

2024 No. 0000

LANDLORD AND TENANT

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

Made - - - - *00th XXXX 202X*

Coming into operation *one month from made date*

CONTENTS

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Duties of landlords in relation to electrical installations

PART 3

4. Duty of district council to serve a remedial notice
5. Duty of landlord to comply with a remedial notice
6. Power of district council to arrange remedial action
7. Appeals relating to remedial action by district council
8. Recovery of costs
9. Appeals against recovery of costs
10. Enforcement of demand for recovery of costs

PART 4

11. Power of district council to arrange urgent remedial action

PART 5

12. Offences

The Department for Communities, makes the following Regulations in exercise of the powers conferred on it by Articles 11I, 11J, 11K and 72(1) of the Private Tenancies (Northern Ireland) Order 2006(a), (“the 2006 Order”).

In accordance with Article 72(7) of the 2006 Order the Department has consulted—

(a) 2006 No. 1459 (N.I. 10) as amended by the Private Tenancies Act (Northern Ireland) 2022 c. 20 (N.I.).

- (a) district councils;
- (b) such persons as appear to the Department to be representative of landlords;
- (c) such persons as appear to the Department to be representative of tenants; and
- (d) such other persons as the Department considers appropriate (which may include landlords or tenants).

In accordance with Article 72(3A) of the 2006 Order a draft of these regulations was laid before, and approved by, a resolution of the Assembly.

PART 1

Citation and commencement

1.—(1) These Regulations may be cited as the Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024.

(2) These Regulations come into operation on 00st XXXXX 202X

(3) These Regulations apply to—

- (a) all new private tenancies from **one month from made date**; and
- (b) all existing private tenancies from **one year from made date**.

Interpretation

2. In these Regulations—

“authorised person” means a person authorised in writing by the appropriate district council for the purpose of taking remedial action under Regulations 6 and 11;

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

“electrical safety standards” means the standards for electrical installations in the eighteenth edition of the Wiring Regulations, published by the Institution of Engineering and Technology and the British Standards Institution as BS 7671: 2018(a);

“existing private tenancy” means a tenancy which was granted before the coming into force of these Regulations;

“new private tenancy” means a tenancy which is granted on or after the coming into force of these Regulations;

“qualified person” means 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;

“remedial notice” means a notice served under regulation 4(1) of these Regulations;

“report from a qualified person” means a certificate reporting the testing of electrical installations;

“urgent remedial action” means such action identified in a report under regulation 3(3) as is immediately necessary in order to remove the danger present and risk of injury.

(a) ISBN-13: 978-1-78561-170-4. Copies can be obtained from the Institution of Engineering and Technology, Michael Faraday House, Six Hill Way, Stevenage SG1 2AY.

PART 2

Duties of landlords in relation to electrical installations

- 3.—(1) A landlord who grants or intends to grant a private tenancy must—
- (a) ensure that the electrical safety standards are met during the period when the dwelling-house is let under the private tenancy;
 - (b) ensure every electrical installation in the dwelling-house is inspected and tested at regular intervals by a qualified person; and
 - (c) ensure the first inspection and testing is carried out—
 - (i) before the tenancy commences in relation to a new tenancy; or
 - (ii) by 1st January 2025 in relation to an existing tenancy.
- (2) For the purposes of sub-paragraph (1)(b) “at regular intervals” means—
- (a) at intervals of no more than 5 years; or
 - (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.
- (3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a landlord must—
- (a) obtain a report from the qualified person conducting the inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
 - (b) supply a copy of that report to each existing tenant of the dwelling-house within 28 days of the inspection and test;
 - (c) supply a copy of that report to the appropriate district council within 7 days of receiving a request in writing for it from the council;
 - (d) retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
 - (e) supply a copy of the most recent report to—
 - (i) any new tenant before they occupy the dwelling-house; and
 - (ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.
- (4) Where a report under sub-paragraph (3)(a) indicates that a landlord is or is potentially not complying with the duty under sub-paragraph (1)(a) and the report requires the landlord to undertake further investigative or remedial work, the landlord must ensure that further investigative or remedial work is carried out by a qualified person within—
- (a) 28 days; or
 - (b) the period specified in the report if less than 28 days;
- starting with the date of the inspection and testing.
- (5) Where paragraph (4) applies, a landlord must—
- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
 - (i) the electrical safety standards are met; or
 - (ii) further investigative or remedial work is required;
 - (b) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the dwelling-house within 28 days of completion of the further investigative or remedial work; and

- (c) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the appropriate district council within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to dwelling-house if that person—

- (a) requests any information about the dwelling-house from the prospective landlord for the purpose of deciding whether to rent the dwelling-house;
- (b) makes a request to view the dwelling-house for the purpose of deciding whether to rent the dwelling-house; or
- (c) makes an offer, whether oral or written, to rent the dwelling-house.

PART 3

Duty of district council to serve a remedial notice

4.—(1) Where the appropriate district council has reasonable grounds to believe that, a landlord has failed to comply with one or more of the duties under regulation 3(1)(a), (1)(b), (1)(c), (4), (5) and (6), and the most recent report under regulation 3(3) does not indicate that urgent remedial action is required, the council must serve a remedial notice on the landlord.

(2) A remedial notice must—

- (a) specify the dwelling-house to which the notice relates;
- (b) specify the duty or duties that the appropriate district council considers the landlord has failed to comply with;
- (c) specify the remedial action the appropriate district council considers should be taken;
- (d) require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- (e) explain that the landlord is entitled to make written representations against the notice within 21 days beginning with the day on which the notice is served; and
- (f) specify the person to whom, and the address (including if appropriate any email address) to which, any representations may be sent;

(3) The appropriate district council must serve a remedial notice within 21 days beginning with the day on which the council decides it has reasonable grounds under paragraph (1).

(4) A copy of the remedial notice must also be sent to the tenant(s) who to the council's knowledge occupy the dwelling-house.

(5) The appropriate district council must consider any representations made under paragraph (2).

(6) Where a landlord makes written representations the remedial notice is suspended until the appropriate district council has complied with paragraphs (5) and (7).

(7) The appropriate district council must—

- (a) inform the landlord in writing of the outcome of the consideration under paragraph (5) within 7 days beginning with the day on which the period under sub-paragraph (2)(e) expires; and
- (b) where the outcome of the consideration under paragraph (5) is to confirm the remedial notice, is upheld inform the landlord in writing that the remedial action will proceed and the suspension under paragraph (6) ceases.

(8) The appropriate district council may withdraw the remedial notice at any time.

Duty of landlord to comply with a remedial notice

5.—(1) Where a remedial notice is served on a landlord, the landlord must take the remedial action specified in the notice within—

- (a) where no representations are made under regulation 4(2) and the remedial notice is not withdrawn, the period specified in regulation 4(2)(d); or
- (b) where representations are made under regulation 4(2) and the outcome of the consideration under regulation 4(5) is to confirm the remedial notice, 21 days from the day on which the landlord is informed that the suspension under regulation 4(6) ceases to have effect.

(2) A landlord is not to be treated as failing to comply with the duty under paragraph (1) if the landlord can show they have taken all reasonable steps to comply with that duty.

(3) For the purposes of paragraph (2), where a landlord is prevented from entering the dwelling-house to which the duty under paragraph (1) relates by the tenant or tenants of the dwelling-house, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the duty under paragraph (1) solely by reason of a failure to bring legal proceedings with a view to securing entry to the dwelling-house.

Power of district council to arrange remedial action

6.—(1) Where the appropriate district council is satisfied, that a landlord on whom it has served a remedial notice has failed to comply with the duty under regulation 5(1), the council may, with the consent of the tenant or tenants of the dwelling-house in relation to which the remedial action is to be taken, arrange for an authorised person to enter the dwelling-house to take the remedial action specified in the remedial notice.

(2) Before the remedial action is taken the appropriate district council must serve a notice on the landlord specifying—

- (a) the dwelling-house in relation to which the remedial action is to be taken by the authorised person under paragraph (1) and the nature of that remedial action;
- (b) the power under which the remedial action is to be taken by the authorised person in paragraph (1);
- (c) the date when the remedial action will be taken by the authorised person; and
- (d) the right of appeal under regulation 7 against the decision of the council to arrange for an authorised person to take the remedial action.

(3) The appropriate district council must arrange for an authorised person to take the remedial action within 28 days of—

- (a) the end of the notice period in regulation 7(3) where there is no appeal; or
- (b) an appeal decision that confirms or varies the decision of the council where there is an appeal.

(4) An authorised person must—

- (a) give not less than 48 hours' notice of the remedial action to the tenant or tenants of the dwelling-house on which it is to be taken; and
- (b) if required to do so by or on behalf of the landlord or tenant or tenants, produce evidence of identity and authority.

Appeals relating to remedial action by district council

7.—(1) A landlord on whom a notice under regulation 6(2) has been served may appeal to the County Court against the decision of the appropriate district council to take that action.

(2) An appeal may be brought on the grounds that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the appropriate district council gave notice under regulation 6(2).

(3) An appeal under paragraph (1) must be made within the period of 28 days beginning with the day on which the notice is served under regulation 6(2).

(4) The County Court may allow an appeal to be made to it after the end of that period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(5) If a landlord appeals under paragraph (1) the remedial notice is suspended until the appeal is finally determined or withdrawn.

(6) The County Court may confirm, quash or vary the decision of the council.

Recovery of costs

8.—(1) The appropriate district council may recover costs reasonably incurred by them in taking action—

- (a) under regulation 6(1) from the landlord on whom the remedial notice was served; or
- (b) under regulation 11(1) from the landlord on whom the notice under regulation 11(3) was served.

(2) A demand for recovery of costs under paragraph (1) must be served on the landlord from whom the appropriate district council is seeking recovery.

(3) If no appeal is brought under regulation 9, the costs become payable at the end of the period of 21 days beginning with the day on which the demand is served.

Appeals against recovery of costs

9.—(1) A landlord on whom a demand for the recovery of costs has been served may appeal to the County Court against the demand.

(2) An appeal must be made within the period of 21 days beginning with the day on which the demand is served under regulation 8(2).

(3) The County Court may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(4) An appeal may be brought on the ground that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the appropriate district council gave notice under regulation 6(2) of their intention to enter and take the action.

(5) The court may confirm, quash or vary the demand.

(6) Where an appeal is brought against a demand for recovery of costs served under regulation 8(2), the costs become payable as follows—

- (a) if a decision is given on the appeal which upholds the demand and the period within which an appeal to the County Court may be brought expires without such an appeal having been brought, the costs become payable at the end of that period;
- (b) if an appeal to the County Court is brought and a decision is given on that appeal which confirms the demand, the costs become payable at the time of that decision.

(7) For the purposes of sub-paragraph (6)—

- (a) the withdrawal of an appeal has the same effect as a decision which confirms the demand; and
- (b) references to a decision which upholds the demand are to a decision which confirms it with or without variation.

(8) No question may be raised on appeal under this regulation which might have been raised on an appeal against the remedial notice.

Enforcement of demand for recovery of costs

10.—(1) Any costs payable under Regulation 8(3) or Regulation 9(6) shall, until recovered, be deemed to be charged on and payable out of the estate of the landlord in the land in relation to which the costs were incurred and the estate in that land or any person deriving title from the landlord.

(2) A charge created by paragraph (1) shall be enforceable in all respects as if it were a valid mortgage, by deed created in favour of the appropriate district council, by the person in whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and the council may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881(a) on mortgagees by deed accordingly.

(3) In schedule 11 to the Land Registration Act (Northern Ireland) 1970(b) (matters registerable in the Statutory Charges Register). **after paragraph XX insert**

“”. A charge created under Regulation 10 of the Electrical Safety Standards for The Private Tenancies (Northern Ireland) Regulations 2024, (Enforcement of demand for recovery of costs”.

(4) An application for registration of such a charge shall be made by the appropriate district council within 2 months from the date when the costs become payable under Regulations 8(3) and Regulation 9(6).

PART 4

Power of district council to arrange urgent remedial action

11.—(1) Where—

- (a) the report under regulation 3(3)(a) indicates that urgent remedial action is required in relation to the dwelling-house; and
- (b) the appropriate district council is satisfied that a landlord has failed to comply with the duty under regulation 3(4) to undertake the required remedial or investigative work in relation to that dwelling-house within the period specified in the report;

the council may, with the consent of the tenant or tenants of the dwelling-house, arrange for an authorised person to enter the dwelling-house to take the urgent remedial action.

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

(3) The appropriate district council must serve a notice on the landlord and—

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

from the date the district council is satisfied the landlord has failed to comply, but not more than seven days on which the authorised person commences the urgent remedial work.

(4) The notice required by regulation 11(3) must specify and explain—

- (a) the nature of the urgent remedial action required;
- (b) the dwelling-house in relation to which that urgent remedial action was (or is being or is to be) taken by the council;
- (c) the power under which that urgent remedial action was (or is being or is to be) taken by the council;
- (d) the date when that urgent remedial action was (or is to be) started;

(a) 1881 c. 41.

(b) 1970 c. 18 (N.I.).

- (e) the right to appeal under regulation 7 against the decision of the council to take the urgent remedial action; and
 - (f) the period within which an appeal may be made;
- (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 dwelling-house on which it is to be taken; and
 - (b) if required to do so by the 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, unless the following applies—
- (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.

PART 5

Offences

12.—(1) A landlord who fails to comply with a duty under Regulation 3 is guilty of an offence.

(2) A landlord who is guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department for Communities on 1st December 2023



David Polley
A senior officer of the
Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties on landlords of a dwelling-house in Northern Ireland in respect of electrical safety standards. The duties do not apply to landlords of social housing. The Regulations require the appropriate district council 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 landlord.

Regulation 3(1) requires a landlord to ensure that the electrical safety standards are met during any period when the dwelling-house 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 landlord is required to obtain a report which gives the results of the inspection and test, supply that report to the tenant(s) within 28 days, and to the appropriate district council within 7 days of a request, and retain a copy until the next inspection is due. The 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 landlord to carry out further investigative or remedial work, the 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 landlord must obtain and supply written confirmation of completion of such further investigative or remedial work to the tenant and appropriate district council.

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

Regulation 4 places a duty on the appropriate district council to serve a remedial notice on a private landlord where they have reasonable grounds to believe that the private landlord has failed to comply with a duty under regulation 3(1)(a), (1)(b), (1)(c), (4), or (6).

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

Regulation 6 gives the appropriate district council the power to arrange remedial action.

Regulation 7 provides that a landlord may appeal against the decision of the appropriate district council to take that remedial action.

Regulation 8 provides that the appropriate district council may recover costs reasonably incurred in taking action under Regulations 6(1) and 11(1).

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

Regulation 10 give the appropriate district council the power to enforce a demand for recovery of costs incurred under Regulations 8(3) and 9(6).

Part 4 provides for urgent remedial action to be taken by a district council.

Regulation 11 gives the appropriate district council 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 deals with offences.

Regulation 12 provides that any landlord who fails to comply with a duty under Regulation 3 is guilty of an offence.

Guidance on the implementation of The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024 has been published and is available on the Department for Communities website at xxxxxxxxxxxxxxxx.