

A Brief Guide to Lettings and Electrical Safety Requirements

In recent years, new regulations have been introduced to improve safety in rented residential accommodation. All landlords who own property which is let need to be aware of the implications of the legislation. This leaflet is designed to give a summary of regulations which currently exist and in particular those relating to electrical appliances and their impact on both private and commercial landlords. Further sources of information are given at the end of the leaflet.



Electrical safety

The electrical safety regulations¹ require that any electrical appliances supplied must be safe. Where their safe use requires, appropriate instruction booklets must also be provided.

Unlike the gas safety regulations, there is no statutory annual testing interval. Yet, in order to meet the requirements, it is still important that the appropriate checks and safeguards are carried out. The regulations require:

- ◆ GENERAL SAFETY. All electrical equipment supplied must be safe. This will require that the electrical appliances, including their leads, are checked by a competent and suitably qualified engineer. Unsafe items should be removed.
- ◆ LABELLING. All electrical equipment that is manufactured after the 1st January 1997 must be marked with the appropriate CE symbol.
- ◆ INSTRUCTIONS. It is recommended that the manufacturer's instructions be provided wherever possible for each appliance that is supplied. This will help to ensure that the tenant uses the equipment safely.

Why is it important?

The penalty for non-compliance with the regulations is a substantial fine or even imprisonment in serious cases.

Electrical safety testing

It is important that both the fixed electrical installation (i.e. the mains wiring) and any supplied appliances and other equipment are safe. Both are easily tested by a qualified engineer.

- ◆ APPLIANCES. Electrical appliances should be tested prior to letting the property, and at periodic intervals thereafter. There is no specific requirement as to when appliances should be tested but those used more regularly or in a harsh environment (e.g. wet conditions) may require more frequent testing. Any appliances supplied should contain the approved 'CE' mark.
- ◆ FIXED INSTALLATIONS. It is also important that the fixed wiring circuits are checked for safety. The Electrical Safety Council (ESC) recommends that this is carried out at least every five years in rented property.
- ◆ RECORDS. You should keep a record of all appliances tested and checks carried out.

You can also carry out your own simple checks. There are some important points you should watch for :

- ◆ LEADS. Watch out for frayed or worn leads. These may be dangerous and should be replaced immediately by a competent person.
- ◆ PLUGS. By law, electrical appliances must not be supplied without a correctly fused plug fitted to it².

New works and repairs - Part P

Under building regulations introduced in January 2005, householders who are planning to carry out electrical work in high risk areas such as kitchens, bathrooms or outdoors, or who intend to add new circuits anywhere in the house, now have to notify the local authority building control department or employ an electrical engineer who is registered with a Part P Self-certification Scheme³. Only small electrical jobs, such as replacing a socket or a light switch, do not need to be notified.

Appliances covered by regulations

The regulations cover all mains voltage electrical goods designed with a working voltage of between 50 and 1000 volts a.c. including:

- ◆ Cooker
- ◆ Kettles
- ◆ Toasters
- ◆ Electric blankets
- ◆ Washing machines
- ◆ Immersion heaters



General product safety

For all rented property, there is a statutory right that the landlord maintain the structure and main services serving the property in good repair⁴ and that it shall be fit for human habitation. There are also general product safety regulations⁵ that require the property and items in the property to be safe, plus specific provisions relating to any gas appliances⁶ or furniture supplied⁷.

The general product safety regulations state that any item supplied to a consumer in the course of a commercial activity must be safe and this is deemed to include the supply of rented property. The following checks and precautions should be observed:

- ◆ Discard any damaged items that may be dangerous.
- ◆ Provide instruction manuals where appropriate.
- ◆ Check for obvious danger signs - broken glass, sharp edges, worn leads etc.
- ◆ All repairs or building work carried out on the property should be done in accordance with current building regulations (e.g. use of toughened safety glass in low level glazing)
- ◆ Smoke detectors, any supplied fire extinguishers and related safety equipment should be kept in good working order.

Houses in Multiple Occupation (HMO)

Where a house is occupied as bedsits or by 'persons who form more than one household' further safety provisions may apply⁸ and you should seek further advice.

What action is required?

- ◆ Before offering a property for let, it is important to check that all installations (especially electrical and gas) are safe.
- ◆ Whilst a property is let, an ongoing programme of planned inspection and testing should be implemented on all electrical and gas appliances. Record details of all checks and maintenance.
- ◆ Avoid carrying out D-I-Y repairs on electrical equipment.
- ◆ Avoid buying or installing second-hand appliances into rented properties.
- ◆ Provide instruction booklets for tenants where appropriate.

Where do you go for more information?

If you would like more information, you should try the following sources:

- ◆ Your local property or letting agent
- ◆ Local Trading Standards Office (electrical and furniture compliance)
- ◆ Local Environment Health Officer (HMO compliance)
- ◆ Local Office of the Health & Safety Executive.
- ◆ A Brief Guide to Lettings and the Furniture and Furnishings (Fire) (Safety) Regulations (Letting Centre leaflet, www.letlink.co.uk)
- ◆ Department of Business Innovations & Skills - Guidance notes on the UK Electrical Equipment (Safety) Regulations 1994 (S.I.1994/3260), www.bis.gov.uk

N.B. This summary is intended to assist landlords and letting agents to understand the effects of the regulations. It is not an authoritative interpretation - this is a matter for the courts. For more details, you should refer to the text of the regulations themselves.

Regulations:

1. The Electrical Equipment (Safety) Regulations 1994
2. Plugs & Sockets etc (Safety) Regulations 1994
3. Building Regulations 2000, Approved Document P
4. Landlord and Tenant Act 1985, s11,12
5. The General Product Safety Regulations 2005
6. Gas Safety (Installation and Use) Regulations 1994 (see Letting Centre leaflet L05)
7. Furniture & Furnishings (Fire) (Safety) Regulations 1989/93 (see Letting Centre leaflet L04)
8. Housing Act 2004

Copies of any of the Regulations are available from Office of Public Sector Information at: www.legislation.gov.uk, The Stationery Office (TSO): www.tsoshop.co.uk

Agent's Stamp

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