

Regulations affecting Landlords Letting Residential Property

There are legal obligations and responsibilities that the Landlord must be aware of. Specifically with regard to; Fire safety for furnishings, Gas appliance safety testing, Electrical wiring, Energy performance and Deposits.

It is essential that landlords take these responsibilities seriously as failure to comply can lead to large fines and even imprisonment. Bullock & Lees can advise you further as regards each of these so that you take the necessary steps to comply with the law and enjoy full peace of mind.

The Gas Safety Regulations 1998

It is a landlord's legal responsibility to ensure that all gas burning appliances and installations are maintained in good order and are checked for safety at least every 12 months by a Corgi registered Engineer. Bullock & Lees can organise a Gas Safety check and certification on your behalf through our registered and reliable contractor.

Further information and advice is available at www.trustcorgi.com/Landlords.

The Smoke and Carbon Monoxide Regulations 2015

As you may be aware The Smoke and Carbon Monoxide Alarm Regulations 2015 comes into force on the 1st October 2015. What you need to be aware of is that a breach of this could see a fine of up to £5000 for non compliance.

There needs to be a smoke alarm on every floor of living accommodation and also a carbon monoxide alarm at head height approx 1-3 meters away from any solid fuel appliance (i.e. rooms containing an open fire, log burning stove, etc).

Bullock & Lees can arrange for this to be taken care of by our local contractor. Our contractor can check your current alarm or install an alarm where one is not currently installed.

As the law does state that these need to be checked on the 1st Day of tenancy, we do advise that you ensure that these are again checked at check in or that you make your tenant aware that this needs to be done on move in. It is advisable that these are checked monthly.

Please kindly let us know if you would like us to arrange the installation of both products in your property.

The Electrical Equipment (Safety) Regulations 1994

Apart from the Landlord's Common Law duty of care, the Landlord & Tenant Act 1985 (and several other statutory regulations see below) requires that the electrical equipment is safe at the start of every tenancy and maintained in a safe condition throughout the tenancy.

Electrical hazards are also covered by the Housing Health and safety Rating System under the Housing Act 2004.

In the case of commercial property and houses in multiple occupation there is a statutory duty under the Regulatory Reform Fire Safety Order 2005 for the responsible person (the property manager) to carry out annual Fire Safety Risk Assessments, which include electrical safety risks.

If you let property you must ensure that the electrical system and all appliances supplied are safe – failure to comply with the Electrical Equipment (Safety) Regulations 1994 and the The Consumer Protection Act 1987 is a criminal offence and may result in:

- A fine of £5,000 per item not complying
- Six month's imprisonment
- Possible manslaughter charges in the event of deaths
- The Tenant may also sue you for civil damages
- Your property insurance may be invalidated

These regulations are enforced by the Health & Safety Executive.

Landlord Guide to the Electrical Equipment (Safety) Regulations 1994

It is important to ensure that all electrical appliances and fittings within the property are safe and in good working order. Unlike gas regulations, there is no law that says you must have a landlord electrical safety certificate. But, should any electrical fittings or appliances within your rental property cause harm to a tenant you could be held liable.

Manage your property well and the risks to you as a landlord are minimal, but manage it badly and your risks are high.

Bullock & Lees advise that you have periodic checks carried out by a qualified electrician.

- Ideally, ensure that the electrical system complies with the latest wiring regulations.
- Make sure a circuit breaker (RCD) is fitted to power circuits.
- Keep supplied appliances to a minimum.
- Make sure appliances supplied are complete and in working order – keep purchase receipts.
- 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.
- Ensure that flexes are in good order and properly attached to appliances and plugs.
- Ensure that earth tags are in place.
- 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.
- Ensure that all fuses are of the correct type and rating.
- Make sure that tenants know the location of and have access to the main consumer unit, fuses and isolator switch.
- Make a note of all fuse ratings on the inventory.

If you are in any doubt about the wiring or the safety of any appliances consult a qualified electrician or we can provide one who can do this for you.

Regulations

Under Common Law and various statutory regulations: The Landlord and Tenant Act 1985, The Housing Act 2004, The Electrical Equipment (Safety) Regulations 1994, and the Plugs and

Sockets etc. (Safety) Regulations 1994, both of which come under the Consumer Protection Act 1987, there is an obligation to ensure that all electrical equipment is safe.

In January 2005 new legislation under Part P of the Building Regulations make it a requirement that for certain types of electrical work in dwellings, plus garages, sheds, greenhouses and outbuilding comply with the standards. This means a competent electrician must carry out the work. For DIY electrical work you must belong to one of the Government's approved Competent Person Self-Certification schemes or submit a building notice to the local authority before doing the work.

Compliance

We strongly recommend that any Landlord, regardless of whether they see themselves as running a business or not, should make absolutely sure they are complying with these regulations to ensure that all electrical equipment supplied is safe.

In order to do this we recommend:

- Annual visual inspections by the landlord or agent – recording this on a safety checklist.
- Inspections on tenant change-overs, recording electrical equipment, its condition and fuses fitted – see PAT Testing.
- Periodic inspections of electrical equipment by a qualified electrician.
- 5 yearly inspections by a qualified electrician to ensure safety and that the electrical system complies with current electrical regulations.
- Keep all records of these inspections.

The Fire and Furnishings (Fire Safety) Regulations 1988/1993

Ensure that furnishings carry a manufacturer's permanent and fixed label showing compliance at the point of sale.

It is the legal responsibility of the Landlord to ensure that any furniture supplied to Tenants complies with these regulations.

- If possible, buy new from a reputable retailer as second hand furniture is more risky.
- Keep all purchase receipts

The regulations apply to:

- Arm chairs, three piece suites, sofas, sofa beds, futons and other convertible furniture.
- Beds, Bed bases and headboards, mattresses, divans and pillows.
- Nursery furniture
- Garden furniture which could be used indoors
- Loose, stretch and fitted covers for furniture, scatter cushions, seat pads and pillows.
- Bed bases and mattresses are not required to bear a permanent label but compliance will be indicated if the item has a label stating that it meets BS7177

The regulations **do not** currently apply to:

- Antique furniture or furniture manufactured before 1950

- Bed clothes and duvets
- Loose mattress covers
- Curtains
- Carpets

Any items purchased for the property after the start date of the tenancy agreement must also comply with these Regulations for the duration of the tenancy.

The Energy Performance of Building Regulations 2007/2008

It is now mandatory for all Landlords and Agents to provide Energy Performance Certificates (EPCs) to all new prospective Tenants at point of marketing a property To Let or renewing a tenancy on a fixed term basis. An EPC will last for 10 years.

Energy Performance Certificates (EPC's) became mandatory for all new tenancies whether the tenant has occupied the property before 1st October 2008 or not.

An 'Energy Assessor' will be required to visit the property to ascertain information regarding its energy efficiency and then produce a report based on this information. This report is to be made generally available but especially to prospective tenants viewing the property.

Bullock & Lees can organise an EPC on your behalf, please contact us to arrange this (see Bullock & Lees list of Fees).

Tenancy Deposit Legislation 2007

With effect from 6th April 2007, legislation was passed stating that for all new tenancies after this date, Landlords and Agents must protect deposits under an approved scheme within 14 days from the commencement date of the tenancy.

The government approved scheme administered by The Deposit Protection Service is probably the most favoured option as it is easy to set-up and completely free of charge for Landlords and Agents

There are now also formal dispute procedures to follow in the event of a dispute between the Landlord and Tenant at the end of the tenancy.

More information can be found at: www.direct.gov.uk/en/TenancyDeposit