

THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

The Ministry for Housing, Communities and Local Government (MHCLG) has introduced legislation for landlords in England to make it a mandatory requirement to have electrical safety checks carried out in their properties. These electrical safety checks are to be carried out at intervals of no more than 5 years by a qualified and competent person.

This new legislation comes into force on 1st June 2020 for Landlords in England for electrical safety checks to be completed on their properties following the timeline below-

- (a) all new specified tenancies from 1st July 2020; and
- (b) all existing specified tenancies from 1st April 2021.

WHAT IS AN ELECTRICAL SAFETY CHECK?

This is a series of inspections and tests of the electrical installation, which does not include electrical appliances. It is recommended that appliances are also checked for safety, however it is not a requirement of the legislation.

WHAT DOCUMENTS SHOULD I RECEIVE?

This will depend on the work carried out, for some existing installations there may be a valid (less than 5 years old) Electrical Installation Certificate covering the whole property, this would have been issued when the installation was first installed or rewired.

If there is no valid Electrical Installation Certificate then a report is required, this is generally known as an Electrical Installation Condition Report (EICR). This report will provide you with an overview of the condition of the electrical installation and, where relevant, will list any remedial works that may be required.

WHAT DO THE CODES ON AN EICR MEAN?

If the report has an Unsatisfactory outcome the EICR will list the issues and a code will be attributed to the severity of the issue, these codes are –

Code C1	'Danger present' Risk of injury Immediate remedial action required
Code C2	'Potentially dangerous' Immediate remedial action required
Code C3	'Improvement recommended'
Code FI	'Further investigation required'

If the EICR has any Code C1, C2 or FI outcomes they must be resolved within 28 days, or within the timescale outlined on the report if less than 28 days.

IS THERE ANY GUIDANCE IN RELATION TO CODING?

Yes, Electrical Safety First have issued Best Practice Guide No. 4 for use by electrical contractors undertaking electrical safety checks, it can be downloaded from here - <https://www.electricalsafetyfirst.org.uk/media/2149/bpg4-1.pdf>

WHAT DO I HAVE TO DO WITH THE ELECTRICAL SAFETY CHECK DOCUMENTS?

You or your agent is required to supply a copy of this electrical safety check / report to the existing resident/tenant within 28 days of the inspection and test, to a new tenant before they occupy the premises, and to any prospective tenant within 28 days of receiving a request for the report. The landlord must also supply the local housing authority with a copy of this report within 7 days of receiving a request for a copy and retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.

Where the report shows that remedial work is necessary, you must complete this work within 28 days or any shorter period if specified as necessary in the report. Then you or your agent must supply written confirmation of the completion of the remedial works to the tenant and the local housing authority within 28 days of completion of the works.

DOES THIS APPLY TO HOUSES OF MULTIPLE OCCUPANCY (HMO)?

Yes

WHAT ARE THE PENALTIES IF I DON'T COMPLY WITH THE LEGISLATION?

If the local housing authority finds that landlords are in breach of their duties in relation to electrical installations, they

- must serve a notice, which will set out the remedial works required to comply with these duties
- may impose a financial penalty of up to £30,000



WHERE CAN I FIND AN ELECTRICAL CONTRACTOR ABLE TO UNDERTAKE AN ELECTRICAL SAFETY CHECK?

You will be able to find an electrical contractor that has been assessed as being able to undertake electrical safety checks here - <http://www.electricalcompetentperson.co.uk/>

WHERE CAN I FIND FURTHER GUIDANCE?

The Ministry of Housing, Communities and Local Government will be issuing non-statutory guidance for landlords, tenants and local authorities on the new private rented sector electrical safety duties when the Regulations come into force.



OTHER USEFUL SOURCES OF INFORMATION

Electrical Safety First – Landlord Guidance -

<http://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/advice-for-landlords/>

Electrical Safety in the Private Rented Sector (England) Regulations:

<http://www.legislation.gov.uk/ukdsi/2020/9780111191934/contents>

Explanatory memorandum:

http://www.legislation.gov.uk/ukdsi/2020/9780111191934/pdfs/ukdsiem_9780111191934_en.pdf