

Electrical Safety Standards in the Private Rented Sector Regulations 2020

Duties of private landlords in relation to electrical installations

A private landlord who grants or intends to grant a specified tenancy, which is not an excluded tenancy¹ must:

- Ensure that the electrical safety standards are met during any period when the premises are occupied
- Ensure every electrical installation in the premises is inspected and tested at intervals of no more than 5 years by a qualified person; and
- Ensure the first inspection and testing is carried out
 - i. before the tenancy commences in relation to a new specified tenancy; or
 - ii. by 1st April 2021 in relation to an existing tenancy.

Following the inspection and testing required a private landlord must:

- Obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test
- Supply a copy of that report to each existing tenant of the premises within 28 days of the inspection and test
- Supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority
- Retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
- Supply a copy of the most recent report to any new tenant before that tenant occupies those premises; and any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

Where a report giving the results of the inspection and test indicates that a landlord is or is potentially in breach of the duty to ensure that the electrical safety standards are met during any period when the premises are occupied, and the report requires the landlord to undertake further investigative or remedial work, the private landlord must:

- ensure that further investigative or remedial work is carried out by a qualified person within 28 days (or the period specified in the report if less than 28 days) starting with the date of the inspection and testing
- obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out
- supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the residential premises and to the Council within 28 days of completion of the further investigative or remedial work

¹ Schedule 1 Excluded tenancies <http://www.legislation.gov.uk/ukxi/2020/312/schedule/1/made>

Where further investigative work is carried out and the outcome of that further investigative work is that further investigative or remedial work is required, the landlord must repeat the steps above in respect of that further investigative or remedial work.

Where the Council is satisfied, beyond reasonable doubt, that a private landlord has breached a duty above, or has failed to comply with a remedial notice served under Regulation 3(1)(a), (1)(b), (1)(c), (4) or (6) the Council may impose a financial penalty (or more than one penalty in the event of a continuing failure) in respect of the breach. The financial penalty may be of such amount as the authority imposing it determines; but must not exceed £30,000.

Before imposing a financial penalty on a person the local housing authority must give the person notice of the authority's intention to do so. The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates but if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given at any time when the conduct is continuing, or within the period of 6 months beginning with the last day on which the conduct occurs. For the purposes of this paragraph a person's conduct includes a failure to act.

Seriousness of the offence (the more serious the offence the higher the penalty).
Decide which seriousness band the offence sits within, according to the chart

Offence	Band 1	Band 2	Band 3
Electrical Safety Standards Regulations 2020	Reports not obtained and supplied within required timescales	Inspection and testing not completed at intervals of no more than 5 years; before tenancy commences; by 1/4/2021	Electrical safety standards not met; failure to carry out remedial work required by an inspection report; failure to comply with a Remedial Notice

Level of severity

Low	£1,000	£5,000	£6,000
Medium	£2,000	£10,000	£14,000
High	£3,000	£15,000	£22,000
Very high	£4,000	£20,000	£30,000

The level of severity within the allotted band determines the level of the financial penalty