

Property in Quarantine: Regulation of the Private Rented Sector

Questions and answers

Gas Safety

The latest guidance from the Health and Safety Executive is [here](#).

Electrical safety

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 come into force on 1 June 2020. In general terms, for any tenancy granted on or after 1 July 2020, the landlord has to give the tenant a copy of the electrical safety test “before [the] tenant occupies [the] premises”. A prospective tenant must be given one with 28 days of receipt of a written request.

For a tenancy which pre-dates 1 July 2020, the duty must be complied with before 1 April 2021. Enforcement is a matter for the local authority by way of financial penalty. There is (as yet) no impact on s.21, Housing Act 1988.

There is no Covid-19 related exemption or delay.

Rent repayment orders

A local authority can apply for a rent repayment order in respect of welfare benefits it paid in lieu of rent. Otherwise, a tenant can apply in respect of the rent they paid

You could logically get an RRO and damages for unlawful eviction because they compensate different things (*e.g.* unlawful eviction could include aggravated, exemplary and special damages).

HMO licences

These are not transferrable because the Upper Tribunal has held they are not transferrable: see *Taylor v Mina An Ltd* [2019] UKUT 249 (LC)

Justin Bates – jbates@landmarkchambers.co.uk
Richard Clarke – rclarke@landmarkchambers.co.uk
Brooke Lyne – blyne@landmarkchambers.co.uk
Nick Grant – ngrant@landmarkchambers.co.uk
Kim Ziya – kziya@landmarkchambers.co.uk