

## 1. Electrical Safety First

- Electrical Safety First is the UK charity committed to reducing the number of deaths, injuries and fires caused by electricity in the home.

## 2. Key Points

- Electrical Safety First has campaigned for a uniform level of protection for private tenants throughout the UK, **with mandatory five-yearly electrical safety checks now in place in England and Scotland**. We therefore welcome the Private Tenancies Bill which enables regulations to be introduced in relation to electrical safety standards in the Private Rented Sector (PRS) in Northern Ireland.
- Specifically, Clause 10 and Schedule 3 of the Bill contains provisions relating to electrical installations, fixtures, fittings, and any appliances provided by a private landlord, and a requirement to carry out periodic electrical checks.
- Whilst we appreciate that much of the detail for the new standards will be contained in the regulations, **we believe the Bill could be strengthened by including a frequency for the periodic electrical checks of intervals of at least every five years**. This proposal would bring regulation into line with laws for Houses in Multiple Occupancy (HMOs) in Northern Ireland.<sup>1</sup>
- The cost of these proposals would fall on the landlord, but we do not believe they would introduce an unreasonable financial pressure. The average cost of an electrical safety inspection is around £200 every five years – **so as little as £40 per year – which would protect both tenants and a landlord's property from electrical risk**.
- **Electrical Safety First has drafted a simple amendment to this effect which we can provide to the Committee for consideration**. This would provide certainty for tenants and clarity for landlords and industry to help them prepare for the introduction of these vital safety measures.

## 3. The Electrical Safety Standards

- We believe the electrical safety standards should require private landlords to have periodic electrical inspections and tests undertaken, at least on a five-yearly cycle, by a

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<sup>1</sup> <https://www.nidirect.gov.uk/articles/health-and-safety-rented-accommodation#toc-5>

suitably competent and qualified person, and this should include the following two elements:

- i. An Electrical Installation Condition Report (EICR) which records the details and outcomes of the inspection and testing undertaken of the electrical installation, fixtures, and fittings. It also recommends any remedial action required, and a declaration of whether the installation is safe for continued use. Our best practice guide provides further details about EICRs.<sup>2</sup>
  - ii. A record of testing of appliances provided by the landlord, through Portable Appliance Testing (PAT).<sup>3</sup>
- We recommend that landlords should be required to provide a copy of these reports to the tenant within 28 days of the inspection and test, to a new tenant before they occupy the property, and to any prospective tenant within 28 days of receiving a request for the report. We also believe that district councils should receive a copy of the reports that have failed, along with confirmation of any remedial actions completed, to improve the effectiveness of enforcement.
  - EICRs and PAT testing have been required in Scotland's PRS since 2015.<sup>4</sup> In England, an EICR has been required by law since 2020 whereas PAT is only recommended.<sup>5</sup> The Welsh Government has also committed to bringing forward similar legislation in 2022.<sup>6</sup>
  - Whilst there are different approaches to electrical safety standards across the UK, we believe the protections in Scotland's PRS offer the highest level of protection by ensuring both the electrical installation and appliances provided by the landlord are safe.
  - We estimate that the majority (63%) of electrical house fires in Northern Ireland are caused by appliances.<sup>7</sup> A requirement for regular appliance testing has the potential to play a key role in mitigating the cause of fire in PRS homes.

#### 4. Transitional Period

- We believe there should be a transition period for the introduction of the electrical safety regulations to help landlords and the electrical industry prepare for an efficient and effective delivery of the requirements.
- Electrical Safety First recommends that the Department adopts a similar transition approach to Scotland's. This required new tenancies on or after the date on which the regulations come into force to have a valid electrical safety inspection. For existing

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<sup>2</sup> [bpg4-1.pdf \(electricalsafetyfirst.org.uk\)](#)

<sup>3</sup> [PAT Testing Explained | Electrical Safety First](#)

<sup>4</sup> [SG+STATUTORY+GUIDANCE+ON+ELECTRICAL+INSTALLATIONS+AND+APPLIANCES+IN+PRIVATE+RENTED+PROPERTY+%28updated+15+Feb+2021%29.pdf \(www.gov.scot\)](#)

<sup>5</sup> [Guide for landlords: electrical safety standards in the private rented sector - GOV.UK \(www.gov.uk\)](#)

<sup>6</sup> <https://record.senedd.wales/WrittenQuestion/82657>

<sup>7</sup> <https://www.electricalsafetyfirst.org.uk/media/5v4cbghc/ni-recharge-report-4.pdf>



tenancies, landlords had a period of a year to organise electrical safety checks. Further details are included in the Scottish Government's statutory guidance.<sup>8</sup>

- The transition period in England is not a useful comparison, given that the introduction of the electrical safety standards in the PRS were delayed and impacted due to the Covid-19 pandemic.

## 5. Enforcement and Compliance

- We broadly support the proposed enforcement and compliance measures. New Article 11k in Schedule 3 is welcome as it requires landlords to rectify any remedial electrical actions identified by the inspection. We would recommend prescribing a period of 28 days of being in receipt of the EICR, which is the case in England. Providing district councils with powers to intervene also strengthens the enforcement of the duties.
- We would welcome some further clarification around the levels of fines proposed for non-compliance with the regulations as it is unclear what is meant by 'level 5 on the standard scale'. This would help decide whether the fines are proportionate and a sufficient deterrent.

## 6. Statutory and Technical Guidance

- We believe the Department should provide statutory and technical guidance to accompany the introduction of the electrical safety regulations. This will ensure that there are enforceable standards that landlords must meet.
- The UK Government published technical guidance<sup>9</sup> to accompany the introduction of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. This guidance also refers landlords and tenants to a suite of guidance produced by Electrical Safety First in relation to best industry practice.
- In addition, the Scottish Government published statutory guidance following the introduction in 2015 of s.13(4A) and s.19B(4) of the Housing (Scotland) Act 2006.<sup>10</sup> This guidance was produced in collaboration with Electrical Safety First.
- The guidance should include information for landlords to ensure that a qualified and competent person undertakes the electrical safety checks and an easy to use and single information point to find these professionals.

<sup>8</sup>[SG+STATUTORY+GUIDANCE+ON+ELECTRICAL+INSTALLATIONS+AND+APPLIANCES+IN+PRIVATE+RENTED+PROPERTY+%28updated+15+Feb+2021%29.pdf](https://www.gov.scot/SG+STATUTORY+GUIDANCE+ON+ELECTRICAL+INSTALLATIONS+AND+APPLIANCES+IN+PRIVATE+RENTED+PROPERTY+%28updated+15+Feb+2021%29.pdf)  
([www.gov.scot/](https://www.gov.scot/))

<sup>9</sup> <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities/guide-for-landlords-electrical-safety-standards-in-the-private-rented-sector>

<sup>10</sup> <https://www.legislation.gov.uk/asp/2006/1/contents>



## 7. 'Good practice' Guidance

- In Scotland, the statutory guidance was accompanied by associated 'good practice' guidance.<sup>11</sup> This guidance does not form part of a landlord's statutory duty but is recommended as best practice.
- This guidance promotes higher standards, providing, for instance, recommendations for landlords to undertake annual visual inspections themselves to detect any immediate damage and wear and tear between periodic inspections.
- It also offers an opportunity to promote important advice to tenants about the role they play in keeping their property safe from electrical risks. For example, tenants will usually use their own appliances, and these have the potential to be unsafe, placing both themselves, their home and the landlord's property at risk.
- Information can also be included about the importance of buying electrical products from reputable retailers and regularly checking that any electrical appliances in the house are not subject to any current product recall notices or safety alerts.

**For further information about this briefing, please contact Wayne Mackay, Public Affairs and Policy Manager, Electrical Safety First, at: [wayne.mackay@electricalsafetyfirst.org.uk](mailto:wayne.mackay@electricalsafetyfirst.org.uk)**

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<sup>11</sup>[SG+STATUTORY+GUIDANCE+ON+ELECTRICAL+INSTALLATIONS+AND+APPLIANCES+IN+PRIVATE+RENTED+PROPERTY+%28updated+15+Feb+2021%29.pdf](https://www.gov.scot/Resource/0045/0045.pdf)  
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