

SCHEDULES

SCHEDULE 3

Section 10.

Electrical safety standards regulations

1. The 2006 Order is amended as follows.
2. After Article 11H (as inserted by Schedule 2) insert—

“Electrical safety standards

Electrical safety standards for dwelling-houses let under a private tenancy

11I.—(1) The Department may by regulations impose duties on the landlord of a dwelling-house let under a private tenancy for the purposes of ensuring that electrical safety standards are met during the period when the dwelling-house is let under the tenancy.

(2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to—

- (a) the installations in the dwelling-house for the supply and use of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.

(3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.

(4) The regulations may make provision about—

- (a) how and when checks are carried out;
- (b) who is qualified to carry out checks.

(5) The regulations may require the landlord to undertake works as a result of checks carried out by the qualified person.

(6) The regulations may require the landlord—

- (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met;
- (b) to give a copy of the certificate to the tenant, or a prospective tenant, or any other person specified in the regulations;

(c) where the electrical safety standards are not met, to obtain from the qualified person a written description of the works required to meet the standards.

(7) Regulations under this Article are referred to in Articles 11J and 11K as “electrical safety standards regulations”.

Electrical safety standards regulations: power to create an offence

11J.—(1) Electrical safety standards regulations may provide that a landlord who fails to comply with a duty imposed under Article 11I(1) is guilty of an offence.

(2) Any offence created by virtue of paragraph (1)—

- (a) is not to be triable on indictment or punishable with imprisonment;
- (b) is not to be punishable with a fine exceeding level 5 on the standard scale.

Electrical safety standards regulations: other enforcement

11K.—(1) Electrical safety standards regulations may make provision, for the enforcement of a duty imposed under Article 11I(1)—

- (a) under which a landlord may be required to take remedial action;
- (b) under which a district council may, with the consent of the tenant, arrange for a person to enter the dwelling-house and take remedial action.

(2) Regulations made by virtue of paragraph (1) may include, in particular, provision about procedural matters.

(3) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(a) may include, in particular, provision enabling the landlord to make representations against any requirement to take remedial action.

(4) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(b) may include, in particular, provision—

- (a) about appeals against any proposed remedial action;
- (b) enabling a district council to recover from the landlord any costs incurred by it in taking remedial action (“remedial costs”);
- (c) enabling a district council to recover from any agent of the landlord any remedial costs, up to the total amount of money held by the agent on behalf of the landlord;
- (d) under which any remedial costs due under the regulations are deemed, until recovered, to be charged on and payable out of the estate of the landlord in the land in relation to which the costs were

Status: This is the original version (as it was originally enacted).

- incurred and the estate in that land of any person deriving title from the landlord;
- (e) about the enforceability and registration of any charge created under the regulations;
- (f) about the application of costs recovered.”.
3. In Article 68(3) (prosecution by appropriate district council), after “11G” (as inserted by Schedule 2) insert “or 11I”.
4. In Article 68A (fixed penalty for certain offences)—
- (a) after paragraph (1)(ab) (as inserted by Schedule 2) insert—
- “*(ac)* an offence created by regulations under Article 11I; or”;
- (b) in paragraph (8), after “or 65A(4)” insert “or an offence created by regulations under Article 11I”.
5. In Article 72 (provisions concerning regulations)—
- (a) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3) and (3A)”;
- (b) after paragraph (3) insert—
- “*(3A)* Regulations under Article 11I(1) that contain provision mentioned in Article 11K(4)(d) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;
- (c) after paragraph (6) (as inserted by Schedule 2) insert—
- “(7) Before making regulations under Article 11I(1), the Department must consult—
- (a) district councils,
- (b) such persons as appear to the Department to be representative of landlords,
- (c) such persons as appear to the Department to be representative of tenants, and
- (d) such other persons as the Department considers appropriate (which may include landlords or tenants).
- (8) In the case of regulations that contain provision mentioned in Article 11K(4)(d), the consultation must take place before the draft of the regulations is laid before the Assembly.”.