EXPLANATORY MEMORANDUM TO

THE GAS SAFETY (MANAGEMENT) (AMENDMENT) (NO 2) REGULATIONS 2023

2023 No. 320

1. Introduction

1.1 This explanatory memorandum has been prepared by the Health and Safety Executive (HSE) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This instrument corrects an error in the commencement provision in the Gas Safety (Management) (Amendment) Regulations 2023 (GSMAR 2023)[1].

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britain.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britain.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument corrects an error in the commencement provision in the GSMAR 2023.

7. Policy background

What is being done and why?

7.1 This instrument is being made to amend the coming into force date for regulation 14(2)(a)(v) of the GSMAR 2023. This Regulation revises the range within which the Wobbe Number of gas can be conveyed in a network for the purposes of the Gas Safety (Management) Regulations 1996 (GSMR 1996).

[1] S.I. 2023/No. 284 The Gas Safety (Management) (Amendment) Regulations 2023 (legislation.gov.uk)

Explanations

What did any law do before the changes to be made by this instrument?

7.2 Regulation 14(2)(a)(v) of the GSMAR 2023 was intended to come into force on 6th April 2025. However, an error was made in regulation 1(2) of those Regulations which meant that 'regulation 0' instead of 'regulation 14(2)(a)(v)' was stated to come into force on that date.

Why is it being changed?

7.3 The change is required to ensure that regulation 14(2)(a)(v) of the GSMAR 2023 comes into force on 6th April 2025.

What will it now do?

7.4 These Regulations amend regulation 1(2) of the GSMAR 2023 to ensure that the amendment made by regulation 14(2)(a)(v) of those Regulations does not come into force until 6th April 2025.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 There are currently no plans to consolidate the GSMR 1996.

10. Consultation outcome

10.1 A public consultation[2] on amendments to the GSMR 1996 ran from Friday 28 January to Monday 21 March 2022. The outcome of this consultation will be published alongside the GSMAR 2023, including considerations for the coming into force date of Regulation 14(2)(a)(v).

10.2 In line with the duties imposed by the Health and Safety at Work etc. Act 1974 section 50(3)[3], HSE consulted the Office for Nuclear Regulation before submitting those proposals. Devolved Governments were kept informed before and after the formal public consultation exercise.

10.3 Detailed analysis of the consultation outcome can be found in the consultation response[4] on the HSE Consultation Hub.

10.4 HSE has also consulted the Office for Nuclear Regulation before submitting the proposals for this statutory instrument.

11. Guidance

11.1 Existing guidance[5] on the GSMR 1996 is being revised and published on the HSE website to take account of the changes made by the GSMAR 2023. The Safety Case

[2] https://consultations.hse.gov.uk/hse/cd291-revision-gas-safety-management-regulations/
[3] https://www.legislation.gov.uk/ukpga/1974/37/section/50
[4] CD291 - Revision of the Gas Safety (Management) Regulations 1996 - Health and Safety Executive - Citizen Space (hse.gov.uk)
[5] https://www.hse.gov.uk/pubns/priced/l80.pdf

Assessment Manual[6] will also act as a resource to aid with the preparation of safety cases for duty holders now in scope of that provision as a consequence of the amendments made by those Regulations.

12. Impact

12.1 There is no significant impact on the public sector.

12.2 The error within the GSMAR 2023 would mean that all provisions in the regulations would come into force on 6 April 2023. This is contrary to the policy intent and has the potential for significant consequences for business as it would remove the intended transitional period. These amendments will remove this impact.

12.3 A full Impact Assessment[7] was submitted with the GSMAR 2023 and published alongside the Explanatory Memorandum for them on the legislation.gov.uk website.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 The impact on business was considered within the GSMAR 2023 impact assessment and published alongside the Explanatory Memorandum for them on the legislation.gov.uk website.

14. Monitoring & review

14.1 This legislation will be monitored alongside the GSMAR 2023.

15. Contact

15.1 Stuart Burgoine at the Health and Safety Executive, Energy Policy Team Telephone: 07765043207 or email: Stuart.Burgoine@hse.gov.uk can be contacted with any queries regarding the instrument.

15.2 Kate Haire, Deputy Director for Regulation, International and Major Hazards Policy Branch, at the Health and Safety Executive can confirm that this Explanatory Memorandum meets the required standard.

15.3 Mims Davies MP, Minister for Social Mobility, Youth and Progression at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

[6] https://www.hse.gov.uk/gas/supply/gasscham/gsmrscam.pdf

[7] The Gas Safety (Management) (Amendment) Regulations 2023 - Impact Assessment (legislation.gov.uk)