

LETS MAKE IT SAFE

INTRODUCTION

Every year numerous people are killed injured or made ill from the effects of domestic fires or unsafe or poorly maintained equipment and appliances. Millions of pounds of damage are caused to properties and their contents by house fires. The various legislation relating to safety in rented property is a sensible attempt to maintain and improve standards in the residential rental sector.

Any landlord has a duty to provide (and a tenant the right to expect) a rented property and contents which ensure a safe environment in which to live. Failure to observe safety regulations could lead to a prosecution, a fine, a substantial claim for damages by any injured party and possibly a prison sentence.

This information sheet has been prepared with some care by ARLA taking into account their considered opinion of the law, the relevant regulations and the reasonable moral obligations placed upon landlords of rented property. It should be noted however, that as there has been very little actual case law it is impossible to accurately predict how a court might choose to interpret some areas of the legislation and thus responsibility in any particular situation.

Wherever there is any area of doubt ARLA's very strong recommendation to any Landlord, Tenant or Letting Agent is "Be Safe Not Sorry". Further guidance may be obtained from the appropriate authority, for example, your own legal advisors, local Trading Standards Officer, Corgi, the Department of Trade and Industry.

These notes attempt to summarise complex legal issues but have been written, as far as possible, in plain English. Details of where to obtain full copies of relevant legislation ect. are provided on the last page. Tobin Jones Property can take no responsibility for loss occasioned to any person acting or refraining from action as a result of any material contained in this information sheet.

FURNITURE & FURNISHINGS

The Furniture & Furnishings (Fire & Safety) Regulations first appeared in 1988 and were amended in March 1993 which allowed a transitional period, which subsequently expired on 31st December 1996.

From 1st January 1997 any furniture supplied as part of a new letting which commenced after 1st March 1993 must now comply with the regulations.

What do the regulations require?

That the cover fabric and filling material of the upholstered furniture be made of fire resistant material and be able to pass the "smouldering cigarette" and "match flame" resistance test and carry a label confirming this.

How do I check the soft furnishings?

Generally, items manufactured in the UK after 1990 are likely to meet the required standards and display the appropriate permanent label confirming the compliance.

What items do the regulations apply to?

- three piece suites, sofas, arm chairs
- scatter cushions, seat pads, bean bags
- beds, padded headboards, mattresses, pillows
- convertible sofa beds, futons
- loose and stretch covers for upholstered furniture
- nursery furniture, garden furniture suitable for indoor use.

Are there any exceptions or items which do not have to comply?

- Antique furniture or any furniture manufactured prior to 1950
- carpets, curtains
- pillow cases, duvets, bed linen
- loose covers for mattresses.

What should I do with the items which don't comply?

They should be removed from the property before it is let.

GAS

The Gas Safety Regulations first came into force during 1994 and have subsequently been added to and amended. They apply equally to appliances and equipment using the mains gas supply or liquid gas, for example Propane or Calor. The central provisions of these regulations require that:

- the landlord of a rented property must have a gas safety check carried out prior to a let and annually thereafter. A copy of the appropriate record must be given to the tenants. Gas fittings and flues must be maintained in a safe condition.
- If the appliance or pipe work is dangerous or defective it must not be used and must be repaired or replaced as soon as possible.
- The gas safety check can only be performed by an authorised CORGI registered engineer qualified to work on the particular type of appliance or system.

In general terms the check itself will relate to the following:

- adequate ventilation and flues
- operating pressures
- heat output
- flame combustion
- escape of gas or dangerous fumes
- obvious defects
- where appropriate, the provision of adequate instructions for use of equipment or appliances.

It should be noted that a standard annual "service" of equipment or appliances would not normally be sufficiently detailed to comply with and satisfy the requirements of regulations.

ELECTRICITY

There are a number of pieces of legislation which relate to the supply and maintenance of electrical equipment, household appliances and/or the cables, plugs and sockets which connect them. Examples of such items might include:

- electric cookers, microwaves
- toasters, kettles, TV's, video players
- washing machines, dishwashers
- immersion heaters, electric blankets
- fuses, circuit breakers
- electric lawnmowers or similar garden equipment.

The basic concept is that a landlord has an obligation to ensure that any such items supplied as part of a property letting are "safe" and not dangerous. This could be extended to include the mains supply. This is to minimise the risk of injury, death or of damage to the property.

Whilst there is not at present specific statutory requirement placed upon a landlord to prove that such items are regularly checked or tested by a qualified electrical engineer we recommend to landlords that appropriate ongoing checks of such equipment should be scheduled and kept up to date. Detailed written records should be maintained of their make, serial number, condition and date of tests.

Any equipment or appliances or hard wiring identified as being potentially unsafe or showing obvious defects:

- badly frayed or damaged insulation
- old or exposed wires, poorly fitted or cracked plugs
- scorch marked or badly damaged sockets
- plugs without sleeved insulated pins

should be immediately repaired or removed and replaced with brand new equipment which complies with current and BS and EC standards.

SMOKE DETECTORS

All new homes built since June 1992 must be fitted with mains operated smoke detectors on each floor of the building.

There are currently no specific statutory regulations relating to the provision of smoke detectors in older buildings. However, we support the recommendations of the Fire and Safety Officers Association for current BS standard battery operated devices to be fitted to stairways and halls on each floor.

CARBON MONOXIDE

Fatal Carbon Monoxide fumes can be produced by the combustion of any fossil fuel. It is essential therefore that landlords remember they have a duty to take care to ensure the regular maintenance and repair of oil fired or solid fuel heating systems and that adequate fuels and ventilation are provided.

SOURCES, PUBLICATIONS AND LEGISLATION

The Consumer Protection Act 1987

The Furniture & Furnishings (Fire and Safety) Regulations 1988 (amended 1989 & 1993)

A Guide to the Furniture & Furnishings (Fire & Safety) Regulations

Health & Safety at Work Act 1974

Gas Safety (Installation & Use) Regulations 1988

Gas Cooking Appliances (Safety) Regulations 1989

Electricity at Work Regulations 1989

The Electrical Equipment (Safety) Regulations 1994

Plugs & Sockets ect., (Safety) Regulations 1994

Building Regulations 1991

Smoke Detection Act 1991