

Recommendations for how to implement the Electrical Safety Clause (122) in the Housing and Planning Act 2016

Background

Within the Housing and Planning Act 2016, which received Royal Assent on the 12th May 2016, Clause 122 gives the Government the powers to introduce specific requirements to introduce Electrical Safety Standards within the Private Rented Sector through secondary legislation. Clause 123 outlines how any requirements relating to electrical safety standards would be enforced.

This paper seeks to outline how the clause could be implemented most efficiently and cost effectively by utilising the current schemes and systems used by the electrical industry.

122 Electrical safety standards for properties let by private landlords

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- (1) The Secretary of State may by regulations impose duties on a private landlord of residential premises in England for the purposes of ensuring that electrical safety standards are met during any period when the premises are occupied under a tenancy.
- (2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to—
 - (a) the installations in the premises for the supply of electricity, or
 - (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.
- (4) The regulations may make provision about—
 - (a) how and when checks are carried out;
 - (b) who is qualified to carry out checks.
- (5) The regulations may require the landlord—
 - (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met, and
 - (b) to give a copy of a certificate to the tenant, or a prospective tenant, or any other person specified in the regulations.

Proposed Implementation of clause

Electrical Installation (supply of electricity, wiring installation, fixtures and fittings)

Checks

We suggest the safety of 100% of the circuits within an electrical installation in a privately rented property should be verified by the completion of an Electrical Installation Condition Report (EICR).

This should be supported by a routine visual and operational check of the electrical installation to ensure the ongoing electrical safety of the property in between formal EICR inspections.

Registration Requirements

The EICR should be carried out by a competent, registered electrician with a Level 3 Award in the Periodic Inspection, Testing and Certification of Electrical Installations (QCF) or equivalent. The operative undertaking the EICR's should be assessed annually to verify their inspection and testing competence. The company should have at least £250,000 Professional Indemnity Insurance.

Regularity of checks

An EICR should be undertaken at least every 5 years, but depending on the condition or use of the installation, more frequently following the recommendation from a competent, registered electrician.

An exception to this rule is new or rewired properties. An Electrical Installation Certificate (EIC) shall be accepted for installations under 5 years old. After which, an EICR should be undertaken.

The routine visual and operational check* of the electrical installation should be carried out annually and on change of occupancy to help ensure the ongoing electrical safety of the property in between formal inspections.

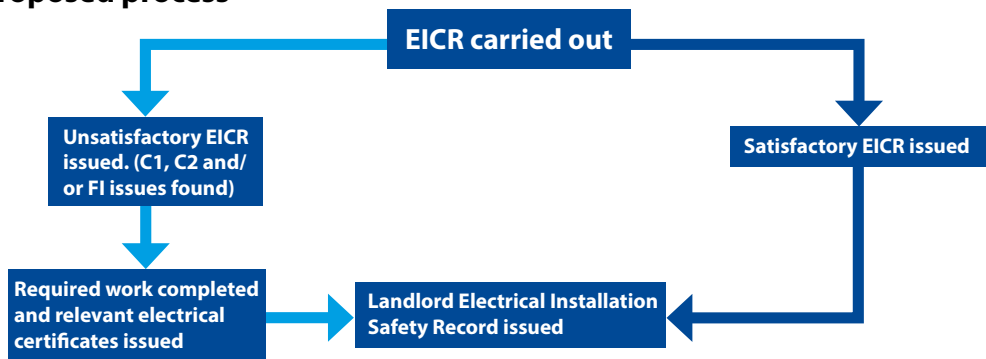
Proof that checks have been completed

A Landlord Electrical Installation Safety Record shall be issued to the landlord which confirms either a satisfactory EICR has been completed, or confirms the required improvement work has been completed following the issuing of an unsatisfactory EICR. This Landlord Electrical Installation Safety Record shall be supported by a full copy of the EICR and any related Electrical Installation Certificates or Minor Works Certificates, validating the required works have been completed, for the landlord's records. This record shall include the electrical inspectors and installers Competent Person Scheme registration number, and a proposed re-test date for the property.

We suggest that a copy of the Landlords Electrical Installation Safety Record is issued to the tenant before the tenancy commences.

*Example routine visual and operational check of the electrical installation: www.homesafetyguidance.co.uk/downloads/visual-electrical-checklist.pdf
Routine visual and operational check supporting guidance: www.homesafetyguidance.co.uk/downloads/visual-electrical-checklist-guide.pdf

Proposed process



What is an EICR?

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.

What will an EICR show?

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.

Codes:

Unsatisfactory

- C1 – Danger present, risk of injury, immediate remedial action required
- C2 – Potentially Dangerous, urgent remedial action required
- FI – Further investigation required

Satisfactory

- C3 – Improvement recommended

When must action be taken?

Action is required if the EICR issued is Unsatisfactory. If an EICR contains a C1 or C2 code, it will always be deemed 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 code, it will be the owner's responsibility to organise a repair or replacement in a short time period.

An EICR will also be deemed unsatisfactory when an FI code is given.

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.



Electrical Appliances and Fixed Electrical Equipment supplied by the landlord

Checks: All portable and fixed* appliances in a privately rented house which are owned by the landlord, and are not covered by the manufacturer's warranty, should have a combined inspection and test record.

Registration Requirements: Appliances and fixed electrical equipment should be inspected and tested by a person who holds a level 3 Award in the In-Service Inspection and Testing of Electrical Equipment, or equivalent. They must also be registered with a Competent Person Scheme Operator who verifies their on-going competence via regular onsite and online assessments.

Additional Requirements: All those who undertake fixed appliance testing should hold a qualification covering the current edition of the Wiring Regulations (BS 7671) and should have a copy of the current edition of the Wiring Regulations (BS 7671). They should demonstrate, via an onsite assessment, their capability to perform safe isolation.

Regularity of checks: Portable and hand-held fixed appliances should be inspected and tested in line with an industry-designed risk assessment completed by the property's dutyholder, and be subject to industry-agreed minimum testing periods. We suggest this period should be 24 months.

Non hand held fixed appliances and electrical equipment should be inspected and tested at least every 5 years. This can be incorporated into the EICR or carried out independently.

The timescales proposed above are minimums, and they can be increased or reduced depending on the outcome of the risk assessment.

Proof that checks have been completed: The Landlord should be issued with a copy of the Electrical Appliance Combined Inspection and Test Record, which lists all the appliances which have been inspected and tested. This should be available to the tenant to review on request.

*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 has no plug, and is wired directly into a connection unit.



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