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Guidance

Guide for local authorities: electrical safety standards in the private rented sector

Updated 7 October 2021

Applies to England

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This publication is available at <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-local-authorities-electrical-safety-standards-in-the-private-rented-sector>

1. Introduction

This document provides non-statutory guidance to local housing authorities on the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

The Regulations came into force on 1 June 2020 and form part of the Department's work to improve safety in all residential premises - and particularly in the private rented sector.

Existing legislation already requires landlords to keep their properties free from electrical hazards. It has previously been best practice for landlords to organise periodic inspection and testing and to provide an electrical safety report to the tenant.

These Regulations put best practice on a statutory footing. All landlords in the private rented sector now must do what good landlords already do: make sure the electrical installations in their rented properties are safe.

The Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and if requested to their local authority.

Local authorities have a vital role to play in ensuring we have a high-quality, safe and healthy private rented sector. Under these Regulations they can require landlords to carry out vital remedial works or even arrange for the repairs to be done and recover their cost from the landlord. They can decide the level of penalty for landlords who don't comply, up to £30,000 and can spend the proceeds on enforcement purposes, helping them to keep up the good work driving up standards in privately rented homes.

Read the [Regulations](http://www.legislation.gov.uk/ukxi/2020/312/contents/made) (<http://www.legislation.gov.uk/ukxi/2020/312/contents/made>).

Read the [Explanatory Memorandum to the Regulations](http://www.legislation.gov.uk/ukxi/2020/312/memorandum/contents) (<http://www.legislation.gov.uk/ukxi/2020/312/memorandum/contents>).

Further guidance has been produced by the charity Electrical Safety First:

- [Classification Codes for domestic and similar electrical installations \(Best practice guide 4\)](https://www.electricalsafetyfirst.org.uk/professional-resources/best-practice-guides/) (<https://www.electricalsafetyfirst.org.uk/professional-resources/best-practice-guides/>)
- [Wiring regulations Q&A](https://www.electricalsafetyfirst.org.uk/professional-resources/wiring-regulations/) (<https://www.electricalsafetyfirst.org.uk/professional-resources/wiring-regulations/>)
- [Guidance for landlords](https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/) (<https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/landlords/>)
- [Guidance for tenants](https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/tenants/) (<https://www.electricalsafetyfirst.org.uk/guidance/advice-for-you/tenants/>)

We recognise that measures to reduce the risk of infection from COVID-19 may mean it is more difficult to comply with the regulations that affect the private rented sector.

For this reason, we have written [guidance for landlords, tenants and local authorities](https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities) (<https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities>) to address the concerns people may have about carrying out work to ensure that properties are kept in good repair and free from hazards.

2. Overview of the Regulations

Application of the Regulations

If a private tenant has a right to occupy a property as their only or main residence and pays rent, then the Regulations apply. This includes assured shorthold tenancies and licences to occupy.

Exceptions are set out in [Schedule 1 of the Regulations](http://www.legislation.gov.uk/ukxi/2020/312/schedule/1/made) (<http://www.legislation.gov.uk/ukxi/2020/312/schedule/1/made>).

The landlord's duties

Landlords of privately rented accommodation must:

- Ensure national standards for electrical safety are met. These are set out in the [18th edition of the 'Wiring Regulations'](https://electrical.theiet.org/bs-7671/) (<https://electrical.theiet.org/bs-7671/>), which are published as British Standard 7671.
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.

- Supply the local housing authority with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant and the local housing authority within 28 days of completion of the works.

Results of the inspection and testing

As set out above, landlords must obtain a report giving the results of the test and setting a date for the next inspection. Landlords must comply within 7 days with a written request from the local housing authority for a copy of the report and must also supply the local housing authority with confirmation of any remedial or further investigative works required by a report.

Local housing authorities may wish to request reports following inspections of properties to ascertain the condition of the electrical installation and confirm the landlord is complying with the Regulations.

Inspectors will use the following classification codes to indicate where a landlord must undertake remedial work. More information can be found in the 18th edition of the Wiring Regulations.

- **Code 1 (C1): Danger present. Risk of injury.**
- **Code 2 (C2): Potentially dangerous.**
- **Further Investigation (FI): Further investigation required without delay.**
- **Code 3 (C3): Improvement recommended.** Further remedial work is **not** required for the report to be deemed satisfactory.

If the report contains a code C1, C2 or FI, then the landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days, or less if specified in the report.

The C3 classification code does not indicate remedial work is required, only that improvement is recommended.

3. Enforcement

Local housing authorities' duties and powers

A remedial notice must be served where the local housing authority is satisfied on the balance of probabilities that a landlord has not complied with one or more of their duties under the Regulations. The notice must be served within 21 days of the decision that the landlord has not complied with their duties.

If a local housing authority has reasonable grounds to believe a landlord is in breach of one or more of the duties in the Regulations and the report indicates urgent remedial action is required, the local housing authority may, with the consent of the tenant or tenants, arrange for a qualified person to take the urgent remedial action and recover their costs.

Otherwise, they must serve a remedial notice requiring the landlord to take remedial action within 28 days. Should a landlord not comply with the notice the local housing authority may, with the tenant's consent, arrange for any remedial action to be taken themselves.

Landlords have rights to make written representation and appeal against remedial action. The local housing authority can recover the costs of taking the action from the landlord and may also impose a financial penalty of up to £30,000 on landlords who are in breach of their duties.

Local housing authorities may wish to consult guidance produced on [financial penalties under the Housing and Planning Act 2016](https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016) (<https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>).

Remedial notice

The remedial notice should:

- specify the premises to which the notice relates
- specify what the local housing authority believes the landlord has failed to do
- specify what needs to be done
- require the landlord to take action within 28 days from the day the notice is served
- explain the landlord's entitlement to make written representations within 21 days
- specify the person and address, or email address, that representations can be sent to
- explain provisions about financial penalties and rights of appeal

Landlords who aren't able to comply with a remedial notice

A landlord is **not in breach** of the duty to comply with a remedial notice if the landlord can show they have taken all reasonable steps to comply.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange to carry out the work, including any replies they have had. Landlords may also want to provide other evidence they have that the electrical installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous condition reports.

A landlord who has been prevented from accessing the premises will not be required to begin legal proceedings against their tenant in order to show that all reasonable steps have been taken to comply with their duties.

4. Remedial action

Local housing authorities may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances:

- If a landlord does not comply with a remedial notice.
- If the report indicates that urgent remedial action is required and the landlord has not carried this out within the period specified in the report.

The local housing authority must authorise a qualified and competent person in writing to undertake the remedial action.

The Regulations require that the authorised person must give at least 48 hours' notice to the tenant. They may be asked by the tenant and the landlord to produce evidence of their identity and a letter from the local housing authority confirming their authority to carry out the required works.

The local housing authority can recover the costs incurred.

Remedial action following non-compliance with a remedial notice

Before arranging remedial action following non-compliance with a remedial notice, the local housing authority must give the landlord notice that they are

going to do work. This notice must specify:

- the address of the property where the work will be undertaken
- the power under which the remedial action is to be taken
- the date when the remedial action will be undertaken (at least 28 days from the date served)
- the right of appeal against this decision

The local housing authority must arrange for an authorised person to take the remedial action within 28 days of the end of the notice period. Where there is an appeal, remedial action must be arranged within 28 days of the appeal decision confirming or varying the decision of the local housing authority.

As set out above, a landlord is not in breach of the duty to comply with a remedial notice if served, if the landlord can show they have taken all reasonable steps to comply.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange the work, including any replies they have had. Landlords may also want to provide other evidence they have that the installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous safety reports.

Urgent remedial action

Within 7 days of the authorised person starting to take the urgent remedial action the local housing authority must either:

- serve a notice on the landlord and all occupiers of the premises in relation to which the authorised person is taking urgent remedial action; or
- fix a notice to the premises

The notice must specify:

- what action is going to be undertaken
- the address of the property where the action will be undertaken
- the legal power
- the date when that urgent remedial action was or will be started
- rights of appeal and the period of time within which an appeal may be made
- details of any financial penalty and the right of appeal against the financial penalty

5. Financial penalties

Following failure to comply with the Regulations, a local housing authority can impose a financial penalty of up to £30,000 on a landlord. Proceeds of financial penalties can be used to carry out private rented sector enforcement. Any amount that is not used in this way must be paid into the Consolidated Fund, the government's general bank account at the Bank of England.

Local housing authorities should develop and document their own policy on how they determine appropriate financial penalty levels. Generally, we would expect the maximum amount to be reserved for the very worst offenders. The actual amount levied in any particular case should reflect the severity of the offence as well as taking account of the landlord's previous record of offending.

When developing their policy local housing authorities may wish to consider the policy they previously developed for civil penalties under the Housing and Planning Act 2016 and the [guidance published by the government \(https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016\)](https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016).

6. Appeals

Representations

In the first instance, landlords can make written representations to a local housing authority within:

- 21 days, against a remedial notice
- 28 days, against the intention to impose a financial penalty

The local housing authority has 7 days to respond to the representations.

Landlords then have the following rights of appeal to the First-tier Tribunal. The Tribunal may confirm, quash or vary notices served by the local housing authority.

Appeals against remedial action

An appeal must be made to the First-Tier Tribunal within 28 days from the day on which a remedial notice is served. The Tribunal may allow an appeal to be made after this date if it is satisfied there are good reasons for the failure to appeal on time.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance when the notice was served. If a landlord appeals, the remedial notice is suspended until the appeal is finally determined or withdrawn.

Appeals against urgent remedial action

An appeal to the First-Tier Tribunal must be made within 28 days from the date the urgent remedial action was, or was to be, started.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance when the urgent remedial action started.

Appeals against demands for the recovery of costs

An appeal must be made with 21 days from the day on which the demand is served.

Landlords can appeal on the grounds that all reasonable steps had been taken to comply or reasonable progress had been made towards compliance with the notice when the local housing authority gave notice of their intention to enter and take the remedial action.

Appeals against a financial penalty

An appeal must be made within 28 days beginning with the day after that on which a final notice to impose a financial penalty was served.

Landlords can appeal the decision to impose the penalty or the amount of the penalty. On appeal the final notice is suspended until the appeal is determined or withdrawn.

7. Further questions

What about COVID-19?

We recognise that measures to reduce the risk of infection from COVID-19 may mean it is more difficult to comply with the regulations that affect the private rented sector.

For this reason, we have written [guidance for landlords, tenants and local authorities](https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities) (<https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities>) to address the concerns people may have about carrying out work to ensure that properties are kept in good repair and free from hazards.

We advise local authorities that we expect them to take a common sense approach to enforcement of these regulations, and other standards in the private rented sector.

What is a qualified and competent person?

The Regulations require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years.

Guidance has been produced by the electrical safety industry that covers how landlords can choose a qualified and competent inspector and tester. This includes, but is not limited to:

- [Electrical Safety Roundtable](http://www.electricalsafetyroundtable.co.uk/electrical-safety-guidance.aspx) (<http://www.electricalsafetyroundtable.co.uk/electrical-safety-guidance.aspx>)
- [Registered Competent Person Electrical single mark and register](http://www.electricalcompetentperson.co.uk/) (<http://www.electricalcompetentperson.co.uk/>)

The electrical safety industry has established competent person schemes. Membership of these will not be compulsory to ensure there is no further pressure placed on the industry, nor undue burden placed on inspectors and testers.

When commissioning an inspection, in order to establish if a person is qualified and competent landlords can:

- check if the inspector is a member of a competent person scheme; or

- require the inspector to sign a checklist certifying their competence, including their experience, whether they have adequate insurance and hold a qualification covering the current version of the wiring regulations and the periodic inspection, testing and certification of electrical installations.

What if a landlord already has a report?

If a landlord has had an inspection carried out before the Regulations come into force and they have complied with all relevant requirements, the next test will not be due until 5 years have passed from the date of the report, or less if the report specifies a shorter period.

Will all installations have to comply with the 18th edition of the Wiring Regulations, even if they were installed before this edition was in force?

The Regulations state that a landlord must ensure that electrical safety standards are met and that investigative or remedial work is carried out if the report requires this.

All electrical installations should be safe for continued use. In practice, if the report does not require investigative or remedial work, the landlord will not be required to carry out any further work.

Reports can also recommend improvement, in addition to requiring remedial work. If a report only recommends improvement but does not require any further investigative or remedial work to be carried out – indicated with a ‘C3’ classification code – then while it would be good practice to carry out this work, it would not be required in order to comply with the Regulations.

What about new build properties or new installations?

If a property is newly built or has been completely rewired, it should have an Electrical Installation Certificate, known as an EIC.

Landlords can provide a copy of the EIC to tenants and, if requested, the local housing authority. The landlord will then not be required to carry out further checks or provide a report for 5 years after the EIC has been issued, as long as they have complied with their duty or duties under the Regulations.

Will the mandatory inspections and tests cover electrical appliances?

No. Due to the variety of electrical appliances in use, one single mandated approach is not viable or practical.

Landlords are recommended to regularly carry out portable appliance testing (PAT) on any electrical appliance that they provide and then supply the tenant with a record of any electrical inspections carried out as good practice. Landlords may also consider registering products with a registration scheme.

What can local authorities do with the proceeds of financial penalties?

Local authorities can apply the proceeds of these penalties to meet the costs and expenses incurred in private rented sector enforcement.

Can tenants get compensation if they have been living with faulty electrics?

Some tenants can use the Homes (Fitness for Human Habitation) Act 2018 to take their landlords to court if their property is unfit, which could include being unsafe due to faulty electrics. The courts can then order that landlord to pay their tenants compensation for the period of time the property wasn't safe.

See [guidance on the Homes \(Fitness for Human Habitation\) Act 2018](https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018) (<https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018>).

What about Houses in Multiple Occupation (HMOs)?

Existing provisions in Regulation 6(3) of the Management of Houses in Multiple Occupation (England) Regulations 2006 have been repealed, ensuring all properties are in scope of the new Regulations.

Schedule 4 of the Housing Act 2004 has been amended by the new Regulations to require a new mandatory licence condition for licences granted under Parts 2 and 3 of the Housing Act 2004.

Can tenants apply for Rent Repayment Orders (RROs) if their landlord does not comply with the Regulations?

The Regulations amend the Housing Act 2004 so that landlords of the higher-risk licensable houses in multiple occupation (HMOs) or properties licensed under Selective Licensing schemes will be required to ensure their electrical installation is safe as a condition of their licence. If they don't, their licence could be revoked, which may mean a tenant can apply for a Rent Repayment Order.

Which tenancies do the new Regulations apply to?

If a private tenant has a right to occupy a property as their only or main residence and pays rent, then the Regulations apply. This includes assured shorthold tenancies and licences to occupy.

What about where tenancies 'roll over' into periodic tenancies? Will that count as a new tenancy?

Whether or not a 'periodic' tenancy is a new tenancy, as defined in Regulation 2, depends on the type of tenancy issued.

- For 'contractual periodic tenancies' – where it is written in the original tenancy agreement that on expiry of the fixed term the tenancy will become periodic – the periodic tenancy will be part of the same tenancy and no new tenancy would be created.
- 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.

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