

*These notes refer to the Private Tenancies Act (Northern Ireland)
2022 (c.20) which received Royal Assent on 27 April 2022*

Private Tenancies Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 3:

Electrical Safety Standards Regulations

This Schedule inserts new Articles 11I, 11J and 11K into the 2006 Order.

New Article 11I provides that the Department may make regulations which impose duties on landlords which will make it obligatory for any domestic private rented property to meet prescribed electrical safety standards.

Paragraph (2) provides the Department with the regulation making power to prescribe those standards and provides that such standards will relate to the installations in a dwelling-house for the supply and use of electricity, and to electrical fixtures, fittings and appliances provided by the landlord.

Paragraph (3) provides that the duties imposed under the regulations may include duties to ensure that a qualified person has checked that the electrical safety standards are met; sub-paragraph (4) provides that the regulations may make provision about how and when checks are carried out and who is qualified to do them; Paragraph (5) provides that the regulations may require the landlord to undertake works as a result of checks carried out by the qualified person; and Paragraph (6) provides that the regulations may require the landlord to obtain a certificate from the qualified person confirming the electrical standards are met, give a copy of the certificate to the tenant or any other person specified or, where the electrical safety standards are not met, obtain from the qualified person a written description of the works required to meet the standards.

New Article 11J gives the Department the power to create offences for breaches of duties imposed by Article 11I regulations. However, any offence created is not to be triable on indictment or punishable with imprisonment; and is not to be punishable with a fine exceeding level 5 on the standard scale.

New Article 11K sets out provision that the regulations may make for the purpose of enforcing any duty imposed by the regulations. That provision can include requiring the landlord to take remedial action and giving to district councils the power to arrange for remedial action to be taken with the consent of the tenant. Regulations may also make provision about procedure, landlord representations, appeals against proposed remedial action and the recovery

of costs by district councils where they have arranged for remedial action (including for the recovery of costs from an agent of the landlord up to the total amount held by the agent for the landlord, and for the charging of land in relation to which the costs were incurred).

Paragraph 3 of the Schedule amends Article 68(3) (prosecution by appropriate district council) of the 2006 Order to provide that district councils may prosecute any offence created by virtue of Article 11J.

Paragraph 4 amends Article 68A of the 2006 Order to provide that a fixed penalty notice may be given in respect of any offence created by virtue of Article 11J up to a maximum amount of one-fifth of the maximum fine payable on summary conviction.

Paragraph 5 amends Article 72 of the 2006 Order, substantively, in two ways. Firstly, it amends paragraph (3) and inserts a new paragraph (3A) that provides that where regulations under Article 11I(1) contain provision for the charging of land in respect of district council remedial costs, such regulations are subject to the draft affirmative procedure. Secondly, it inserts a new paragraph (7) that provides that regulations under Article 11I must first be consulted on with district councils, representatives of landlords, such persons as appear to the Department to be representative of tenants and such other persons as the Department considers appropriate. A new paragraph (8) explains that where regulations under Article 11I are subject to the draft affirmative procedure the consultation must take place before the regulations are laid before the Assembly.