

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

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 place an obligation on private landlords to ensure that electrical installations in the private rented sector are safe for continued use by checking compliance with the relevant electrical safety standards.

In the UK, any property that is privately owned and being rented out as housing is classified as Private Rented Sector housing and the owner is considered to be the landlord. This includes houses in multiple occupation (HMOs), with the new regulations replacing the existing requirements for electrical testing of HMOs.

There are essentially two key duties and a private landlord must:

- ensure that the standards for electrical installations in the - current edition of the Wiring Regulations, published by the Institution of Engineering and Technology and the British Standards BS 7671 are met during any period when the residential premises are occupied under a specified tenancy; and
- ensure every electrical installation in the residential premises is inspected and tested at intervals of no more than 5 years or, where the most recent report requires such intervals of less than 5 years, at the intervals specified in that report.

The new regulations require the electrical installation to be inspected and tested at intervals not exceeding five years. However, this interval may be reduced by the inspector if he or she has any concerns regarding the installation. As per the requirements of BS 7671:2018 - A1:2020, the frequency of periodic inspection and testing of an electrical installation shall be determined with regard to the:

- type of installation and equipment
- use and operation of the installation and equipment
- frequency and quality of maintenance, and
- external influences to which the installation or equipment may be subjected.

Electrical Installation Condition Reports

Following the inspection and testing, the inspector is required to complete an EICR to detail the results of testing and any observations apparent at the time. The report will also indicate the due date for the next inspection.

A copy of the report must be provided to the landlord. The landlord must supply a copy of the report to each existing tenant within 28 days of the inspection.

If the report is requested from a local housing authority, this must be supplied within seven days of receiving a request in writing from that authority.

Any observations noted by the inspector during the inspection and testing will be recorded on the report and a classification code according to the degree of urgency will be attributed.

What is urgent remedial action?

Part 4 of the regulations sets out the requirements for 'urgent remedial action'. This is defined as 'action identified in a report under regulation 3(3) as is immediately necessary in order to remove the danger present and risk of injury.'

"If an item is discovered that is immediately dangerous, a classification code C1 will be issued"

What is remedial action?

Part 3 of the Regulations sets out the requirements for remedial action, which is generally required for observations that have been attributed a C2 classification code. A C2 classification code means potentially dangerous and urgent action is required. Items with a C2 code are required to be rectified within 28 days.

What is the outcome of inspection and testing?

If any items are identified that have been attributed either a C1 or C2 classification code, the report will result in an unsatisfactory outcome and will require remedial works to rectify the issue.

Items, where improvement is recommended (C3), will be noted, but will not result in an unsatisfactory outcome on the report. These are items generally considered not to conform with the current edition of the IET Wiring Regulations, but which are not considered to be unsafe. These items do not necessarily require remedial works.

What happens when remedial work is completed?

Following the completion of the remedial works, a Minor Electrical Installation Works Certificate (MEIWC) or EIC will be issued, depending on the nature of the remedial works. This needs to be kept with the EICR and any other documentation to demonstrate compliance with BS 7671:2018 and to provide a history of the electrical installation that will be useful for future inspections.

A new EICR with a 'satisfactory' outcome will not be issued by the contractor unless specifically requested, which is likely to incur an additional charge.

The landlord must obtain and issue the certificate for remedial works to each affected tenant within 28 days of completion of the remedial works.

What is the extent of the inspection and testing?

Regulation 3(1)(b) of the Electrical Safety Regulations 2020 states that every electrical installation in the residential premises is to be inspected and tested at regular intervals.

What is covered by the term 'electrical installation'?

The definition of electrical installation is set out in the Building Regulations 2010 as 'fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter.'

The wording suggests that the distributors and supplier's equipment is not part of the inspection and testing. However, this does not align with BS 7671:2018+A1:2020.

The equipment at the intake position is owned by the distributor, with the meter, meter tails and isolator (where present) belonging to the supplier. However, as part of the inspection process, BS 7671:2018+A1:2020 requires the inspector to carry out a visual inspection of the external condition of the distributor's equipment.

Examples of distributor's equipment requiring inspection include:

- service cable
- service head
- earthing arrangements
- meter tails
- metering equipment, and
- isolators (where present).

Exemptions for the Regulations.

There are some tenancies that are excluded from the scope of the new regulations. These include:

- private registered providers of social housing
- shared accommodation with the landlord or landlord's family
- long leases, i.e. longer than seven years
- student halls of residence
- hostels
- refuges
- care homes
- hospitals
- hospices

- other accommodation relating to healthcare provision.

Enforcement of this Legislation?

Local Authorities (LAs) are required to enforce the new legislation and can impose a fine of up to £30,000 for a breach of the regulations.

Where there are multiple breaches, the LA can impose multiple penalties and they also have the powers to arrange remedial action.

This Regulations comes in to force on the 1st July 2020 for all new tenancies in England and from 1st April 2021 for any existing tenancies.

What if remedial action is not completed?

If the LA has reason to believe that the landlord is in breach of these Regulations, the authority must serve a “remedial notice”.

If the landlord has failed to have taken all reasonable steps to complete the remedial works, as required in the new regulations within 28 days, the LA has the power to enter the premises and arrange for an authorised person to complete them.

For works that are considered urgent, the LA may arrange remedial action at any time, with consent from the tenants.

Any costs incurred by the LA will be recovered from the private landlord and will be payable within 21 days of the demand.