



**DRUCES**<sup>LLP</sup>

---

## Property Briefing Note

---

### Relevant to

*Individuals considering letting a property and existing landlords.*

### Summary

*With reports of rents hitting all-time highs, you may currently be considering whether to become a landlord. The law imposes a number of obligations on landlords and this briefing note provides an overview of some of the regulations of which you should be aware.*

*The obligations of a landlord depend on the type of property involved. The regulations discussed below apply to landlords of private residential property. Landlords of houses in multiple occupation (houses in which unrelated occupiers live independently from one another but share common areas of the building, for example bedsits) have additional responsibilities.*

### Gas Safety Regulations 1998

A landlord is under a duty to make sure that gas appliances, fittings and flues, provided for tenants' use, are safe. All gas appliances and flues must be checked for safety within 12 months of being installed. Thereafter they must be checked no less frequently than every 12 months.

The record of each appliance and flue checked should be kept for 2 years. This record must include certain specified information including the date of the check, any defect identified and any remedial action taken. A copy of the record should be given to the tenants within 28 days of the inspection being carried out. The tenants should also receive a copy of the record from the most recent inspection before they move in.

A landlord is also responsible for the maintenance and repair of gas appliances, fittings and flues. All work must be carried out by a Gas Safe (formerly CORGI) registered engineer.

## **Electrical Regulations**

Electrical appliances supplied in the property must be safe to use (The Electrical Equipment (Safety) Regulations 1994). However, unlike the Gas Regulations, there is no specific requirement for electrical equipment to undergo safety testing.

There are also regulations governing the safety of plugs and sockets. The Plugs and Sockets (Safety) Regulations 1994 provide that any plug, socket or adapter supplied or intended for domestic use must comply with current standards. In addition the Landlord and Tenant Act 1985 provides that a landlord is responsible for ensuring that any permanent electrical installation is safe.

## **Fire Safety**

As a result of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended), a landlord must provide fire resistant furniture unless the property has been let to the same tenants since before 1 March 1993.

All furniture sold after 1 September 1990 will satisfy these Regulations and should be so labelled. Furniture made before 1950 is not covered by the Regulations because it should not contain flammable material. The Regulations do not apply to bedclothes (including duvets), curtains or carpets.

Non-compliance with these Regulations is a criminal offence and carries penalties of a £5,000 fine, 6 month's imprisonment, or both. If a breach causes death, a manslaughter charge is possible.

There is no legal requirement to provide fire extinguishers or fire blankets in single occupation tenanted properties. However if fire extinguishers are provided they must be serviced regularly and should not be used by people untrained in their use.

## **Building Regulations**

All residential properties in England and Wales must comply with Building Regulations. These require every property built after June 1992 to have a mains operated and inter-connected smoke alarm fitted on every level of the property.

Under Part P of the Building Regulations reasonable provision must be made in the design and installation of electrical installations. With the exception of some minor tasks, electrical work must either be carried out by an electrician registered with a Government approved competent person scheme or reported beforehand to the local authority building control. There are currently five Government approved schemes which electricians may register with. Failure to comply with these Regulations is a criminal offence and can result in fines of up to £5000 and/or imprisonment.

## **Energy Performance Certificate (EPC)**

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 introduced the requirement for an EPC. This is a certificate which contains information about a property's energy performance. It includes a property's energy efficiency rating expressed on a scale from A to G. This is similar to the energy efficiency labels found on domestic appliances.

When a building is to be rented, the landlord must provide a prospective tenant with a valid EPC and a recommendation report, free of charge, at the earliest opportunity. However a fresh EPC will not have to be prepared for every letting - as a general rule, an EPC is valid for ten years from its date of issue.

### **Other Considerations**

Where the tenant has a tenancy for a fixed term of up to 7 years, the landlord is responsible for keeping the structure and exterior of the property in good repair. Installations for the supply of water, gas, electricity and sanitation should also be kept in good repair and in proper working order. It is not possible to contract out of these provisions.

Before letting a property, a landlord should consider whether permissions are required for this activity. Examples of consents which may be required include consent from the mortgage lender, the superior landlord (where the property is leasehold) and any adult who has occupancy rights at the property. Enquiries should also be made with the local housing authority to ascertain whether they have made a licensing scheme for privately rented accommodation in the area under Part 3 of the Housing Act 2004. If so, an application will need to be made to register the property with them. It is also advisable to check with insurers that cover will be maintained if the property is let.

Deposits must now be held in an approved Tenancy Deposit Scheme. Any landlord who is considered to be non-resident for tax purposes, should also be aware that there will be a tax liability on income received as rent.

Nicholas Brent, Partner  
Matthew McCormick, Trainee Solicitor

### **Druces LLP**

This note does not constitute legal advice but is intended as general guidance only. It is based on the law in force in January 2012. If you would like further information please contact Nicholas Brent on +44 (0) 207 638 9261 or on [n.brent@druces.com](mailto:n.brent@druces.com)