

# Landlord fined for not providing gas safety certificates

A landlord has been fined for failing to ensure that gas fittings, appliances and associated flues were checked for safety.

Edinburgh Sheriffs Court heard that from late winter 2013 to early spring 2014 David Mackman stated he was the landlord for at least 15 flats in an old tenement block. The majority of the flats had gas central heating boilers for heating and hot water. Some of the boilers served more than one flat. The court was told tenants were not provided with Landlord's Gas Safety Certificates.

The Health and Safety Executive (HSE) investigated after receiving a complaint from a tenant. The HSE inspector failed to obtain a response from Mr Mackman and on being unable to contact the complainant attended the block of flats with another HSE inspector.

The inspectors gained access to several flats and quickly identified gas safety concerns. They again attempted to make contact the landlord during this visit but failed. Due to the gas safety concerns the inspectors decided to contact the Gas Safe Register, the official gas safety organisation in Britain, who arranged for Scottish Gas Networks (SGN) to attend the property.

The inspectors later revisited the property with SGN engineers and after gaining access to further flats they identified further gas safety faults. SGN issued 'immediately dangerous' safety notices and disconnected the gas supply to several properties.

Despite repeated attempts to contact him, the landlord did not attend the flats to assist with the investigation.

At a later visit SGN notices were again issued to a number of flats. Mr Mackman attended during this visit and HSE Inspectors issued 15 Improvement Notices. The aim of the notices was to ensure all gas safety issues were identified and rectified by a competent Gas Safe registered engineer which would enable the landlord to provide tenants with a Landlord's Gas Safety Certificate.

David Stuart Mackman, Shepherd's Keep, Colzium, Kirknewton pleaded guilty to breaching Regulation 36(3)(b) of the Gas (Installation and Use) Regulations 1998 and was fined £4,500 and ordered to pay a £175 Victim Surcharge.

Speaking after the hearing, HSE inspector Katherine Gostick said: "It was very fortunate that Mr Mackman's failure to carry out important landlord gas safety checks did not result in a number of deaths in the flats he rented out, where the unsafe gas appliances were leaking poisonous odour free fumes.

"He should have employed a competent Gas Safe Registered engineer to carry out landlord gas safety checks including carrying out the necessary work and

obtain a landlord gas safety certificate every 12 months. Landlords may be prosecuted if they do not ensure that this well publicised duty is carried out. Tenants should check that they receive a landlord gas safety certificate on moving into rented property and annually.

**Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [INDG285 Landlords \(hse.gov.uk\)](http://hse.gov.uk/INDG285_Landlords) & [legislation.gov.uk/](http://legislation.gov.uk/)

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