



Information for Landlords

Safety Legislation & Other Regulations

SAFETY LEGISLATION & OTHER REGULATIONS

As a landlord you are responsible for showing due diligence in supplying a safe property to your tenant(s). Outlined below is a summary of responsibilities to assist you, for full details you must refer to the Regulations themselves.

GAS SAFETY

A landlord's gas safety check must be carried out annually and a valid certificate issued by a Gas Safe registered engineer. The **Gas Safety (Installation and Use) Regulations 1998** require that:

- All work to gas appliances and fittings must be carried out by a competent and suitably qualified engineer i.e. Gas Safe registered.
- No person shall install a gas appliance with open flues in a bedroom, bathroom or shower room.
- An engineer must perform a defined series of safety checks and tests after carrying out work on any gas appliance.
- Any gas appliance must have instructions for the occupier of the property.
- A person responsible for a premise shall not use or permit to be used a gas appliance that is suspected or known to be faulty or incorrectly installed.
- It is the duty of the landlord to ensure that all the gas appliances and associated pipe work is maintained in a safe condition and is checked for safety **every 12 months** by a suitably qualified engineer.
- The landlord (or agent) shall keep a record of the gas appliances in the property, dates of inspection, the defects identified, and any remedial action taken. These records must be supplied to the tenant within 28 days of the checks being carried out. A new tenant must be supplied with a copy of the records **prior** to the start of the tenancy.
- Safety check records must be preserved for 2 years.

Action Required

- Have all gas appliances checked prior to the start of the tenancy.
- Ensure all appliances have instruction booklets (in English) or accompanying notices which outline instructions and any safety features.
- Do not install second-hand gas appliances in the property unless a GasSafe engineer has checked them.

If you instruct Vickery to manage your property, we will automatically renew the annual gas safety check on your behalf. Vickery will also remind Let Only landlords when their safety check falls due for renewal. Please contact us for details of registered contractors and current prices.

Example gas safety certificate:



The image shows a 'LANDLORD/HOME OWNER GAS SAFETY RECORD' form. It includes sections for 'REGISTERED BUSINESS DETAILS', 'INSPECTION/INSTALLATION ADDRESS', 'APPLIANCE DETAILS', 'FLUE TESTS', 'INSPECTION DETAILS', and 'GAS DETAILS OF ANY FAILURES'. The form is partially filled out with handwritten information, including the name 'Vickery' and the date '12/12/2018'. A prominent red banner at the bottom of the form states: 'NEXT GAS SAFETY CHECK MUST BE CARRIED OUT WITHIN 12 MONTHS'.

Please note: Failure to provide a current GasSafe certificate at the outset of the tenancy prohibits the service of a Section 21 notice (Form 6a).

ELECTRICAL SAFETY

The law states that any property offered for let must be electrically safe. The only way to prove due diligence in this regard is to have an electrical check carried out by a qualified electrician able to produce a certificate. Until such time as regulations stipulate specific periods, we recommend that a full wiring check be carried out every five years and a portable appliance test annually. The **Electrical Equipment (Safety) Regulations 1994** require that:

- The wiring at the property relating to both fixed electrical equipment and that incorporated into the building itself meets all electrical and fire safety regulations.
- All mains voltage household electrical goods such as cookers, washing machines, fridge/freezers, kettles, toasters, electric blankets, immersion heaters (i.e. any appliance left at the property with a plug that can be moved) meet all electrical and fire safety regulations.

Action Required

- Have all electrical appliances and wiring checked prior to the commencement of the tenancy.
- Suitable information/instruction leaflets should be provided.
- Remove all unsafe electrical items.
- Maintain records of all electrical checks carried out.

We are able to arrange an electrical inspection on your behalf which will include an inspection of appliances/wiring and notification of any necessary remedial work that is required. We will be able to advise of the cost of the inspection and any work required. If there are optional or recommended works reported, we would contact you to gain your permission before proceeding. Please contact us for a guide to the current cost of an electrical check.

PART 'P' BUILDING REGULATIONS (Electrical Safety in Dwellings)

These Regulations require qualified personnel to carry out certain electrical work at your premises. To ensure compliance with the Regulations we will only use a competent person to carry out any electrical work at the Premises. If the Landlord wishes to use his own contractor we will need written proof that he/she is currently registered with an approved self-certification scheme before issuing instructions. In the absence of such proof we will instruct our own contractor if managing your property.

FIRE SAFETY

Landlords letting residential property **must** ensure that all the soft furnishings in the property to be let comply with relevant regulations. Furniture that is non-compliant **MUST NOT** be stored on the premises even if not available to the tenant, i.e. in a garage, locked room or stored in the loft. The **Furniture and Furnishing (Fire) (Safety) Regulation 1988 (amended 1989 & 1993)** requires that:

- Upholstered articles (i.e. beds, sofas, armchairs etc) must have fire resistant filling material.
- Upholstered articles must have passed a match resistance test or, if of certain kinds of material (such as cotton or silk) be used with a fire resistant interliner.
- The combination of the cover fabric and the filling material must have passed a cigarette resistance test.

Articles Covered

The regulations apply to:

- Beds, headboards of beds and mattresses
- Sofa beds, futons and other convertibles
- Nursery furniture
- Garden furniture suitable for use in a dwelling
- Scatter cushions and seat pads
- Pillows
- Loose and stretch covers for furniture
- Extra or replacement furniture purchased for the dwelling.

The regulations do not apply to:

- Antique furniture or furniture made before 1950
- Bed clothes (including duvets)
- Loose covers for mattresses
- Pillowcases
- Curtains & Carpets

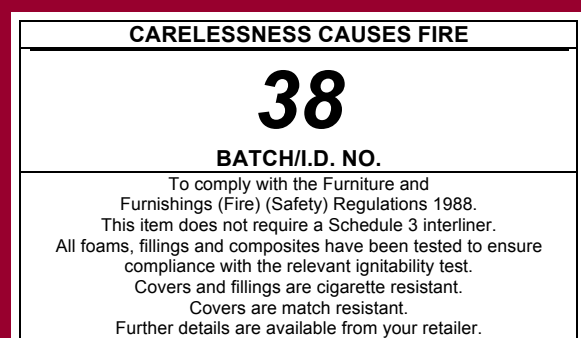
Action Required

- Ensure all replacement furniture complies with the Regulations and keep all receipts and attached labels.
- When buying new or second-hand furniture, check to see that there is an appropriate label. Furniture or furnishings purchased after March 1990 from a reputable supplier should have attached labels. There are two kinds:
 - a) Display labels - all furniture will carry appropriate display labels at point of sale.
 - b) Permanent labels - all new furniture and covers must carry a permanent and non-detachable label.

Please note: It is a criminal offence to let a property with furniture or soft furnishings which cannot be proven to comply with the above fire safety regulations.

By instructing Vickery to let your property, you give us authority to remove any item that does not have a fire regulation label attached to it. The cost for removing these items or placing them into storage will be charged to you, the Landlord.

Example fire & safety label:



The only other proof accepted by the Trading Standards Office is a receipt of purchase showing that the item was manufactured after 1988.

SMOKE ALARMS & CARBON MONOXIDE ALARMS

Under current legislation Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require a smoke detector to be installed on each floor with living accommodation which includes bathrooms. A carbon monoxide detector must also be installed in any room which is used as living accommodation and contains a solid fuel burning combustion appliance. These alarms must be checked at the start of each new tenancy.

OTHER LEGISLATION AND REGULATIONS

RIGHT TO RENT

From 1 February 2016 all private landlords in England are required to check that any potential tenant/s have the right to be in the UK before renting their property to them.

We will undertake a Right to Rent check alongside reference checks on prospective tenants – the cost of these checks is included in our set-up fee.



HOMES (FITNESS FOR HUMAN HABITATION) BILL 2018

All social and private sector landlords or agents acting on their behalf will be required to ensure that a property is fit for human habitation at the beginning of the tenancy and throughout the duration of the tenancy.

If a home isn't up to the standard of the Housing Health and Safety Rating System (HHSRS), tenants will have the right to take legal action in the courts for breach of contract.

Landlords and agents will not be liable where 'unfitness' has been caused by the action of tenants.

DUTY TO ENSURE THE HEALTH & SAFETY OF YOUR TENANT

The law is clear that if you are a landlord and rent out your property (or even a room within your own home) then you have legal responsibilities to ensure the health and safety of your tenant by keeping the property safe and free from health hazards. **Section 3(2) of the Health and Safety at Work Act 1974** (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety.

The **Control of Substances Hazardous to Health Regulations 2002** (COSHH) provides a framework of actions to control the risk from a range of hazardous substances, including biological agents such as **Legionella** - to identify and assess the risk, and implement any necessary measures to control any risk. Landlords are responsible for ensuring that the risk of exposure to Legionella in their property is properly controlled. A landlord has the duty to assess the risk from exposure to the tenant and, where a risk is identified, take appropriate steps to remove or minimise the risk. This risk assessment can be carried out by a third party, but the landlord is ultimately responsible.

The British Standards Institution published new standards in February 2014 to address certain risks posed to children **by internal blinds, corded window coverings** and safety devices. All new blinds or curtain tracks which are fitted by a professional must pass the new standard that specifies safety requirements and test methods for safety devices to improve safety and help prevent accidents. These safety devices can be fitted during manufacture or where blinds or curtain tracks have already been installed be retro-fitted to window blinds and tracks. We recommend landlords check that any cords for their curtains or blinds are safe before letting their property.

ENERGY PERFORMANCE CERTIFICATE (EPC)

From 1 October 2008, residential property landlords have been required to provide an Energy Performance Certificate (EPC) for their property and make it available to prospective tenants before any viewings take place.

The Certificate is a rating of a property's energy efficiency and makes recommendations about how it may be improved. It provides prospective tenants with an estimate of how much it costs to provide heating, lighting and hot water before they rent the property.

The Certificate remains valid for 10 years.

From 1 April 2018 all privately rented properties, where a new tenancy is agreed or where a tenancy is renewed, must have an EPC rating of E or above in accordance with Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015.

Vickery have independent energy assessors able to undertake this assessment of your property, please call for a quote.

HOUSES IN MULTIPLE OCCUPANCY (HMO)

If your property is let to multiple occupiers i.e. a House in Multiple Occupancy (HMO) you may require a licence or be required to apply to the council for registration. Should this possibility arise our Management Team will make contact with the local council and advise you of any measures that may be required prior to a tenancy being agreed.

The Housing Act 2004 defines an HMO as a property that is let to three or more unrelated sharers, who share a kitchen and /or bathroom.

If the property falls into the category where registration is required the fee is considered to be an outgoing and tax deductible, however, you will then be responsible for paying the Council Tax.

Please also be aware that the Management of Houses in Multiple Occupation (England) Regulations 2006 requires that HMOs have a Fixed Wiring Test at least every five years undertaken by a qualified electrician.