

Electrical safety

Introduction

You should have a clear understanding of your responsibilities in relation to electrical installations and appliances and the duties and responsibilities placed on a landlord by the following Regulations:

- Landlord and Tenant Act 1985.
- Consumer Protection Act 1987.
- Electrical Equipment (Safety) Regulations 1994.
- Building Regulations Part P.
- The Management of Houses in Multiple Occupation (England) Regulations 2006.
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.
- This legislation places obligations on landlords to ensure that the fixed installation and all electrical appliances supplied by the landlord are safe.

Landlord and Tenant Act 1985 (as amended)

Section 11 of the Landlord and Tenant Act 1985 (which replaced S.32 of the Housing Act 1961) is a statutory implied term that the landlord shall keep in repair:

- the structure and exterior of the dwelling
- the installations for the supply of water, gas, electricity and sanitation
- the installations for the supply of space heating and water heating
- the communal areas and installations associated with the dwelling (S.11 as amended by S.116 of the Housing Act 1988)

Consumer Protection Act 1987 and Electrical Equipment (Safety) Regulations 1994

As it stands, unlike gas regulations, there is no law that says you must have a landlord electrical safety certificate. However, landlords are obligated to ensure that all electrical appliances and fittings within the property are safe and in good working order. Failure to comply with the Electrical Equipment (Safety) Regulations 1994 and The Consumer Protection Act 1987 is a criminal offence and may result in:

- your property insurance being invalidated
- a fine of £5,000 per item for not complying
- six months' imprisonment
- the tenant also suing you for civil damages
- possible manslaughter charges in the event of deaths.

These regulations are enforced by the health and safety executive. To avoid legal penalisation, it is advisable for landlords to have periodic checks carried out by a qualified electrician.

Here are a few safety measures landlords can take themselves:

- Keep supplied appliances to a minimum.
- Ensure that all fuses are of the correct type and rating.
- Make sure appliances supplied are complete and in working order – keep purchase receipts.
- Ensure that flexes are in good order and properly attached to appliances and plugs.
- Ensure that earth tags are in place.
- Make a note of all fuse ratings on the inventory.
- Ensure that plugs are of an approved type with sleeved live and neutral pins.
- Ensure that plugs and sockets conform to BS1363 or BS1363/A for heavy duty uses.
- Pay particular attention to second hand equipment – always have these items checked.
- Ensure that operating instructions and safety warning notices are supplied with the appliances.
- Make sure that tenants know the location of and have access to the main consumer unit, fuses and isolator switch.

Building Regulations Part P

Part P of the Building Regulations for England and Wales was introduced by the government in January 2005, with an aim of reducing the number of accidents in the home related to faulty electrical installations. It is now a legal requirement for electricians, kitchen, bathroom and gas installers and all other trades or individuals involved in carrying out domestic electrical installation work to comply with Building Regulations.

Most electrical installations carried out in a property are now notifiable: in other words the local authority building control must be notified prior to the work being carried out. The exception is if it is carried out, inspected and certified by a person registered with a government-authorized competent person scheme such as NICEIC or NAPIT. Failure to comply with Part P is a criminal offence and local authorities have the power to require the removal or alteration of work that does not comply with the regulations.

The Management of Houses in Multiple Occupation (England) Regulations and

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

Under these the manager must:

- (a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing
- (b) obtain a certificate from the person conducting that test, specifying the results of the test; and
- (c) supply that certificate to the local housing authority within seven days of receiving a request in writing for it from that authority.

The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Contact details

Contact Wiltshire Council Customer Services on **0300 456 0100** and ask for Private Sector Housing.