



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 came 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 but it is a recommendation.

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. Depending on the type of remedial work listed on the EICR, once remedial work is completed an Electrical Installation Certificate may be required, for example a Consumer Unit replacement.

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 HAPPENS IF I HAVE AN UNSATISFACTORY EICR?

If the outcome of the periodic inspection was an unsatisfactory outcome there will be additional work required to rectify the issues found.

In some instances depending on the type of remedial work that has been completed the electrical contractor undertaking the work will then issue an Electrical Installation Certificate (EIC), for example a Consumer Unit change, or a Minor Electrical Installation Works Certificate (MEIWC) for the remedial works. The certificate issued will need to be appended to the unsatisfactory EICR to prove that the remedial works has been completed and the installation is in a satisfactory condition for continued use.

In the above circumstances when an EIC states the above the electrical contractor **does not** have to issue a new EICR with a satisfactory outcome.

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. Depending on the type of remedial work listed on the EICR, once remedial work is completed an Electrical Installation Certificate maybe required, for example a Consumer Unit replacement.

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

A house in multiple occupation (HMO) is a property rented out by at least 3 people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. If an HMO is a tenant's only or main residence and they pay rent, then these Regulations apply to the HMO.

The Management of Houses in Multiple Occupation (England) Regulations 2006 previously put specific duties on landlords around electrical safety. This requirement has now been repealed, and HMOs are now covered by the new Electrical Safety Regulations.

HMOs with 5 or more tenants are licensable. The Housing Act 2004 has been amended by these Regulations to require a new mandatory condition in HMO licences ensuring that every electrical installation in the HMO is in proper working order and safe for continued use. See guidance on HMO licences.

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 has issued non-statutory guidance for landlords, tenants and local authorities which can be viewed [here](#).



OTHER USEFUL SOURCES OF INFORMATION

Electrical Safety First – Landlord Guidance -

<https://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