



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

Private Tenancies Bill: Electrical Safety First

18 November 2021



installation is safe for continued use. There should also be provision of a record of inspection and testing of appliances provided by the landlord, and those reports should be provided to the tenant within 28 days of the inspections being completed, to any new tenant before they occupy the property, and to prospective tenants within 28 days of receiving a request. Councils should receive a copy of the reports of inspection and testing failures, along with confirmation of any remedial work that has been completed to improve effectiveness or enforcement.

We suggest that there should be a transitional period for the introduction of any electrical safety regulations. That would help landlords and the electrical industry to prepare for the efficient and effective roll-out of the requirements. We think that you should consider the approach taken in Scotland that required new tenancies, beginning on or after the date that the regulations came into force, to have a valid safety inspection, but landlords with existing tenancies were allowed a year to comply.

We broadly support the proposed measures on the enforcement and compliance aspect. New article 11K in schedule 3 is welcome, as it requires landlords to rectify the remedial actions identified in the inspection tests. However, we recommend imposing a requirement to complete that remedial work within a period of 28 days of receipt of the condition report, as is the case in England.

A key point that I want to make is that landlords must be able to easily identify and access a qualified and competent person to undertake the safety checks. In Scotland and England, the regulations promote the use of an electrician registered by the government competent person scheme. I do not believe that such a system operates in Northern Ireland, but we are aware of the TrustMark scheme, which is promoted by the nirect website, that helps consumers find electricians locally. In the Republic of Ireland, Safe Electric provides a list of registered electrical contractors. There seems to be merit in exploring options to make sure that there is a central information source for landlords to access inspectors.

The Department should also provide statutory and technical guidance to accompany the introduction of electrical safety regulations, again, as is the case in Scotland and England. That type of approach helps to promote higher standards in the private rented sector and offers a clear opportunity to provide important information to tenants about the role that they play in keeping their property safe from electrical risks.

I will close by welcoming the Private Tenancies Bill and the commitment to introducing periodical electrical safety checks. However, we believe that the Bill could be strengthened by including a specific interval for conducting the periodic electrical checks of at least every five years, which would provide clarity for landlords and certainty for tenants. Thank you very much. That is my opening statement.

**The Chairperson (Ms P Bradley):** Thank you very much, Martyn. We welcome you being with us today. If you have been following the sessions, you will know that one of our members is an electrician by trade and has asked lots of questions. I will let him lead on this matter, but I have one question before that. Your paper states that you would welcome the opportunity to work with the Department on the statutory guidance. Does the Department not consult with you at the moment on those issues?

**Mr M Allen:** Absolutely. We are keen to develop as much guidance as possible. That is the route to success in the implementation of any regulation. It can provide information to landlords and to tenants on what they can do to keep their installations safe.

**The Chairperson (Ms P Bradley):** As I asked, is that already happening, or do you want to do that in the future?

**Mr M Allen:** That is ongoing, but we are keen to do more of that and to provide as much of our expertise as we can to develop that guidance.

**The Chairperson (Ms P Bradley):** Grand. I will go to Paul now and put him on the spot.

**Mr Frew:** Thank you, Chair and Martyn. I declare an interest as an approved electrician, though I will clarify that I have been out of the game for 12 years.

Your paper states:

*"EICRs and PAT testing have been required in Scotland's PRS since 2015."*

Will you explain what "PRS" is?

**Mr M Allen:** The private rented sector.

**Mr Frew:** OK. That has been the case since 2015. I want to explore this: whilst I know that there is a need for a testing regime to bring in safety, I am grappling with whether it should be only electrical installation condition reports (EICRs) or should it also include portable appliance testing (PAT). To be fair to the witnesses in the previous session, they thought that PAT testing was outside the scope of the Bill. However, if it were to be a statutory requirement, how deep should that PAT testing be? Should it be just for stationary white goods that the landlord owns and is responsible for or should it be for all portable equipment owned by the tenant? That would obviously place a financial burden and a regulatory burden on both parties at that point.

**Mr M Allen:** That has operated in Scotland for installations and appliances since 2015. It has worked really well, and it offers the highest level of protection.

We believe that appliances that are supplied and provided by landlords as part of a tenancy should be included in the legislation. It would be more tricky or challenging to include a tenant's equipment, as that could change almost daily. However, the guidance that I mentioned in my opening remarks would be the ideal place to get information out to tenants to take responsibility for their items. That covers registering appliances, responding to recalls and general housekeeping.

We firmly believe that the appliances that are provided by landlords should be captured in the legislation. Even if that provision was left out, there is still an overriding health and safety responsibility and duty of care on landlords to ensure that they deal with all electrical risks. Even if that was not included in the legislation, that should still be picked up elsewhere.

**Mr Frew:** Yes. Thank you for that.

In your paper, you suggested that inspections should be required no more than every five years. Would you settle on, and can you see the rationale for, inspections every other time that a landlord has to register their property? That would work out at every six years. I know that you suggested that it should be no more than five years, but would that be a worthy compromise? You could tie it in with landlord registration.

**Mr M Allen:** I suggested that it should be at least every five years because you might want to look at properties that are a certain age and that demonstrate certain characteristics more frequently than every five years. The five-year maximum would align with other devolved nations and offer some parity and consistency. You made the point about inspections taking place every other time that a property is registered, which would be six years. An inspection every five years would not necessarily be exactly on the day, nor would it be likely to be, so that would seem to be a reasonable compromise if that would help to get something in place. Ultimately, some of the comments that were made previously were that we need a fixed regime in place to make sure that the electrical risk is dealt with in the private rented sector. There is really not much between five or six years in any case.

**Mr Frew:** I am scrolling through your paper. Do you know what the percentages are for the causes of fires? Is it stationary white goods? Is it the installation? Is it portable equipment, such as hairdryers or, as was raised today, faulty phone chargers, which I think that we all own? We all own a faulty charger. Do you have any percentages for the causes of fires?

**Mr M Allen:** Yes. The available information shows that about 60% of fires are caused by appliances, predominately through misuse but also because of faults. So, it is a mixture between the appliances and the installation. That is why we do not believe that it should be completely ignored. If they are not captured in the legislation, there is still a need for, and responsibility on, landlords to make sure that electrical risks are mitigated. The best way to do that would be to have some regime of formal testing.

**Mr Frew:** You said that appliances cause 60% of fires. Are you saying that 40% of fires are caused by installation?

**Mr M Allen:** Yes. Based on mathematics, based on the information that is available to us, that would indeed be the case.

**Mr Frew:** Is that for the cause of all fires or electrical fires?

**Mr M Allen:** Electrical fires. All accidental electrical fires. Yes.

**Mr Frew:** Thank you very much, Martyn.

**The Chairperson (Ms P Bradley):** No other members have indicated that they wish to ask anything of Martyn. I do not see anybody with his or her hand raised. There you go. That is it.

Martyn, thank you for your briefing and for joining us today. It was another invaluable witness session on the Bill. Thank you very much.

**Mr M Allen:** Thank you.