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Legal Regulations For Landlords



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Ocean Letting and Management Limited Registered in England number 5165071
Registered office: 187 Whiteladies Road, Clifton, Bristol, BS8 2RY

The Gas Safety (Installation & Use) Regulations 1998

The Landlord/Landlady has a mandatory legal requirement to make sure that there is an "in-date" Gas Safety Certificate for the property. This certificate must be carried out by a Gas Safe registered engineer and is repeated annually for as long as the property is let.

The certificate must be made available to the tenants before or at the point of signing the tenancy agreement. For any reason if there is not a valid certificate when a tenancy is in place and an occupant died from a faulty gas appliance/equipment, then a conviction of unlawful killing could be made against the Landlord/Landlady.

The Furniture And Furnishing (Fire) (Safety) (Amendment) Regulations 1993

The regulation applies to beds, head & foot boards, mattresses, sofas, pillows, scatter cushions, loose covers for furniture and garden furniture suitable for use in a dwelling. These regulations are not applicable to carpets, curtains and bedclothes.

This regulation means that as from 1st January 1997, all furniture (except furniture made before 1950) included within the accommodation that is for let has to meet all the current fire resistance requirements. All furnishings must have the appropriate labelling to indicate compliance. If no labelling is present and compliance is in doubt, checks should be made with the manufacturer. Most furniture produced since 1991 will comply, however, it is the owners responsibility to check this.

The Electrical Equipment (Safety) Regulations 1994

This regulation came into force on 9th January 1995. It means that all electrical appliances that are left in the let property, have to be safe.

The industry's recommendation is that you get all appliances checked annually by a qualified engineer who will give you a PAT (Portable Appliance Test) certificate. While all appliances manufactured after January 1995 should carry the CE symbol.

Periodic Inspection Report (Pir) and Electrical Installation Condition Report (Eicr)

Landlords are required by law to ensure –

That the electrical installation in a rented property is safe when tenants move in.

That the electrical installation is maintained in a safe condition as long as the tenants are there.

An Electrical Installation Condition Report (E.I.C.R.) previously known as a Periodic Inspection Report (P.I.R.) is like a M.O.T. for the mains power electrical installation and wiring of your property.

A report is only issued once all the circuits have been visually inspected and electrically tested. If the installation is considered to be in a good condition and complies with the regulations a 'Satisfactory' certificate is applied which gives the property a good bill of health until the next inspection. A date for the next inspection will also be entered on the report, and depending upon the condition of the installation and purpose of use. If the property does not meet requirements an 'Unsatisfactory' report will be issued, with a list of remedial works that need to be fixed before the installation can pass the test.

For further clarification please find a useful link below which sets out these amendments.

http://www.esc.org.uk/fileadmin/user_upload/documents/industry/best_practice/BestPracticeGuide4-Locked.pdf

REMEMBER: electricity can be dangerous. Overheated cables can start fire. Don't risk the safety of the occupiers of the property.

Maintain your electrical installation to a safe condition.

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Tenancy Deposit Schemes

The implementation of the above came into force on 6th April 2007 as part of the Housing Act 2004. The legislation states that any damage deposit taken on an Assured Shorthold Tenancy after 6th April 2007 needs to be held in one of three Government approved schemes. These are The Deposit Protection Service (The DPS), The Tenancy Deposit Scheme (TDS) or Tenancy Deposit Solutions Ltd (TDSL).

Ocean Letting & Management are a member of The Tenancy Deposit Scheme (TDS) and for an administration fee of £85.00 + VAT we will ensure that all necessary paperwork is issued to the Tenant when they sign the Tenancy Agreement and all legal obligations are upheld. Failure on your part to oblige by the legal regulations could lead to court proceedings issued by the tenant. The Court will action an order stating that you must reimburse the Deposit to the Tenant or lodge it with the custodial scheme known as The Deposit Protection Scheme. In addition a further order will be issued requiring you to compensate the Tenant with an amount equal to three times the Deposit.

Failure to comply with the above will result in your inability to serve a Section 21 Notification on your Tenant and the Court will not grant you a possession order.

Energy Performance Certificates

From 1st October 2008 Landlords offering property for rent will be required by law to provide prospective tenants with an Energy Performance Certificate for their property.

The certificates (EPCs) will have to be provided free either when (or before) any written information about the property is provided to prospective tenants or a viewing is conducted. They will not have to be provided if the landlord believes the prospective tenant is unlikely to have sufficient funds to rent the property or is not genuinely interested in renting, or the landlord is unlikely to be prepared to rent the property to the prospective tenant.

A new certificate will not be required on each let since, EPCs will be valid for 10 years.

The requirement is being introduced to comply with the EU's Energy Performance of the Buildings Directive (EPBD) which applies to all property, including rented property.

The above should only be used as a guide; clarification on items should be directed to the branch who will deal with your questions.