

PLEASE READ THIS DOCUMENT - IT IS VERY IMPORTANT

Re: Gas Safety (Installation and Use) Regulations 1998, Furniture and Furnishings (Fire) (Safety) Regulations 1989, Electrical Equipment (Safety) Regulations 1994 and Plugs and Sockets etc (Safety) Regulations 1995

It is essential that we bring to your attention the above regulations. We would like to specifically highlight the **Electrical Safety Regulations 1994 and Plugs and Sockets Safety Regulations** as we believe these are issues that are little brought to Landlords attention but which are every bit as important as the Gas and Furniture regulations. This is the starting point to ensure that you have sufficient knowledge to start tackling these issues.

Gas Safety (Installation and Use) Regulations 1998.

This regulation was brought into effect in 1995 and consolidated in 1998.

In short this requires that all gas appliances are checked annually by a CORGI registered Engineer (this includes all flues). A record of inspection will then be provided by the engineer for the Landlord and Tenant alike. It is very important that this document is scrutinized to make sure that all the appliances are safe to use and that the gas pipe work has been proved sound. A copy also needs to be forwarded to the Tenant within 28 Days and any remedial work undertaken without delay.

The penalty for non-compliance is normally below £5,000 but if referred to the Crown Court the penalty is **unlimited**.

If you are unsure on any details or you want to check an engineer's registration you can call the Council for Registered Gas Installers (CORGI) who will give you advice. Tel. 01256 372 200.

Furniture and Furnishings (Fire) (Safety) Regulations 1989.

These regulations are in a transitional arrangement at present which means that if a property was let prior to 31st March 1993 and the current Tenant/s were still in occupation at 31st December 1996 then the furniture does not have to be compliant. However as good practice it should be accepted that any property you rent should be in compliance with these regulations. The exception to this rule of thumb is furniture manufactured prior to 1950 and property let as your private home.

This essentially means that all furniture and soft furnishings must comply with the safety regulations and conform to BS standards. All furniture should be marked with a permanent label and in the case of Mattresses and bed bases these should conform to BS 7717.

The penalty for supplying furniture that does not comply is up to six months imprisonment or a fine up to £5,000.

A free leaflet can be obtained from The DTI No. URN 96/1018 . Tel. 020 7510 0151.

Electrical Equipment (Safety) Regulations 1994.

The basic requirement is that all appliances are safe to use and should be tested. This is to ensure that nothing supplied will jeopardize a Tenant's or their dependents, friends or animals safety.

It is therefore difficult to define when you have complied with these regulations because unlike gas safety regulations there is no fixed time span or test to ensure that you have conformed with these regulations. For example if an appliance requires instructions to be

operated safely then these must be supplied. It is difficult to define this because even units such as lights have operating manuals on supply. So where do you draw the line?

A good defence for the above is '**Due Care**' showing you have had all equipment checked by an electrical engineer and you have provided all instruction manuals in a safe and easy place for the Tenant to find and study. Tenants never do read instruction manuals but you must be able to show they knew where to find the manuals and that they were asked to read them.

If you are concerned you can contact your Local Trading Standards Office. You can obtain the free booklet URN 95/626 Tel. 0117 944 4888.

Plugs and Sockets etc (Safety) Regulations 1995

This comes under the Consumer Protection Act and requires you check that all fuses are correct, all plugs have sleeves down the Live and Neutral pins and a working cord grip **for each new supply** (This is essentially every new tenancy or new item provided during a tenancy). A useful tip is to have the electrician place a sticky label over the screw holding the plug together. If the label has been tampered with or removed then you can make the assumption the fuse has been changed and the fuse will need to be checked on the commencement of a new tenancy.

If a plug shows any visible signs of damage (browning, burning or cracks) then this should be replaced by an electrical engineer.

If a tenant changes a fuse during his stay you are not liable unless this is brought to your attention or is spotted within the course of your regular/irregular property inspections. However when you come to re-let the property you will need to check the fuses are correct.

A good defence for this is '**Due Care**' showing you have within reason checked all the plugs.

The penalty for not complying with both the above is up to six months imprisonment and or a fine up to £5,000.

Whilst there are no fixed rules for both the above regulations there have been a few court cases which are developing this area of law enforcement. We therefore recommend for the time being 'Due Care' will probably be covered by having the Fixed Wiring Circuits tested in the house once every five to ten years unless there are obvious problems in the meantime. All appliances will need to be tested and certified with a label showing the fuse required for the appliance. All fuses and plugs should be inspected at the commencement of any new tenancy and if any electrics look ropey, old, or unsafe they should be tested by a qualified electrical engineer and his recommendations actioned.

The DTI provide guidance notes referring to the electrical Regulations Tel 01179 444 888.

We know that the above makes letting a house look a nightmare (and this only covers some of the relevant legislation!!), however, it is most imperative that action is taken to ensure your Property complies with the above regulations because, not to do so is a criminal offence and it is not possible to insure against criminal negligence.

Tate Residential can arrange for all the necessary tests to be carried out on your behalf if instructed to do so.

This summary is intended to assist Landlords to understand the effects of the above regulations. It is a summary of the above regulations and should be read in this light only. For a full understanding the original regulations will need to be read by yourself or legal advice sort from a qualified Lawyer. How the Courts come to view any future contraventions will become apparent in future Case Law. For more details you should refer to the text of the regulations themselves.