



Department for the

Economy

An Roinn

Geilleagair

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Our ref: SUB-0912-2026

Date: 07 10 2026

Dear Peter

**SL1 – THE GAS SAFETY MANAGEMENT (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2026**

Powers under which Rule is being made

The Department for the Economy ("DfE") proposes to make a new Statutory Rule, the Gas Safety Management (Amendment) Regulations (Northern Ireland) 2026 ("the proposed Regulations") under powers conferred by Articles 17(1), (2) and (4)(a), 40(2) and (4) and 55(2) of, and paragraphs 1(1)(c), 14(1), 15 and 20(a) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) ("the 1978 Order").

The Rule is subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

These Regulations apply to the conveyance of natural gas (methane) through pipes to domestic and other consumers, and cover four main areas: (1) the safe

management of gas flow through a network, particularly those parts supplying domestic consumers, and a duty to minimise the risk of a gas supply emergency; (2) arrangements for dealing with supply emergencies; (3) arrangements for dealing with reported gas escapes and gas incidents; and (4) gas composition.

The proposed Statutory Rule will be known as the Gas Safety (Management) (Amendment) Regulations (Northern Ireland) 2026 and will amend the Gas Safety (Management) (Amendment) Regulations (Northern Ireland) 1997 (S.R. 1997 No.195) ("GSMR").

The main purpose of the Statutory Rule is a response to liberalisation of the domestic gas supply market and the safety implications of that process. The key driver was the need for assurance that liberalisation would not lead to any reduction in safety standards. The Regulations are primarily concerned with the management of the safe flow of natural gas through NI's gas transmission and distribution system, the key objective being to ensure continuity of supply to domestic consumers. The Regulations aim to maintain and, if possible, improve upon the safety standards achieved by British Gas prior to liberalisation. They require a gas conveyor to prepare a safety case that must be accepted by HSENI and impose requirements in respect of gas escapes and the composition and pressure of gas.

Background / EU Implications

This GSMR review emanated from the "[Opening up the Gas Market](#)" project (OGM), commonly known as the Oban Project, after its demonstration of higher Wobbe number (WN) gas in the community in Oban, Scotland, which has its own independent gas network, known as a Scottish Independent Undertaking (SIU). That work was then built upon by the Gas Quality Working Group (GQWG), which was formed to lead the gathering and demonstration of evidence to support the changes.

The scope of the review was later widened to assess the inclusion of gas with a lower WN than currently permitted and consideration of alternatives to the control of gas content and characteristics currently prescribed in Schedule 3 to the GSMR.

Having assessed the current body of safety evidence, HSENI concluded that there were outstanding safety and practicality questions for some proposals that needed to be addressed before making legislative changes. HSENI therefore sought views on the following set of changes:

1. *A new lower WN limit;*
2. *To remove the Incomplete Combustion Factor (ICF) and the Soot Index (SI) limits in Schedule 3 and introduce a relative density of ≤ 0.700 ;*
3. *To incorporate the HSENI class exemption limit of ≤ 1 mol% for oxygen in gases conveyed at pressures up to 38 barg;*
4. *Clarity that biomethane pipelines are to be considered to be part of the gas network;*
5. *Clarity that co-operation duties apply to operators of liquefied natural gas (LNG) import facilities; and*
6. *For a general duty on the industry to provide a continuously manned telephone service.*

The changes would enable:

- (1) the adaptation of prescriptive NI regulation for gas composition contained in GSMR Schedule 3 that prevents sources of gas outside current specifications from being used in the gas transmission and distribution network;
- (2) a greater diversity of gas resources to be accessed from biogas and across the North Sea, including both the United Kingdom Continental Shelf (UKCS) and the Norwegian sector;
- (3) reduced gas processing, potentially making gas supplies greener and easier to secure and more economically viable; and
- (4) the Regulations to be updated and modernised in order to ensure that safety standards are consistently applied across today's gas network.

The changes contribute to wider strategic GB Government and NI Executive objectives of security of energy supply and decarbonisation of the energy sector as the UK moves towards Net Zero carbon emissions by 2050.

It is also important to note that, by law, any changes to health and safety Regulations must maintain or improve upon the health, safety and welfare standards already established, and so this is another crucial strategic objective of the GSMR review.

The proposed changes also provide an opportunity to modernise the GSMR in parallel to take account of significant changes to the industry since 1997.

Consultation

The proposals do not differ in any significant way from the amendments made to the corresponding GB Regulations. Such differences as do occur relate only to Northern Ireland legislation and institutions.

HSENI undertook a public [Consultation](#) in compliance with its duty to consult under Section 46(3) of the Health and Safety at Work (Northern Ireland) Order 1978. The Consultation ran from 12 February 2025 to 14 April 2025. Based on feedback received during the consultation, HSENI inserted a 12-month delay into the draft SR affecting those regulations covering the emergency reporting service in order to allow the local industry time to adapt. Until that time, the current legislative arrangements covering emergency reporting will remain in force. Please see Annex 1 for a breakdown of responses.

Position in Great Britain

In Great Britain, the corresponding Regulations are the Gas Safety (Management) (Amendment) Regulations 2023 (S.I. 2023/284), which were made on 7 March 2023, laid before Parliament on 9 March 2023, and came into force on 6 April 2023, with the exception of regulation 1(2), which came into force on 6 April 2025.

In its [Thirty-fourth Report of Session 2022-23](#) published on 28 April 2023, the GB Joint Committee on Statutory Instruments (JCSI) reported the Gas Safety (Management) (Amendment) Regulations 2023 (S.I. 2023/284) for defective drafting.

The defective drafting issue concerned regulation 7(6).

The issue related to whether the regulation required the responsible person to notify the specific network provider supplying their premises rather than the gas emergency telephone service generally or any provider with a duty of co-operation. The memorandum confirmed that failure to do so is a criminal offence, but it was unclear to the JCSI how the responsible person could know which provider to notify, or whether they had successfully done so, where different providers responsible for different networks were all reached on the same number. The JCSI felt that it was unsatisfactory for legislation to be unclear about how to avoid committing an offence, particularly where there was apparently no defence of "reasonable excuse". The JCSI accordingly reported regulation 7(6) for defective drafting. The GB Department has not amended the GB 2023 Regulations to remedy the issue reported.

As the Department for the Economy had not yet made the equivalent Northern Ireland Regulations, it was in the position of being able to consider the JCSI Report. HSENI sought legal advice from the Departmental Solicitor's Office (DSO). The DSO and HSENI took the same view of the issue, and the DSO recommended no change to the text of the draft SR. It has been accepted that if technical arrangements behind the single number to ensure that the correct emergency reporting service provider is notified for the relevant gas network should fail, the person calling the number meant to contact all emergency providing services will still have discharged their duty under regulation 7(8), and therefore it is considered that an offence is not committed at Article 31(1)(c). This is similar to the situation that occurs when a person calls 999, whereby a caller is not legally liable for any failure on the part of the switchboard to route the information to the required emergency service. The DSO discussed the issue with the Examiner of Statutory Rules in order to ensure that she did not reach the same conclusion as the JCSI. The DSO confirmed on 23 September that the Examiner was content but that she would not provide any written comments on the full draft before the Regulations were laid.

Equality Impact

The Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in Section 75 of the Northern Ireland Act 1998, and no

adverse or differential impacts were identified. There is no evidence to suggest that the proposals will impact disproportionately on any Section 75 group.

Rural Proofing

HSENI has considered this matter as part of the development of the proposed Statutory Rule and concludes that it will not impact differentially on the needs of people in rural areas of Northern Ireland.

Regulatory Impact

In Great Britain an Impact Assessment (IA) was prepared for the corresponding GB proposals.

HSENI is of the opinion that the analysis and considerations as set out in both GB IAs can be applied to Northern Ireland on a proportionate basis.

HSENI estimates that the total cost to Northern Ireland businesses will be a population-based proportion of the £700,000 estimated by HSE, i.e. around £21,000.

Financial Implications

There are no financial implications for the Health and Safety Executive for Northern Ireland's or Departmental budgets.

Section 24 of the Northern Ireland Act 1998

The Department has considered the matter of Convention rights etc. and is satisfied that there are no matters of concern.

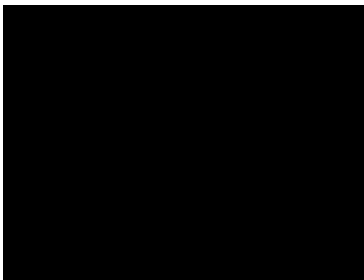
Operational Date

It is proposed that the Statutory Rule will come into operation on 7 December 2026, with the exception of those regulations covering the emergency reporting service, which will come into operation on 7 December 2027.

When the Rule together with the Explanatory Memorandum has been laid at the Assembly Business Office the Business Office will submit copies to the Committee.

You will wish to bring this matter to the attention of the Committee for the Economy.

Yours sincerely



Departmental Assembly Liaison Officer

c.c. Human Rights Commission