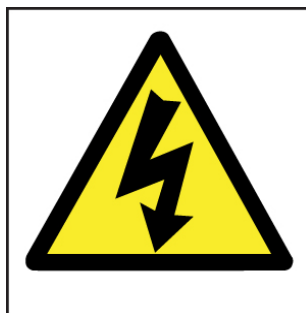


National Private Tenants Organisation

*For professionally managed, secure, decent and affordable privately rented homes
in sustainable communities*

Campaign for action on electrical safety in the private rented sector

The husband of a mother who was electrocuted in the bath of a rented cottage in Cornwall has called for a change in the law. A 33 year old mother was found dead by her five-year old daughter at their home. The inquest in Truro was told that the property had no earth connection. The inquest heard the cottage had not had a full electrical check since 1981. (Source: BBC News July 2009)



1st December 2012
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According to research carried out by the Electrical Safety Council, 78% of the general public support the idea of annual electrical safety checks and for landlords to be made legally responsible, as is currently the case with gas safety. (Source: <http://www.cieh.org/ehn/ehn3.aspx?id=36058>)

About the National Private Tenants Organisation

The National Private Tenants Organisation (NPTO) campaigns for professionally managed, secure, decent and affordable private rented homes in sustainable communities in England. NPTO participates in national discussions and consultations on the private rented sector.

Members of NPTO include private tenant organisations, associate members such as Shelter and the Residential Landlords Association Accreditation Scheme and individual private tenants. NPTO has links with tenant organisations in other countries.

Executive summary

1.1 Electricity kills at least one person every week in the home and almost 1,000 are seriously injured every day – private tenants are disproportionately affected by electrical accidents. A rise in non-professional landlords confused over their responsibilities puts tenants at further risk.¹

The private rented sector is increasing in size and importance as a provider of homes. The safety of tenants can-not be left to voluntary arrangements for electrical testing and inspection as this does not ensure all tenants are protected from serious danger.

Even where there are statutory requirements for inspection and testing (see page 13), there have been cases where legal requirements has not been adhered too. Better enforcement and a greater number of proactive inspections are required.

1.2 NPTO has launched a campaign on the pressing issue of electrical safety in the private rented sector. Lives are unnecessarily being put at risk by poorly or unmaintained electrical appliances (provided as part of a tenancy) and installations. The campaign requests that new legislation is introduced to make appropriate periodic inspection and testing of electrical appliances and installations a legal requirement for all private rented accommodation, similar to requirements for gas installations. Every electrical installation deteriorates with use and age and over time the risk of failure increases.

1.3 Private tenants are at an added disadvantage because of the practice of retaliatory eviction. This occurs when a rogue landlord uses their automatic right to possession of an Assured Shorthold Tenancy (using Housing Act 1988, Part 1, Chapter 2, Section 21) in response to a tenant's legitimate complaint.²

1.4 Quantitative evidence shows that private tenants are disproportionately affected: with 16% of the UK population living in private rented properties, they account for 20% of UK adults receiving an electric shock.³ Qualitative evidence including the tragic death of a young mother in Cornwall⁴, indicates many cases of private tenants lives being put at risk from poorly maintained electrical appliances and installations.

1.5 Supporters of the NPTO campaign include a Member of Parliament, Local Authority Councillors, over a dozen organisations, private tenants and members of the public. Over 700 professional electricians have viewed postings on the campaign on internet forums,

1 Electrical Safety Council, <http://www.esc.org.uk/public/news-and-campaigns/press-releases/news/article/confusion-between-landlords-and-tenants-exposes-millions-to-serious-electrical-dangers/>, March 2012

2 NPTO, <http://www.npto.btck.co.uk/Researchandreports>, 2011

3 Electrical Safety Council, <http://www.esc.org.uk/public/news-and-campaigns/press-releases/news/article/confusion-between-landlords-and-tenants-exposes-millions-to-serious-electrical-dangers/>, March 2012

4 BBC News, <http://news.bbc.co.uk/1/hi/england/cornwall/8140632.stm>, July 2009

demonstrating the current interest in the issues. The Chartered Institute of Environmental Health reported in April 2011 that: "According to research carried out by the ESC, 78% of the general public support the idea of annual electrical safety checks and for landlords to be made legally responsible, as is currently the case with gas safety"⁵.

1.6 For reference the current legal position in relation to electrical safety in the private rented sector is included at the end of this report.

1.7 NPTO has created a web site to promote the campaign. The URL of the web site is <http://www.keeprentingsafe.weebly.com>. The web site includes advice to tenants on their responsibilities.

Organisations and individuals wishing to support the campaign can pledge their support at:

<http://keeprentingsafe.weebly.com/sign-up.html>

and

<http://epetitions.direct.gov.uk/petitions/34152>

Campaign aims

NPTO requests the following:

1. New legislation to make appropriate periodic inspection and testing of electrical installations and appliances compulsory in all types of private rented homes in accordance with the IET Guidance Note 3: Inspection and Testing: BS7671 2008 (6th Edition) and the IET Code of Practice for In-Service Inspection and Testing of Electrical Equipment (4th edition, 2012). The cost of inspections should be borne by landlords. Annual testing of gas installations and appliances is mandatory. Energy Performance Certificates are also a legal requirement (where applicable), why not periodic inspection and testing of electrical installations and appliances!
2. The introduction of a competent persons scheme for electricians carrying out inspection and testing of electrical installations, similar the Building Regulations 'Part P' scheme.
3. A legal requirement to provide tenants with full copies of all inspection and testing reports free of charge and information on RCD protection in properties. This might form part of a Tenant Information Pack similar to that proposed by the Scottish Government.
4. Landlords be encouraged and incentivised (e.g. via tax incentives and grants) by Government to upgrade to modern consumer units with Residual Current Device (RCD) (costing less than £100 plus installation) protection and to provide plug-in RCDs (around £10 each) for appliances especially any likely to be used outside. In addition landlords be encouraged and incentivised by Government to have annual routine check reports (and on a change of tenant) conducted in accordance with IET BS7671 Guidance Note 3 (6th Edition).

According to Electrical Safety Council data only 52% of private rented properties have RCD protection at the consumer unit (the lowest percentage of all tenures).⁶

An investigation by Shelter the housing and homeless charity, (published in July 2012) revealed how complaints about landlords have risen dramatically in the past few years.

The housing and homelessness charity contacted every local authority in England to build a picture of the scale of the problem with rogue landlords and what is being done to tackle it. Shockingly, the total number of complaints made to local authorities has increased by 27% in the last three years, with over 85,000 complaints made in total over the past year alone.

Even more worryingly, 62% of complaints were related to serious and life-threatening hazards such as dangerous gas and electrics and severe damp. Source:
http://media.shelter.org.uk/home/press_releases/investigation_sees_dramatic_rise_in_complaints_about_landlords

⁶ Electrical Safety Council, <http://www.esc.org.uk/industry/policies-and-research/statistics/>, 2007

Supporting evidence for campaign aims

Supporting quantitative evidence

2.1 The Electrical Safety Council (ESC) has found that of all the people receiving an electric shock, private tenants are disproportionately affected: with 16% of the UK population living in private rented properties, they account for 20% of UK adults receiving an electric shock.

2.2 ESC research found that more than one fifth of all private tenants (21%) already report concerns with the electrical safety in their home and three quarters of private tenants (75%) can't recall discussing electrical safety with their landlord. The ESC research also found that landlords and tenants are confused about their responsibilities whereby three in ten landlords and two-fifths of renters do not know who is responsible for electrical safety in their rented properties (29% and 40% respectively)⁷.

2.3 The rise in non-professional landlords who are confused over responsibilities puts tenants at further risk. 89% of landlords are private individual landlords, only 8% of landlords reported that they were full-time landlords⁸.

2.4 In a survey of students in the UK conducted by the ESC in 2009 it was found that almost a third of students weren't confident that the electrical appliances supplied by their landlord were safe. The survey found that 1 in 10 students reported visible damage (easily spotted by planned visual inspections) such as burning, discolouration and cracking, to electrical wiring, sockets and light fittings in their home – often a sign of a dangerous overheating fault.

2.5 For information: According to the ESC in 2007, 19.4% of fires were from electrical origin, with 31 deaths from fires from electrical origin and a total number of 1,311 casualties from electrical origin fires.

2.6 Disrepair in the private rented sector

Disrepair in the private rented sector (PRS) has implications for electrical safety as neglect of properties could easily extend to electrical installations and appliances.

To assess disrepair a number of standards are used. The Decent Homes Standard (DHS) referred to below includes in its definition, the absence of 'Category 1' Housing, Health and Safety Rating System (HHSRS) hazards. The HHSRS has 29 categories including category '23. Electrical Hazards'. In addition, homes meeting the DHS must be in a reasonable state of repair and have reasonably modern facilities and services.

- 5.9 million dwellings (26%) failed to meet the decent homes standard in 2010. Privately rented dwellings had the highest incidence of non-decency of all tenures, 37%⁹. 23% of these PRS dwellings failed the HHSRS minimum standard and 8.7% because of disrepair¹⁰.
- In 2010-11, around 18% of private renters were dissatisfied (slightly or very dissatisfied) with the way the landlord carries out repairs and maintenance. Of the 18%, 41% were dissatisfied with the way the landlord carries out repairs and maintenance because landlord did not bother with repairs or maintenance¹¹.

7 Electrical Safety Council, <http://www.esc.org.uk/public/news-and-campaigns/press-releases/news/article/confusion-between-landlords-and-tenants-exposes-millions-to-serious-electrical-dangers/>, 2012

8 DCLG, *Private Landlord Survey, 2010*, <http://www.communities.gov.uk/documents/statistics/pdf/2010380.pdf>, 2010

9 DCLG, *English Housing Survey Headline Report 2010-11 para. 2.17*, 2012

10 DCLG, *English Housing Survey Headline Report 2010-11 Table 16*, 2012

11 DCLG, *English Housing Survey Households 2010-11, July 2012*

In 2010-11 the PRS consisted of 3.6 million households compared to 2.45 million in 2005¹².

Although local authorities have enforcement powers and could classify dangerous electrical installations as a HHSRS Category 1 hazard, many electrical faults are not visible on inspection. Local authority Environmental Health Officers do not undertake electrical checks themselves, so this is the unseen Category 1 Hazard that must frequently be missed even by qualified and experienced Environmental Health Officers.

Supporting qualitative evidence

3.1 Introduction

The following cases provide evidence of electrical hazards in the private rented sector which could have been discovered and rectified if appropriate periodic inspection and testing of electrical appliances and installations, undertaken by a competent person, had taken place.

3.2 BBC News, 'Faults caused tenant bath death', 08/07/2009

"The husband of a mother who was electrocuted in the bath of a rented cottage in Cornwall has called for a change in the law. Thirza Whittall, 33, was found dead by her five-year-old daughter Millie at their home in Porthscatho in 2008. The inquest in Truro was told the property had no earth connection.

Recording an accidental death verdict, Coroner Andrew Cox said it was "inexplicable" there was no law on checking the electrics in rented homes. *Electrical engineer Jonathan Keam, who examined Pettigrew Cottage after Mrs Whittall's death, told the hearing a combination of faults in the property had proved fatal. He had measured 175 volts between the bath taps and a waste pipe in the bathroom, the trip-switch in the house did not work, there was a fault in an oil heater and a corroded pipe around the earth of the mains of the property. **The inquest heard the cottage had not had a full electrical check since 1981.***

The landlady had asked a local electrician to look over the property before the new family moved in, but because of work pressure, he had not done so. Mrs Whittall died in March 2008, four days after moving to Cornwall from Quinton in Birmingham with her husband Fred, 34, and their two children, Millie and two-year-old George.

Giving evidence to the hearing, her father-in-law Michael Whittall, 72, a retired builder, broke down as he described how his granddaughter had found her mother, stroked her and said a prayer over the body.

She then took her younger brother downstairs, stood on a chair to reach the front door key and walked to her local shop for help. The family had moved for a "better quality of life", the inquest was told. There is no current legislation covering mains electrical supplies to houses which are not multi-occupancy. The deputy Cornwall coroner described that situation as "bizarre".

"Anyone who heard the evidence today cannot but be starkly reminded of the potential perils of electricity that most of us have in our homes, but yet take for granted," Mr Cox said. "But there is no requirement for periodic inspections of electricity in homes and that to me seems inexplicable.

"I'm bound to wonder how many other properties are today in a similar state as this one was." After the inquest, solicitor Chris Thorne, said the family had been devastated by Mrs Whittall's death. "It's a tragic loss and one which they still can't come to terms with," he told BBC News.

*He said Mr Whittall would like to see current housing regulations amended. "If a private landlord lets out a property to a tenant, they require a gas certificate every year to ensure the property's safe," Mr Thorne said. "There is no such regulation in relation to the electrical supply, as the Whittalls have learnt to their cost."*¹³

3.3 Channel 5, Cowboy Traders, Episode 2, programme broadcast 11/04/2012

In this episode the subject was rogue letting agents. A case was cited where a mother of two was residing in a property with exposed wiring in the consumer unit. An electrician commented that there should be no one living in the property because of the serious danger¹⁴.

3.4 GetReading online newspaper article 'West Reading man killed by faulty desk lamp', 17/03/2010

"A West Reading man died after being electrocuted by a faulty desk lamp, an inquest heard. John McCreesh's burnt body was discovered lying on top of the still glowing light in his Oxford Road bedsit by neighbours on November 6. The 66-year-old had been killed days earlier by a massive electric shock from the lamp which had been wired incorrectly."

3.5 Wigan Today online newspaper article 'Rental horrors exposed', 27/05/2012

"Wigan Council is receiving hundreds of complaints a year about private landlords. Following a Freedom of Information request, the Wigan Evening Post can exclusively reveal that there have been more than 1,200 complaints made by tenants to Wigan Council about private landlords who are leaving tenants in squalid properties which could result in disease and even death say one housing charity.

Complaints include dangerous electrical problem, rotting floorboards and damp, as well as drainage and gas safety issues. And the figures show that since 2009/10 there has been a steady rise each year in the number of complaints made to Wigan Council about problems."¹⁵

3.6 'Crackdown on rogue landlords', Chartered Institute of Environmental Health News, 29/04/2011

Action by Ashfield District Council Private Sector Enforcement Team resulted in a number of prohibition orders being served on rogue landlords in Sutton-in-Ashfield. The inspections resulted in a prohibition order under Housing Act 2004 Section 20 & 21 served on a single family dwelling **due to serious risk of fire and electrocution** as well as concerns relating to domestic hygiene and personal hygiene and structural collapse.¹⁶

3.7 BBC News, 'Shower death prompts criticism', 17/10/2003

This case does not directly relate to the private rented sector but demonstrates the value of periodic electrical inspections and testing of appliances and installations.

¹³ BBC News, <http://news.bbc.co.uk/1/hi/england/cornwall/8140632.stm>, July 2009

¹⁴ Channel 5, <http://www.channel5.com/shows/cowboy-traders/episodes/episode-2-414>, April 2012

¹⁵ Wigan Today, <http://www.wigantoday.net/news/local-news/rental-horrors-exposed-1-4590371>, May 2012

¹⁶ CIEH, <http://www.cieh.org/ehn/ehn3.aspx?id=36552&terms=electrocution>, April 2011

*"A coroner has criticised Bristol City Council after an inquest heard how a tenant was electrocuted by a faulty shower. Sean Quinn's family are considering legal action after coroner Fiona Elder said she was concerned the maintenance of electrical systems in the house. Mr Quinn, 21, was taking a bath when the shower head fell into the water, causing him to suffer a massive electric shock and heart attack, Bristol Coroner's Court was told. He was living with his grandparents, John and Sheila Quinn, who moved into the property in Huntingham Road, Bristol, seven years ago. **Recording a verdict of accidental death, the assistant deputy coroner said the council should think about whether it needed a better maintenance contract, or a system of yearly inspections. But the council said in a statement that there was no legal requirement for annual checks. "The shower was not installed by Bristol City Council nor was approval ever given for its installation," it said.**"¹⁷*

3.8 Electric shock from washing machine

The following case was reported on the Money Saving Expert website on 30/10/2008.

A private tenant renting via a letting agency received an electric shock from a faulty washing machine which was not earthed. The fault was rectified after the tenant reported the fault. Compulsory periodic inspection and testing of the appliance would have detected the fault¹⁸.

3.9 Comments on a Guardian article "Call for electrical safety regulations in rented homes. The Electrical Safety Council wants similar safety certificates for electrical installations as for gas in rented properties", 29/03/2011¹⁹

"Having had some dealings with the rental market again after thirty years (son at university), I was saddened to find that there are as many unscrupulous and reckless landlords and letting agents as ever there were in my student days. Unsafe wiring in one property was not put right for months, despite frequent requests."

"I'm a landlord, and I fully support moves to require landlords to provide an electrical safety certificate. It's very easy for electricians to identify issues like a lack of earthing, which is potentially lethal."

"This would be a fabulous idea (Editor's note: compulsory inspection and testing). I rent a reasonably good flat in a v posh part of town, but a combination of absentee landlord, ancient fittings and poor agent meant that potentially lethal wiring was only identified and replaced when acrid smoke started pouring from the walls as the wires had melted through. The problem is not just evil landlords scrimping and saving. It's the lack of care of most of them, even the ones that have good intentions."

"Any decent landlord should be carrying out such checks as a matter of course, whether or not they are obliged by law to do so. To protect their property and the well being of the people living in it. There are far too many landlords who think that putting their 'rental property' (...probably the banks mostly by way of a mortgage) in the hands of a letting agent absolves them of responsibility. Very sad story about the lady who died, and her kids, devastating for the landlady I would guess too."

3.10 "Council Cracks Down on Lousy Landlords"

Colchester Borough Council has successfully prosecuted private sector landlords for forcing their tenants to live in sub-standard, neglected properties. On March 21 2012, the Council prosecuted two owners to court for a breach of their responsibilities under "The

17 BBC News, <http://news.bbc.co.uk/1/hi/england/bristol/3199458.stm>, October 2003

18 Money Saving Expert, <http://forums.moneysavingexpert.com/showthread.php?t=1253133>, October 2008

19 Guardian, <http://www.guardian.co.uk/money/2011/mar/29/electrical-safety-regulations-rented-homes>, 2011 **Page 7**

Management of Houses in Multiple Occupation and Other Houses Regulations 2006 as amended" act. They allowed their tenants to live in shoddy conditions at poorly managed properties, whilst still collecting rent. **Their breaches included** failing to keep the property in a good state of repair- including fixtures, fittings and appliances, **failing to supply gas safety and electrical safety test certificates** and not keeping the furnishings in the accommodation in a clean condition. Source: <http://www.colchester.gov.uk/article/6666/Council-Cracks-Down-on-Lousy-Landlords>.

3.11 Fires caused by electrical sources

In 2010/11 8818 fires were caused by electrical distribution or electrical appliances²⁰.

²⁰ DCLG, *Fire Statistics: Great Britain, 2010-11*, <http://www.communities.gov.uk/publications/corporate/statistics/firestatsgb201011>, November 2011

Supporters of the campaign

Organisations which have signed up to the NPTO campaign:

- The Green Party of England and Wales
- Chartered Institute of Environmental Health
- Blackpool Private Tenants Forum
- Blackpool Residents Federation
- Brent Private Tenants Rights Group
- Camden Federation of Private Tenants
- Friends of the Earth (England, Wales and Northern Ireland)
- DIGS - Hackney Renters
- Housing for the 99%
- Greater Manchester Tenants Group
- In Safe Hands Health, Safety and Electrical Services
- Leeds Tenants Federation
- Organisation of Private Tenants (Scarborough)
- National Private Tenants Organisation (England)
- North West Tenants & Residents Assembly
- PrivateRentedSector.com

Individuals supporting the campaign

- Graham Jones MP for Hyndburn
- Mike Hedges AM, Swansea East, National Assembly of Wales (Although not a member of the UK Parliament Mr Hedges has expressed his support for the NPTO campaign).

Local authority councillors supporting the campaign

- Councillor Lisa Lisa Trickett (Birmingham City Council)
- Councillor Eric Broadbent (Scarborough Borough Council)
- Councillor Colin Challen (Scarborough Borough Council)
- Councillor Janet Jefferson (Scarborough Borough Council)
- Councillor John Ritchie (Scarborough Borough Council)
- Councillor Christine Wright (Blackpool Council)

Members of the public supporting the campaign aims

Currently 46 individuals.

The Chartered Institute of Environmental Health reported in April 2011 that: "According to research carried out by the ESC, 78% of the general public support the idea of annual electrical safety checks and for landlords to be made legally responsible, as is currently the case with gas safety²¹."

Interest in the campaign

Over 700* professional electricians have viewed postings on the campaign on internet forums, demonstrating the interest in the issues (*Evidence can be provided on request).

Comments have included:

- "Its really good to see the NPTO are launching a campaign on the issue of electrical

21 CIEH, <http://www.cieh.org/ehn/ehn3.aspx?id=36058&terms=electrocution>, April 2011

safety in private rented sector.” Source: www.electriciantalk.com, 25/04/2012.

- “If the NPTO campaign achieves its goal of mandatory testing in the private rental sector it should provide a well-earned boost to the industry in the wake of the resent Löfstedt Review which states that “*This is (Electricity at Work Regulations 1989) an example of a regulation that is being applied too widely and disproportionately*”. I have always been bemused by the differences between HMO regulations and those for a standard occupancy. Electrical safety concerns everybody not just those in shared accommodation.” Source: www.simplypats.net, 05/04/2012.
- “Its about time. By law you need to have a gas safety cert done, so why not an EICR.” Source: www.electriciansforums.co.uk, 31/03/2012.
- “About bloomin' time someone started shouting from the rooftops about this!.” Source: www.electriciansforums.co.uk, 31/03/2012.

The view of other organisations on electrical safety in the private rented sector

- **Landlord Assist** (www.landlordassist.co.uk) is urging landlords to carry out regular testing on electrical equipment in rented properties and to ensure smoke alarms are fitted. Stephen Parry, Commercial Director at Landlord Assist says: “Although there isn’t a legal obligation on landlords to have professional checks carried out on the electrical appliances, there is, however, an obligation to ensure that all electrical equipment is safe under the Electrical Equipment (Safety) Regulations²².”
- The **National Landlords Association** has said: “The NLA is reminding landlords that by law, they must ensure all electrical wiring and installations in their properties are safe, and the best way to be sure of that is to have the installation inspected periodically (typically every 5 years) by a competent electrician.” “Landlords should also ensure there is adequate Residual Current Device (RCD) protection in their properties. They significantly reduce the risk of electrical shock. Ideally these should be installed in the consumer unit but plug in RCDs can be used.”²³
- The **Electrical Safety Council** have stated: “If you own a House in Multiple Occupation (HMO), you have a legal obligation to have a periodic inspection carried out on your property every five years. *If your property is not an HMO, you are not legally obliged to get your installation inspected and tested on a periodic basis. However, the ESC recommends that a periodic inspection and test is carried out by a registered electrician on your rental properties at intervals not exceeding five years, or on a change of tenancy.* They will then issue an Electrical Installation Condition Report (EICR) which details any damage, deterioration, defects or conditions within the installation that give rise, or potentially give rise, to danger²⁴.”

22 Fenland Citizen, <http://www.fenlandcitizen.co.uk/lifestyle/property-news/call-for-regular-testing-1-439132>, October 2012

23 NLA, *Electrical Safety Guidance for Landlords*, <http://www.landlords.org.uk/news-campaigns/news/electrical-safety-guidance-landlords>, March 2012

24 Electrical Safety Council, *Guidance for Landlords*, <http://www.esc.org.uk/public/guides-and-advice/guidance-for-landlords/>, 2012

- The **Department for Communities and Local Government** has stated in the 'Top tips for landlords, August 2011': "Consider having the electrical installations and equipment checked. There is no legal requirement to have an electrical safety certificate but you do have a duty to keep electrical installations in proper working order and to ensure that any electrical equipment supplied with the property is safe."²⁵
- **London Borough of Hounslow Council** offer the following advice on their Private Landlords Fire and electrical safety advice page: "Fire and electrical safety are important parts of residential lettings and often neglected by landlords." "Don't wait for an incident to happen. We are advising all landlords that the best way to protect their tenants and properties is to carry out regular electrical infrastructure checks undertaken by professionals. Ensure you include both portable appliance (PAT) and wiring tests at the intervals recommended by the Electrical Safety Council (ESC) or other certified standards body."²⁶

25 DCLG, *Top Tips for Landlords: August 2011*, <http://www.communities.gov.uk/documents/housing/pdf/1973738.pdf>, 2011

26 London Borough of Hounslow Council, *Fire and electrical Safety*, http://www.hounslow.gov.uk/index/housing/landlords/electrical_safety_guide_for_landlords.htm, 2012

The current legal position regarding electrical safety in private rented homes

Landlord obligations: Requirement for electrical installations

- The Landlord and Tenant Act 1985, Section 11

11 Repairing obligations in short leases.

(1) In a lease to which this section applies (as to which, see sections 13 and 14) there is implied a covenant by the lessor--

(a) to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes),

(b) to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and

(c) to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.

Comment: It is recognised good practice for landlords to engage a professionally qualified electrician to carry out periodic inspection and testing (Electrical Installation Reports) every 5 years for residential accommodation (every 10 years or on change of occupancy for domestic properties) - however there is no specific requirement for them to do so.

BS7671:2008 and specifically IEE Guidance note 3 provides guidance on this. See rules for Houses in Multiple Occupation below. It is recommended that routine check reports be carried out annually or on change of occupancy for residential accommodation.

- **IET Guidance Note 3: Inspection and Testing: BS7671 2008 (6th Edition). Incorporating amendment No. 1 2011 (Guidance on inspection and testing).**

- **Tenancy agreement terms (contractual arrangements).**

Comment: The campaign encourages tenants to report any electrical problems to their landlord or letting agency as soon as they become aware of them and not to undertake any electrical work themselves.

Other relevant legislation

- Defective Premises Act 1972

4 Landlord's duty of care in virtue of obligation or right to repair premises demised.

1) Where premises are let under a tenancy which puts on the landlord an obligation to the tenant for the maintenance or repair of the premises, the landlord owes to all persons who might reasonably be expected to be affected by defects in the state of the premises a duty to take such care as is reasonable in all the circumstances to see that they are reasonably safe from personal injury or from damage to their property caused by a relevant defect.

Landlord obligations: Requirements for electrical appliances supplied as part of the tenancy

- **The Electrical Equipment (Safety) Regulations 1994 (Under the Consumer Protection Act 1987).**

Requirement for electrical equipment to be safe etc.

5.—(1) Electrical equipment shall be--

(a) safe;

Comment: It is recognised good practice for landlords to engage a professionally qualified

electrician to carry out periodic inspection and testing on electrical appliance – however there is no specific requirement for them to do so. The IEE Code of Practice for In-Service Inspection and Testing of Electrical Equipment (3rd edition- 4th edition due in Nov. 2012) provides detailed guidance on this. Appliances should be inspected and testing when first supplied or when there is a change of occupancy.

- Plugs and Sockets etc. (Safety) Regulations 1994 (Under the Consumer Protection Act 1987).

- IET Code of Practice for In-Service Inspection and Testing of Electrical Equipment (4th edition November 2012) (Guidance on appliance inspection and testing).

- Tenancy agreement terms (contractual arrangements).

Comment: The campaign encourages tenants to report any electrical problems to their landlord or letting agency as soon as they become aware of them and not to undertake any electrical repairs themselves.

Action local authorities can take

- Housing Health and Safety Rating System (HHSRS) (Housing Act 2004)

Comment: The HHSRS assesses 29 categories of housing hazards, category 23 is Electrical Hazard. For category 1 hazards a Council has a statutory duty to take enforcement action. For a category 2 hazard a Council has the power to take enforcement action to deal with it if it is deemed appropriate. See:

http://www.direct.gov.uk/en/HomeAndCommunity/PrivateRenting/Repairsandstandards/DG_189198

Requirements for housing in multiple occupation (HMO) and additional and selective licensing

- The Management of Houses in Multiple Occupation (England) Regulations 2006

Comment: Applies to all HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings.

6 Duty of manager to supply and maintain gas and electricity

(3) 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;

- Houses in Multiple Occupation (HMO) licensing (Housing Act 2004)

Comment: Mandatory licensing for prescribed HMOs.

Schedule 4: Section 1:

(3) Conditions requiring the licence holder--

(a) to keep electrical appliances and furniture made available by him in the house in a safe condition;

(b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.

- Additional licensing of Houses in Multiple Occupation (Housing Act: Part 2: Section 56)

Housing Act 2004: Part 2: Section 56

Designation of areas subject to additional licensing

(1) A local housing authority may designate either--

(a) the area of their district, or

(b) an area in their district,

as subject to additional licensing in relation to a description of HMOs

specified in the designation, if the requirements of this section are met.

- Selective licensing (Housing Act 2004: part 3)

Comment: Selective licensing is a regulatory tool provided by the Housing Act 2004 (the Act). Section 80 of the Act allows local housing authorities to designate areas suffering from either significant and persistent anti-social behaviour and/or low housing demand. By making the designation, all privately rented accommodation in the designated area will require a licence.

Authorities have discretion to set the precise conditions of the licence as regards anti-social behaviour and general management of the property. There are also certain mandatory conditions which must be included in a licence. For example, **licensees are required to keep electrical appliances and furniture (provided under the tenancy) in a safe condition.**

Decent Homes Standard (DHS) (June 2006 version)

Comment: In 2002 the DHS was extended to vulnerable households in the private rented sector. The DHS should form part of local authorities housing strategies which they can as a last resort use enforcement powers to achieve e.g. the HHSRS. See: <http://www.communities.gov.uk/documents/housing/pdf/138355.pdf>

The Decent Homes Standard definition covers 4 areas:

- (a) The current statutory minimum standard for housing is met. Dwellings which fail to meet this criterion are those containing one or more hazards assessed as Category 1 under the HHSRS (see HHSRS category 23 above).
- (b) The dwelling is in a reasonable state of repair. This covers building components such as electrics.
- (c) The dwelling has reasonably modern facilities and services
- (d) The dwelling provides a reasonable degree of thermal comfort

Landlord voluntary arrangements

Landlords who are members of voluntary landlord accreditation schemes may agree to carry out periodic inspection and testing of electrical installations and appliances. Professional landlords may take it upon themselves to have appropriate inspection and testing carried out.

BS7671: 2008

Comment: British Standard **BS 7671** "Requirements for electrical installations" is the national standard in the United Kingdom for low voltage electrical installations. To view the contents of BS7671 please visit:

<http://electrical.theiet.org/books/regulations/17th-edition-amd1.cfm>

Building Regulations: Part P

Comments: In May 2003 the Government announced that it was introducing a new Part to the Building Regulations, Part P, which would bring domestic electrical installation work in England and Wales under the legal framework of the Building Regulations. It places a legal requirement for safety upon electrical installation work in dwellings, although the sector is highly regarded for its high levels of conformity with its chief standard, BS 7671.

There are self-certification schemes to ensure competency of the work undertaken. Part P of the Building Regulations became a legal requirement on January 1st 2005. Part P is the specific section of the Building Regulations for England and Wales, which relates **Page 14**

to electrical installations in domestic properties.

To find out what electrical work in a dwelling Part P applies to visit:

http://www.competentperson.co.uk/pdfs/buildingworkleaflet.pdf_and

http://electrical.theiet.org/building-regulations/part-p/faqs.cfm_and

<http://www.eca.co.uk/industry-advice-and-research/faqs/part-p-faqs-49/>

For information

In the workplace the Electricity at Work Regulations 1989 (Regulation 4(2)) is the specific piece of legislation relating to maintenance and electrical safety.

Systems, work activities and protective equipment

4.—(1) All systems shall at all times be of such construction as to prevent, so far as is reasonably practicable, danger.

(2) As may be necessary to prevent danger, all systems shall be maintained so as to prevent, so far as is reasonably practicable, such danger.