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## LEGAL AND SAFETY REGULATIONS

Under common law, landlords must ensure the safety and maintenance of rented property and their contents so that no injury or damage is caused to the occupants, neighbours or to the public. The property needs to be well maintained as this is crucial to the long term success of the letting. In addition, there are a number of legal responsibilities that are placed upon a landlord, some of which need to be addressed even before your property is occupied.

### Landlord and Tenant Act 1985

Landlords are obligated to keep the structure and exterior of the property in a good state of repair. They have the responsibility of ensuring the following areas (but not limited to) are safe and fit for use, as well as effecting repairs when necessary to restore them to fair condition:

- The structure and exterior of the property

- Any hot water installations as well as the supply of water itself

- Basins, sinks baths and other sanitary or drainage installations

- Ensuring an adequate provision of lighting, heat and ventilation

- Treating of any health threatening damp that occurs (not to be confused with condensation, a more common but less serious problem mostly caused by poor ventilation).

- In flats or maisonettes repairs must be made to any other areas owned or controlled by the landlord and whose disrepair would affect the tenant

### The Furniture and Furnishings (Fire) (Safety) (Amendment) Regulations 1993

This legislation is there to ensure that furniture and furnishings are fire resistant and will not produce noxious smoke in the event of a fire. These regulations were amended in 1993 and set new levels of fire resistance for domestic upholstered furniture and furnishings. It is an offence to "supply" in the course of business any furniture that does not comply with the regulations. This includes furniture as part of a residential property to be let.

The regulations apply to: sofas, beds, bed heads, children's furniture, garden furniture suitable for use in a dwelling, scatter cushions and pillows, stretch or loose covers for furniture or other similar items. The regulations do not apply to: curtains, carpets, bedclothes (including duvets and mattress covers), or furniture which was manufactured before 1st January 1950 (unless it has been reupholstered since then).

Any furniture manufactured after March 1990 is likely to comply, but if the appropriate labels are not on the furniture, compliance is in doubt and checks should be made with the manufacturer. Any item that does not comply with the regulations must be removed before the tenant moves in.

### The Gas Safety (Installation and use) Regulations 1998

This legislation places a statutory duty on landlords in relation to the installation and maintenance of any gas appliance (including gas boilers, water heaters, gas, coal and log fires, gas hobs and gas ovens) and pipework in their properties through annual inspection and safety checks.

These regulations first came into effect 31st October 1994 to ensure that gas appliances are properly installed and maintained in a safe condition so as to avoid the risks of carbon monoxide poisoning. It is the responsibility of landlords to ensure that ALL gas appliances and gas installation pipe work owned by them is checked for safety at least once a year by British Gas or a member of the Council for Registered Gas Installers (CORGI). In addition accurate certificates must always be available for any tenant prior to them taking occupation of a property.

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#### The Electrical Equipment (Safety) Regulations 1994

These regulations impose an obligation on a landlord to ensure that all electrical appliances left as part of a let property are safe. Cabling, fuses and plugs should also be inspected and replaced where necessary to the correct rating for that particular appliance.

Other legislation covering electrical installations is currently in force and it is strongly recommended that all appliances are regularly checked and serviced. The obligation generally is to ensure that the electrical equipment is:

- Adequately protected against dangers such as overloading, through insulation and earthing
- Constructed in accordance with good engineering practice
- Accompanied by instruction booklets or clear instructions.

Heating appliances should be in good order as should other domestic appliances such as washing machines, tumble dryers, microwaves, fridges, freezers and cookers.

#### The Building Regulations 1991 - Smoke Alarms

The 1991 Building Regulations require that all properties built since June 1992 must be fitted with mains operated interlinked smoke detectors/alarms on each floor. Such regulation regarding older properties do not exist but we strongly recommend that smoke alarms are fitted in all let properties and are regularly checked to ensure they are in full working order.

#### General Product Safety Regulations 1994

This legislation requires landlords to consider the general safety of tenants in their property. The regulations require that any product supplied to a consumer in the course of a commercial activity, must be safe and this includes those products supplied during the letting of a property.

#### Consent to Let

Landlords who have a mortgage must obtain consent from their mortgage lender. If their interest in the property is leasehold the lease may require consent to be obtained from the head landlord prior to sub-letting.

#### Buildings and Contents Insurance

It is essential that the landlord's insurance company is notified so that they may advise regarding any additional cover that may be necessary.