

Guidance for Landlords

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



What the Regulations say:

Landlords in the Private Rented Sector (PRS) must ensure every electrical installation in their residential premises is inspected and tested at intervals of no more than 5 years by a qualified and competent person.

These Regulations apply in England to -

- A** all new specified tenancies from 1st July 2020; and
- B** all existing specified tenancies from 1st April 2021.



Following the inspection and testing, a private landlord must -

- A** obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
- B** supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;
- C** supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority;
- D** retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
- E** supply a copy of the most recent report to -
 - i** any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and
 - ii** any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

Action needed in the event of an Unsatisfactory Report:

Where an Electrical Installation Safety Report identifies urgent remedial work or requires Further Investigation, the private landlord must ensure that this required work is carried out by a qualified and competent person within:

- A** 28 days; or
- B** the period specified in the report if less than 28 days, starting with the date of the inspection and testing.

The landlord must then-

- A** obtain written confirmation from a qualified and competent person that the further investigative or remedial work has been carried out and that the electrical safety standards are met; or further investigative or remedial work is required;
- B** supply that written confirmation, together with a copy of the report which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work and also to the **local housing authority** within 28 days of completion of the further investigative or remedial work.



Enforcement

Local Authorities will be responsible for enforcing the new Regulations and can impose a financial penalty of up to £30,000 if they find a landlord is in breach of their duty.

Local Authorities have the power to serve remedial notices on the private landlord. If the remedial notice is ignored by the private landlord and action is not taken within 28 days, the Local Authority can arrange remedial work to be carried out, with consent from the tenant, and recover the costs from the landlord.

Frequently asked Questions:

Q What is a new specified tenancy?

A 'new specified tenancy' is a tenancy that was 'granted' (signed) on or after the 1st June 2020, when the Regulations came into force. In cases where a tenancy agreement was signed on or after the 1st June 2020, the landlord must have a satisfactory electrical safety report in place before the 1st July 2020. All new tenancies granted after the 1st July 2020 will also need to ensure a satisfactory electrical safety report is in place prior to tenants moving in.

Existing tenancies (granted prior to the 1st June 2020) will need to comply with the Regulations before the 1st April 2021.

Q What 'report' should I be asking for?

The Regulations just refer to a report being obtained by the person conducting the inspection and test. Typically, an Electrical Installation Condition Report (EICR) is used within the industry for this purpose.

An Electrical Installation Condition Report (EICR) is a report carried out to assess the safety of the existing electrical installation within a property and is used to describe its condition. Parts of the system that are reported on include consumer units, protective bonding, lighting, switches and sockets etc. Its purpose is to confirm as far as possible whether or not the electrical installation is in a safe condition for continued service.

The EICR will show whether the electrical installation is in a Satisfactory or Unsatisfactory condition and will detail a list of observations affecting the safety or requiring improvements.

These observations will be supported by codes:

Unsatisfactory Codes are:

C1 – Danger present, risk of injury, immediate remedial action required

C2 – Potentially Dangerous, urgent remedial action required

FI – Further investigation required

A Satisfactory Code is:

C3 – Improvement recommended

Action is required if the EICR issued is Unsatisfactory. If an EICR contains a **C1**, **C2** or **FI** code, it is unsatisfactory. If a **C1** is discovered, the electrician will often take action to make safe the dangerous installation using temporary measures. Then, as is also the case with a **C2** or **FI** code, it will be the landlord's responsibility to organise a repair, replacement or further investigation within 28 days.

A **C3** code, improvement recommended, is given to aspects of the installation that do not present a danger but will result in an increased safety standard within the property. Occasionally a **C3** code may be attributed to an item that does not comply with current regulations but did comply at the time it was installed. A **C3** code does not mean the installation is unsafe and should not impose a requirement to have work carried out on the owner. Where there are only **C3** observations listed, this will result in a Satisfactory EICR being issued, also an EICR without codes would also be Satisfactory.

Q Will I get a Certificate to demonstrate my compliance?

A There is no requirement for an electrical inspector and tester to issue you with a certificate, rather a Report will be issued which must include:

- The results of the inspection and test (Satisfactory or Unsatisfactory)
- Where applicable, detail a list of observations requiring remedial work or further investigation
- The date the next inspection and test is due by

Q Do I have to have another full electrical installation safety report carried out if my first one is Unsatisfactory?

A No. If the electrical installation safety report is Unsatisfactory, you will need to ensure any required remedial work or further investigation is carried out within 28 days or the within the time period specified on your report if less than 28 days. You will need written confirmation (Electrical Installation Certificates or Minor Electrical Installation Works Certificates from the electrical installer you use to do any rectification work to prove the required works have been completed, and these must be kept with the Unsatisfactory report.

Q What percentage of the electrical installation needs to be tested?

A 100% of the electrical installation should be tested to ensure it is safe for continued use. This will include the Consumer Unit, Socket-outlets, switches and lights. There should also be an internal examination of a sample (at least 20%) of the electrical accessories of each circuit, such as socket-outlets, appliance outlets, switches and lights to check for any damage.

Q How can I ensure the Electrical Inspector I use to undertake the Electrical Inspection and testing of my electrical installation meets the requirement to be qualified and competent?

A Any Electrical Inspector you employ to undertake the electrical inspection and testing within your property must have:

- Adequate insurance. This should include at least £2 million public liability insurance and £250,000 professional indemnity insurance.
- A qualification covering the current version of the wiring regulations (BS 7671).
- A qualification covering the periodic inspection, testing and certification of electrical installations.
- At least two years' experience in carrying out periodic inspection and testing.

Using someone listed on this website will ensure they meet the above requirements and are deemed competent by a Government Authorised Competent Person Scheme Operator:

www.electricalcompetentperson.co.uk

Q How can I ensure the Electrical Installer I use to undertake any remedial work or further investigation meets the requirement to be qualified and competent?

A Electrical installation work must comply with the current edition of the wiring regulations (BS 7671) and Part P of the Building Regulations and, except for some types of minor work, it should either be carried out by someone who is registered on a government authorised Part P Competent Person Scheme or be notified to a building control body (usually the local authority building control department) before the work is undertaken.

Using someone listed on this website will ensure they meet the above requirements and are deemed competent by a Government Authorised Competent Person Scheme Operator:

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The advantages of using a registered company are:

- The qualifications, experience and competence of their employees have been verified.
- The company is assessed regularly to verify ongoing competence and that insurance and record keeping is in place.
- Their installation work is checked for compliance.
- The registration or certification body to which they belong can require them to take steps to correct errors or improve their performance, take sanctions to ensure compliance or ultimately to remove approval.
- Where remedial work is notifiable under Part P of the Building Regulations, suitably registered companies are authorised to self-certify compliance without the need to inform the local authority.

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

A No- not if it is still deemed to be safe. The 18th edition of the Wiring Regulations states: "Existing installations that have been installed in accordance with earlier editions of the Regulations may not comply with this edition in every respect. This does not necessarily mean that they are unsafe for continued use or require upgrading".

By convention the Regulations must reference a specific Standard, and whilst the 18th Edition of the Wiring Regulations are referenced, an electrical installation is deemed to comply with the Regulations if it has a Satisfactory report- and a satisfactory outcome does allow for **C3** codes to be noted. **C3** codes often refer to aspects of the electrical installation which are still safe and compliant but do not meet the latest edition of the Wiring Regulations.

Q If my property already has a Satisfactory Electrical Installation Safety Report which is less than 5 years old, do I have to get another one done to the 18th edition of the Wiring Regulations Standard?

A Not necessarily. You should review your report to see what was recommended on it and consider how your property has been let since it was carried out. If big differences to the property have occurred, e.g. high turnover of tenants, DIY work found, flood damage, then it would be prudent to get another electrical safety report done. If no changes have been made, then your report will remain valid until the next inspection date specified.

Q What happens if I don't comply with these Regulations?

A If, as a private landlord, you do not get a satisfactory electrical installation safety report for your property within the timescales outlined within the Regulations, or you fail to undertake required remedial work or further investigation within the necessary timeframe, the Local Housing Authority must serve a remedial notice giving the landlord 28 days to take action.

If the landlord fails to take action, the Local Housing Authority can arrange for an authorised person to undertake the required remedial work, subject to agreement by the tenant. The Local Housing Authority can recover costs reasonably incurred by them acting from the landlord and can impose a financial penalty of up to £30,000.

Q If an electrical report is not given to a tenant before they move in (or within 28 days of a renewal of a report) does it prevent a Section 21 notice from be served?

A No, this won't be the case under these Regulations.

Q **How much notice should I give to the tenant that an electrician will be attending the property to undertake an electrical inspection and test?**

A At least 48 hours' notice should be given to the tenant prior to anyone entering their property.

Q **Amidst the Covid-19 pandemic, what happens if I cannot find a competent, qualified electrical inspector to carry out the electrical safety check or my tenant is self-isolating, being shielded or refuses entry due to health concerns?**

A If you can show that you have taken all reasonable steps to comply with your duty under the regulations, they are not in breach of the duty. You could show reasonable steps by keeping copies of all communications you have had with your tenants and with electricians as you've tried to arrange the work, including any replies you have had. You may also want to provide other evidence that you have that the installation is in a good condition while you attempt to arrange works. For more Government Guidance for landlords and tenants during the Covid-19 pandemic please check [here](#).

Q **Is an electrician allowed to enter my property during the Covid-19 pandemic?**

A Yes, although they should take appropriate account of the advice published regarding the virus and social distancing when working in occupied homes.

Q **Why do I need to send a copy of the report with proof of remedial work being completed to the Local Authority within 28 days if I have an Unsatisfactory report?**

A This requirement has been introduced to alert the Local Housing Authority to any properties which may have been sub-standard but are now safe. You must submit the Unsatisfactory report along with written confirmation (appropriate certification as outlined above) to demonstrate you have had the required remedial and/or further investigative work done. It is your responsibility as a private landlord to do this and failure to comply could result in enforcement action being taken against you.

Q **Will an electrical report need to be done at the start of a Statutory Periodic Tenancy or during the transitional period?**

A Properties let on statutory periodic tenancies where the fixed term expires between July 2020 and April 2021 will require an inspection and test at this point under the Regulations. For statutory periodic tenancies – where on expiry of the fixed term the tenancy rolls over into a periodic tenancy automatically by statute (rather than by contract) - the periodic tenancy would be a new tenancy.

Q **Do these Regulations apply to fixed and portable electrical appliances as well as the electrical installation?**

A These Regulations do not place any defined requirement on fixed or portable electrical appliances provided by the landlord. It is recommended that landlord supplied electrical appliances should be regularly electrically inspected and tested and the testing of fixed electrical appliances could be agreed as part of the Electrical Installation inspection and test. (An item of fixed equipment or a fixed appliance is one that is fastened to a support or otherwise secured in a specified location, e.g. central heating boiler, hand dryer, fixed air-conditioning unit, bathroom heater, electric towel rail, immersion heater, water boiler etc. It is often wired directly into a connection unit.)

Q **Does this Regulation apply to Houses of Multiple Occupation (HMO)?**

A Yes. These Regulations repeal the previous legislation which set the requirement on HMO landlords on the 1st June 2020.

Q Do I need to give a copy of the Electrical Safety Report to each existing tenant or can the tenancy agreement state that one person (the lead tenant) accepts it on behalf of all tenants?

A You as the landlord have a legal responsibility to give a copy of the Electrical Safety Report to all existing tenants. If you do rely on the lead tenant accepting it on behalf of all tenants, and this doesn't happen, the tenant may have contravened the tenancy agreement but the landlord is ultimately liable.

Q Do residential properties incidental to other tenancies e.g. a flat above the shop and accommodation in pubs need to comply with these Regulations?

A Any rented property which is NOT included in the list of excluded tenancies, in [Schedule One](#) of the Regulations must comply.

Q Does this Regulation apply to Social Housing?

A No. Social Housing is covered by many Regulations which require electrical safety standards to be maintained but currently there is no requirement for Social Housing to have an electrical safety installation report every 5 years.

Q The legislation refers to the definition of 'tenancy' in the Housing and Planning Act'. The Act says any tenancy that includes a licence to occupy. The guidance refers to Assured Shorthold Tenancy's but would the Housing and Planning Act definition then include a company let which is a Non Housing Act tenancy?

A If a private tenant has a right to occupy a property as their only or main residence and pays rent, then the regulations apply, subject to some excluded tenancies (set out in Schedule 1 of the Regulations). This includes assured shorthold tenancies and licences to occupy.

Q For new tenancies, if an electrical inspection and test is carried out and is unsatisfactory, can a tenant still move in within the 28-day period within which remedial and further investigation work needs to be completed?

A Yes, so long as no electrical faults which have been coded a **C1** are outstanding. If further investigation or remedial work go beyond the 28 day window, as long as progress is being made and you can legitimately explain why the delays are happening then the clause of 'reasonable' action by the Local Housing Authority will protect you from prosecution against failure to comply with a remedial notice.

Q If the rented property is a New Build and has an Electrical Installation Certificate which is less than 5 years old, is that an acceptable electrical safety report, or would I be required to have an Electrical Installation Condition Report completed?

A If a property is newly built or has been completely rewired, it should have an Electrical Installation Certificate, known as an EIC. Landlords can provide a copy of the EIC to tenants and, if requested, the local authority. The landlord will then not be required to carry out further checks or provide a report for five years after the EIC has been issued.

Q When premises are re-tested, will the new electrical safety report run from the day that the latest inspect and test was done or will the old anniversary be preserved, like in the Gas Regulations?

A The date the next electrical report is due by will be written on the latest Electrical Installation Safety Report. This cannot be longer than 5 years from the date of the latest inspection, and may be shorter. This is very different to the way the Gas Safety Regulations work and the previous anniversary date is NOT preserved.

Further Information:

- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020:
http://www.legislation.gov.uk/ukdsi/2020/9780111191934/pdfs/ukdsi_9780111191934_en.pdf
- Explanatory Memorandum to The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020:
<http://www.legislation.gov.uk/ukdsi/2020/9780111191934/memorandum/contents>



www.electricalsafetyroundtable.co.uk

