

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 electrical safety regulations which currently exist 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 regulations² require that any electrical appliances supplied must be safe. In order to meet the current requirements, it is important that 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 and equipment purchased after 8th December 2016 must be labelled correctly with the manufacturer details and information identifying the importer.
- ◆ **INSTRUCTIONS.** It is recommended that manufacturer's instructions and safety information is provided for each appliance supplied which was purchased prior to 8th December 2016. This will help to ensure that the tenant uses the equipment safely. For appliances purchased after 8th December 2016 this information must be supplied.

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

- ◆ **APPLIANCES.** At the time of writing, there is no statutory requirement for periodic appliance testing. However, it is recommended that electrical appliances are tested prior to letting the property,² and should be inspected at periodic intervals thereafter. Appliances 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.
- ◆ **ELECTRICAL INSTALLATIONS.** Fixed electrical installations for tenancies in England must be inspected and tested by a qualified person before the tenancy commences, and at regular intervals of no more than five years (or less if the inspection report specifies a shorter period), to ensure compliance with the electrical safety standards regulations¹. A copy of the electrical installation condition report must be given to new and existing tenants, and any prospective tenant that requests a copy, within 28 days, and also to the local authority within 7 days of receiving a request. The regulations apply to new tenancies granted from 1st July 2020 and existing tenancies from 1st April 2021. The regulations exclude tenancies where the tenant shares accommodation with the landlord or the landlord's family.
- ◆ **RECORDS.** You should keep a record of all inspections, tests and checks carried out.

You can carry out your own simple checks such as:

- ◆ **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 it³.

New works and repairs - Part P

Under building regulations introduced in January 2005, householders who plan 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, must notify local authority building control or employ an electrical engineer who is registered with a Part P Self-certification Scheme⁴. Only small electrical jobs, such as replacing a socket or 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 repair⁵ and that it shall be fit for human habitation. There are also general product safety regulations⁶ that require the property and items in the property to be safe, plus specific provisions relating to any gas appliances⁷ or furniture supplied⁸.

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 apply⁹ 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).
- ◆ Government Guidance on the Electrical Equipment (Safety) Regulations, www.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 Safety Standards in the Private Rented Sector (England) Regulations 2020
2. The Electrical Equipment (Safety) Regulations 1994 & 2016
3. Plugs & Sockets etc (Safety) Regulations 1994
4. Building Regulations 2000, Approved Document P
5. Landlord and Tenant Act 1985, s11,12
6. The General Product Safety Regulations 2005
7. Gas Safety (Installation and Use) Regulations 1994 (see Letting Centre leaflet L05)
8. Furniture & Furnishings (Fire) (Safety) Regulations 1989/93 (see Letting Centre leaflet L04)
9. Housing Act 2004

Copies of any of the above Regulations are available from the Government website at: www.legislation.gov.uk or The Stationery Office (TSO): www.tsoshop.co.uk

Agent's Stamp

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