



ELECTRICAL SAFETY STANDARDS: FAQ FOR LANDLORDS

The electrical safety standards for the private rented sector in England came into force on 1 June 2020 and applies to all new tenancies from 1 July 2020 and all existing tenancies from 1 April 2021. The regulation sets out new rules for landlords to ensure all fixed electrical installations are safe and maintained correctly.

This FAQ covers the basics and should give you a good idea of what you need to do as a landlord, but in order to fully comply with the regulation we recommend turning to your letting agent for further guidance.

Who is eligible?

Any new Fixed Term tenancy that starts on or after **1 July 2020** will need to adhere to electrical safety standards.

For existing tenancies, you have until **1 April 2021**.

Landlords should be aware that because the rules came into force on 1 June 2020 this means that tenancies signed on or after 1 June 2020, which start on or after 1 July 2020 should comply with the regulations.

Which tenancies?

All tenancies in residential properties unless they are excluded tenancies. This includes:

- Assured Shorthold Tenancies
- Assured Tenancies
- Licences to occupy
- Secure Tenancies
- Regulated Tenancies
- Rent act tenancies
- Rent agriculture tenancies
- Non-housing act tenancies

Examples of excluded tenancies are:

- Social housing
- Shared accommodation with a landlord or landlord's family
- Long leases
- Student halls of residence
- Hostels and refuges
- Care homes
- Hospitals and hospices

What about renewed tenancies?

A renewed Fixed Term tenancy is a new tenancy, therefore from 1 July renewed fixed term tenancies will need to adhere to electrical safety standards.

What about Statutory Periodic tenancies?

A tenancy that ends and is renewed as a Statutory Periodic tenancy is classed as a new tenancy and from 1 July will need to adhere to electrical safety standards.

What about Contractual Periodic tenancies?

Contractual Periodic tenancies that state that a rolling monthly tenancy will commence at the end of the fixed term are considered the same tenancy, therefore you have until 1 April to adhere to electrical safety standards.

What are the electrical safety standards?

All fixed electrical cables and equipment will need an inspection and test by a qualified person in accordance with the 18th edition of the wiring regulations.

This includes appliances that are fixed directly to the electrical supply, such as showers or fitted kitchen appliances.

Once a qualified person has carried out their inspection and tests, they will provide an Electrical Installation Safety Report.

What is an Electrical Installation Safety Report?

This is a report that will include the results of the inspection and test and will state the date for the next inspection and test.

Typically, an Electrical Installation Condition Report (EICR) is the type of safety report you will receive, however, there are alternatives.

What is a qualified person?

Someone who is competent to undertake the inspection, testing and any remedial work in accordance with the electrical safety standards.

Usually this person will be part of a competent persons scheme, for example **NAPIT** or **NICEIC**.

What do I need to do to once I have the Electrical Installation Safety Report?

- Supply a copy to each existing tenant of the property within 28 days of the inspection and test.
- Supply a copy of the most recent report to any new tenant before they move in.
- Supply a copy of the most recent report to any prospective tenant within 28 days of receiving the request.
- Retain a copy of the report until the next inspection and supply it to the qualified person carrying out the inspection.
- When requested, supply a copy to the local authority within seven days.

How long does the Electrical Installation Safety Report last?

Under the regulations, every fixed electrical installation at the property must be inspected and tested at least every five years by a qualified person.

What happens if the electrical installation needs further work to meet the standards?

This is called remedial work and should be carried out by a qualified person within 28 days of the report, or the period specified in the report if less than 28 days.

Once completed you should receive written confirmation from the qualified person that the remedial work has been carried out. This will then need to be sent with a copy of the report to the existing tenant and your local housing authority.

Does my electrical installation need to comply with the 18th edition of the Wiring Regulations?

No. Not if it is still deemed to be safe. Landlords with existing reports should check these reports and contact the inspector in order to decide whether the electrical installation complies with electrical safety standards.

If my certificate says 10 years, do I still need to renew every five years?

If an existing certificate was done longer than five years ago, regardless of whether it is valid for 10 years, it will not be applicable for these regulations. Consequently, to comply with the electrical safety standards the existing EICR must be less than five years old (dated back five years from when the tenancy agreement was signed).

I have a new build property with a valid Building Compliance Certificate, can I use this?

These are acceptable for the new electrical safety standards, but they are only valid for five years from their start date.

What is the penalty for breaching the rules?

Local authorities can issue a fine up to £30,000. Before imposing a financial penalty, the local authority must serve a Notice of Intent within six months from when the landlord is in breach outlining the amount, reasons and right to appeal.

Further guidance

We recommend you turn to your ARLA Propertymark letting agent for further guidance on adhering to the new electrical safety standards. They will know the measures you need to take and can take care of contractors and all necessary paperwork.