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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose duties on private landlords of residential premises in England in respect of electrical safety standards. The duties do not apply to landlords of social housing. The Regulations require local housing authorities to enforce the duties, and include a power to arrange remedial action.

Part 1 sets out preliminary matters and defines terms used in the Regulations.

Part 2 sets out the duties of a private landlord.

Regulation 3(1) requires a private landlord to ensure that the electrical safety standards are met during any period when the residential premises are occupied under a tenancy, and that every fixed electrical installation is inspected and tested at least every five years by a qualified person.

Regulation 3(3) provides that a private landlord is required to obtain a report which gives the results of the inspection and test, supply that report to each tenant within 28 days, and to the local housing authority within 7 days of a request, and retain a copy until the next inspection is due. The private landlord must supply a copy of the last report to any new tenant before occupation, or any prospective tenant within 28 days of a request from the prospective tenant.

Regulation 3(4) provides that, where the report requires the private landlord to carry out further investigative or remedial work, the private landlord must undertake such further investigative or remedial work within 28 days or within such lesser time period as specified in the report.

Regulation 3(5) provides that the private landlord must obtain and supply written confirmation of completion of such further investigative or remedial work to the tenant and local housing authority.

Part 3 provides for remedial action (other than urgent remedial action) to remedy any failure by the private landlord to comply with a duty.

Regulation 4 places a duty on a local housing authority to serve a remedial notice on a private landlord where they have reasonable grounds to believe that the private landlord is in breach of a duty under regulation 3(1)(a), (1)(b), (4) or (6).

Regulation 5 requires a private landlord to take the remedial action specified in the remedial notice.

Regulation 6 gives a local housing authority the power to arrange remedial action.

Regulation 7 provides that a private landlord may appeal against the decision of the local housing authority to take that remedial action.

Regulation 8 provides that a local housing authority may recover costs reasonably incurred in taking action under regulations 6(1) and 10(1).

Regulation 9 provides that a private landlord may appeal against a demand for the recovery of costs served under regulation 8(2).

Part 4 provides for urgent remedial action to be taken by a local housing authority.

Regulation 10 gives a local housing authority a power to arrange urgent remedial action, and provides for the service of notice of such action and appeals relating to such action.

Part 5 provides for a local housing authority to impose a financial penalty on a private landlord who has breached a duty under regulation 3. Schedule 2 sets out the procedure to be followed in imposing a financial penalty and the right of appeal to the First-tier Tribunal against a local authority's decision. The process for bringing an appeal is governed by the Tribunal Procedure (First-

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

tier Tribunal) (General Regulatory Chamber) Rules 2009 ([SI 2009/1976](#)). Schedule 2 also provides for the recovery of a financial penalty and for the proceeds of financial penalties.

Part 6 amends paragraph 1 of Schedule 4 to the Housing Act 2004. This has the effect of introducing new conditions, in respect of electrical safety standards, which must be included in a licence under Part 2 or 3 of that Act of a house in England.

Part 7 amends the Management of Houses in Multiple Occupation (England) Regulations 2006 ([S.I. 2006/372](#)).

A full impact assessment has not been produced for this instrument as the regulatory provision that it makes relates to the safety of tenants, residents and occupants and so falls within an exclusion from the requirement under the Government's Better Regulation Framework to produce regulatory impact assessments. This exclusion was put in place as part of the Government's response to the Grenfell tragedy.