal basis, for residential purposes, such as cooking, space heating, and hot water, in privately owned, rented and/or hired mobile dwellings such as:

Leisure Accommodation Vehicles¹⁴ and other road vehicles covered under *Irish Standard I.S. EN 1949: Specification for the Installation of LPG systems for Habitation Purposes in Leisure Accommodation Vehicles and in other*

¹² Gas Appliance Directive 2009/142/EC.

¹³ Section 2(1) of the 1999 Act, defines a LPG fitting as: Any non-portable appliance, apparatus or other thing including associated pipework and flueing which is used or designed to be used by – (a) a domestic customer, or (b) such class or classes of industrial customer or commercial customers as the CER may specify from time to time, in connection with the consumption or use of LPG.

¹⁴ Leisure Accommodation Vehicle: unit of living accommodation for temporary or seasonal occupation that may meet requirements for construction and use of road vehicles.

Road Vehicles. This includes Caravan¹⁵, Motor Caravan¹⁶ and Caravan holiday homes¹⁷.

Small Craft covered under *Irish Standard I.S. EN ISO 10239 Small Craft – Liquefied Petroleum Gas (LPG) Systems*. This includes permanently installed liquefied petroleum gas (LPG) systems and LPG burning appliances on small craft of hull length up to 24m, except for systems used on LPG-fuelled propulsion engines or LPG-driven generators.

It is clear that the use of LPG by domestic customers for residential purposes in these types of premises falls within the scope of LPG fittings as defined by the 1999 Act.

3.2.1 Installers carrying out Domestic Gas Works relating to LPG

It is the CER's view that it is obligated to implement 'Option A: Minimum Scope of Gas Works' with respect to Domestic LPG customers as illustrated in Diagram 1. Therefore the *gas works* regulations must include work related to the installation, removal, repair or replacement of LPG fittings used or designed to be used by Domestic LPG customers as defined in Section 3.2. It also includes work on those LPG fittings designed to be used by Domestic LPG customers being used by both Commercial and Industrial LPG customers (as defined in Section 3.3 and 3.4). It is clear from the 1999 Act that capturing such work under the regulatory system represents the primary public policy intent of the legislation. The CER also notes that this is consistent with I.S. 813 which states that the Irish domestic gas installations standard includes "domestic-type appliances in non-domestic buildings".

For clarity purposes, the domestic *gas works* relating to LPG that will be included within the scope of *gas works* comprise the following classes of domestic gas works:

- **Installation** (includes pipework construction/alteration, pipework integrity test, pipework Commissioning, installation and Commissioning of appliances, work on Combined Heat & Power (CHP) units in a domestic setting and certification of new and existing installations including those undertaken by others); and
- **Servicing/Maintenance** (includes appliance repair/servicing/maintenance and work on Combined Heat & Power (CHP) units in a domestic setting).

¹⁵ Caravan: trailer leisure accommodation vehicle that meets requirements for construction and use of road vehicles.

¹⁶ Motor Caravan: self-propelled leisure accommodation vehicle that meets requirements for construction and use of road vehicles. It contains at least seats and table, sleeping accommodation which may be converted from the seats, cooking facilities and storage facilities.

¹⁷ Caravan Holiday Home: transportable leisure accommodation vehicle that does not meet requirements for construction and use of road vehicles, that retains means for mobility and is for temporary or seasonal occupation.

Gas Works (LPG) will include any work on a LPG fitting used or designed to be used for domestic purposes within the scope of I.S.813¹⁸ and I.S. EN 1949¹⁹ with the following exceptions:

- The design of gas works;
- Work on the point of delivery and upstream of the point of delivery;
- Work on gas fittings for the supply of gas for automotive use;
- Connection or replacement of a flexible connector connecting a refillable cylinder to installation pipework;
- Work on a single LPG installation without fixed pipework, achieved by a flexible connector from an adjacent LPG storage cylinder (e.g. cabinet heater, barbecue, patio heater);
- Work that is specifically designed to be effected by a person without the use of a tool;
- The manufacture of LPG fittings; and
- The welding of pipework for domestic customers upstream of the point of delivery and downstream of the emergency control valve prior to the admission of gas.

Gas Works (LPG) will not, at this time, include *gas work* on a LPG fitting used or designed to be used by a domestic customer within the scope of I.S. EN ISO 10239²⁰. It is the intent of the CER to consult further with regard to the inclusion of these types of LPG fittings within the scope of the *gas works* regulations in the near future.

The CER will draft and enact Regulations on 27th June 2011 which will designate those *works* related to the installation, removal, repair or replacement of LPG fittings within the scope of I.S.813 and I.S. EN 1949 used or designed to be used by Domestic gas customers regardless of whether they are used by a Domestic, Commercial or an Industrial customer, as a class of *gas works* and provide for the inclusion of such works in the regulatory system.

Therefore post 27th June 2011 it will be an offence for a person to carry out *gas works* relating to domestic LPG unless he/she is Registered Gas Installer (RGI).

¹⁸ Irish Standard I.S. 813 – Domestic gas installations

¹⁹ Irish Standard I.S. 1949 – Specification for the Installation of LPG Systems for Habitation purposes in Leisure Accommodation Vehicles and in Other Vehicles

²⁰ Irish Standard I.S. EN ISO 10239 – Small Craft- Liquefied Petroleum Gas (LPG) Systems

3.3 Commercial LPG Customers

For the purposes of this decision paper 'Commercial LPG customers' are defined as those end users who use LPG for commercial business and institutional purposes. Examples of these businesses include leisure and hotel facilities, restaurants, warehousing, office accommodation, mobile catering and hospitals utilising appliances for purposes such as catering and heating but excluding industrial processes.

Commercial LPG Customers (fixed premises)

There are approximately 10,000 Commercial LPG customers in Ireland supplied via individual bulk tank. In addition, there are approximately 1,500 commercial customers supplied via central storage/distribution network systems, with others being supplied via LPG cylinders used for non-primary heating purposes such as spot heating e.g. mobile blown-air heaters and leisure activities involving the use of barbecues and patio heaters. As mentioned above with regard to domestic customers, the use of LPG in **portable** commercial appliances by commercial customers is also recognised as being outside of the scope of the regulations. However, the use of LPG cylinders connected to **non-portable** commercial appliances is deemed to be within the scope of the regulations.

Commercial LPG Customers (mobile premises)

It is recognised that there is also widespread use of LPG by commercial customers in mobile commercial premises. Examples include floating restaurants, buses converted for catering purposes and mobile fish and chip shops. It is clear that the use of LPG for commercial purposes in these types of premises falls within the scope of LPG fittings as defined by the 1999 Act.

In addition, the safety risks associated with the use of LPG fittings designed to be used by commercial customers are equivalent regardless of their location either in a 'fixed' or 'mobile' commercial premises. It is the intention of the CER that these Commercial LPG customers will also come within the scope of the regulations, in the medium term.

In the commercial LPG customer category the classes of *gas works* would relate to all works on LPG fittings and associated flueing such as LPG catering equipment, space and water heating appliances which are used or designed to be used by these Commercial LPG customers, including where they are used by industrial customers.

NOTE: Domestic classes of *gas works* will apply in situations where domestic type appliances are installed in the premises of non-domestic (commercial and industrial) LPG customers. Examples may include very

small-scale businesses such as dentists, doctors, solicitors, accountants, hair salons etc. who carry out their business at residential-type properties²¹.

3.3.1 Installers carrying out Commercial Gas Works relating to LPG

As set out in the CER's consultation paper (ref: CER/11/022), the 2005 SHWAW Act and the associated regulations currently place clear safety responsibilities upon employers with respect to the installation, commissioning, maintenance, repair or removal of LPG fittings. However the ability of employers to form such a judgement regarding an individual's competence to undertake *gas work* will change, determined by the technical knowledge the individual employer has. In the case of many of the Commercial LPG customers defined in Section 3.3, it is highly likely there is little or no technical knowledge in this area and therefore they will not have the ability to establish an installer's level of competence to undertake such work.

Therefore the CER is extending its decision on *Option B: Intermediate Scope of Gas Works* with respect to Commercial natural gas customers (ref. CER/09/083) to include those works on LPG fittings designed to be used by Commercial LPG Customers. The CER will designate those works on LPG fittings designed to be used by Commercial gas customers as *gas works* in the medium term (i.e. post 2011), when the following conditions exist:

- a) the new regulatory system has operated successfully in the domestic sphere for a reasonable period of time;**
- b) appropriate training course/courses and award(s) which relate directly to commercial *gas works* is/are widely available in the commercial arena for a reasonable period of time; and**
- c) a competency assessment process is in place which enables the competence of an individual to be formally assessed against the provisions of the standards applicable to the commercial *gas work* (I.S. 820²² and other relevant standards).**

In this way the CER can satisfy itself that the individually Registered Gas Installer is competent to undertake 'commercial' *gas works*, in a safe manner. When the above conditions exist, the CER will be satisfied that its regulatory model can be applied to mitigate any potential risks associated with *Option B: Intermediate Scope of Gas Works*' and will introduce further regulations which will prohibit persons who are not registered from undertaking such "commercial" *gas works*.

For clarity purposes, the CER intends that, when introduced, commercial *gas works* will refer to the following classes of commercial gas works:

²¹ In these properties only appliances designed for domestic use would be appropriate for installation into this type of property.

²² Irish Standard I.S. 820 – Non-domestic gas installations

- **Installation** (includes pipework construction/alteration, pipework integrity test, pipework Commissioning, installation and Commissioning of appliances and certification of new and existing installations including those undertaken by others); and
- **Servicing/Maintenance** (includes appliance repair/ servicing/ maintenance).

The CER intends that, when introduced, commercial *gas works* will cover any work on a LPG fitting or natural gas fitting within the scope of I.S.820²³ and other relevant standards with the following exceptions:

- The welding of pipework for commercial customers prior to the admission of gas;
- The design of gas works (LPG and natural gas);
- Work on the point of delivery and upstream of the point of delivery;
- Work on gas fittings for the supply of gas for automotive use;
- Connection or replacement of a flexible connector connecting a refillable cylinder to installation pipework.
- Work on a single appliance LPG installation without fixed pipework, achieved by a flexible connector from an adjacent LPG storage cylinder (e.g. patio heater).
- Work that is specifically designed to be effected by a person without the use of a tool; and
- The manufacture of gas fittings (LPG and natural gas).

Note: The CER recognises the emergence of Combined Heat and Power (CHP) technology and will consult with the Industry when introducing commercial *gas works* into the regulatory scheme as regards the appropriateness of its inclusion or exclusion as a class of commercial *gas works*.

Note: The CER notes that progress is being made with respect to the development of appropriate training course/courses and award(s) which relate directly to commercial *gas works*. The availability of such training courses will facilitate the introduction of new regulations in this area in the future. The CER is in the process of liaising closely with the “commercial” gas sector and other interested parties on these matters.

²³ Irish Standard I.S. 820 – Non-domestic gas installations

3.4 Industrial LPG Customers

‘Industrial LPG customers’ are defined as those end users who use LPG for primarily industrial business purposes. Examples of these purposes include chemical processing, glass-making, CHP, construction industry products, etc. utilising purpose designed industrial gas-burning equipment and processes. There are approximately 1,000 of these industrial customers within Ireland.

In the industrial customer category the relevant classes of *gas works* would relate to work on LPG fittings used or designed to be used within the industrial sector. For example in the industrial customer category the class of gas work would relate to all works on LPG appliances and associated LPG pipework and flueing such as LPG catering equipment, space and water heating appliances. In addition there will be specifically designed plant, purpose built for production purposes. In these cases the installation, commissioning and servicing work is undertaken by bespoke trained operatives generally associated with the appliance manufacturer. This category of customer may be supplied by individual bulk tank, central storage/distributed system or cylinders.

3.4.1 Installers carrying out Industrial Gas Works relating to LPG

The 2005 SHWAW and the associated regulations place clear responsibilities with respect to the installation, commissioning, maintenance, repair or removal of LPG fittings which are used or designed to be used by an industrial customer. It is reasonable to assume that employers in an industrial setting are more likely to have some level of understanding of the specific competency requirements for individuals to undertake work on their industrial business operations which utilise highly specialised industrial gas-burning equipment and processes. Indeed it is in the employers’ economic interest to allow only a highly competent individual to undertake work on such equipment as the costs of equipment malfunction can be high. In many instances, industrial and large commercial employers engage specifically trained in-house individuals to undertake such work.

If one concurs with this analysis, it suggests that there is not a strong requirement or benefit in extending the scope of the regulatory system to include Industrial LPG customers at this stage given that it is reasonable to assume that they have the capacity and relevant information to hand to form the judgement with respect to competence. As such the 2005 SHWAW provides the relevant enforcement powers in this area. Furthermore, it can be argued that extending the regulatory model to include *gas works* on LPG fittings used or designed to be used by industrial customers is problematic for a number of reasons. Firstly industrial processes are unique and specialised – i.e. there is no generic approach beyond the use of combustion technology and controls. Design, build, construction and maintenance should be undertaken only by individuals who understand that unique process well, often the manufacturer itself. In process work, utilisation of gas is recognised as being integral to the core process(es) and therefore, in most cases, is an integral

element of the company's in-house safety regime. To attempt to apply the generic regulatory model, primarily developed to address the safety risks associated with the utilisation of gas by domestic customers, to this unique and specialised area is unlikely to add any value or specifically address the safety risks associated with this area.

Therefore, the CER will not extend the regulatory model and the definition of *gas works* to include those works on LPG fittings designed to be used by Industrial Gas Customers (i.e. *Option C: Maximum Scope of Gas Works*) at this stage given that:

- **The Health and Safety Authority already has an enforcement role in this area; and**
- **The generic regulatory model, implicit under the 1999 Act is not appropriate to address the safety risks associated with the industrial area given the unique and specialised nature of industrial processes.**

However, the CER will maintain a watching brief on the safety statistics in this area, and will not close off the possibility of regulating industrial works if it deems it appropriate in the future.

3.5 Summary

On 27th June 2011 the CER will designate a class of *gas works* to be *LP Gas Works* the definition of *LP Gas Works* will include any gas work on a LPG fitting used or designed to be used by a domestic customer within the scope of I.S.813²⁴ and I.S. EN 1949²⁵ with the following exceptions:

- The design of gas works;
- Work on the point of delivery and upstream of the point of delivery;
- Work on gas fittings for the supply of gas for automotive use;
- Connection or replacement of a flexible connector connecting a refillable cylinder to installation pipework;
- Work on a single LPG installation without fixed pipework, achieved by a flexible connector from an adjacent LPG storage cylinder (e.g. cabinet heater, barbecue, patio heater);
- Work that is specifically designed to be effected by a person without the use of a tool;

²⁴ Irish Standard I.S. 813 – Domestic gas installations

²⁵ Irish Standard I.S. 1949 – Specification for the Installation of LPG Systems for Habitation purposes in Leisure Accommodation Vehicles and in Other Vehicles

- The manufacture of LPG fittings; and
- The welding of pipework for domestic customers prior to the admission of gas.

Therefore from 27th June 2011 it will be illegal for any person who is not a Registered Gas Installer (RGI) with The GSSB to undertake these classes of work subject to certain limited exceptions.²⁶

²⁶ These certain limited exemptions are for system operators, gas emergency officers and gas safety officers carrying out their functions.

4.0 Next Steps

This final decision will now be translated into regulations as required under the 1999 Act. These regulations will be accompanied by associated guidelines to assist registered gas installers and the public in identifying those *gas works* which can only be carried out by a Registered Gas Installer following enactment of the gas works regulations on 27th June 2011.

Appendix A – Glossary of Terms

CER:	Commission for Energy Regulation.
GSSB:	Gas Safety Supervisory Body, as designated by the CER under the 1999 Act. See <u>Vision for the Regulation of Gas Installers with Respect to Safety</u> (ref. CER/07/225) – 18 th December, 2007.
HSA:	Health and Safety Authority.
LPG:	Liquefied Petroleum Gas.
LPG Fitting:	<i>Any non-portable appliance, apparatus or other thing including associated pipework and flueing which is used or designed to be used by –</i> <i>(a) a domestic customer, or</i> <i>(b) such class or classes of industrial customer or commercial customers as the CER may specify from time to time,</i> <i>in connection with the consumption or use of LPG.</i>
2005 SHWAW Act:	Safety, Health and Welfare at Work Act 2005.
I.S. 813	Irish Standard I.S. 813 – <i>Domestic gas installations</i> published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time
I.S. 820	Irish Standard I.S. 820 – <i>Non-domestic gas installations</i> published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
I.S. EN 1949	Irish Standard I.S. EN 10239 <i>Small craft – Liquefied petroleum gas (LPG) systems</i> published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.
I.S EN ISO 10239	Irish Standard I.S. EN 1949 <i>Specification for the Installation of LPG Systems for Habitation Purposes in leisure Accommodation Vehicles and Other Road Vehicles</i> published under the authority of the National Standards Authority of Ireland which may be revised and amended from time to time.