

Electrical Safety

The Housing (Scotland) Act 2014 introduced new rules on mandatory electrical testing.

The Scottish Government has finalised guidance on the Act, which, although termed “guidance”, **actually is a statutory regulation** that will come into force from **1st December 2015..**

All Scottish privately rented property covered by the Repairing Standard must comply, regardless of the tenancy type.

Under the new rules, you will need to have fixed wiring (Electrical Installation Condition Report) checks carried out at least every five years.

This will apply from:

- **1st December 2015** - new tenancies entered into on or after this date (including current tenants signing a new lease)
- **1st December 2016** - for existing tenancies

The EICR must include an appliance check report (a **Portable Appliance Test**). **PAT checks will be required on portable electrical appliances provided by you, but not those belonging to your tenant.**

Anything that is not permanently connected to the electrical installation should be on the PAT report. Everything in your property that uses the electrical supply must be on either the EICR or the PAT, unless it belongs to your tenant.

You will need to ensure that your electrician is competent. Either he or she should be a member of SELECT or NICEIC, or should be able to demonstrate competence by completing the checklist in Annex A of the Scottish Government guidance.

EICRs and PATs carried out from 1st December 2015 must be documented on forms specified in the guidance in order to be acceptable under the regulations. In addition, all appliances checked must have test labels placed on them.

Enforcement of these new mandatory electrical testing requirements will be the responsibility of the Private Rented Housing Panel. **The PRHP can issue a “Repairing Standard Enforcement Order” and ultimately a rent penalty for non-compliance (a criminal offence).**

The Scottish Association of Landlords (a trade body that new landlords are recommended to join) has campaigned successfully for the guidance to require that landlords need only take reasonable steps to ensure that electrical items in common areas (e.g. stairwells) are safe.

SAL also lobbied the Scottish Government regarding EICR checks carried out prior to 1 December 2015.

If the checks have been carried out on (or after) 1st January 2012 **by a competent electrician**, they will be acceptable as at 1 December 2015 (even if they do not include a PAT check). For **example, an EICR carried out on 30th November 2015 (even without PAT checks) will still be valid until the end of November 2020.**

Although the new mandatory tests need only be carried out five yearly, **it is advisable to have them carried out more frequently**, if recommended by an electrician. In particular, **PAT testing (which is not expensive) should be carried out annually.**