Draft Regulations laid before the Assembly under Article 72(3A) of the Private Tenancies (Northern Ireland) Order 2006 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2024 No. 0000

LANDLORD AND TENANT

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

Made - - - -	XX *XXXX 2024*
Coming into operation	XX *XXXX 2025*

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

PART 4

11. Power of council to arrange urgent remedial action

PART 5

12. Offences of non-compliance with duties by landlords

PART 6

13. Consequential amendment for registration of charges

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) 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 has been 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 XX XXXX 2025.

(3) These regulations apply to a private tenancy from the date the first inspection and testing is carried out as provided for under Regulation 3(1)(c).

Interpretation

2. In these regulations—

"authorised person" means a person authorised in writing by the council for the purpose of taking remedial action under regulations 6 and 11;

"council" in relation to a dwelling-house, means the district council in whose district the dwelling-house is situated;

"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(**b**);

"existing private tenancy" means a private tenancy which was granted before the 1st April 2025;

"new private tenancy" means a private tenancy which is granted on or after the 1st April 2025;

"qualified person" means a person competent to undertake the inspection and testing required by 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;

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

(**b**) 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.

"report" means a report or a certificate which gives the results of the inspection and test required by regulations 3;

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

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 private tenancy; or

(ii) by 1st December 2025 in relation to an existing private tenancy.

(2) For the purposes of paragraph (1)(b) "at regular intervals" means—

(a) at intervals of no more than 5 years; or

(b) where the most recent report under 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 by paragraph (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 beginning with the day on which the inspection and test is carried out;

(c) supply a copy of that report to the council within 7 days beginning with the day on which a request is received 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 qualified 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 beginning with the day on which a request is received in writing for it from that prospective tenant.

(4) Where a report under paragraph (3)(a) indicates that a landlord is or is potentially in breach of the duty under 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 beginning with the day on which the inspection and test is carried out; or

(b) the period specified in the report if less than 28 days.

(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; and

(b) supply a copy of that written confirmation, together with a copy of the report under paragraph (3)(a) which required the further investigative or remedial work to—

(i) each existing tenant of the dwelling house; and

(ii) the 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 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 paragraph (3)(e)(ii), a person is a prospective tenant in relation to the 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 council to serve a remedial notice

4.—(1) Where the 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)(a) 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 council considers the landlord has failed to comply with;

(c) specify the remedial action the 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;

(f) specify the person to whom, and the address (including if appropriate any email address) to which, any representations may be sent; and

(g) explain the effects of regulation 12.

(3) The 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 be sent to the tenant who to the council's knowledge occupies the dwelling-house.

(5) The council must consider any representations duly made as envisaged by paragraph (2)(e) and (f).

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

(7) The 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 paragraph (2)(e) expires; and

(b) where the outcome of the consideration under paragraph (5) is that remedial notice is confirmed, inform the landlord in writing that the remedial notice is confirmed and the suspension under paragraph (6) ceases to have effect.

(8) The 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 beginning on 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 taken to be in breach of the duty under paragraph (1) if the landlord can show that 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 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 council to arrange remedial action

6.—(1) Where the council is satisfied that a landlord on whom it has served a remedial notice is in breach of the duty under regulation 5(1), the council may, with the consent of the tenant 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 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 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 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, produce evidence of identity and authority.

Appeals relating to remedial action by 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 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 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 remedial costs

8.—(1) The council may recover remedial costs reasonably incurred by it 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 remedial costs under paragraph (1) must be served on the landlord from whom the council is seeking recovery.

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

Appeal against recovery of remedial costs

9.—(1) A landlord on whom a demand for the recovery of remedial 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 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 council gave notice under regulation 6(2) of their intention to enter and take the action.

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

(6) Where a decision of the County Court confirms the demand, the remedial costs become payable at the time of that decision.

(7) For the purposes of 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 confirms 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 remedial costs

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

(2) A charge created by paragraph (1) is enforceable in all respects as if it were a valid mortgage, by deed created in favour of the 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) An application for registration of a charge created by paragraph (1) requires to be made by the council within 2 months from the date when the remedial costs become payable under regulations 8(3) and 9(6).

PART 4

Power of 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 council is satisfied that a landlord is in breach of 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 of the dwelling-house, arrange for an authorised person to take the urgent remedial action.

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

(3) The council must—

(a) serve a notice on the landlord, and—

(b) either—

(i) serve a notice on 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

(ii) fix the notice to some conspicuous part of the dwelling-house,

within the period of the 7 days beginning with the day on which the authorised person commences the urgent remedial work.

(4) The notice required by paragraph (3) must set out—

(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;

(e) the right to appeal under regulation 7 against the decision of the council to take the urgent remedial action; and

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(**a**) 1881 c. 41.

(f) the period within which an appeal may be made;

(g) the effects of regulation 12.

(5) An authorised person must—

(a) give not less than 48 hours notice of the urgent remedial action to the tenant 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, except that—

(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 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 of non-compliance with duties by landlords

12.—(1) A landlord who fails to comply with a duty imposed on the landlord by regulation 3 commits an offence.

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

PART 6

Consequential amendment for registration of charges

13. In Schedule 11 to the Land Registration Act (Northern Ireland) 1970(b)(**a**) (matters which require to be registered in the Statutory Charges Register), after paragraph 53 insert—

" 54. A charge created by Regulation 10(1) of the Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024."

Sealed with the Official Seal of the Department for Communities on XX XXXX 2024.

A senior officer of the
Department for Communities

(**a**) 1970 c. 18 (N.I.).

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 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 is let under a tenancy, and that every fixed electrical installation is inspected and tested at regular intervals by a qualified person.

Regulation 3(2) provides a definition for "at regular intervals" this means at intervals of no more than 5 years or where the most recent report requires such inspection and testing to be at intervals of less than the 5 year period.

Regulation 3(3) provides that a landlord is required to obtain a report from the qualified person which gives the results of the inspection and test, supply that report to each tenant within 28 days, and to the 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 ensure further investigative or remedial work, the landlord must ensure a qualified person undertakes 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, from the qualified person of completion of such further investigative or remedial work to the tenant and the council.

Regulation 3(6) provides that where the written confirmation indicates that further investigative work is required the landlord should repeat the steps in paragraphs (4) and (5) in respect of that work.

Regulation 3(7) defines who is 'a prospective tenant in relation to the dwelling-house' for the purposes of paragraph (3)(e)(ii).

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 council to serve a remedial notice on a landlord where they have reasonable grounds to believe that the landlord is in breach of a duty under regulation 3(1)(a), (1)(b), (1)(c), (4), (5) or (6).

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

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

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

Regulation 8 provides that the council may recover remedial 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 remedial costs served under regulation 8(2).

Regulation 10 provides that the recovery of remedial costs incurred under regulations 8(3) and 9(6) is enforced by such costs being charged on the estate of the landlord until recovered.

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

Regulation 11 gives the council the 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 a landlord who fails to comply with a duty under regulation 3 is guilty of an offence.

Part 6 makes consequential amendment for the registration of charges.

Regulation 13 inserts the charge created by regulation 10 to the list of matters to be registered in the Statutory Charges Register.

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 https://www.communities-ni.gov.uk/articles/electrical-safety-standards-private-tenancies-regulations-northern-ireland-2024.

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