

ELECTRICAL SAFETY STANDARDS IN FORCE FROM JULY 2020

From this July, the new Electrical Safety Standards in the Private Rented Sector (England) Regulations will be enforced on let residential property. These new regulations will apply to new tenancies from 1 July 2020 and to existing tenancies from 1 April 2021.

The Regulations apply to residential tenancies that grant one or more persons the right to occupy all or part of a premises as their only or main residence. There are some tenancies that the Regulations do not apply to, which includes long leases and tenancies granting a right of occupation for a term of seven years or more.

In a rural context, this means that cottages let on Assured Shorthold Tenancies and to retired and current farm workers will all be caught by the new Regulations. It will also include farmhouses let under the Agricultural Holdings Act 1986 (AHA) and the Agricultural Tenancies Act 1995 (ATA), unless the term of the letting is for seven years or more without a break clause. At present, it appears that genuine service occupancies where no rent is paid (or deducted from salary) are exempt.

Farmhouses let under the AHA will usually fall into the Regulations, as the tenancies run from year to year. Where tenancies include the Model Clauses 2015, the landlord is already responsible for maintaining the fixed electrical systems. Older Model Clauses are usually silent on electrical safety, so the new act will place this obligation on the Landlord, although the cost of repairs will usually be set out in the tenancy agreement. Under Fully Repairing and Insuring (FRI) leases, the obligation to ensure that the fixed electrical systems are safe will still fall to the landlord, who must ensure that the testing is undertaken, although the responsibility for the cost of the inspection and repairs will depend upon the terms of the tenancy.

Farm cottages sub-let under the terms of an AHA or ATA tenancy, the farm tenant will be responsible for ensuring that the sub-let cottages comply with the new Regulations as they are considered the direct landlord.

Under the new Regulations, landlords must:

- Arrange for a qualified person to inspect every fixed electrical installation at least every five years to ensure that Electrical Safety Standard BS7671:2018 is met.
- Ensure that they receive a written report from the person conducting the inspection. This should include the findings and the required date for the next inspection.
- Supply a copy of the report to each tenant within 28 days of the inspection.

- If requested, supply a copy of the report to the local authority within seven days of inspection.
- Keep a copy of the report until the next inspection and give a copy to the person undertaking the next inspection.

When setting up a new tenancy the landlord must also:

- Give a copy of the most recent report to the new tenant prior to them taking occupation.
- If requested, give a copy of the most recent report to any prospective new tenant.

If a fault is found during the electrical testing, the landlord must investigate further and arrange for a qualified person to repair the fault within 28 days of the original inspection, or within the time frame set out in the report if this is shorter. A written statement must be received stating that the repairs have been carried out or that further work is required. Confirmation should be given to each existing tenant within 28 days of the work being undertaken, along with the original report identifying the work is required.

Local Authorities are responsible for enforcing the regulations and may impose fines of up to £30,000 if a remedial notice is not complied with.

This is an additional requirement for landlords to manage alongside other compliance rules which have been introduced in the past few years. There are a wide range of regulations that landlords must adhere to which can include:

- Gas safety regulations
- Chimney sweeping
- Electrical fixed wiring
- Smoke detectors and alarms
- Private water supplies
- Solid fuel and oil fire appliances
- Minimum Energy Efficiency Standards
- Energy Performance Certification
- Portable Appliance Testing
- Septic Tanks
- Deposits

FOR MORE INFORMATION, PLEASE CONTACT:

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