
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

PART 4

Urgent remedial action

Urgent remedial action

10.—(1) Where—

- (a) the report under regulation 3(3)(a) indicates that urgent remedial action is required in relation to the residential premises, and
- (b) the local housing authority in whose area the residential premises are situated is satisfied on the balance of probabilities that a private landlord is in breach of the duty under regulation 3(4) to undertake the required remedial or investigative work in relation to those residential premises within the period specified in the report,

the authority may, with the consent of the tenant or tenants of those residential premises, arrange for an authorised person to take the urgent remedial action.

(2) Subject to paragraph (5), the power of the local housing authority to arrange remedial action conferred by paragraph (1) may be exercised at any time.

(3) The local housing authority must serve a notice on the private landlord and—

- (a) every person who to the authority's knowledge is an occupier of the premises in relation to which the authorised person is taking urgent remedial action; or
- (b) fix the notice to some conspicuous part of the premises;

within the period of seven days beginning with the day on which the authorised person commences the urgent remedial work.

(4) The notice required by regulation 10(3) must specify and explain—

- (a) the nature of the urgent remedial action required;
- (b) the premises in relation to which that urgent remedial action was (or is being or is to be) taken by the authority;
- (c) the power under which that urgent remedial action was (or is being or is to be) taken by the authority;
- (d) the date when that urgent remedial action was (or is to be) started;
- (e) the right to appeal under regulation 7 against the decision of the authority to take the urgent remedial action;
- (f) the period within which an appeal may be made; and
- (g) the effect of regulations 11 and 12, including the maximum financial penalty which an authority may impose.

- (5) An authorised person must—
 - (a) give not less than 48 hours' notice of the urgent remedial action to the tenant or tenants of the residential premises on which it is to be taken; and
 - (b) if required to do so by the private landlord or a tenant, produce evidence of identity and authority.
- (6) Regulation 7 applies to the taking of urgent remedial action as it applies to the taking of remedial action, save that—
 - (a) an appeal under regulation 7(2) must (instead of being made in accordance with regulation 7(3)) be made within the period of 28 days beginning with the date specified in the notice, under sub-paragraph (4)(d), as the date when the urgent remedial action was (or was to be) started; and
 - (b) regulation 7(5) does not apply to urgent remedial action.