



Domestic Premises (Electrical Safety Certificate) Bill [HL]

HL Bill 10 of 2022–23

Author: Nicola Newson

Date published: 7 July 2022

The [Domestic Premises \(Electrical Safety Certificate\) Bill \[HL\]](#) is a private member's bill introduced by Lord Foster of Bath (Liberal Democrat). The bill is due to have its second reading in the House of Lords on 15 July 2022. It would require a valid electrical installation condition report (EICR) or electrical installation certificate (EIC) to be made available to prospective buyers of domestic properties in England and Wales.

Currently, when residential properties are marketed for sale, vendors are obliged to provide information about the energy performance of the property, but not about its electrical safety. Research suggests that most buyers do not commission their own electrical installation condition report before buying a home. Some tenants have a right to receive such information: landlords in the private rented sector in England are required to have the electrical installations in their properties inspected and tested by a qualified and competent person at least every five years. The government is currently consulting on extending this requirement to landlords in the social housing sector. It is also calling for evidence on whether this should also apply to owner-occupied leasehold properties in social housing blocks. An assessment of the costs and benefits of making regular inspections of the conditions of electrical installations of residential buildings is expected. The Building Safety Act 2022 requires the Health and Safety Executive to carry out this analysis within three years of the relevant section of the act coming into force.

I. Purpose of the bill

Lord Foster of Bath has explained that safety concerns underlie the introduction of the bill:

While faulty electrical appliances often cause fires in homes, so do faulty electrical installations.

Electrical Safety First estimates, from Home Office data, that over the last five years there have been approximately six fires a day in England and Wales caused by faulty electrical installations—65,700 house fires in total. In addition to personal injury, such fires cost significant sums of money.

To minimise such risks, legislation already requires that, in England at least, dwellings in the private rented sector (PRS) must have safety checks on electrical installations, coupled with the issuing of an electrical installation condition report (EICR), every five years. The Social Housing (Regulation) Bill, currently before Parliament, will extend a similar requirement to socially rented properties. And in Wales such checks will become a legal requirement by the end of the year for all rented properties.

However, there is no requirement—and none planned—for owner-occupier homes to have such checks, despite being the largest form of tenure, accounting for 17 million households in

England and Wales. Polling evidence suggests that a mechanism for such checks for owner-occupied homes has much support. A March 2022 survey by YouGov for Electrical Safety First found that over two thirds of homeowners in England and Wales stated they would strongly support being required to complete regular electrical safety checks of their electrical installations.

The Domestic Premises (Electrical Safety Certificate) Bill [HL] proposes way forward by requiring an EICR to be provided to the prospective purchaser of a domestic premises at the point of sale. This approach is similar to the requirement for an energy performance certificate to be provided when a property is sold.¹

Electrical Safety First is a charity that campaigns on electrical safety issues.² Lord Foster has declared that he had support from the charity in preparing the bill.³

2. Bill provisions

Clause 1 would apply if a domestic property was going to be sold that did not already have:

- a valid electrical installation condition report (EICR) safety certificate, or
- for properties built or totally rewired within five years or less of being put on the market, a valid electrical installation certificate (EIC).

Clause 3 defines a valid EICR as a report on the condition and age of the whole electrical installation, carried out within the previous five years and completed and issued by a skilled person competent in such work, according to BS 7671 (IET Wiring Regulations). BS 7671 is a national standard that provides authoritative requirements to help ensure electrical installations are safe and comply with UK law.⁴ Clause 3 defines an EIC as a certificate issued by a qualified person stating that a new installation (rewire) or new circuits in an existing installation are in accordance with BS 7671, current at the time of the installation work.

Where clause 1 applied, a “relevant person” would be required to ensure that a valid EICR or EIC was available for the property. Clause 3 defines a “relevant person” as the owner of the property, or anybody acting as the executor of the estate of a deceased owner.

Clause 1 would also require any person selling the property on behalf of an owner or executor to be satisfied that a valid EICR or EIC was available before they started marketing the property. The relevant person or anybody selling the property on their behalf would be required to make a copy of the EICR or EIC available to any prospective purchaser.

Clause 2 sets out exemptions to clause 1. There would be no requirement for an EICR or EIC if the relevant person could demonstrate that either:

¹ Text provided by Lord Foster of Bath to the House of Lords Library.

² Electrical Safety First, [‘About us’](#), accessed 5 July 2022.

³ [HL Hansard, 24 May 2022, col 757.](#)

⁴ British Standards Institution, [‘Requirements for electrical installations: IET wiring regulations’](#), 28 March 2022.

- the property was being sold for demolition, or
- the property would be completely rewired within six months of the sale. This exemption would apply only if the person undertaking the rewiring had expressed an intention to obtain a Building Regulations compliance certificate within 30 days of completing the rewiring.

A Building Regulations compliance certificate is defined in the approved document for part P of the Building Regulations 2010 as a certificate issued by an installer registered with an authorised competent person self-certification scheme, or by a certifier registered with an authorised third-party certification scheme stating that the work described in the certificate complies with regulations 4 and 7 of the Buildings Regulations 2010 (the applicable requirements in the Building Regulations).⁵ Part P of the Building Regulations deals with electrical safety in dwellings.

Clause 4 of the bill would enable the secretary of state to make regulations in connection with the implementation of the act. Regulations made under this power would be subject to the negative procedure. The bill states that regulations could be annulled by either House of Parliament, or by the Senedd Cymru to the extent that they applied to Wales.

Clause 5 of the bill provides that the act would extend to England and Wales and would come into force on the day that it was passed.

3. Background

3.1 Electrical installation condition reports

Research carried out by Electrical Safety First in 2016 suggested that an EICR was carried out in 37% of residential sales.⁶ The charity found that around 20% of homebuyers wrongly believed the electrics were checked as part of the survey. The charity warned that over a third (36%) of homeowners reported finding issues with the electrics once they had moved in, with around one in ten experiencing severe injury, fire, or electrical problems in the home due to faulty or old electrics. It reported that the average cost of remedying electrical issues after moving in was around £1,700, with 2% of homeowners having to pay as much as £10,000.

The trade directory website Checktrade suggests that a “ballpark average” cost for an EICR would be around £125 for a one-bedroom flat, and £300+ for a five-bedroom house.⁷ It pointed out costs would vary depending on factors such as the size of the property, the complexity of the circuit board, the number of appliances to be tested, the accessibility of the electrics and the electrician’s hourly rate.

⁵ HM Government, ‘[The Building Regulations 2010: Electrical safety—Dwellings: Approved document P](#)’, 2013, p 11. ‘Approved documents’ provide guidance on ways to meet the Building Regulations 2010.

⁶ Electrical Safety First, ‘[Most home buyers exposed to increased fire risk due to inadequate electrical checks before purchasing](#)’, March 2016.

⁷ Checktrade, ‘[How much does an electrical safety check cost in 2022?](#)’, 11 April 2022.

3.2 Current requirements when selling a domestic property

When residential properties are marketed for sale, vendors are obliged to provide information about the energy performance of the property, but not about its electrical safety. The Energy Performance of Buildings (England and Wales) Regulations 2012 require an energy performance certificate (EPC) to be commissioned before a residential building is put on the market, if a valid one does not already exist.⁸ EPCs are valid for ten years and can be used as many times as required within that period. Before marketing a building for sale, a person acting on behalf of the seller, such as an estate agent, must be satisfied that an EPC has been commissioned for the building. The regulations require an EPC to be given free of charge to the person who becomes the buyer of the building. Similar requirements around EPCs apply to landlords and letting agents when letting a domestic property.

3.3 Electrical installation safety checks in the private rented sector

Landlords in the private rented sector in England are also required to have the electrical installations in their properties inspected and tested by a qualified and competent person at least every five years.⁹ Landlords must provide a copy of the electrical safety report to their tenants, and to their local authority if requested. These requirements are set out in the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. The requirements have applied to new tenancies since 1 July 2020 and to existing tenancies since 1 April 2021.

3.4 Electrical installation safety checks in the social housing sector

It is possible that the government will extend these requirements to the social housing sector. It is currently consulting on electrical safety in the social housing sector in England.¹⁰ One of the government proposals in the consultation is for mandatory checks on electrical installations for social housing at least every five years. The consultation also contains a call for evidence on introducing mandatory checks on electrical installations for owner-occupier leasehold properties within social housing blocks at least every five years. The consultation is due run until the end of August 2022.

Provisions in the Social Housing (Regulation) Bill [HL] would enable the government to regulate electrical safety standards in the social housing sector. Clause 10 would amend the Housing and Planning Act 2016 so that the secretary of state could make regulations to extend to social housing landlords certain electrical safety duties that apply to private landlords. The regulations that require landlords in the private residential sector to have electrical safety checks every five years are made under these powers in the Housing and Planning Act 2016.

At the second reading of the Social Housing (Regulation) Bill [HL], Lord Foster of Bath called for the bill to be amended so that it would place a duty on the secretary of state to extend the requirements

⁸ Department for Communities and Local Government, '[A guide to energy performance certificates for the marketing, sale and let of dwellings](#)', December 2017, p 4.

⁹ Department for Levelling Up, Housing and Communities, '[Guide for landlords: Electrical safety standards in the private rented sector](#)', 7 October 2021.

¹⁰ Department for Levelling Up, Housing and Communities, '[Electrical safety in social housing: Consultation and call for evidence](#)', 8 June 2022.

to social housing.¹¹ Lord Greenhalgh, minister of state at the Department for Levelling Up, Communities and Local Government, warned against pre-empting the outcome of the consultation. However, he also said the government “would not be putting those powers in the bill if we were not very serious in our intention to level up between private and public housing”.¹²

3.5 Requirement for Health and Safety Executive cost-benefit analysis

Recently passed legislation also paved the way for a review of electrical installation safety checks in residential buildings. The Building Safety Act 2022 requires the Health and Safety Executive (HSE), in its role as building safety regulator, to carry out a cost-benefit analysis of making regular inspections of, and testing and reporting on, the condition of electrical installations in residential buildings. This analysis must be done within three years of section 21 of the act coming into force. Ministers have not yet appointed a date for this section to come into force.

This requirement was added to the bill in lieu of a Lords amendment that would have required the regulator to carry out such an assessment within two years of the act coming into force.¹³ It would also have enabled the regulator to make proposals for regulations on electrical certification, and to identify and give notice of safety matters that required further examination. Speaking to this amendment, Lord Foster of Bath argued that social housing tenants and owners of leasehold properties should have the same protections offered by mandatory five-yearly electrical safety inspections as tenants in the private rented sector.¹⁴ He said that research by Electrical Safety First had found that “91% of leaseholders were more concerned for their safety and that of their tenants as a result of what they saw in the tragic fire at Grenfell”. Lord Stunell (Liberal Democrat), who tabled the Lords amendment, said that an evaluation by the building safety regulator would look at evidence about “the costs and loss of life that arise from poorly certified and uncertified electrical equipment” and “get to the bottom of [...] these issues where such concern is felt by the public”.¹⁵

Moving its alternative amendment that was ultimately added to the act, the government argued the HSE should have three years rather than two to carry out its cost-benefit analysis of regular electrical inspections.¹⁶ It said the HSE would need time to develop the capacity to conduct this and other reviews mandated by the Building Safety Act 2022 alongside all its other functions.

¹¹ [HL Hansard, 27 June 2022, col 459.](#)

¹² [HL Hansard, 27 June 2022, col 468.](#)

¹³ [HC Hansard, 20 April 2022, col 243:](#) Government amendment (a) made in lieu of Lords amendment 6.

¹⁴ [HL Hansard, 29 March 2022, col 1390.](#)

¹⁵ [HL Hansard, 29 March 2022, col 1400.](#)

¹⁶ [HC Hansard, 20 April 2022, col 189.](#)

About the Library

A full list of Lords Library briefings is available on the [Library's website](#).

The Library publishes briefings for all major items of business debated in the House of Lords. The Library also publishes briefings on the House of Lords itself and other subjects that may be of interest to members.

Library briefings are produced for the benefit of Members of the House of Lords. They provide impartial, authoritative, politically balanced information in support of members' parliamentary duties. They are intended as a general briefing only and should not be relied on as a substitute for specific advice.

Every effort is made to ensure that the information contained in Lords Library briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Disclaimer

The House of Lords or the authors(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice. The House of Lords accepts no responsibility for any references or links to, or the content of, information maintained by third parties.

This information is provided subject to the conditions of the [Open Parliament Licence](#).

Authors are available to discuss the contents of the briefings with Members of the House of Lords and their staff but cannot advise members of the general public.

Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to hlresearchservices@parliament.uk.
