
STATUTORY INSTRUMENTS

2020 No. 312

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

PART 1

Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

(2) These Regulations come into force on 1st June 2020.

(3) These Regulations apply in England only to—

- (a) all new specified tenancies from 1st July 2020; and
- (b) all existing specified tenancies from 1st April 2021.

Interpretation

2. In these Regulations—

“authorised person” means a person authorised in writing by the local housing authority⁽¹⁾ for the purpose of taking remedial action under regulations 6 and 10;

“electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010⁽²⁾;

“electrical safety standards” means the standards for electrical installations in the eighteenth edition of the Wiring Regulations, published by the Institution of Engineering and Technology and the British Standards Institution as BS 7671: 2018⁽³⁾;

“existing specified tenancy” means a specified tenancy which was granted before the coming into force of these Regulations;

“new specified tenancy” means a specified tenancy which is granted on or after the coming into force of these Regulations;

“qualified person” means a person competent to undertake the inspection and testing required under regulation 3(1) and any further investigative or remedial work in accordance with the electrical safety standards;

“remedial notice” means a notice served under regulation 4(1) of these Regulations;

“specified tenancy” means a tenancy⁽⁴⁾ of residential premises in England which—

(1) See the definition of “local housing authority” in section 123(6) of the Housing and Planning Act 2016.

(2) *S.I. 2010/2214*. There are no relevant amendments.

(3) ISBN-13: 978-1-78561-170-4. Copies can be obtained from the Institution of Engineering and Technology, Michael Faraday House, Six Hill Way, Stevenage SG1 2AY.

(4) See the definition of “tenancy” in section 122(6) of the Housing and Planning Act 2016.

- (a) grants one or more persons the right to occupy all or part of the premises as their only or main residence;
 - (b) provides for payment of rent (whether or not a market rent); and
 - (c) is not a tenancy of a description specified in Schedule 1 to these Regulations;
- “urgent remedial action” means such action identified in a report under regulation 3(3) as is immediately necessary in order to remove the danger present and risk of injury.

PART 2

Duties of private landlords

Duties of private landlords in relation to electrical installations

- 3.—(1) A private landlord⁽⁵⁾ who grants or intends to grant a specified tenancy must—
- (a) ensure that the electrical safety standards are met during any period when the residential premises⁽⁶⁾ are occupied under a specified tenancy;
 - (b) ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person; and
 - (c) 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 specified tenancy.
- (2) For the purposes of sub-paragraph (1)(b) “at regular intervals” means—
- (a) at intervals of no more than 5 years; or
 - (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.
- (3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a private landlord must—
- (a) 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;
 - (b) supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;
 - (c) 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;
 - (d) 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
 - (e) supply a copy of the most recent report to—
 - (i) any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and
 - (ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.
- (4) Where a report under sub-paragraph (3)(a) indicates that a private landlord is or is potentially in breach of the duty under sub-paragraph (1)(a) and the report requires the private landlord to

(5) See the definition of “private landlord” in section 122(6) of the Housing and Planning Act 2016.

(6) See the definition of “residential premises” in section 122(6) of the Housing and Planning Act 2016.

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—

- (a) 28 days; or
- (b) the period specified in the report if less than 28 days,

starting with the date of the inspection and testing.

(5) Where paragraph (4) applies, a private landlord must—

- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
 - (i) the electrical safety standards are met; or
 - (ii) further investigative or remedial work is required;
- (b) 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 within 28 days of completion of the further investigative or remedial work; and
- (c) 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 the local housing authority within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the private landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to residential premises if that person—

- (a) requests any information about the premises from the prospective landlord for the purpose of deciding whether to rent those premises;
- (b) makes a request to view the premises for the purpose of deciding whether to rent those premises; or
- (c) makes an offer, whether oral or written, to rent those premises.

PART 3

Remedial action

Duty of local housing authority to serve a remedial notice

4.—(1) Where a local housing authority has reasonable grounds to believe that, in relation to residential premises situated within its area, a private landlord is in breach of one or more of the duties under regulation 3(1)(a), (1)(b), (1)(c), (4) and (6), and the most recent report under regulation 3(3) does not indicate that urgent remedial action is required, the authority must serve a remedial notice on the private landlord.

(2) A remedial notice must—

- (a) specify the premises to which the notice relates;
- (b) specify the duty or duties that the local housing authority considers the private landlord has failed to comply with;
- (c) specify the remedial action the local housing authority considers should be taken;

- (d) require the private landlord to take that action within 28 days beginning with the day on which the notice is served;
 - (e) explain that the private landlord is entitled to make written representations against the notice within 21 days beginning with the day on which the notice is served;
 - (f) specify the person to whom, and the address (including if appropriate any email address) to which, any representations may be sent; and
 - (g) explain the effect of regulations 11 and 12, including the maximum financial penalty which a local housing authority may impose.
- (3) The local housing authority must serve a remedial notice within 21 days beginning with the day on which the authority decides it has reasonable grounds under paragraph (1).
- (4) The local housing authority must consider any representations made under paragraph (2).
- (5) Where a private landlord makes written representations the remedial notice is suspended until the local housing authority has complied with paragraphs (4) and (6).
- (6) The local housing authority must—
- (a) inform the private landlord in writing of the outcome of the consideration under paragraph (4) within 7 days beginning with the day on which the period under sub-paragraph (2)(e) expires; and
 - (b) where the outcome of the consideration under paragraph (4) is to confirm the remedial notice, confirm that notice and inform the private landlord in writing that the remedial notice is confirmed and the suspension under paragraph (5) ceases to have effect.
- (7) The local housing authority may withdraw the remedial notice at any time.

Duty of private landlord to comply with a remedial notice

5.—(1) Where a remedial notice is served on a private landlord, the private landlord must take the remedial action specified in the notice within—

- (a) where no representations are made under regulation 4(2) and the remedial notice is not withdrawn, the period specified in regulation 4(2)(d); or
- (b) where representations are made under regulation 4(2) and the outcome of the consideration under regulation 4(4) is to confirm the remedial notice, 21 days from the day on which the private landlord is informed that the suspension under regulation 4(5) ceases to have effect.

(2) A private landlord is not to be taken to be in breach of the duty under paragraph (1) if the private landlord can show they have taken all reasonable steps to comply with that duty.

(3) For the purposes of paragraph (2), where a private landlord is prevented from entering the residential premises to which the duty under paragraph (1) relates by the tenant or tenants of those premises, the private landlord will not be considered to have failed to have taken all reasonable steps to comply with the duty under paragraph (1) solely by reason of a failure to bring legal proceedings with a view to securing entry to the premises.

Power of local housing authority to arrange remedial action

6.—(1) Where a local housing authority is satisfied, on the balance of probabilities, that a private landlord on whom it has served a remedial notice is in breach of the duty under regulation 5(1), the authority may, with the consent of the tenant or tenants of the premises in relation to which the remedial action is to be taken, arrange for an authorised person to enter those premises to take the remedial action specified in the remedial notice.

(2) Before the remedial action is taken the local housing authority must serve a notice on the private landlord specifying—

- (a) the premises in relation to which the remedial action is to be taken by the authorised person under paragraph (1) and the nature of that remedial action;
 - (b) the power under which the remedial action is to be taken by the authorised person in paragraph (1);
 - (c) the date when the remedial action will be taken by the authorised person; and
 - (d) the right of appeal under regulation 7 against the decision of the authority to arrange for an authorised person to take the remedial action.
- (3) The local housing authority must arrange for an authorised person to take the remedial action within 28 days of—
- (a) the end of the notice period in regulation 7(3) where there is no appeal; or
 - (b) an appeal decision that confirms or varies the decision of the local housing authority where there is an appeal.
- (4) An authorised person must—
- (a) give not less than 48 hours' notice of the remedial action to the tenant or tenants of the residential premises on which it is to be taken; and
 - (b) if required to do so by or on behalf of the private landlord or tenant or tenants, produce evidence of identity and authority.

Appeals relating to remedial action by local housing authorities

7.—(1) A private landlord on whom a notice under regulation 6(2) has been served may appeal to the First-tier Tribunal against the decision of the local housing authority to take that action.

(2) An appeal may be brought on the grounds that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the local housing authority gave notice under regulation 6(2).

(3) An appeal under paragraph (1) must be made within the period of 28 days beginning with the day on which the notice is served under regulation 6(2).

(4) The First-tier Tribunal may allow an appeal to be made to it after the end of that period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(5) If a private landlord appeals under paragraph (1) the remedial notice is suspended until the appeal is finally determined or withdrawn.

(6) The tribunal may confirm, quash or vary the decision of the authority.

Recovery of costs

8.—(1) The local housing authority may recover costs reasonably incurred by them in taking action—

- (a) under regulation 6(1) from the private landlord on whom the remedial notice was served; or
- (b) under regulation 10(1) from the private landlord on whom the notice under regulation 10(3) was served.

(2) A demand for recovery of costs under paragraph (1) must be served on the private landlord from whom the local housing authority is seeking recovery.

(3) If no appeal is brought under regulation 9, the costs become payable at the end of the period of 21 days beginning with the day on which the demand is served.

Appeals against recovery of costs

9.—(1) A private landlord on whom a demand for the recovery of costs has been served may appeal to the First-tier Tribunal against the demand.

(2) An appeal must be made within the period of 21 days beginning with the day on which the demand is served under regulation 8(2).

(3) The First-tier Tribunal may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(4) An appeal may be brought on the ground that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the local housing authority gave notice under regulation 6(2) of their intention to enter and take the action.

(5) The tribunal may confirm, quash or vary the demand.

(6) Where an appeal is brought against a demand for recovery of costs served under regulation 8(2), the costs become payable as follows—

- (a) if a decision is given on the appeal which confirms the demand and the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, the costs becomes payable at the end of that period;
- (b) if an appeal to the Upper Tribunal is brought and a decision is given on that appeal which confirms the demand, the costs becomes payable at the time of that decision.

(7) For the purposes of sub-paragraph (6)—

- (a) the withdrawal of an appeal has the same effect as a decision which confirms the demand, and
- (b) references to a decision which confirms the demand are to a decision which confirms it with or without variation.

(8) No question may be raised on appeal under this regulation which might have been raised on an appeal against the remedial notice.

PART 4**Urgent remedial action****Urgent remedial action**

10.—(1) Where—

- (a) the report under regulation 3(3)(a) indicates that urgent remedial action is required in relation to the residential premises, and
- (b) the local housing authority in whose area the residential premises are situated is satisfied on the balance of probabilities that a private landlord is in breach of the duty under regulation 3(4) to undertake the required remedial or investigative work in relation to those residential premises within the period specified in the report,

the authority may, with the consent of the tenant or tenants of those residential premises, arrange for an authorised person to take the urgent remedial action.

(2) Subject to paragraph (5), the power of the local housing authority to arrange remedial action conferred by paragraph (1) may be exercised at any time.

- (3) The local housing authority must serve a notice on the private landlord and—
- (a) every person who to the authority's knowledge is an occupier of the premises in relation to which the authorised person is taking urgent remedial action; or
 - (b) fix the notice to some conspicuous part of the premises;

within the period of seven days beginning with the day on which the authorised person commences the urgent remedial work.

- (4) The notice required by regulation 10(3) must specify and explain—
- (a) the nature of the urgent remedial action required;
 - (b) the premises in relation to which that urgent remedial action was (or is being or is to be) taken by the authority;
 - (c) the power under which that urgent remedial action was (or is being or is to be) taken by the authority;
 - (d) the date when that urgent remedial action was (or is to be) started;
 - (e) the right to appeal under regulation 7 against the decision of the authority to take the urgent remedial action;
 - (f) the period within which an appeal may be made; and
 - (g) the effect of regulations 11 and 12, including the maximum financial penalty which an authority may impose.

- (5) An authorised person must—
- (a) give not less than 48 hours' notice of the urgent remedial action to the tenant or tenants of the residential premises on which it is to be taken; and
 - (b) if required to do so by the private landlord or a tenant, produce evidence of identity and authority.

(6) Regulation 7 applies to the taking of urgent remedial action as it applies to the taking of remedial action, save that—

- (a) an appeal under regulation 7(2) must (instead of being made in accordance with regulation 7(3)) be made within the period of 28 days beginning with the date specified in the notice, under sub-paragraph (4)(d), as the date when the urgent remedial action was (or was to be) started; and
- (b) regulation 7(5) does not apply to urgent remedial action.

PART 5

Financial penalties

Financial penalties for breach of duties

11.—(1) Where a local housing authority is satisfied, beyond reasonable doubt, that a private landlord has breached a duty under regulation 3, the authority may impose a financial penalty (or more than one penalty in the event of a continuing failure) in respect of the breach.

- (2) A financial penalty—
- (a) may be of such amount as the authority imposing it determines; but
 - (b) must not exceed £30,000.

Procedure for and appeals against financial penalties

12. Schedule 2 to these Regulations (procedure for and appeals against financial penalties) has effect.

PART 6

Licences under Parts 2 and 3 of the Housing Act 2004

Amendments to Schedule 4 to the Housing Act 2004

13. In paragraph 1(3) of Schedule 4 to the Housing Act 2004 (licensing under parts 2 and 3: mandatory conditions) at the end of paragraph (b), insert—

“.

- (c) where the house is in England, additionally—
 - (i) to ensure that every electrical installation in the house is in proper working order and safe for continued use; and
 - (ii) to supply the authority, on demand, with a declaration by him as to the safety of such installations;
- (d) for the purposes of paragraph (c) “electrical installation” has the meaning given in regulation 2(1) of the Building Regulations 2010.”.

PART 7

Duty of manager to supply and maintain gas and electricity

Amendments to the Management of Houses in Multiple Occupation (England) Regulations 2006

14. In the Management of Houses in Multiple Occupation (England) Regulations 2006(7), omit regulation 6(3).

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Luke Hall
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

18th March 2020