



The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Between 17th February and 16th April 2018, the government invited comments on the Electrical Safety Standards Working Group's decision to make a recommendation to introduce mandatory inspection and testing for private rented properties.

On 29 January 2019 it was announced by the then Housing Minister, Heather Wheeler MP, that legislation would be brought in to provide enhanced safety for people living in rented accommodation.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 place an obligation on private landlords to ensure that electrical installations in the private rented sector are safe for continued use by checking compliance with the relevant electrical safety standards.

On 12 January 2020 the government laid in Parliament (hereafter referred to as the Electrical Safety Regulations 2020). The regulations apply to private landlords for all new specified tenancies from 1 July 2020 and all **existing tenancies from 1 April 2021**. An 'existing specified tenancy' means a tenancy for a specified period of time that was granted before the regulations come into force, whereas a 'new specified tenancy' means a tenancy specified for a period of time granted on or after these regulations come into force.

What Does This Mean?

In the UK, any property that is privately owned and being rented out as housing is classified as Private Rented Sector housing and the owner is considered to be the landlord. This includes houses in multiple occupation (HMOs), with the new regulations replacing the existing requirements for electrical testing of HMOs. A house is considered to be an HMO when it has at least three tenants forming more than one household, with the tenants sharing a toilet, bathroom or kitchen with the other tenants.

Under the new regulations, private landlords are required to ensure that:

- The electrical safety standards are met during any period when the residential premises are occupied under a specified tenancy, and
- Every electrical installation is inspected and tested at regular intervals by a suitably qualified person (regular intervals means at intervals of no more than five years).

There are some tenancies that are excluded from the scope of the new regulations.

These include:

- Private registered providers of social housing
- Shared accommodation with the landlord or landlord's family
- Long leases, i.e. longer than seven years
- Student halls of residence
- Hostels



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- Refuges
- Care homes
- Hospitals
- Hospices
- Other accommodation relating to healthcare provision.

Electrical Installation Condition Reports (EICR)

Following the inspection and testing, the inspector is required to complete an EICR to detail the results of testing and any observations apparent at the time. The report will also indicate the due date for the next inspection. Any observations noted by the inspector during the inspection and testing will be recorded on the report and a classification code according to the degree of urgency will be attributed.

Remedial Works

Part 4 of the Electrical Safety Regulations 2020 sets out the requirements for 'urgent remedial action'. This is defined as 'action identified in a report under regulation 3(3) as is immediately necessary in order to remove the danger present and risk of injury.'

If an item is discovered that is immediately dangerous, a classification code C1 should be issued.

Part 3 of the Electrical Safety Regulations 2020 sets out the requirements for remedial action, which is generally required for observations that have been attributed a C2 classification code. A C2 classification code means potentially dangerous and urgent action is required. Items with a C2 code are required to be rectified within 28 days.

If any items are identified that have been attributed either a C1 or C2 classification code, the report will result in an unsatisfactory outcome. Any observations that result in an unsatisfactory outcome will require remedial works to rectify the issue.

Items, where improvement is recommended C3, will be noted, but will not result in an unsatisfactory outcome on the report. These are items generally considered not to conform with the current edition of the IET Wiring Regulations, but which are not considered to be unsafe. These items do not necessarily require remedial works.

For more information and guidance for landlords, tenants and local authorities please refer to <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities>

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