

# A hidden killer

Landlords' gas safety duties—Stephanie Trotter puts the case for reform

Carbon monoxide (CO) is a deadly gas that can be emitted from any faulty heating or cooking appliance powered by burning any carbon-based fuel (eg gas, oil, wood, coal, smokeless fuel, petrol, diesel etc). Appliances include cookers, boilers, fires, generators, barbecues and vehicles.

CO cannot be detected using any human sense. It is important to note, however, that although people cannot smell CO, it is possible to smell other products of combustion. Death from less than 2% of CO in the air can occur in between one and three minutes.

Firefighters talking about smoke (which does smell) say that it only takes three breaths; the first you don't know there is anything wrong, the second you suspect there might be but by the third you are unable to take any action.

A report by the All Party Parliamentary Carbon Monoxide group in 2011, *Preventing Carbon Monoxide Poisoning*, estimated that as many as 4,000 people each year are diagnosed with low-level carbon monoxide exposure, with a further 200 admittances to hospital with serious injuries and 50 fatalities every year. The report calculated that preventing carbon monoxide poisoning could save the UK £178m a year, as well as avoid immeasurable human tragedy and suffering. The charity CO-Gas Safety has suggested the estimate of people affected could be the tip of the iceberg.

It is hard to understand why the use of a flue gas analyser to test for CO was not required when the landlord's gas safety check was originally brought in. The answer

is probably due to the fact that technology has improved. All Registered Gas Engineers are now trained to use a flue gas analyser.

I drafted a suggested clarification/change in the law in 2010 to amend Reg 36 of the Gas Safety (Installation and Use) Regulations 1998 (SI 1998/2451) to insert a new part (c) into subs (2). This would require a landlord to ensure a Registered Gas Installer undertakes either a service or test for CO of the gas appliances using equipment capable of testing for CO. This can be found online at [www.co-gassafety.co.uk/about-co/suggested-changes](http://www.co-gassafety.co.uk/about-co/suggested-changes). Later, I added that all rented accommodation be fitted with at least one CO alarm to EN 50291. Primary legislation may be needed.

At the moment only private rented properties with solid fuel appliances must be fitted with CO alarms, under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (SI 2015/1693). These cover only 354,000 homes or 8.6% of private rented properties.

## Support for clarification

The charity CO-Gas Safety has support from: Pimlico Plumbers; Dominic Rodgers Trust; Katie Haines Memorial Trust; Frank Brehany, Consumer Campaigner; National Landlords' Association; the Gas Industry Safety Group; Gas Safety Trust; All Party Parliamentary Carbon Monoxide Group (APPCOG); and Institute of Gas Engineers & Managers (IGEM). It should be pointed out that British Gas refuses to undertake gas safety checks without a contract to service as well, which produces the effect the charity wants enshrined in the Regulations.

## Private Member's Bill

Eddie Hughes MP has drafted a Private Member's Bill to fit a CO alarm to all rented accommodation. The charity supports this initiative. However, the charity's view is that good though CO alarms are, it would be better to avoid exposing people to CO in the first place. Furthermore, when life and death are at risk, a belt and braces approach is best. Therefore, a combination of CO-Gas Safety's proposals and Eddie's Bill would, the charity hopes, avoid unintentional deaths and injuries and improve health by preventing low level poisoning. **NLJ**

## The existing law: Gas Safety (Installation and Use) Regulations 1998

- ▶ The regulations require landlords to keep the gas appliances etc that they own or control in a safe condition. Landlords also have to have these gas appliances checked once a year by a registered gas engineer and provide a gas safety certificate. However, what is not specified is a service or a test using equipment such as a flue gas analyser, capable of testing for emissions of CO.
- ▶ CO-Gas Safety is the only gas charity that collects, collates & publishes data of deaths and injuries from unintentional CO poisoning from all carbon-based fuels (with deaths checked with coroners) and that provides specific CO victim support. CO-Gas Safety has no guaranteed funding.

**Stephanie Trotter OBE** is president & director of CO-Gas Safety. Stephanie is also a non-practising barrister ([www.co-gassafety.co.uk](http://www.co-gassafety.co.uk)).



### The Carbon Monoxide and Gas Safety Society

CO-Gas Safety is an independent registered charity which works to try to reduce accidents from Carbon Monoxide (CO) poisoning and other gas dangers. We lobby for changes, which will help to achieve this. We also help and advise victims whenever we can. This charity is run almost completely by volunteers and relies on donations. Please donate to save lives and preserve health ([www.co-gassafety.co.uk](http://www.co-gassafety.co.uk)).