**LANDLORD REGULATIONS**

**ADVICE SHEET**

The aim of this advice/information sheet is to assist Staffordshire Fire and Rescue Service personnel involved in carrying out Home Fire Safety Checks in respect of the above.

This will assist personnel to pass on simple advice on safety matters and inform Landlords and Tenants as to where they can get further advice regarding rented accommodation.

**Legislation**

There are numerous different Acts, Regulations and rules that apply to lettings and rented accommodation. It is important for landlords and tenants to be aware of and kept up to date with current legislation.

**The Housing Act 2004** is expected to reform the housing market as well as provide guidance for:

* Social housing tenants
* Private tenants

In respect of their rights and responsibilities.

**SOCIAL HOUSING LETTINGS**

**(COUNCIL/HOUSING ASSOCIATION/OTHER PUBLIC SECTOR BODIES)**

This section includes information about: Choice-Based Lettings, tenants’ rights and responsibilities and links for those looking to become home-owners.

**PRIVATE RENTING**

This section explains Government policy for securing a larger, better quality, better managed private rented sector. It sets out the different types of private tenancy arrangements and includes a series of useful booklets for tenants and landlords.

Gas safety regulations

The Gas safety (installation and use) Regulations 1998 places a statutory duty on all landlords of residential property to ensure that all gas appliances, pipe work and flues are maintained in a safe condition. They particularly seek to avoid the escape of carbon monoxide poison which is silent, odourless and deadly and require that:

* All let properties must have at all times a valid Gas Safety Record, even if the gas supply consists only of a capped off gas pipe where all other pipework and appliances have been removed;
* Before a tenant takes occupation, the gas appliances and pipework must be checked by a CORGI registered engineer who must provide the landlord with a Gas Safety Record (the landlord must provide the tenant(s) with a copy of that safety record at the start of the tenancy);
* A gas safety check must be carried out annually and the tenant(s) provided with a copy of the safety record within 28 days of that check being carried out (this does not mean you have a 28days grace period between a Gas Safety Record expiry and a new record being issued); and
* The landlord must also keep a copy of each Gas Safety Record for at least two years.

Lettings agents, if used, are also liable under the regulations to ensure that the Gas Safety Record is in place and all equipment and appliances comply.

Non-compliance with the safety regulations is a criminal offence and carries monetary penalties or imprisonment or both. In the event of a death, charges could extend to manslaughter. If the property is found to be unsafe or in breach of any of the safety regulations the landlord and agent, depending on the circumstances, can be held responsible for the consequences.

Building Regulations Part P, Electrical Safety in dwellings

Part P came into effect in England and Wales on 1st January 2005 making it a legal requirement for certain types of electrical work in dwellings – and associated buildings such as garages, sheds, greenhouses and outbuildings – to comply with UK safety standard BS7671:2001.

Anyone carrying out ‘notifiable’ types of electrical work must either be registered with one of the government approved competent person self-certification schemes or they must submit a building notice to the local authority before starting the work.

Whether work is notifiable is dependent on the nature of installation work proposed and its location within a dwelling. The location is important because some locations may pose a greater risk.

The Department of Trade and Industry advises anyone letting out a property to contact their local Trading Standards department for advice. Trading Standards department have powers of entry into rented accommodation, and a landlord can face a maximum penalty of £5,000, and/or six months’ imprisonment, if found guilty of failing to comply with the regulations. Additionally, property insurance may become invalid, leaving a landlord personally liable for potentially huge sums of money.

The Electrical Equipment (Safety) Regulations 1994

These regulations require that all appropriate electrical equipment supplied in a property must be safe to use. Unlike the Gas Safety Regulations, there is no mandatory requirement for the equipment to undergo any safety testing, but the duty of care remains the same.

The following guidelines apply to all electrical appliances supplied for the tenancy:

* Live parts should not be accessible;
* Leads should not be worn or frayed and be complete with no joins;
* Trailing leads and the use of multiple plug adaptors should be avoided;
* Correct plugs (marked “B SECTION 136”) should be fitted and correctly fused;
* Plug sockets should be firmly fastened to the wall or skirting;
* Any moving parts should be guarded;
* Electrical blankets should be serviced accordingly to the manufacturer’s instructions; and washing machines, cookers, etc, should be serviced and in good working order;
* Electrical heaters and central heating appliances should be serviced annually;
* Fireguards should be BS3248; and
* Any fire extinguishers should be marked ‘BS6575 1985’

Although there is no mandatory requirement for equipment to be checked – nor any stipulations as to how often the electrical supply or appliances might need to be checked – we urge all landlords to have all electrical appliances and electrics (wiring, plugs and sockets, etc) checked before the start of the tenancy and regularly thereafter.

If landlords or agents should be found guilty of non-compliance with these regulations, the penalties are severe in monetary terms and include possible imprisonment.

If landlords and/or agents can prove that ‘reasonable’ steps have been taken and all due diligence to (a) avoid committing an offence and (b) rectify any problems brought to their attention, then the danger of prosecution could be avoided.

The Furniture and Furnishings (Fire Safety) Regulation 1988 – as amended 1993

These regulations require that the following furniture and soft furnishings supplied by the landlord in let properties meet fire safety standards:

* Beds, headboards of beds, mattresses (of any size);
* Sofas, sofa-beds, futons and other convertibles;
* Nursery furniture;
* Garden furniture which is suitable for use in a dwelling;
* Furniture in new caravans;
* Scatter cushions, bean bags, window seats and seat pads;
* Pillows;
* Padded stools and padded chests (ottomans);
* Put-u-up beds and garden loungers/seats;
* Loose and stretch covers for furniture.

Furniture manufactured since March 1989 will comply with these regulations and most will be marked with a label showing compliance.

The regulations do not apply to:

* Sleeping bags;
* Bed-clothes (including duvets) and pillowcases;
* Loose covers for mattresses;
* Curtains and carpets;
* Furniture and furnishings manufactured before 1 January 1950 as the inflammable materials were not in use prior to 1950 (‘period’ or antique furniture would be exempt unless it had been re-upholstered in the intervening period); and properties let continuously to the same tenants since prior to December 1996 until there is change of tenancy.

Non compliance with the above regulations is a criminal offence and carries penalties of a £5,000 fine, 6 months imprisonment, or both. In the event of a death, charges could extend to manslaughter.