

Landlords Guide

Gas

Annual safety check: Under the Gas Safety (Installation and Use) Regulations 1998 all gas appliances and flues in rented accommodation must be checked for safety within 12 months of being installed, and thereafter at least every 12 months by a competent Gas safe registered engineer.

Maintenance: There is a duty to ensure that all gas appliances, flues and associated pipework are maintained in a safe condition at all times.

Records: Full records must be kept for at least 2 years of the inspections of each appliance and flue, of any defects found and of any remedial action taken.

Copies to tenants: A copy of the safety certificate issued by the engineer must be given to each new tenant before their tenancy commences, or to each existing tenant within 28 days of the check being carried out.

We can arrange for this safety check to be carried out by a reputable Gas Safe registered professional. Please [contact us](#) for details.

Electrical

There are several regulations relating to electrical installations, equipment and appliance safety which affect landlords and their agents in that they are 'supplying in the course of business'. They include the Electrical Equipment (Safety) Regulations 1994, the Plugs and Sockets Regulations 1994, the 2005 Building Regulation - 'Part P, and British Standard BS1363 relating to plugs and sockets. Although with tenanted property there is currently no legal requirement for electrical safety certificates (except in the case of all HMOs) it is now widely accepted in the letting industry that the only safe way to ensure safety, and to avoid the risk of being accused of neglecting your 'duty of care', or even of manslaughter is to arrange electrical inspections and the issue of safety certificates. There are 2 types of electrical inspection, one of the actual installation, and another of any portable electrical appliances (PAT test).

We can arrange for these electrical inspections to be carried out by a qualified electrician. Please [contact us](#) for details.

Fire

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989 & 1993) provide that specified items supplied in the course of letting property must meet minimum fire resistance standards. The regulations apply to all upholstered furniture, beds, headboards and mattresses, sofa-beds, futons and other convertibles, nursery furniture, garden furniture suitable for use in a dwelling, scatter cushions, pillows and non-original covers for furniture. They do not apply to antique furniture or furniture made before 1950, bedcovers including duvets, loose covers for mattresses, pillowcases, curtains, carpets or sleeping bags. Items which comply will have a suitable permanent label attached. Non-compliant items must be removed before a tenancy commences.

Smoke Alarms

All properties built since June 1992 must have been fitted with mains powered smoke detector alarms from new. Although there is no legislation requiring smoke alarms to be fitted in other ordinary tenanted properties, it is generally considered that the common law 'duty of care' means that Landlords and their Agents could be liable should a fire cause injury or damage in a tenanted property where smoke alarms are not fitted. We therefore strongly recommend that the Landlord fit at least one alarm on each floor (in the hall and landing areas).

Is your property a House in Multiple Occupation (HMO)?

If your property is on 3 or more levels and let to 5 or more tenants comprising 2 or more households (i.e. not all of the same family) it will be subject to mandatory licensing by your local authority. Whether mandatory licensing as above applies or not, if there are 3 or more tenants not all related in any property, it is still likely to be an HMO, and special Management rules apply. Visit: www.communities.gov.uk/publications/housing/licensinghouses to learn more.

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The Housing Health and Safety Rating System (HHSRS)

The HHSRS provides an analysis of how hazardous a property is through assessment of 29 potential hazards found in housing. Landlords have to maintain their properties to provide a safe and healthy environment. The HHSRS is enforced by local authorities. For further information visit www.communities.gov.uk/hhsrs

The Tenancy Deposit Scheme

From 6 April 2007, all deposits taken by landlords and letting agents under Assured Shorthold Tenancies (ASTs) in England and Wales must be protected by a tenancy deposit protection scheme. Landlords and letting agents must not take a deposit unless it is dealt with under a tenancy deposit scheme. To avoid any disputes going to court, each scheme will be supported by an alternative dispute resolution service (ADR). Landlords and letting agents will be able to choose between two types of scheme; a single custodial scheme and two insurance-based schemes. You can learn more on the government website, which includes an overview of the requirements, and also links to the sites of the companies running the various schemes:
www.direct.gov.uk/en/TenancyDeposit/

The Disability Discrimination Act 2005

The DDA 2005 addresses the limitations of current legislation by extending disabled people's rights in respect of premises that are let or to be let, and commonhold premises. Landlords and managers of let premises and premises that are to let will be required to make reasonable adjustments for disabled people, and a failure to do so will be unlawful unless it can be justified under the Act. Landlords will only have to make reasonable adjustments, and they will not have to remove or alter physical features of the premises. For further information visit the webpage - www.dwp.gov.uk/docs/dda-factsheet4-premises.pdf

Energy Performance Certificates (EPCs)

From October 2008 landlords in England and Wales offering property for rent will be required by law to provide prospective tenants with an Energy Performance Certificate for their property. In Scotland EPCs for rental properties will be required by January 2009. The certificates must be provided free either when (or before) any written information about the property is provided to prospective tenants or a viewing is conducted. A new certificate will not be required on each let since, in the case of rental property, EPCs will be valid for 10 years. The requirement is being introduced to comply with the EU's Energy Performance of Buildings Directive (EPBD) which applies to all property, including rented property. This became law in 2003 and allowed until January 2009 for full implementation so as to provide time for sufficient numbers of energy assessor to be trained. The Directive's requirements were introduced in England and Wales along with the controversial Home Information Pack regulations that require sellers to produce packs providing information about their title, local searched, plus an EPC. The full requirements are included in the Home Information Pack (No 2) Regulations 2007 and the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

Speedylets can arrange for an EPC to be carried out at a competitive fee - please [contact us](#) for details

We hope that you will find the above information useful. If there are any aspects of which you are unsure, please ask us. We look forward to being of assistance to you in the letting and management of your property.