



Scottish Episcopal Church
The Diocese of Edinburgh
Covering the City of Edinburgh, the Borders, Falkirk and the Lothians

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FIRE SAFETY PROVISIONS OF THE HOUSING (SCOTLAND) ACT 2006 IN RELATION TO CLERGY HOUSING

Occupation of Housing

Occupation of rectories by clergy is, essentially, on the basis of canonical requirement (*Canon 17.4 cites the duty to reside in the rectory provided*). Clergy do not receive a tenancy agreement and no rent is paid. Equally, however, clergy do not receive contracts of employment because they are regarded as office holders and operate subject to the overall terms of the Code of Canons.

The Advice

Advice from lawyers advising the General Synod Office is that the SEC – and, therefore, Vestries - should “absolutely follow” the fire safety rules identified. That should be adopted as policy by the SEC.

Although the provisions of this legislation would not directly apply to the arrangements in place for clergy, the SEC cannot safely take that course given (1) the potential for a different conclusion to be reached on the legislation; (2) the possibility that the premises in question may be let during a period of vacancy which would bring the premises within the legislation; and (3) the importance of fire safety issues.

The Requirements

Changes to Fire, Gas and Electrical Safety Requirements Electrical Safety Requirements

Changes on electrical safety came into effect from 1st December 2015. The 2014 Housing Act amends the Housing (Scotland) Act 2006 Section 13(4A) and 19B(4). In February 2015, guidance was updated with respect to electrical safety requirements which includes regular safety inspections of supply installation (the wiring of the property) and all electrical fixtures, fittings and appliances (including the number of plugs loaded onto wall sockets).

It is now mandatory that at the start of EACH new tenancy (where an electrical check has not been carried out in the previous 5 years), and at least once every five years during the course of the Tenancy, an Electrical Installation Condition Report (EICR) Certificate and a Portable Appliance Test (PAT) Certificate be obtained and that these tests must be carried out and the certificates signed by a qualified and accredited electrician.

In addition, private landlords have a duty to ensure safety of common electrical supply which includes obtaining assurance on compliance with regulations associated with the supply of electricity as it affects common stair lighting and controlled entry electrical supply.

Gas safety (Carbon Monoxide Detectors)

Over and above existing gas safety regulations, the new Act prescribes that there must be "satisfactory provision for giving warning if carbon monoxide is present in a concentration hazardous to health". This means that **it is now MANDATORY for private landlords to install CO detectors where there is a gas boiler or other gas appliance** within the rented out property. This applies right across the United Kingdom and equivalent legislation has been passed by the Westminster Government.

Fire safety (Smoke Alarms) Revised guidance makes **it mandatory that one fire & smoke detector, which also has an alarm, to be fitted:**

- **In the room which is most frequently used by the occupant(s) for general daytime living purposes**
- **In every circulation space (halls and landings)**
- **On each floor where there is more than one floor, and**
- **All alarms must be integrated**

In every kitchen there should be a fire-heat detector (different to a smoke detector), with an integral alarm.

All detectors should be hard wired and interlinked.

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