

Prosperity Group

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A guide to safety regulations - When letting a property there are legal requirements put in place to protect the property and the life and health of tenants. This safety legislation is governed by the courts and as such there are serious penalties, including substantial fines and possible imprisonment, for non-compliance. This guide is not comprehensive but should help you to achieve peace of mind when letting your property.

Gas Safety (Installation and use) Regulations 1998

Regulations stating that it is the duty of any person who owns a gas appliance or pipework installed in the property to ensure that such appliances, pipework and flues are maintained in a safe condition so as to prevent risk or injury to any person.

Gas appliances include any appliance designed to use any mains, propane or calor gas, for the purposes of heating, lighting, cooking or any other purpose for which gas can be used, for example central heating systems, water heaters, cookers, hobs, refrigerators, and tumble dryers.

Installation pipework would cover all gas pipework, valves, regulators, and meters.

Under the legislation, the landlord must ensure that a gas safety check is carried out at intervals of not more than twelve months by a Gas Safe registered engineer.

The engineer is required to inspect all gas appliances and installations, report on any defects and take remedial action as required. The engineer will then complete a report in prescribed form which then becomes the gas safety certificate.

This original certificate must be given to the tenant prior to the start of the tenancy and a copy must be kept by the landlord or agent for a minimum of two years.

Instruction manuals for all appliances must be readily available in the property.

Where we manage a property, it is our responsibility to ensure compliance with gas safety regulations. If we do not manage the property, you as a landlord are responsible for ensuring that there is a valid gas safety certificate for the property and that the annual checks are carried out.

A tenancy cannot go ahead without the gas safety certificate in place. The Furniture and Furnishings (fire safety) Regulations - amended 1993.

Regulations making it an offence to supply furniture in the course of a business (including all rented property) unless it complies with 'the cigarette test', 'the match test' and the 'ignitability test'.

These regulations apply generally to all upholstery, upholstered furniture, loose fittings, and permanent and loose covers. They do not apply to original furniture manufactured before 1950 unless that furniture has been subsequently refurbished or reupholstered with materials manufactured after 1950.

All furniture manufactured after 1983 should comply with these regulations and carry the labels of compliance. However, all furniture should be checked to ensure that it carries the relevant labels. If there are no labels it is your duty to check with the retailer or manufacturer that the furniture complies.

It is illegal to let a property with furniture which does not comply with these regulations and so any furniture without compliance labels or where there is any doubt should be removed.

Energy Performance Certificate – EPC

From 1st October 2008 it is compulsory for all landlords to obtain for 10 years and must be made available to prospective tenants.

The Electrical equipment (safety) Regulations 1994

These regulations require that all electrical equipment supplied to a rental property is safe and checked on a regular basis by a qualified person.

In essence, as a landlord you are required to ensure that all electrical equipment is safe and will not cause death or injury to people or domestic animals or damage to property. All equipment should be properly insulated and earthed and protected by suitable fuses.

From January 1997 all new electrical equipment must bear the CE mark and be accompanied by instruction booklets and clear working instructions, however this does not override the landlord's responsibility to carry out further checks and to demonstrate that all steps have been taken in accordance with a duty of care to the tenant.

At present the regulations do not define 'regular' checks however basic checks should be carried out by the landlord to ensure: no worn or frayed cables or leads, no visible or accessible wiring, no live parts accessible, correctly fused plugs fitted to all appliances.

Domestic appliances - Cookers, fridge/freezers, washing machines, microwaves etc. should be in good working order and serviced as necessary. All appliances should be provided with suitable instructions and the total appliances as supplied should not be capable of overloading the system.

If there is any doubt about any appliance it should be removed from the premises or repaired by a suitably qualified electrical contractor.

As a total safeguard we would recommend that all appliances are tested by a qualified electrical contractor prior to the commencement of the tenancy and that where there is doubt or suspicion of a fault a more detailed inspection of wiring in the property is carried out.

Building Regulations 1991

All new homes built after 1991 must be fitted with mains operated smoke detectors on every floor.

There are no regulations for older buildings, however we would recommend the fitting of battery-operated smoke alarms for both your and the tenant's peace of mind.