

Free Report

**Safety in Tenanted Property – Landlords
Responsibilities**

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Gas: Under The Gas Safety (Installation and Use) Regulations 1994, amended by Statutory Instrument 1996, and The Regulations Re-enact 1998 all gas appliances must be checked for safety at intervals of not more than 12 months. If these are found to be safe and up to standard a gas safety certificate (CP12) is issued.

Everyone should be aware that gas can be a dangerous substance if left unchecked and not serviced on a regular basis. Gas Safe Register is the new hallmark for gas safety in Great Britain. From April 1 2009, **Gas Safe Register** replaced CORGI gas registration as the official gas safety body. By law, only Gas Safe registered engineers should carry out work on gas appliances or installations in your home.

Current Government legislation requires your landlord, to check and service all gas appliances such as boilers, cookers, gas fires and their associated pipe work that are used in all tenanted properties, and it must be completed at a frequency of once every calendar year and given a recognised and approved gas safety certificate for the forthcoming year. The certificate issued must note the date of inspection, defects identified and all remedial work action taken.

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The main provisions are as follow:

- Flues must be specifically included in any Gas Check as well as the appliance itself
- The gas safety check is only validated if carried out by a registered Gas Safe gas engineer
- A safety certificate must be issued and records of inspection must be retained for 2 years
- This certificate must be available to a current tenant no more than 28 days from the date of inspection
- New tenants must be in possession of this certificate before the due date of occupancy
- Since January 1996, gas fires, which are installed in bedrooms, must have an Oxygen Depletion Sensor. Ideally these sensors should be fitted in all rooms.

During the course of the annual gas safety check, the Gas Safe engineer will identify any defects with the gas heating system and appliances mark these down on the certificate. The following three categories are used:

'Immediately dangerous' if any aspect of the system is deemed to be immediately dangerous, the contractor will disconnect the appliance, seal the gas supply and issue a warning label on the appliance.

'Potentially dangerous'- if any aspect of the system is deemed to be potentially dangerous, the engineer will issue a warning label on the appliance and advise the tenant not to use the appliance.

'Not to current standards' if any aspect of the system is deemed to be 'not too current standards' the engineer will note this on the certificate which will be passed to the landlord. There is no requirement to carry out rectification work in such cases. However, the landlord may decide to carry out, at a later date, a planned programme of upgrading work to bring older systems up to current standard. However, as the 'standards' are changed regularly there is *no requirement* to carry out work retrospectively.

If there is any threat to tenant safety, the defect will be marked as immediately or potentially dangerous.

Once the inspection is completed the Gas Safe engineer will inform the landlord and issue the inspection certificate to him. The landlord is then legally required to carry out any work or replace any items that have failed.

Electrical Safety: Under the Electrical Equipment (Safety) Regulations 1994 and The Plugs & Sockets etc (Safety) Regulations 1994 all electrical installations in tenanted properties must be safe. The regulations apply to portable domestic electrical equipment such as: electric heaters, lamps, televisions, radios, vacuum cleaners, irons, toasters, microwaves, refrigerators, kitchen appliances. Built-in electrical goods are not covered by the regulations.

As with the Gas certificate a qualified electrician should carry out an inspection of the tenanted property prior to the due date of occupancy.

The same regulations applied to the availability and distribution of the gas certificate should also be applied to the electrical certificate. This certificate is not mandatory by law.

Smoke Alarms: The building Regulations 1991 require that all properties built since 1992 must have mains operated and inter linked smoke alarms fitted on every floor, but it does not cover most Tenanted properties.

However, it is generally agreed the common law 'duty of care' means that Landlords and their agents could be liable should a fire cause injury or damage in a tenanted property that is not suitably fitted with smoke alarms. It is recommended that a smoke alarm be fitted to each floor in hallway and landing areas.

To ensure that landlords have a comprehensive understanding of ALL 'legal requirements' and 'duty of care', they are advised to contact their Local Area Office

of the Health and Safety / Environmental Health Department / The Department of Trade and Industry or similar bodies who will advise them accordingly.

Penalties & Enforcement: The maximum penalty imposed on landlords in a Magistrates Court (or Sheriff Court in Scotland) for noncompliance of the above regulations is a fine of £5,000. If a case is then referred to a Crown Court (e.g. where contravention has led to a serious injury or death) an unlimited fine or custodial sentence may be imposed.

Disclaimer: This guide is for information only and should not be relied upon as definitive. Details have been obtained from various sources and although we have done everything possible to ensure that it is correct, we cannot accept responsibility for it or guarantee its accuracy. This is because processes and laws change frequently, and may vary dependant upon personal circumstances. You are welcome to use the information provided, but should always obtain confirmation of specific details and get independent specialist and legal advice.

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