



Guidance notes for The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024

1. Introduction

- 1.1 These guidance notes have been produced to clarify what is required under the Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024.
- 1.2 The Regulations became law on TBC which means all private rented properties must comply and have the appropriate smoke, heat, and carbon monoxide alarms in place.

2. Purpose of Smoke, Heat and Carbon Monoxide Alarms

- 2.1 According to national fire statistics fires in properties that have alarms in place continue to:
 - be discovered more rapidly (less than 5 minutes) after ignition; and
 - be associated with lower fatal casualty rates.
- 2.2 The installation of smoke, heat and carbon monoxide alarms are intended to reduce the risk of fire and the consequent loss of life, injury, and damage to property. That is why this new legal requirement was introduced under Section 8 of the Private Tenancies Act (NI) 2022.

3. Landlords' responsibilities

- 3.1 These regulations introduce a responsibility on a landlord to install and keep in proper working order sufficient alarms for detecting smoke, heat and carbon monoxide within any property that they rent out to tenants. Alarms need to provide sufficient warning of potential danger. Additionally, any alarm within the property must be repaired or replaced once a landlord has been informed it has become faulty. Section 6 of this guidance details the number, type and location requirements that need to be applied.

- 3.2 A landlord needs to ensure that any alarm units (smoke, heat & carbon monoxide) that are bought/installed are marked/referenced as being British Standard compliant. If any alarms are being hardwired into the main electrical installation that work will need to be undertaken by a qualified electrician.
- 3.3 The landlord is responsible for the alarms within their property and must ensure they are fully functional. The landlord should confirm the tenant is satisfied all alarms are in working order on the commencement of any tenancy. A formal record should be kept of when alarms are installed or replaced. It is recommended to keep a record and associate with further information you hold on your rental property. A copy should also be placed within any information pack located in the property for the tenant's information. All tenants should be advised they need to regularly test the alarms according to the manufacturer's instructions, and to report any faults to the landlord.
- 3.4 If the alarms are due to be replaced, or a fault occurs, the landlords must take remedial action. Failure to comply may be a breach of their duty under these Regulations and an offence may have been committed. A landlord must check the tenant's availability to get access to a property to do repairs and maintenance work.
- 3.5 If a situation does occur in respect of access to the property landlords should attempt to understand why tenants cannot or will not provide access and work with them to find a solution. If access is continually denied landlords should write to their tenants to explain that it is a legal requirement to install the alarms and that it is for the tenant's own safety. Landlords should provide the tenant with a minimum of 24-hour notice for the need to access the property arranging a time to visit that is convenient for the tenant. The landlord should keep a written record of access attempts to provide to the local council in case of any challenge in respect of compliance.

4. Tenants' responsibilities

- 4.1 If tenants find that their alarms are not in working order during the tenancy, they need to report this to the relevant landlord or acting agent. Landlords will be responsible for repairing or replacing any faulty alarms. However, a landlord must be notified that a fault has occurred. (A landlord is not under a duty to carry out works unless he has actual knowledge of the fault).
- 4.2 Tenants should refer to the notes section of their tenancy information notice, their tenancy agreement, or any specific tenancy information pack provided by the landlord for any detail on testing and checking alarms.
- 4.3 Additionally it is a tenant's responsibility to take proper care of the alarms and make good any damage wilfully or negligently caused by themselves, or by any person/persons lawfully living in or lawfully visiting the premises.

- 4.4 As it is a legal requirement on the landlord to install alarms for the tenants' own safety, tenants should ensure that any required access to the property to do repairs, maintenance work and install alarms can be accommodated at a mutually agreeable time.

5. Testing alarms to check they are in working order

- 5.1 Testing of smoke, heat and carbon monoxide alarms does not require specialist skills or knowledge and is straightforward to do. Landlords should consider providing tenants with a demonstration and/or instructions to support understanding of how, and when, to test alarms to make sure they are in working order. Tenants should be advised of the expiry dates of the alarms located within the property and a warned not to tamper with the alarm units.
- 5.2 Landlords should advise tenants to test the alarms once per week by pressing the test button. If they can't reach, ask a family member or neighbour to help, or use a broom handle. It is the tenant's responsibility to undertake regular testing of the alarms and draw any faults to the landlord's attention. All relevant information should be included within any information pack located in the property for the tenant's information.

6. Requirement for alarms and installation

- 6.1 A landlord must have within the property a minimum of:

- ✓ 1 smoke alarm installed in:
 - the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge), and
 - in every circulation space.
- ✓ 1 heat alarm installed in every kitchen.
- ✓ 1 carbon monoxide alarm installed in any room or circulation space of the property which contains a fixed combustion appliance other than a gas cooker.

- 6.2 In connection with the standards on the required number of alarms outlined in the Regulations, it is recognised that layout and design of a property may determine that:

- if an area is open plan, one smoke alarm can cover the whole room provided it can be located where it is no more than 7.5 metres from any point in the room, except where the open plan area contains a kitchen area in which case the alarm fitted should be a heat alarm;

- if an alarm is more than 7.5 meters from any point in the room then another alarm must be installed:
- where the proximity of an open fireplace would make a smoke alarm impracticable a heat alarm may be fitted.

6.3 **Smoke alarms** (*mains wired, battery, or a combination of both*) must be installed on the ceiling and be interlinked. That means if one smoke alarm detects an incident all other alarms in the vicinity of that first alarm's signal will also raise an audible alert.

6.4 **Carbon monoxide alarms** (*mains wired or battery*) can be either ceiling or wall mounted see section 8.11 for further clarification. If the alarm is battery operated it must have a sealed battery for the duration of its lifespan.

6.5 If using battery smoke alarms, they must be sealed tamper-proof units and have long-life batteries. You may be able to fit these alarms yourself as they do not need to be fitted by a qualified electrician. Batteries last for the duration of its operational lifespan, which may be up to 10 years, however be aware sensors can degrade over time.

6.6 Mains wired alarms (smoke, heat or carbon monoxide) must be fitted by a qualified electrician.

6.7 Mains wired alarms may be subject to building control approval, for further information please check the following link: [Building Control NI \(buildingcontrol-ni.com\)](http://buildingcontrol-ni.com). It will be the responsibility of a qualified electrician to install mains wired alarms in compliance with current building regulation standards.

6.8 Northern Ireland Fire and Rescue Service provide free Home Fire Safety Checks to people at risk. This includes a visit to the property to provide advice on how to stay safe from fire. To apply for a home fire safety check and get additional advice, please visit the NIFRS website at: www.nifrs.org

7. Specialised alarms

7.1 Landlords should make an informed decision and choose the best alarms for their properties and tenants, with due regard for their tenants' circumstances. For example, specialist smoke, heat and carbon monoxide alarms that alert by vibration or flashing lights (as opposed to by sound alerts) may be required for tenants who are deaf or hard of hearing.

8. Carbon Monoxide Alarms

8.1 Carbon monoxide (CO) is a gas, produced when carbon-based fuel, such as coal, wood, oil, or natural gas, is burnt without enough oxygen. You cannot

see, smell, or taste it but it can injure and kill quickly. Not only is CO responsible for many deaths and poisonings each year, but many people are also likely to be affected by CO without realising it. [Carbon monoxide | Health and Safety Executive Northern Ireland \(hse.gov.uk\)](https://www.hseni.gov.uk)

- 8.2 Alarms are essential in providing perhaps the only warning an occupier will have of the presence of CO, which is a 'silent killer' and almost every fatality results from the lack of early warning to its presence.
- 8.3 Combustion appliances such as boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas all have the potential to cause CO poisoning if they are poorly installed or commissioned, inadequately maintained, or incorrectly used. Inadequate ventilation or a lack of the correct maintenance of appliances, flues and chimneys are the main causes of CO poisoning. Poisonous CO gas is produced when fuel does not burn properly. Incidents of poisoning can also occur through deterioration of the structure of the flue or chimney.
- 8.4 The installation of carbon monoxide alarms is intended to reduce the risk of CO poisoning and the consequent loss of life and serious injury. These Regulations match the existing Regulations required for new build properties. Private landlords must ensure that all the properties they let to tenants include carbon monoxide alarms, if appropriate, regardless of when the tenancy started and what previous requirements have already been met.
- 8.5 Tenants have a right to refer any landlord not complying with the installation of carbon monoxide alarms or any other element of non-compliance within the regulations to the environmental health department of their local council.
- 8.6 In order to alert occupants to the presence of levels of CO gas which may be harmful to people, private landlords must ensure that carbon monoxide alarms are installed in all dwellings they rent to tenants where there is:
 - A fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling.
 - A fixed combustion appliance in an inter-connected space, for example an integral garage.
 - A combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) – the CO detector should be sited outside the room as close to the appliance as possible but allowing for the effect humid air might have on the detector when the bathroom door is open.
- 8.7 A carbon monoxide alarm is not required in an attached out-building or garage where there is no inter-connection with the house for example a connecting door. To be clear, if there is no way that CO could reasonably be expected to find a path into the house there is no need for a detector.

- 8.8 Carbon monoxide alarms need to be powered by a battery designed to operate for the working life of the detector. The detector should incorporate a warning device to alert the users when its working life is due to expire and should be replaced before the expiry date. However, hard wired mains operated carbon monoxide alarms (fixed wiring) may be used as an alternative, provided they are fitted with a sensor failure warning device. Carbon monoxide alarms whether hard-wired or battery must be British Standard compliant.
- 8.9 Section 6 of this guidance specifies that there must be a carbon monoxide alarm installed in any room of the property which contains a fixed combustion appliance other than a gas cooker. That is the minimum standard, however a carbon monoxide alarm may also be installed in a bedroom or any room where a flue passes through to provide extra protection if considered necessary.
- 8.10 Unless otherwise indicated by the manufacturer, carbon monoxide alarms should be sited as follows:
- Ceiling mounted and positioned at least 300mm from any wall (unless otherwise indicated by the manufacturer).
 - Wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room (unless otherwise indicated by the manufacturer).
 - If the combustion appliance (primarily boiler) is located within a small space, usually a cupboard, the alarm should be sited outside the space/cupboard with the appropriate distance between appliance and alarm of between one and three meters.
 - If the combustion appliance (primarily boiler) is located in an attic, the detector should ideally be sited between one and three meters from the appliance in the attic and another interlinked detector sited outside the attic near the attic hatch. Where this is not possible, a detector sited outside the attic as near the attic hatch as possible is acceptable.
- 8.11 A carbon monoxide alarm should **not** be sited:
- In an enclosed space (for example in a cupboard or behind a curtain).
 - Where it can be obstructed (for example by furniture).
 - Directly above a sink.
 - Next to a door or window.
 - Next to an extractor fan.
 - Next to an air vent or similar ventilation opening.
 - In an area where the temperature may drop below -10 °C or exceed 40° unless the detector is designed to do so.
 - Where dirt and dust may block the sensor.
 - In a damp and humid location.
 - In the immediate vicinity of a cooking appliances.

- 8.12 Landlords should be mindful that the provision of carbon monoxide alarms should not be regarded as a substitute for the correct installation and regular servicing of all combustion appliances.

Although not part of these Regulations further information relating to Gas Safety can be found via the following link: [Gas safety and carbon monoxide | nidirect](#)

9. Enforcement

- 9.1 If a landlord fails to comply with the duty to keep in repair and proper working order sufficient appliances for detecting smoke, heat, and carbon monoxide in a private tenancy, this will be an offence under Article 68(1) of the Private Tenancies (NI) Order 2006 and, the appropriate district council may institute legal proceedings.

10. Fines/Penalties

- 10.1 An offence under Article 68(1) of the Private Tenancies (Northern Ireland) Order 2006 on conviction will attract a fine not exceeding level 4 on the Department of Justice standard scale.
- 10.2 If the local council believes that an offence has been committed the authorised council officer, may offer the landlord the opportunity of discharging any liability to conviction, by the payment of a fixed penalty fine which will not exceed one-fifth of the maximum fine payable on conviction of that offence.



Guidance notes for The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024

1. Introduction

- 1.1 The Department for Communities is committed to making sure that private rented homes are safe, secure places to live and raise families. The majority of landlords are pro-active when it comes to ensuring the safety of their tenants and make a welcome contribution to the housing market. But a minority fail to do so, putting their tenants in danger as a result.
- 1.2 The Regulations require landlords to have the electrical installations in their properties inspected and tested by a qualified person at an interval of at least every 5 years.
- 1.3 This means that all landlords now must do what good landlords are already doing: making sure the electrical installations in their rented properties are safe.
- 1.4 Houses in Multiple Occupation (HMOs) continue to be covered under the HMO Licensing Scheme; see the following link for further information.
<https://www.gov.uk/house-in-multiple-occupation-northern-ireland>

2. Purpose

- 2.1 The Regulations came into force on [TBC] and to ensure private rented properties meet the required Electrical Safety Standard. This forms part of the Department's wider work to improve safety in all residential premises. Which means that:
 - The electrical wiring, sockets, consumer units (fuse boxes) and other fixed electrical parts in rented homes must be inspected and tested every 5 years, or more often than this if the qualified person undertaking the inspection thinks that is necessary.

- Throughout the time a tenant is living at the property, electrical safety standards must be met.
- The landlord must give the tenant a copy of the report detailing the condition of the property's electrical installation. If requested the report must also be provided to the appropriate district council.

3. What do these Regulations mean for Landlords?

3.1 Landlords of privately rented accommodation must:

- Ensure all electrical installations in their rented properties are inspected and tested by a qualified person at least every 5 years. The qualified person will ensure national standards for electrical safety are met. These are set out in the [18th edition of the 'Wiring Regulations'](#), which are published as British Standard 7671.
- Obtain a report from the qualified person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the appropriate district council with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant (and the appropriate district council within 28 days of completion of the works if linked to previous council intervention).

3.2 The landlord will need to liaise and agree with the tenant a suitable time and date for the electrical safety inspection to be completed. Additionally, if remedial work is identified from the inspection a suitable time and date must also be agreed with the tenant to have that work completed.

4. What do these Regulations mean for Tenants?

4.1 Landlords must keep the electrical installations in their rented properties safe and in working order and most landlords already do this. These Regulations mean landlords must now have the electrical installation checked at least every 5 years by a properly qualified person. The electrical Installation must be safe, and a landlord must give a tenant proof of this.

4.2 Tenants should:

- ✓ Check they have been provided with a copy of the latest electrical safety inspection report.
- ✓ Report any electrical problems, or potential problems, that occur in between the 5-year inspection period to the landlord so that remedial action can be taken.
- ✓ Allow access to the property for the electrical safety inspection to be completed by the qualified person, and if necessary, allow further access for remedial work to be completed.

Points to Note

4.3 A tenant:

- ✓ Is not required to pay for or contribute towards the cost of the electrical safety inspection.
- ✓ Has the right to contact the appropriate local district council to seek intervention if it is evident that no action has been taken in respect of faults detailed on the last electrical safety inspection report, or no action has been taken in respect of a notified potential new problem.
- ✓ Should be aware that if a landlord cannot carry out an inspection because they do not have right of access to all or part of the property, or lack any other necessary right, the landlord is not in breach of their duties in relation to the regulations if they have taken reasonable steps to acquire that right.
- ✓ Can ask the qualified person completing the inspection for appropriate ID upon arrival.
- ✓ Should note that the landlord is not responsible for the electrical safety of any appliances that belong to the tenant and have been brought into the rental property by the tenant. That is the tenant's responsibility.

5. What will the Electrical Safety Inspection involve?

- 5.1 It is the landlord's responsibility to make sure that the person undertaking the inspection is appropriately qualified and skilled. A qualified person has been defined in the Regulations as being *"a person competent to undertake the inspection and testing required under regulation 3(1) and any further investigative or remedial work in accordance with electrical safety standards."*
- 5.2 The 'fixed' electrical parts of the property, like the wiring, the socket-outlets (plug sockets), the light fittings and the consumer unit (or fuse box) will be inspected. This will include permanently connected equipment such as showers and extractors.

The inspection will find out if:

- Any of the electrical installations are overloaded.
- There are any potential electric shock risks and fire hazards.
- There is any defective electrical work.
- There is a lack of earthing or bonding – these are 2 ways of preventing electrical shocks that are built into electrical installations.

(The Regulations do not cover the inspection of plug-in electrical appliances like cookers, fridges, televisions etc, only the fixed electrical installations.)

- 5.3 The qualified person at the end of the inspection will produce a report, usually an Electrical Installation Condition Report (EICR). (See Annex A). This report details the condition of the electrical installations and any remedial works or further investigations which may be needed.
- 5.4 The inspection report will use the following classification codes to indicate where a landlord must undertake remedial work.
- **Code 1 (C1): Danger present. Risk of injury.** The electrical inspector may make any C1 hazards safe before leaving the property.
 - **Code 2 (C2): Potentially dangerous.**
 - **Further Investigation (FI): Further investigation required without delay.**
 - **Code 3 (C3): Improvement recommended.** Further remedial work is **not** required for the report to be deemed satisfactory.

6. What happens after the inspection?

- 6.1 The report (usually an EICR) will show whether the electrical installation is safe for continued use. In practice, if the report does not require investigative or remedial work, the landlord will not be required to carry out any further work. A copy of that report needs to be given by the landlord to the tenant within 28 days and no further action will be taken.
- 6.2 If the report contains a code C1, C2 or FI, then your landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days, or less if specified in the report. The C3 classification code does not indicate remedial work is required, but only that improvement is recommended. Landlords don't have to make the improvement, but it would improve the safety of the installation if they did.
- 6.3 If further necessary investigative or remedial work identified by the report is not undertaken by the landlord, the appropriate district council can be contacted by the tenant to determine if further action should be taken.

7. What happens if an electrical fault occurs between a 5-year inspection point?

- 7.1 If a landlord is notified of an installation electrical fault occurring between the 5-year inspection point, the landlord is responsible under Regulation 3, to ensure the fault is investigated and remedial action taken to meet the required safety standards.
- 7.2 However depending on the type of fault reported the electrical installation may need checked by a qualified person, and if necessary, remedial work undertaken (for example minor works, or a fuse box replaced or rewired). If remedial work is needed then any report provided by the qualified person should be appended to the previous inspection report as detailed in Section 6 above, as evidence that the electrical safety standards have been met. (Annex A provides further clarification.)

8. What happens if a Landlord does not comply with the Regulations?

- 8.1 If the appropriate district council believes a landlord is in breach of one or more of their duties set out in the Regulations, they must serve a remedial notice on the landlord requiring them to take action within 28 days.

8.2 Landlords will have 21 days to make any written representations and appeal to the district council against the remedial notice. If representations are made the remedial notice is suspended until the district council considers those. The district council must inform the landlord of their decision within 7 days.

8.3 District councils may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances:

- If a landlord does not comply with a remedial notice.
- If the electrical safety inspection report indicates that urgent remedial action is required, and the landlord has not carried this out within the period specified in the report.

The district council can recover the costs incurred.

8.4 Before arranging remedial action following non-compliance with a remedial notice, the district council must give the landlord notice that they are going to do work.

Right of appeal

8.5 Landlords have recourse to have an appeal heard in court against:

- A decision that the district council will undertake the remedial action. [An appeal must be made within 28 days from the day on which a remedial notice is served.]
- A demand for the recovery of costs made by the district council following remedial action.
- The decision to take urgent remedial action by district council. [An appeal must be made within 28 days from the day on which the work started.]

9. What is the consequence of non-compliance?

9.1 A landlord who fails to comply with any of the duties under the regulations will be guilty of an offence. The appropriate district council shall bring the prosecution of the offence and on conviction the landlord will be liable to a fine not exceeding level 5 on the Department of Justice standard scale.

9.2 Alternatively, where an authorised officer of an appropriate district council believes that an offence has been committed the authorised officer, may offer the landlord the opportunity of discharging any liability to conviction, by the payment of a fixed penalty. The fixed penalty is an amount determined

by the council, and will not exceed one-fifth of the maximum fine payable on conviction of that offence.

Do I need an EICR, EIC, or MEIWC Report?

1. Electrical Installation Condition Report (EICR)

In the majority of cases the 5 yearly inspections will generate the completion of an Electrical Installation Condition Report (EICR). The EICR must be completed by a qualified person as defined within the Regulations.

The EICR must cover the following installations for the supply of electricity; electrical fittings, including –

- ✓ the consumer unit(s)
- ✓ switches
- ✓ socket outlets
- ✓ light fittings,
- ✓ any visible wiring, and
- ✓ any areas where electrical equipment may be installed, (for example lofts with supplies to renewable energy sources), and

visual inspection of fixed electrical equipment, including –

- ✓ fixed electrical heating equipment e.g. storage or panel heaters,
- ✓ electric showers and over/under-sink water heaters
- ✓ boilers and other heat producing equipment, and
- ✓ hard-wired smoke and fire detectors.

The person carrying out the inspection must complete and clearly set out on the EICR –

- the date of the inspection;
- the full address of the house inspected;
- the name and address of the landlord or their agent;
- the name and address of the person carrying out the inspection;
- evidence that person completing the inspection report is a qualified electrician as defined at Annex A;
- a description of each installation, fixture and fitting inspected, and its location in the house, and
- any defect identified.

Any electrical installation, fixtures, fittings, or equipment which fails to pass electrical safety inspection must be replaced or repaired.

The qualified person completing the EICR will use the following classifications codes to indicate where a landlord must undertake remedial work.

- **Code 1 (C1):** *Danger present. Risk of injury.* The qualified person may make any C1 hazards safe before leaving the property.
- **Code 2 (C2):** *Potentially dangerous.*
- **Further Investigation (FI):** *Further investigation* required without delay.
- **Code 3 (C3):** *Improvement recommended.* Further remedial work is not required for the report to be deemed satisfactory.

If the codes C1 or C2 are identified on the report, then remedial work will be required. The report will state the installation is unsatisfactory for continued use. If the qualified person identifies that further investigative work is required (FI), the landlord must also ensure this is carried out for the tenant's safety.

The C3 classification code does not indicate remedial work is required, only that improvement is recommended. Landlords don't have to make the improvement, but it would improve the safety and efficiency of the installation if they did.

An EICR will recommend any remedial action required to ensure that the electrical installation is in a satisfactory condition for continued service, but any remedial work which is undertaken must be recorded separately on a Minor Electrical Installation Works Certificate (MEIWC).

If remedial work includes replacement of a fuse box (known in the electrical industry as a consumer unit) an Electrical Installation Certificate (EIC) should be provided.

2. **Minor Electrical Installation Works Certificate (MEIWC)**

The MEIWC is used for any remedial work identified on the EICR, as evidence that the faults have been fixed. It is used when there needs to be additions and alterations to an electrical installation that do not extend to the provision of a new circuit. Examples include the addition of socket, outlets or lighting points to an existing circuit, the relocation of a light switch etc.

If a replacement of a fuse board is necessary an Electrical Installation certificate (EIC) is required.

3. **Electrical installation Certificate (EIC)**

An EIC is provided for new build properties and for properties that have been fully rewired. It may also be required for an alteration or addition to the

electrical installation – like the installation of a new circuit and the replacement of the fuse box or consumer unit.

After 5 years this will be replaced by an EICR.

A landlord who has an EIC for a property can provide this in place of an EICR to show compliance with the Regulations provided that the date of next inspection indicated on the certificate has not elapsed.

4. Provision of EICR, MEIWR & EIC Reports on Request

A copy of all the relevant reports and certificates (EICR, MEIWR or EIC) must be provided to the tenant within 28 days from the electrical safety inspection.

Follow up paperwork to confirm that any remedial C1, C2 or FI faults have been actioned needs to be appended to the associated report within 28 days from the faults being rectified.

If a district council official requests a copy of any relevant report and certificate (EICR, MEIWC, or EIC), landlords must supply a copy within 7 days of receiving the request.

5. What if a landlord already has a report?

If a landlord has had an inspection carried out before the Regulations come into force and they have complied with all relevant requirements, the next test will not be due until 5 years have passed from the date of the report, or less if the report specifies a shorter period.

Useful Information

1. Definition

Qualified person: defined in the Regulations, as a person who possesses the appropriate practical skills to the nature of the electrical work to be undertaken. This would include adequate education, training and being able to perceive risks and avoid hazards which electricity can create. Please note the qualified person should be registered with a recognised electrical trade body.

2. How to select a qualified person

Guidance has been produced by the electrical safety industry that covers how landlords can choose a qualified and competent electrician and tester. this includes but is not limited to:

- [Electrical Safety Roundtable](#)
- [Are You on the RCPE Register? - Professional Electrician \(professional-electrician.com\)](#)

3. Further Informaiton

Electrical Safety First

The registered charity Electrical Safety First, have provided advice and guidance, useful for landlords and tenants to aid understanding of the electrical installation condition reporting process and classification codes applied to faults:

- [Layout 1 \(electricalsafetyfirst.org.uk\)](#)
- Further practical guidance on classification codes: [bpg4-1.pdf \(electricalsafetyfirst.org.uk\)](#)

Trustmark Scheme

Backed by the government, ensures that traders who sign up are fully qualified to do electrical work and they also provide a complaints procedure: [TrustMark - Government Endorsed Scheme For Work Done Around Your Home](#)

4. **Recommended Good Practice – PAT Testing**

The 5-yearly electrical safety check only covers the electrical wiring installation within the property and the inspection of any hard-wired

appliances. Portable Appliance Testing (PAT) covers moveable appliances that have a cable and a plug.

These Regulations do not require landlords to undertake PAT within the 5-yearly safety check. PAT does not have specific frequency requirements and instead it is therefore recommended that landlords give consideration to having PAT testing of electrical equipment within their rented property carried out as good practice based upon factors such as location, frequency of use, and types of appliances.

If thought beneficial a PAT test can either be carried out by a qualified person as defined in Annex A, or alternatively by a person that has completed a PAT testing accredited course/training.

Any appliance which fails to pass a Portable Appliance Test should be replaced or repaired immediately, for further guidance see the following link: [PAT \(Portable appliance testing\) - HSE's](#)

Appliance Recalls or Safety Alerts

Landlords and Tenants should keep alert to any product recall notices or safety alerts relating to the models of appliances installed within the property. A significant number of recalls for electrical appliances occur due to a risk of catching fire or causing electrocution. It is good practice to register products at the address of the landlord to ensure that recall paperwork is actioned. Alternatively, landlords can check a free list of products that have recently been recalled by manufacturers which is provided by Electrical Safety First and is available free online at:

[Product Safety Alerts, Reports and Recalls - GOV.UK \(www.gov.uk\)](#)

**Consultation on Private Tenancies Act 2022
Section 8 Smoke, Heat and Carbon Monoxide Alarms**

Summary

The Regulations relating to Section 8 pertain to the installation of sufficient smoke, heat, and carbon monoxide alarms and aim to reduce the risk of fire related incidents in private rented properties.

Section 4: District Council Environmental Health Officers

The Regulations and Guidance Notes have been attached to the consultation for reference.

1. Did you find the regulations/guidance notes easy to follow with regard to Council enforcement responsibilities?

X Yes

2. Is the information regarding the enforcement process correct?

X Yes

If you answered NO to this question, please explain below what was incorrect.

The Council largely agree the enforcement process is correct and makes the following comments:

- In the absence of provision to issue a notice requiring the landlord to carry out works to repair or provide alarms, the enforcement process commences with the decision to prosecute for the offence under Article 11B(4) or offer discharge of liability of conviction by payment of fixed penalty notice, maximum £500. The Council highlight we will have regard to the General Enforcement Policy in determining the most appropriate course of action.
- With reference to Regulation 4(3), there appears to be typing error. i.e. Landlords must install sufficient alarms as specified in accordance with regulation (1) and (2). Should read regulation 4(1) and 4(2)
- With reference to Guidance point 9.1 and 10.1, there appears to be technical error. The offence is created under 11B(4) of the PTO and not Art 68 (1) which relates to the prosecution of offences including that created under Article 11B(4) for failing to comply with duties under 11B(1)

3. Do you think we have got the landlord and tenant responsibilities right in the Regulations/Guidance?

X Yes

If you have answered NO to this question, please comment below on anything that we have missed or got wrong.

Council largely agrees with the responsibilities for each party and acknowledges it is the tenant responsibility to test to ensure in proper working order and report to the landlord.

However, we seek further clarification and guidance regarding Article 11D of the PTO: Landlord's duties: private tenancy of part of a building, i.e., where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

Given there are many incidents of fires in blocks of flats and high-rise buildings with potentially serious consequences, Council seeks clarity either within the regulations and/or guidance in relation to position, numbers, types of alarms required for common parts of buildings and the enforcement process.

4. Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/Guidance Notes?

X Yes

If you have answered YES, please comment below.

- With reference to Guidance point 8.9, the Council seeks further clarification regarding the extra protections considered necessary for flue transferring through bedrooms. It is suggested an example of the circumstances would be appropriate.
- Council highlights the provision of sufficient alarms and the specification of interlinked alarms in private rented properties will be a significant change for landlords. It is acknowledged the specification deviates from the current building control requirement which is to be 'hard wired' however Council agrees the requirement to provide smoke and heat alarms interlinked either hard wired or battery sealed or combination of both is a significant step forward to reduce the risk of fire related incidents.
- It is also highlighted the NIFRS current scheme of installing smoke alarms may not be compliant with the requirements and therefore unable to provide service to the private rented sector.
- The introduction of the Private Tenancies Act provides Councils with new enforcement powers to deal with tenancy issues in the private rented sector. This has increased the duties and demands on the Councils enforcement resource which has already experienced an increase demand on housing and statutory nuisance services over recent years, coupled with competing priorities on other duties with the Environmental Health Department. The Council reiterates the concerns in terms of resources in the absence of no financial support available to assist Councils with these additional powers.
- The Council agrees the regulations should not apply to HMO properties as they are already well regulated. The Department has made to clear the regulations will also not apply to single lets. The Council is not aware of any specific legislation/guidance in relation to single lets and require clarification on how private tenancies provided as emergency housing accommodation by NIHE intend to be regulated. It is our view single lets should be afforded the same protections and safeguards as private rented and social tenants and avoid creating a two-tier system.

**Consultation on Private Tenancies Act 2022
Section 10 Electrical Safety Standards**

Summary

The Regulations for Section 10 introduce certified 5-yearly checks of a private rented property's hard-wired electrical installation by a qualified electrician.

Section 4: District Council Environmental Health Officers

The Regulations and Guidance Notes have been attached to the consultation for reference.

1. Did you find the regulations/guidance notes, which explain the enforcement process, easy to follow?

X Yes

Mid Ulster District Council welcomes the mandatory requirement to ensure periodic electrical safety checks in private rental properties conducted by suitably qualified professionals, as currently there is no such legal requirement. This is in contrast with regulation of Houses in Multiple Occupation (HMO's) properties and private rented sector in other jurisdictions.

Council largely agrees the regulation and guidance clearly sets out the enforcement process and makes the following comments:

- Council considers the regulations clearly set out the duties of private landlords to ensure electrical safety standards are met and set an interval of periodic testing every 5 years by a qualified person, with the first inspection to take place before tenancy commences or by 1st January 2025 if existing tenancy.

The guidance clearly states the electrical standards to be met are set out in the 18th Edition of the Wiring Regulations.

- With regards to Regulation 3(4) and 3(5), Council is of the opinion, upon completion of further investigative or remedial works, this should necessitate a duty to provide a copy of the final *'report'* i.e., Minor Electrical Installation Works Certificate (MEIWC) to the tenant and council, as opposed to *'written confirmation'*. A **report** (MEIWC) would clearly demonstrate the specific works completed and provide assurances the electrical installation is safe. For example, in the past officers have experienced receipt of scant written notes deeming electricians are safe and meet the standards without evidence to demonstrate the required investigation has been carried out or nature of repairs completed.
- Council considers clarification is required in the guidance with regards to the service of a remedial notice. Regulation 4(1) details the council must serve a remedial notice where there are reasonable grounds to believe the landlord failed to comply with *one or more duties under Regulation 3(1)(a)(b)(c), 3(4), 3(5), 3(6)*. Omitting the duties set out in Regulation 3(3). In contrast the language used in the Guidance, point 8.1, states *"if council believes a landlord is in breach of one or more of their duties set out in the Regulations, they must serve notice."*

The guidance should be consistent with the requirements of the regulations. We think the duties contained in Regulation 3(3) should be included, like other duties specified in Regulation 4(1). This would provide an option to serve a remedial notice, for example,

requiring the landlord to supply of copy of report to tenant within 28 days. This would be in addition to the option of prosecution and offering a fixed penalty notice for the offence failing to comply with duty under Regulation 3.

- It is Mid Ulster District Council's view that the requirement to suspend the remedial notice upon written representation from landlord to allow the council to consider for 7 days and then allow a further 21 days from the date notice upheld, allows for the potential for the process to be delayed, and perhaps could be used to the advantage of the landlord to stall the process, at the detriment of the occupants.

2. Do you agree the process outlined within the Regulations and Guidance is in line with what you currently progress under the Private Tenancies (NI) Order 2006 in respect of enforcement action?

X No

If you have answered NO to this question, it would be appreciated if you could comment below on what should be amended.

Mid Ulster District Council is already heavily involved in the regulation of the private sector under the legislative framework of the Private Tenancies (NI) Order 2006 (PTO). Officers have considered the proposed enforcement processes in comparison to those within the PTO:

- Under Part III of the Order, the district council may serve a Notice of Unfitness (NOU) or a Notice of Disrepair (NOD) on the *'owner'*, defined as *the person who for the time being receives or is entitled to receive the rent of the dwelling-house or building, whether on his own account or as agent or trustee for any other person.*

In contrast, The Electrical Safety Regulations place the duty on the *'landlord'* and remedial notice to be served on the same. There is no definition of 'landlord' in the regulations or the guidance therefore it is assumed it will be the same as that defined in the Private Tenancies (NI) Order 2006, i.e. *"the landlord" as includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part III of the Rent Order would be, entitled to possession of the dwelling-house;*

It is the Council's view that the guidance and/or the regulations should provide clarity on the definition of the landlord for the purpose of enforcement.

- Under Article 26 of the PTO, council will have the ability to charge for expenses incurred in respect of service of NOU and NOD.

The expenses are those incurred in–

- (a) determining whether to serve the notice,
- (b) identifying the works to be specified in the notice, and
- (c) serving the notice.

It is expected there will be cases that officers will be required to seek the expert advice of a qualified electrician to determine whether to serve a remedial notice and specify the works required. This will be at a cost to the ratepayer. It is the Council's view the regulations should make provision for the ability to charge for enforcement action, similar to that associated with the service of notices under Part III of the Private Tenancies Order.

- Under Article 27 of PTO there is the provision of powers of entry to persons authorised by council, having given the appropriate notice to the occupier and the owner, for the purpose of survey and examination and for carrying out work in default as required by NOU or NOD. Article 28 also provides an offence for obstruction of an officer under Part III. This differs to Regulation 6, in that there is no power of entry for authorised persons for works in default/urgent works which may be carried out by the council. The council may only carry out works with consent given by the tenant. It is our view; some vulnerable tenants may not consent fearing retaliation eviction by the landlord.
- It is clear within Regulation 5(3) if the landlord is prevented from entering the dwelling by the tenant/s, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the notice solely by reason of a failure to bring legal proceedings to secure entry.

The Council seek clarification on whether Article 12(2) of the PTO is applicable for landlords attempting to secure entry to the dwelling for the purpose of electrical repairs. And if so, the guidance should clearly state if the landlord is expected to utilise this provision to demonstrate reasonable steps have been taken to gain entry to carry out repairs specified in any remedial notice.

- Council wishes to highlight there are difficulties encountered following prosecution of offences alongside the continuation of the offence. The regulations differ to the PTO in that there is no process for further prosecution of continuing offence. It is our view this should be included in the regulations to avoid protracted process of serving another remedial notice and going through the entire process again.

3. Do you think there is a step missing that could help you with the Enforcement process (if permissible for us to work in under the powers in the primary legislation)?

X Yes

If you have answered YES to this question, please detail below so we can give that consideration.

Within the regulations provisions to deal with urgent works are:

- the discretionary power for council to arrange to carry out works
- prosecute the landlord for failing to comply with duties, or
- offer discharge of liability to conviction by the payment of Fixed Penalty Notice, maximum £1000

The Council considers it beneficial to make provision to allow councils to require the landlord arrange urgent inspection/testing in the intervening period of testing and to obtain and supply report to the council, thereafter, following the enforcement process.

It is our view the onus should always be on the landlord to ensure and demonstrate the electrical safety standards are met and installation is safe.

4. If the council has reasonable grounds to serve a remedial notice the tenant should receive a copy as per Regulation 4(4). Do you believe the tenant needs to get a copy of the remedial notice at this stage?

x Yes

This is consistent with service of Notice of Unfitness and Notice of Disrepair under Part III of the PTO

5. Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/Guidance Notes?

X Yes

If you have answered YES, please comment below.

- With reference to Regulation 3(3) & 3(4), Mid Ulster District Council wishes to acknowledge the demands placed on the industry to produce reports in a timely manner and to carry out remedial works within the specified 28days. The Department should carefully consider if the specified time periods are practically achievable or what other measures can be taken across other Departments to ensure sufficient trained and qualified persons are available to carry out regular testing and provision of reports.
- It is acknowledged the necessity of an appropriate lead-in period for all existing tenancies to obtain first inspection. In our view one year is considered reasonable.
- The additional duties placed upon landlords will require appropriate communication by the Department to landlords, agents, and tenants.
- Council agrees that the regulations should not apply to HMO properties as they are already well regulated. The Department has made to clear the regulations will also not apply to single lets. The Council is not aware of any specific legislation/guidance in relation to single lets and require clarification on how private tenancies provided as emergency housing accommodation by NIHE intend to be regulated. It is our view single lets should be afforded the same protections and safeguards as private rented and social tenants and avoid creating a two-tier system.
- Council seeks clarification and guidance how the regulations apply to common parts of buildings, outside flats etc.
- To avoid any misinterpretation, Council suggests the guidance should be clear that an ECIR is the minimum standard required and expected.
- The introduction of the Private Tenancies Act provides Councils with new enforcement powers to deal with tenancy issues in the private rented sector. This has increased the duties and demands on the Councils enforcement resource which has already experienced an increase demand on housing and statutory nuisance services over recent years, coupled with competing priorities on other duties with the Environmental Health Department. The Council reiterates the concerns in terms of resources in the absence of no financial support available to assist Councils with these additional powers.
- Council requests the Department provide or arrange for the training of council officers prior to the commencement of the regulations.