

LANDLORD'S GUIDE

The Landlord's Guide to the Gas Safety Regulations 1998

The Gas Safety (Installation and Use) Regulations 1998 came into force on 31st October 1998, consolidating the three previous sets of regulations and making some additional changes. The regulations contain a number of general provisions relating to the supply and installation of gas appliances and equipment, but there are specific provisions relating to Landlords.

Who must comply?

Any Landlord letting property on a lease of less than seven years must comply with the regulations. This will include assured and assured shorthold tenancies and regulated tenancies both for a fixed period and periodic. The regulations apply to gas appliances owned by the Landlord and any gas appliance or installation pipework which directly, or indirectly, serve the property. The regulations initially came into force in October 1994 but have been strengthened by amendments in April and October 1996, and finally by the consolidation in 1998.

What are the requirements?

- Ensure instruction books are available at the property for all gas appliances.
- Get all gas appliances checked by a Gas Safe registered installer prior to letting the property.
- Keep all records of the annual maintenance inspections and of any remedial or other work carried out to the appliances.
- Make sure that the annual inspection check is carried out on an annual basis and that the appliances and ventilation are reviewed regularly to make sure that they are in good working order.

Ventilation

All gas appliances require adequate ventilation in order to ensure correct working and safety. The Landlord must ensure that adequate ventilation is provided at the property and that care has been taken not to block any ventilation duct.

Electrical Equipment (Safety) Regulations 1994

It is not a legal requirement, but there is an act 'The Landlords and Tenants Act 1985' which requires that all electrical installation within a rented property is safe when a tenancy begins and is maintained to a safe standard.

What action is required?

It is recommended that all the appliances supplied in a property after 1st January 1997 must be marked with the appropriate CE symbol.

Safety – all electrical appliances must be safe. This applies to items of both alternate and direct current which means the Landlord will have to ensure that such appliances as kettles, toasters, irons and television sets are safe as well as fixed appliances such as electric cookers and immersion heaters. Safety includes the lead of the appliance.

Instruction books – manufacturer's instruction manuals should be provided for each appliance supplied at the premises. The instructions can either be shown on the appliance, or an instruction book can be supplied. This will help to ensure the safety of the tenant.

Plugs – all plugs must have a safety sheath, be fitted with the correct fuse and appropriately fitted and fixed to the appliance.

What happens if I fail to comply?

The maximum penalty for non-compliance with the regulations is £5,000 and/or three months' imprisonment if there is a risk of fire to the property or injury or death to an animal. If the risk is to the life of a human being, the penalty may be up to twelve months' imprisonment.

What should be tested?

The landlord should have all portable and fixed electrical appliances at the property tested. The regulations apply to any electrical equipment between 50 and 1000 volts AC and 75 and 1500 volts DC. This will include:

- Kettle
- Toaster
- Iron
- Television Set
- Electrical Cooker
- Immersion Heater
- Wall mounted Electric Heaters

The landlord also has a statutory duty to maintain the mains wiring to the property. It is recommended that the mains wiring is checked prior to the initial tenancy and again at least every five years in a domestic environment.

What should I do?

The Landlord should arrange to have a safety check carried out by a suitably qualified tradesperson prior to the commencement of the first tenancy and annually thereafter. Fixed installations should also be checked for safety prior to a tenancy commencing and then at five to ten yearly intervals thereafter.

Records should be kept of all appliances tested and checks carried out. Any remedial work carried out to appliances should also be noted.

Leads on appliances such as irons, toasters and kettles should be checked regularly as worn or frayed leads can be dangerous. Any defective lead should be replaced immediately, or the appliance should be renewed.

All electrical appliances must be supplied with a correctly fused plug fitted to it.

The plugs should be tested prior to the commencement of a tenancy to ensure that no dangerous fuses have been used during the period of the tenancy.

Instruction books should be supplied for all electrical appliances at the premises if the instructions are not already shown on the appliance

A Landlords Guide to the Furniture and Furnishings (Fire) Safety Regulations

The regulations concerning furniture in rented property have been tightened to apply to all accommodation available in the residential lettings market, as from 1st January 1997. Landlords letting residential property must ensure that all of the furniture is "fire resistant" to comply with the regulations, otherwise they will be committing a criminal offence. The penalty for this offence is a fine of up to £5,000 and/or six months imprisonment.

What does fire resistant mean?

“Fire resistant” means that the furniture must pass the “ignitability test” as well as the “cigarette test” and the “match test”. This means that all suitable furniture must have:

- Covers which cannot be set alight by applying a lighted match to them
- Covers which do not ignite if a smouldering cigarette is applied
- Filling materials which pass an ignitability test
- Permanent labelling proving that the item complies with the regulations

The filling must comply with the regulations as well as the covers, because it is the toxic fumes from the fillings, which are the cause of death.

Any furniture manufactured prior to 1st January 1950 need not comply with the regulations, as the toxic substances were not used in manufacture prior to that date. Period or antique furniture is therefore exempt.

What furniture must comply?

All upholstered furniture must comply with the regulations. These include:

- Three piece suites, armchairs and sofas
- Beds, headboards, mattresses, divans and bed bases
- Sofa beds, futons and other convertible furniture
- Nursery and children’s furniture
- Loose, stretch and fitted covers for furniture
- Scatter cushions and seat pads
- Pillows
- Garden furniture suitable for use in a dwelling

The regulations do not apply to:

- Bed clothes including duvets
- Loose covers for mattresses
- Carpets or curtains
- Furniture manufactured before 1st January 1950

How can the Landlord tell the furniture complies?

The correct method of displaying compliance is to check that a permanent label is present on all items of furniture. This will apply to new or second hand furniture. Landlords should always check that an item of furniture has a permanent label before making a purchase. Beds and padded bases rarely carry a label, but if the item complies with BS7177, it should meet the required standard.

The Trading Standards department can give guidance, in case of doubt.

Can the Regulations be avoided?

No! It is an offence to either:

- Give the furniture to the tenant
- Sell the furniture to the tenant
- Obtain an indemnity from the tenant that they do not mind that the furniture does not comply
- To store the furniture so that the tenant can put it back in the premises
- To leave the items off the inventory inferring that they do not exist

What action should the Landlord take?

Do not buy or provide any furniture for a residential letting that does not comply with the regulations. Check that all items carry a permanent label.

Keep all receipts and invoices denoting purchase and if a label becomes detached, keep it in a safe place in case it is necessary to prove to the agent, the tenant, or other party that the furniture did comply with the regulations.

Ensure that the permanent labels are noted on the inventory.

Smoke Detectors Act 1991

Since June 1992 all newly built properties must have been fitted with mains powered smoke alarms. Whilst the legislation does not apply to properties that predate this Act, it is strongly recommended that landlords fit at least one smoke alarm on each floor.

Further Information

Should you require further information regarding the Gas, Electric or Furniture and Furnishings (Fire) Safety Regulations, we recommend you approach:

- The Lettings Agent
- Trading Standards Office
- Environmental Health Office
- Health and Safety Executive
- The Gas Safety action line, which can be contacted on 0800 300 363
- Obtain a copy of the Guide to the Furniture and Furnishings (Fire Safety) Regulations published by the Department of Trade and Industry.

The above guides are intended to provide a summary of the regulations to the Landlord. It is not an authoritative interpretation of the regulations, which is a matter for the courts.

Tenancy Deposit Scheme (England and Wales)

Under the provisions of the United Kingdom Housing Act 2004, every landlord or letting agent that takes a deposit for an assured shorthold tenancy in England and Wales must join a **tenancy deposit scheme**. The new regulations came into effect from 6th April 2007, and were amended by the Localism Act 2011, taking effect from 6th April 2012.

Energy Performance Certificate

An Energy Performance Certificate is required on every rental property prior to marketing.