

## **LANDLORDS RESPONSIBILITY AND THE LAW**

Safety in any home is YOUR statutory obligation when your home is occupied by someone else. Legislation has now been enacted requiring all landlords of residential property to comply with specific safety requirements and indeed it is a criminal offence for those who do not comply, resulting in substantial fines and possibly imprisonment. So important is the safety of your property and the implications that can arise in not properly attending to these requirements, it is essential that a full safety check is made before the property is occupied by a tenant.

### **FURNITURE**

Furniture and Furnishings (Fire) (Safety) Regulations 1988 (Amended 1989 and 1993). These regulations refer to the following furniture which may be provided by a landlord in a rented property:

- Beds, headboards of beds and mattresses
- Sofa beds, futons and other convertibles
- Nursery furniture and children's furniture
- Garden furniture which is suitable for use inside
- Scatter cushions and seat pads Pillows
- Loose and stretch covers for furniture

All furniture coming within the scope of the above must bear a display label indicating that the item meets with 1988 safety regulations. Please note that most furniture purchased from a reputable supplier after 1<sup>st</sup> March 1990 should comply.

### **FIRE PRECAUTIONS**

In all new homes built since January 1992 the building regulations require smoke detectors to be installed. We recommend that in all properties a smoke detector should be installed on each floor of the property, together with the provision of a fire blanket in the kitchen and at least one fire extinguisher situated in a convenient place in the house. These can be fitted free of charge by the local fire station.

### **GAS SAFETY**

The Gas Safety (Installations & Use) Regulations 1998. All landlords are required to:

Provide a copy of the safety record to any new tenants before they move into a property and on an annual basis provide a copy of the landlords gas safety record to each tenant within 28 days of the check being due. Therefore, prior to any new letting taking place we will require a copy of the gas safety record so that it may be handed to the intending tenant before the signing of the Tenancy Agreement. '

Only Gas Safe registered engineers can issue such safety records and such records are not to be confused with the annual servicing contract with British Gas or any other Gas Safe registered engineer.

## **ELECTRICITY**

The Electrical Equipment (Safety) Regulations

1994 The Plugs & Sockets etc (Safety) Regulations 1994

Consumer Protection Act 1987

Low Voltage Electrical Equipment Regulations 1989

These regulations define a landlord as a supplier of electrical equipment such as plugs, sockets, adaptors, fuses, appliances, etc intended for domestic use.

### **The Electrical Equipment (Safety) Regulations 1994**

The regulations came into force on January 1995 and are applicable to all electrical equipment with voltages between 50 and 800 if alternating current or between voltages of 75 and 1500 if direct current

In order to comply and landlord must ensure that all electrical equipment in his property is safe. It must therefore comply with the Consumer Protection Act 1987 but must also comply with the above regulations. Therefore in order to minimise risk the Landlord must ensure the safety of all animals and the property as well as those humans who either live in the property or may enter upon the premises. Safety includes minimising the risk of injury as well as death.

The Landlord Must

Ensure there are written instructions for all electrical equipment in the property.

A safety check should be carried out by a qualified electrician (NIC), preferably annually or when the tenancy changes. We advise annually.

Provide the agent and tenant with written proof of the safety check prior to the tenancy commencing

### **PENALTIES:**

Should the electrical equipment not comply with the Regulations and an incident occurs the penalties are:

3 months and/or £5000 fine if there is risk of fire and/or an animal is injured

6 months and/or £5000 fine if a human is injured or killed

### **ELECTRICAL WIRING**

A safety record provided by an electrician conversant with the appropriate safety standards should be provided for all properties and such records renewed at 5 yearly intervals.

All plugs should bear correct markings or notices and have the correctly rated fuses. All electrical appliances should be checked for frayed wiring, badly fitted plugs, etc and the landlord should maintain records of such checks. Plugs to a more resilient standard e.g. BSI 1363/A should be used where heavier wear and tear is met, e.g. on vacuum cleaners and irons where plugs can easily be dropped onto the floor. Plugs and appliances require rechecking every 12 months.

Ensure that instruction books, safety notices, or the necessary information to operate plugs and appliances are left in the property.

If in any doubt have an electrical check carried out by an electrician conversant with the appropriate safety standards.

### **ENERGY PERFORMANCE CERTIFICATE (EPC)**

It is a legal requirement that an EPC should be available for inspection by any potential tenant at the commencement of the marketing of the property. An EPC lasts for 10 years and can be used for any number of tenancies during that time. Manage My Letting can arrange for a qualified Domestic Energy Assessor to complete an EPC for your property. Alternatively, if you already have an EPC for the property, please forward a copy to us. Both a hard and electronic copy would be helpful.

### **GENERAL**

General Product Safety Regulations 1994

European Communities Act 1972

These regulations require that the provision of any product supplied by a landlord should be "safe", e.g. no loose banisters, sharp edges, broken glass, uneven flags, etc.