

ELECTRICAL EQUIPMENT (SAFETY) REGULATIONS 1994 (SI 1994/3260)

The Electrical Equipment (Safety) Regulations essentially require that all electrical equipment supplied by a landlord is safe. Only electrical equipment which does not jeopardise the safety of people, domestic animals and property should be used. The function of the regulations is to protect tenants through a set of safety standards. It means that all landlords have a legal obligation to protect their tenants from injury and death.

It is therefore our recommendation that landlords should test all equipment provided for tenants on a regular basis. If a property is let where any of the electrical equipment provided is old, likely to be faulty or untested, then the landlord could be leave himself open to accusations of not having taken 'reasonable steps' to protect tenants from serious injury or death.

Primary Legislation

There are two pieces of related legislation which apply more widely. The Consumer Protection Act 1987 and the European Communities Act 1972: Transitional Arrangements 9 January 1995.

This legislation includes provisions relating to 'General safety' and that all electrical equipment supplied should be safe and should be tested as safe on a regular basis. Instructions should be supplied with electrical equipment, where the safe use of the equipment relies on a particular characteristic instruction. A CE label must be marked on all products sold after January 1995.

Testing specifications

We recommend the following method for testing electrical equipment for safety and repair:

- ✓ Inspect and list each item of equipment for conformity to required or relevant standards, noting; make, model, and serial numbers.
- ✓ Case covers, cables and plugs should be inspected for defects or damage and wherever necessary replaced with items conforming to standards.
- ✓ Fuses should be checked for the correct loading and replaced if they do not conform.
- ✓ Various checks such as earth bonds, electrical insulation, wear, leakage should be carried out.
- ✓ Every appliance should be conspicuously labelled with the test date and signature of the inspector.
- ✓ A full record of the results of the testing should be kept.

What happens if an appliance fails?

In the event of an appliance failing a test it should immediately be disabled by removal of the plug and a warning sticker applied. For reasons of hygiene the only exception to this is freezers. Any replacement appliance should be tested for safety by the supplier.

What appliances are affected?

All electrical items supplied by a landlord. For example:

- Fridges
- Freezers
- Electric cookers
- Microwaves
- Hairdryers
- Lawn mowers
- Irons
- Kettles
- Toasters
- Lamps
- Vacuum cleaners
- Immersion heaters
- Storage heaters

What are the penalties for non compliance?

Any breach of the regulations by a landlord or where appropriate the managing agent is a criminal offence under Section 33 or Section 36(1) of the Health and Safety at Work Act 1974. If found guilty there is a maximum fine of up to £5,000.

Any fines could of course be far greater if there should be a fatality as a result of non compliance with the regulations. In such a situation a separate civil case would be brought against the relevant party(s).

How can a safety check be arranged?

Details of a local NICEIC registered installer can be obtained from the NICEIC website at www.niceic.org.uk. Alternatively where appropriate the landlord's letting agent will usually be able to provide details of local NICEIC registered installers. The checks are due every year on the anniversary of the commencement of the tenancy.

Disclaimer

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