

**bartonknight**  
electrical



**GUIDE TO MANDATORY  
ELECTRICAL INSPECTION  
REPORTS FOR LANDLORDS  
2020**

The vast majority of landlords are committed to providing good quality homes that are safe and secure. That is why over three-quarters of landlords already have a qualified person perform an inspection of the electrical installations in their properties even though there is not a legal requirement to do so.

Nevertheless, as of 1 July 2020, the rules will be changing. This will introduce new standards of electrical safety as well as legal requirements on the service of documents to relevant people.

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## What are my responsibilities as the landlord of a property in England?

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 places a continuous duty on landlords in England to maintain their property to the electrical safety standards and to have evidence of this. This means your property must meet the 18th Edition of the Wiring Regulations and you must have a report that shows this from a qualified person.

## My property was deemed safe during an inspection under the previous Wiring Regulations. Do I need to get a new EICR or perform works to bring the property up to the 18th Edition standards even if my property is safe?

EICRs performed prior to the 18th Edition but less than five years old will be considered valid for the purposes of this regulation.

In addition to this the guidance is clear that further work will only be required where the inspection demands further remedial or investigative work. If the certificate only recommends improvements (classification code C3) this is considered best practice but not a requirement.

## When do I need to have an inspection performed by?

If you are renting out a property in England and the tenancy was entered into on or after the regulations came into force (1 June 2020), then from 1 July 2020 you will be required to have an electrical inspection and a report on the condition of the property (EICR) performed by a qualified person.

For pre-existing tenancies, you will need to have an EICR performed on all existing tenancies before 1 April 2021.

If you have a lodger or you are letting out the property on a long lease (7 years or more) you are not required to have an EICR performed.

## Who do I need to give copies of the EICR to?

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 set out a number of different requirements around providing copies of the EICR to relevant people:

1. The EICR must be given to all of the tenants before they occupy the property.
2. When you replace the EICR you must provide them with a copy of the new report within 28 days of the inspection.
3. If a tenant requests a copy of the EICR in writing, you must also provide them with one within 28 days.
4. Where the local authority requests the EICR you must provide them with a copy of it within seven days or face potential penalties.
5. Any prospective tenants who request a copy in writing must be provided one within 28 days.

## How often do I need to replace the EICR?

The standard EICR lasts 5 years but this can be shorter so you should replace it as often as needed to ensure it remains valid.

## My EICR has indicated a potential breach of the electrical safety standards. What do I do next?

If a breach, or a potential breach, of your duty has been identified you need to have a qualified person either perform the work or investigate further within 28 days. This time limit can be shortened if the report recommends it so you should ensure you are complying with the time frame in the report itself.

Once this has been done you need to ensure you receive a written report from the qualified person as quickly as possible. This report needs to state that the electrical safety standards are now being met or that further remedial work is required.

Within 28 days of the work or investigation being carried out you must provide the written confirmation as well as a copy of the report to all of the tenants and the local authority. Where the follow up investigation recommends further work being done, you must repeat the steps above until the property meets the electrical safety standards.

## What is a qualified person?

The qualified person is someone who is competent to perform the inspections or the works. All of our qualified engineers qualify to issue EICRs.

## What enforcement action can be taken if I do not comply with the regulations?

The local authority is responsible for enforcement and they have a number of powers to act on this.

Firstly, they can issue civil penalties of up to £30,000 per breach of these regulations.

Secondly, where they have identified non-urgent work they must serve the landlord a notice detailing the work required and giving them 28 days to perform the work. The landlord may make representations to this within 21 days of the notice being served. If they do then the local authority must respond to these representations within 7 days. Until they respond the requirement to perform the work is suspended.

Finally, if the local authority is satisfied the landlord is in breach and they have the tenant's permission to do so, they may perform emergency remedial work on the property and bill the landlord for any costs incurred.

## Portable appliance testing (PAT)

Where a landlord provides an electrical appliance as part of a tenancy, the law expects the appliance will be maintained in a safe condition that will not cause harm to the tenant. Failure to do so could lead to the landlord being sued for negligence. However, the law is silent on how landlords should ensure they do this. As such, unless specifically required as part of a licence condition, portable appliance testing is always best practice for landlords but it is not a legal requirement.

### What is a portable appliance?

A portable appliance is an item that can be moved and usually unplugged from a power supply. This does not mean it is light enough to be picked up by hand, so a portable appliance can be something as small as a kettle or as big as a free-standing fridge.

### Do I need to have a qualified electrician test each appliance?

Usually, no. For most appliances, a visual inspection by the landlord for any signs of danger would be sufficient. If an appliance is particularly dangerous to check or a landlord does not feel comfortable assessing it, they should have a qualified person perform the inspection.

### What should I be looking for on my visual inspection?

There are a number of things that you should pay attention to with their visual inspections such as:

- Fraying, cuts or heavy scuffing to the lead
- Damage to the plug such as bent pins
- Tape applied to the lead to join leads together
- Visible wires where the lead joins the plug
- Loose parts or screws
- Signs of overheating, such as burn marks or staining on the plug
- Equipment being stored in dusty or wet environments
- Cables trapped under furniture or in floor boxes

You should also consider whether the item is being used according to the manufacturer's instructions, whether the item itself is suitable for the task, and whether any issues have been reported to you regarding the appliance. These factors may increase the risk of danger and increase the steps you should take to make the appliance reasonably safe.

### I have done a visual inspection and I am worried about certain pieces of equipment. Should I hire a competent person to test the appliances?

Usually yes. However, if you have the equipment to test the appliances and you feel knowledgeable enough to perform the check yourself you can do so.

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