

CHAVEREYS

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Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

All property landlords must ensure their properties are up to date with relevant safety certificates, failure to do so can result in potential fines of up to £30,000.

This new legislation applies if a tenant has a right to occupy a property as their only or main residence and pays rent:

- as part of an Assured Shorthold Tenancy,
- as a tenant in a house in Multiple Occupation, or
- if there is a licence to occupy.

It does not apply to these excluded tenancies:

- Shared accommodation with the landlord or the landlord's family
- Social housing
- Long leases
- Student halls of residence
- Hostels and refuges
- Care homes
- Hospitals and hospices
- Accommodation relating to healthcare provision



Timeline:

- From 1 July 2020, inspection and testing must be carried out before a new tenancy commences.
- For existing tenancies, inspection and testing must be carried out before 1 April 2021.
- The inspection and testing will then usually be on a rolling five year interval.

The inspection and test:

A qualified person, such as a registered electrical contractor, must carry out a test and inspection in accordance with the 18th edition of the Wiring Regulations BS 7671:2018 and inspect and test fixed electrical cables and fixed electrical equipment within the property as set out in the Building Regulations 2010. This will include items such as sockets, light fittings, electric showers and extractor fans.

After the inspection and test:

Once the test is complete, the landlord must obtain a report that includes the results of the inspection and test and the date on which the next inspection and test is due. The landlord must keep a copy of the report until the next inspection and test is carried out.

The landlord must also:

- Provide a copy of the report to each tenant of the property within 28 days of the inspection and test.
- Provide a copy of the report to a new tenant before the tenant moves in.
- Provide a copy of the report to any prospective new tenant within 28 days of receiving a request in writing
- Provide a copy of the report to the local authority if requested within seven days.
- Provide a copy of the report to the person carrying out the next inspection and test.



If remedial work is required:

If the inspection and testing has highlighted areas where further investigation and/or remedial work is required, the landlord must ensure the work is carried out by a qualified person within 28 days, or less than 28 days if stated in the report, starting with the date of inspection and testing.

Once the remedial work is complete, the landlord must obtain written confirmation from a qualified person that the required work has been carried out and the electrical safety standards have been met. This, in turn, should be provided to each existing tenant and to the local authority (if it has been involved) within 28 days of completion of the work.



Local authority – Remedial Notice

A Remedial Notice can be served by a local authority when it believes that a landlord is in breach of the regulations and the most recent report does not indicate that the remedial action is urgent.

The Remedial Notice must comply with the following:

- State the premises to which it relates
- State the local authority believes the landlord has failed to comply with the regulations
- State the remedial action required
- Require the landlord to take action within 28 days from the date the notice is served
- Explain the landlord can make written representation within 21 days of the date of the notice
- Explain the financial penalties the landlord could be liable for if they fail to comply.

If a landlord has been prevented from entering a property by the tenant, and is able to supply evidence to support this, the landlord will not be deemed to have failed to comply with the regulations.

If the report states that Urgent Remedial Action is required, and the local authority is satisfied that the landlord is in breach of the regulations, then it can arrange for an authorised person to take the urgent remedial action as long as it has the consent of the tenant. The local authority must serve a Remedial Action Notice on the landlord and every occupier of the property, or fix the notice to the property where it can be seen, within 7 days beginning with the day the authorised person commences the urgent remedial work.

Financial penalties

If the local authority is satisfied beyond reasonable doubt that the landlord has breached the regulations, it can impose a penalty of a maximum of £30,000. Before this is done it must serve a Notice of Intent within six months from when the landlord breached the rules outlining the amount, the reasons and the right to appeal. The landlord can appeal within 28 days of the issue of the Notice of Intent. After the 28 day period the local authority must decide whether to impose the penalty. If the landlord refuses to pay, the penalty can be pursued through the County Court.



Does this issue raise any questions in your mind?

Would you like more information on a particular item?

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