



## Electrical Safety in Rental Property

Apart from the Landlord's Common Law duty of care, the Landlord & Tenant Act 1985 (and several other statutory regulations see below) requires that the electrical equipment is safe at the start of every tenancy and maintained in a safe condition throughout the tenancy.

Electrical hazards are also covered by the Housing Health and safety Rating System under the Housing Act 2004.

In the case of commercial property and houses in multiple occupation there is a statutory duty under the Regulatory Reform Fire Safety Order 2005 for the responsible person (the property manager) to carry out annual Fire Safety Risk Assessments, which include electrical safety risks.

If you let property you must ensure that the electrical system and all appliances supplied are safe - failure to comply with the Electrical Equipment (Safety) Regulations 1994 and the The Consumer Protection Act 1987 is a criminal offence and may result in:

- A fine of £5,000 per item not complying
- Six month's imprisonment
- Possible manslaughter charges in the even of deaths
- The Tenant may also sue you for civil damages
- Your property insurance may be invalidated

These regulations are enforced by the Health & Safety Executive.

## Landlord Guide

It is important to ensure that all electrical appliances and fittings within the property are safe and in good working order. Unlike gas regulations, there is no law that says you must have a landlord electrical safety certificate. But, should any electrical fittings or appliances within your rental property cause harm to a tenant you could be held liable.

Manage your property well and the risks to you as landlord or agent are minimal, but manage it badly and your risks are high.

You are advised to make visual inspections yourself as landlord or agent in residential properties (record on a safety checklist) and have periodic checks carried out by a qualified electrician.

- Ideally, ensure that the electrical system complies with the latest wiring regulations.
- Make sure a circuit breaker (RCD) is fitted to power circuits.
- Keep supplied appliances to a minimum.
- Make sure appliances supplied are complete and in working order - keep purchase receipts.
- Pay particular attention to second hand equipment - always have these items checked.

- Ensure that operating instructions and safety warning notices are supplied with the appliances.
- Ensure that flexes are in good order and properly attached to appliances and plugs.
- Ensure that earth tags are in place.
- Ensure that plugs are of an approved type with sleeved live and neutral pins.
- Ensure that plugs and sockets conform to BS1363 or BS1363/A for heavy duty uses.
- Ensure that all fuses are of the correct type and rating.
- Make sure that tenants know the location of and have access to the main consumer unit, fuses and isolator switch.
- Make a note of all fuse ratings on the inventory.

If you are in any doubt about the wiring or the safety of any appliances consult a qualified electrician.

## Regulations

There is no statutory obligation on landlords or agents to have professional checks carried out on the electrical system or appliances. However, under Common Law and various statutory regulations: The Landlord and Tenant Act 1985, The Housing Act 2004, The Electrical Equipment (Safety) Regulations 1994, and the Plugs and Sockets etc. (Safety) Regulations 1994, both of which come under the Consumer Protection Act 1987, there is an obligation to ensure that all electrical equipment is safe.

In January 2005 new legislation under Part P of the Building Regulations make it a requirement that for certain types of electrical work in dwellings, plus garages, sheds, greenhouses and outbuilding comply with the standards. This means a competent electrician must carry out the work. For DIY electrical work you must belong to one of the Government's approved Competent Person Self-Certification schemes or submit a building notice to the local authority before doing the work.

## Compliance

We strongly recommend that any Landlord, regardless of whether they see themselves as running a business or not, should make absolutely sure they are complying with these regulations to ensure that all electrical equipment supplied is safe.

### In order to do this we recommend:

- Annual visual inspections by the landlord or agent - recording this on a safety checklist.
- Inspections on tenant change-overs, recording electrical equipment, its condition and fuses fitted - see PAT Testing.
- Periodic inspections of electrical equipment by a qualified electrician.
- 5 yearly inspections by a qualified electrician to ensure safety and that the electrical system complies with current electrical regulations.
- Keep all records of these inspections.

## Due Diligence

In the event of a tenant complaint or an incident the defence of "due diligence" may be accepted where it can be shown that the landlord or agent took all reasonable steps to avoid committing an offence - you will need documentary evidence of this.

A private owner letting a single dwelling (not in the course of business) may have a defence, whereas an agent acting on his behalf will not. However, an agent merely introducing a tenant and not becoming involved in the inventory or management of the tenancy may well be exempt from liability.

