

## **Landlords: The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**



### **Frequently asked Questions:**

#### **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 owner'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.

#### **Will I get a Certificate to demonstrate my compliance?**

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

As an EICR can be quite lengthy and technical, NAPIT have created a "[Landlord Electrical Installation Safety Record](#)". This record 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 one page 'highlight' report could then be used to issue to tenants to demonstrate compliance with the regulations and will be a lot easier to understand.

### **Do I have to have another full electrical installation safety report carried out if my first one is unsatisfactory?**

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 Work Certificates) from the electrical installer you use to do any rectification work to prove the required works have been completed, and this must be kept with the unsatisfactory report.

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### **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?**

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 on [NAPIT's Electrical Inspector register](#) ensures that the above criteria are met.

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 inspection 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.

**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?**

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 an electrician registered with NAPIT will ensure you meet the requirements of the Regulations and they will provide you with the appropriate 'written confirmation' to demonstrate that appropriate action has been taken.

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- 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.

**Does my electrical installation need to comply with the 18<sup>th</sup> edition of the Wiring Regulations?**

No- not if it is still deemed to be safe. The 18<sup>th</sup> 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 18<sup>th</sup> 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.

**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 18<sup>th</sup> edition of the Wiring Regulations Standard?**

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.

**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?**

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

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

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.

**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?**

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](#).

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

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

**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?**

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.

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

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.

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

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.

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

Yes. These Regulations repeal the previous legislation which set the requirement on HMO landlords on the 1<sup>st</sup> June 2020.

**Does this Regulation apply to Social Housing?**

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.

**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?**

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.

**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](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>