

SCOTTISH GOVERNMENT STATUTORY GUIDANCE ON ELECTRICAL INSTALLATIONS AND APPLIANCES IN PRIVATE RENTED PROPERTY

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Introduction

1. This statutory guidance is part of the Scottish Government Advice Pack for Private Landlords. It is issued under sections 13(4A) and 19B(4) of the Housing (Scotland) Act 2006. Regard must be had to this guidance in determining whether a house meets the repairing standard in relation to installations for the supply of electricity and in relation to electrical fixtures, fittings and appliances. Regard must also be had to it in determining who is competent to carry out an electrical safety inspection. This guidance takes effect from 1 December 2015.

Landlord's Responsibilities

2. Private landlords in Scotland are required by law to ensure that a rented house meets the repairing standard at the start of a tenancy and throughout a tenancy. One part of the repairing standard is that –
 - The installations in the house for the supply of electricity,
 - Electrical fixtures and fittings, and
 - Any appliances provided by the landlord under the tenancy

Are in a reasonable state of repair and in proper working order.

More information about the repairing standard and the other elements that need to be met is available in the Advice Pack for Private Landlords.¹

¹ The Advice Pack is available online at <http://www.prhpscotland.gov.uk/prhp/137.26.33.html>.

“Reasonable state of repair” is not defined in the legislation. But broadly it reflects that the condition of the equipment is what a reasonable person would expect taking the circumstances into account. Equipment that is not safe for use would not be in a reasonable state of repair.

Another part of the Repairing Standard is that a house should have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. A smoke alarm installed from 3 September 2007 onwards should be wired from the consumer unit, so should be included in a check of electrical safety.

3. Landlords should bear in mind that there are other standards that may need to be met in addition to the repairing standard:
 - The Tolerable Standard (statutory minimum standard for all housing) requires that the electrical wiring and associated components and fittings in a house are adequate and safe to use.²
 - Houses in Multiple Occupation (HMOs) must meet physical standards set by the licensing local authority. Electrical safety is covered in sections 4.10.5-21 of the Scottish Government guidance for local authorities on licensing of HMOs.³
 - Any new electrical installation work should meet Scottish building regulations and may require a building warrant.⁴

If there is a requirement for the house to meet a more stringent standard of provision, then the Repairing Standard criterion is only regarded as met if that requirement is met.

4. The risk of fire and shock can be reduced by ensuring the electrical installations and appliances are safe. According to Scottish Government statistics, 69% of all accidental fires in Scottish homes (more than 3,400 annually) are caused by electricity. Independent research carried out by Electrical Safety First also indicates that private tenants are more likely to be at risk of electric shock or fire than owner occupiers.

² Statutory guidance on this part of the tolerable standard is available online at <http://www.scotland.gov.uk/Publications/2009/03/25154751/15>.

³ Statutory Guidance for Scottish Local Authorities on Licensing of Houses in Multiple Occupation is available online at <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent/government/laguidancepdf>.

⁴ Guidance on whether domestic electrical work requires a building warrant is available online at <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/glf2>.

5. Landlords are required to –
 - Ensure that regular electrical safety inspections are carried out by a competent person, and
 - Have regard to this guidance issued by Scottish Ministers on electrical safety standards and competent persons.
6. The landlord's duty includes any common parts of the building that the landlord has a responsibility for maintaining (solely or with others), and if the disrepair to the common part adversely affects the tenant. This could include, for example, common lighting in a tenement close. The landlord should take reasonable steps to ensure that any facilities in common areas are safe. It may not be possible for the landlord to inspect or carry out work on these facilities where they are maintained or controlled by another owner, a factor or the local authority. In these circumstances the landlord should contact that person and ask for assurance that the common facility is safe.
7. The Private Rented Housing Panel can enforce the duty to carry out electrical safety inspections.

Purpose of Electrical Safety Inspection

8. The purpose of an electrical safety inspection is to –
 - Confirm, so far as reasonably practicable that the electrical installation, fixtures, fittings or appliances are in a satisfactory condition for continued service, and
 - Identify any work which relates to electrical installations, fixtures, fittings or appliances which needs to be done to ensure that they are in a satisfactory condition for continued service, a reasonable state of repair and in proper working order.
9. The electrical safety inspection has two separate elements:
 - An Electrical Installation Condition Report (EICR) on the safety of the electrical installations, fixtures and fittings, and
 - A Portable Appliance Test (PAT) on portable appliances.

Electrical Installation Condition Report

10. An EICR must be completed by a suitably competent person. "Competent person" means a skilled person (electrically) as defined in amendment 3 of BS7671. This means that they must be employed by a firm that is a member of an accredited registration scheme operated by a recognised body. In Scotland, this will usually mean that they are a registered with NICEIC or a member firm of the Electrical Contractors' Association of Scotland (SELECT). For additional guidance see Annex A.

11. BS7671 provides forms for recording an EICR (see Annex B).
12. The EICR must cover –
 - Installations for the supply of electricity,
 - Electrical fittings, including –
 - The consumer unit
 - All switches
 - Socket outlets
 - Light fittings, and
 - Any visible wiring.
 - Fixed electrical equipment, including –
 - Fixed electrical heating equipment e.g. storage or panel heaters,
 - Boilers and other heat producing equipment, and
 - Hard-wired smoke and fire detectors.
13. The person carrying out the inspection must complete the EICR which must be legible and clearly set out –
 - The date of the inspection
 - The full address of the house inspected
 - The name and address of the landlord or their agent
 - The name and address of the person carrying out the inspection
 - Evidence that person completing the inspection report is a suitably competent person (see Annex A)
 - A description of each installation, fixture, fitting and appliance inspected, and its location in the house, and
 - Any defect identified
14. Any electrical installation, fixtures, fittings or equipment which fails to pass electrical safety inspection must be replaced or repaired immediately to comply with the repairing standard
15. Any element of the electrical installations, fixtures, fittings or equipment which is classified in an EICR under code C1 (danger present) or C2 (potentially dangerous) must be rectified to comply with the repairing standard.
16. Code C1 means that anyone using the installation is at risk and remedial work should be carried out by a competent person immediately. If it is practical to do so, the competent person should make the installation safe on discovery of the dangerous condition.

17. Wherever practicable, items classified as C1 should be made safe on discovery. Where this is not practical the owner or user should be given written notification as a matter of urgency. Where an item is classified as C2 this is a potentially dangerous situation and urgent remedial action is required.
18. Any element of the electrical installation classified in an Electrical Installation Condition Report as FI (further investigation required) should be investigated as soon as practically possible as such investigation may reveal a dangerous or potentially dangerous condition.
19. An EICR will recommend any remedial action required in order to ensure that the electrical installation is in a satisfactory condition for continued service, but any work which is undertaken must be recorded separately. This can be done by recording the work completed on a Minor Electrical Installation Works Certificate and providing a copy of that to the person ordering the work, which is recommended for all actions to remedy a defect. If remedial work includes replacement of a fuse box (known in the electrical industry as a consumer unit) an Electrical Installation Certificate should be provided.
20. For more information about electrical installation testing and the classification codes, see Electrical Safety First's Best Practice Guide.⁵

Electrical Installation Certificate

21. In some cases a landlord may have a copy of an Electrical Installation Certificate rather than an EICR. For example –
 - New build properties should be provided with an Electrical Installation Certificate,
 - An Electrical Installation Certificate should be provided when a house is fully rewired.

An Electrical Installation Certificate includes a recommendation for the next periodic inspection. For a private rented property, IET guidance is that the recommended period is five years.⁶

22. A landlord who has an Electrical Installation Certificate for a property can provide this in place of an EICR to comply with this guidance, provided that the date of next inspection indicated on the certificate has not elapsed

⁵ Electrical installation condition reporting: Classification Codes for domestic and similar electrical installations (ESF Best Practice Guide no. 4), <http://www.electricalsafetyfirst.org.uk/electrical-professionals/best-practice-guides/>.

⁶ <http://electrical.theiet.org/books/guidance-notes/gn3-6ed.cfm>

Portable Appliance Testing

23. The EICR covers installations and fixed electrical equipment, a PAT covers appliances. For the purpose of the PAT, “appliances” means movable electrical equipment.
24. A PAT test must be completed by a competent person. For the purpose of the PAT test this means either –
 - A skilled person (electrically) as set out in paragraph 10 above, or
 - A person (including the landlord) who has completed appropriate training as a PAT tester (see Annex C).
25. The PAT test can be completed with a PAT tester device. Electricians may not hold one of these, but they will have a set of test equipment that allows them to undertake the full range of testing required by BS7671 which is capable of carrying out electrical safety tests on appliances that would verify no danger exists in the event of an appliance fault.
26. A PAT test requires a label for each appliance tested. IET provide forms for providing a record of appliances that have been tested (see Annex D)
27. Appliances include –
 - Electrical white goods (such as refrigerators and washing machines),
 - Electrical brown goods (such as televisions and DVD players),
 - Electric fires that are not fixed in place,
 - Kitchen appliances, such as toasters and kettles,
 - Hand held electrical equipment, such as hairdryers, and
 - Any other appliances provided by the landlord that are not permanently connected to the electrical installation.
28. Any appliance which fails to pass a Portable Appliance Test must be replaced or repaired immediately to comply with the repairing standard.
29. The duty to carry out electrical safety inspections does not apply to appliances that belong to tenants, only to appliances provided by the landlord.

Frequency of Inspection

30. An electrical safety inspection must be carried out –
 - Before a tenancy starts, and
 - During the tenancy, at intervals of no more than 5 years from the date of the previous inspection.

31. The electrical safety inspection does not have to be completed *immediately* before a new tenancy begins or every time a new tenancy starts, as long as an inspection has been carried out in the period of 5 years before the tenancy starts.
32. The electrical safety inspection must be recorded in an EICR and a PAT report.
33. EICRs may be appropriate more frequently. The date for retesting appliances is usually set during the PAT test and will usually be more frequent. The minimum standard to comply with the legislation is that inspections must be carried out at least every 5 years, but this does not preclude more frequent testing where appropriate.
34. Tenants cannot be required to pay for or contribute towards the cost of an electrical inspection, unless ordered to do so by the First-tier Tribunal for Scotland.
35. If a landlord cannot carry out an inspection because they do not have right of access to all or part of the property, or lack any other necessary right, they are not in breach of their duties in relation to the repairing standard, provided that they have taken reasonable steps to acquire that right.

Copy of inspection

36. The landlord must receive and keep a copy of the EICR and PAT report for six years. A copy of the most recent EICR and PAT report must be given to a person who is to become a tenant before a tenancy starts. If an inspection is carried out during a tenancy a copy relating to that inspection must be given to the tenant.

When the Duty Applies and Transitional Rules

37. Any tenant under a new tenancy commencing on or after 1 December 2015 must be provided with a copy of an EICR before the tenancy commences.
38. Any tenant under an existing tenancy at 30 November 2015 must be provided with a copy of an EICR by 1 December 2016 unless their tenancy ends before that date.
39. An EICR completed on or after 1 January 2012⁷ completed by a competent person is acceptable, whether or not it includes a description and location for appliances inspected.
40. However, to be acceptable all EICRs completed on or after 1 December 2015 must have a PAT record attached to it that shows their description and location and a certificate for any remedial work that has been done.

⁷ The EICR forms were introduced by Amendment 1 to BS 7671:2008 (IEE Wiring Regulations 17th Edition), which came into effect on 1 January 2012.

Good Practice

41. The following guidance is not part of a landlord's statutory duty but is recommended as good practice.
42. Fitting one or more RCDs (Residual Current Devices) into the consumer unit can protect a tenant against electric shock and reduce the risk of electrical fires. An RCD is a sensitive safety device that switches off electricity automatically if there is a fault. RCDs offer a level of personal protection that ordinary fuses and circuit-breakers cannot provide. For some properties the absence of an RCD may result in a C1 or C2 classification and if so must be remedied to comply with the repairing standard.
43. Before providing portable appliances to tenants, a landlord should check that each appliance has at least the CE Mark, which is product manufacturer's claim that it meets all the requirements of European Union legislation. Appliances with additional safety marks, such as the British Standard Kitemark or the BEAB Approved Mark tend to provide greater assurance of electrical safety. The landlord must verify that any secondhand equipment is safe. This will require relevant inspection and testing to be carried out.
44. Care should also be taken to avoid counterfeit electrical products. Counterfeit electrical goods almost always contain incorrect or faulty parts that can overheat or break just days after purchase, increasing the risk of fire or electric shock. If electrical products are purchased online follow the advice given by Electrical Safety First at <http://www.electricalsafetyfirst.org.uk/guides-and-advice/electrical-items/safe-shopping/>.
45. Where electrical equipment is provided, tenants should always be told to read and follow the equipment manufacturer's instructions. Copies of the instructions should be left in the property so the tenants can refer to them as and when required.
46. If a tenancy lasts more than a year, it is good practice to carry out annual visual inspections to detect any damage, deterioration, wear and tear, signs of overheating, loose fixings, or missing parts that may lead to danger. Landlords' visual checks should include checks on –
 - Fuse boxes (consumer units) for signs of damage,
 - Light switches and electrical sockets for any signs of damage or overloading,
 - Cables to make sure that they are safe and are not damaged,
 - Electrical appliances for signs of damage and deterioration and to confirm that plugs and cables are secure, and

Additionally, it should be confirmed that the following devices operate when their integral test button is pressed at time intervals as specified by the manufacturer of the equipment –

- Residual Current Devices (quarterly check)
- Smoke or heat detectors
- Carbon monoxide detectors

Electrical Safety First provides a Landlord's Interim Checklist which can be used to record a visual inspection. This is available free online at <http://www.electricalsafetyfirst.org.uk/guides-and-advice/for-landlords/>.

47. Landlords and tenants should also regularly check that any electrical appliances in the house are not subject to any current product recall notices or safety alerts. A significant number of recalls for electrical appliances occur because the items are at risk of catching fire or causing electrocution. It is good practice to register products at the address of the landlord or the letting agent to ensure that recall paperwork is actioned. Alternatively, landlords can check a free list of products that have recently been recalled by manufacturers which is provided by Electrical Safety First and is available free online at: <http://www.electricalsafetyfirst.org.uk/product-recalls/>
48. Landlords can register appliances to ensure that they receive notice of any recalls. This can be done through <http://www.registermyappliance.org.uk/> or <http://eesafe.com/register-appliances/>.

Scottish Government
Directorate for Housing Regeneration and Welfare
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ANNEX A: Competent Person

An EICR must be completed by a suitably competent person. Regulation 16 of the Electricity at Work Regulations 1989 requires persons to be competent to prevent danger and injury. the HSE publication HSR 25 provides guidance on this.

The landlord is responsible for ensuring the person completing an EICR is suitably competent. Using a firm that is a member of an accredited registration scheme operated by a recognised body will give some degree of confidence that this has been achieved. In Scotland, this will usually mean that they are a registered with NICEIC or a member firm of the Electrical Contractors' Association of Scotland (SELECT).

Both the NICEIC and the Electrical Contractors' Association of Scotland (SELECT) provide online tools for finding local members.

SELECT <http://www.select.org.uk/sectionindex.php?sectionid=3>

NICEIC <http://www.niceic.com/Page/SearchContractors>

Landlords can take membership of these organisations as evidence of competence.

Alternatively, a landlord should seek evidence of competence and have regard to the details provided. A competent person (other than a member of NICEIC or SELECT) should be able to confirm all of the points listed in the checklist form provided on the following page.

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Evidence of competence to carry out an Electrical Condition Installation Report for the purposes of assessing the safety of electrical installations, fittings and fixtures in private rented property.

Checklist for Electrician	Check *
I am a member of a professional body	
I have public liability insurance (£2 million minimum is recommended)	
I have employers' liability insurance (£2 million minimum is recommended)	
I have professional indemnity insurance (£0.25 million is recommended for contractors undertaking electrical installation condition reporting)	
I have completed appropriate assessed training on current version of BS7671 within the past 5 years	
I can provide copies of wholesaler bills made out to entity trading	
I can provide copies of trade qualification or equivalent	
I have possession of a calibration certificate for test equipment for the work carried out	
I can provide a copy of a written health and safety policy statement for the business	
I have completed Electrotechnical Certification Scheme (ECS) Health & Safety Assessment within the past 3 years	
I have been granted, or am eligible to be granted at least Approved Electrician grade.	

* The electrician should tick each item in this list to confirm that it applies.

I certify that I can provide the above listed evidence of competence.

Name _____

Firm/Trading Name _____

Signed _____

Date _____

ANNEX B: Electrical Installation Condition Report (EICR)

Forms for recording electrical safety inspections are provided in BS 7671 (Requirements for Electrical Installations), published by the Institution of Engineering and Technology.

An Electrical Installation Condition Report (EICR) in the forms set out in Appendix 6 of BS 7671 which is completed by a competent person will meet the requirements of section 19B(2) of the Housing (Scotland) Act 2006 for an electrical safety inspection certificate for installations, fixtures and fittings.

Statutory Requirement Housing (Scotland) Act 2006, section 19B(2)	Where recorded in EICR form BS 7671 Appendix 6
The date of the inspection and the address of the house inspected	Form 6, section C
The name and address of the landlord or their agent	Form 6, section A
The name and address of the person carrying out the inspection	Form 6, section G
Evidence that person completing the inspection report is a suitably competent person	See Annex A of this guidance – this requirement is met if the form is prepared by a person registered with NICEIC or a member firm of SELECT
A description of each installation, fixture and fitting inspected, and its location in the house	Form 7
Any defects identified	Form 6, section K
Any remedial action taken	Any remedial works must be covered by a Minor Electrical Installation Works Certificate (Form 5) If a consumer unit has been replaced there must be an Electrical Installation Certificate (Form 2)

The Scottish Government intends to add examples of completed forms in this guidance.

ANNEX C: PAT test training

A landlord, or other person, is considered competent to carry out a PAT test if they have successfully completed relevant training.

Organisations offering training courses include -

The Scottish Association of Landlords provide training through their sister organisation, Landlord Accreditation Scotland. The course is run by Quick Test (<http://www.quick-test.biz/pat-testing-training-courses/>)

The Electrical Contractors' Association of Scotland (SELECT) (<http://www.select.org.uk/sectionindex.php?sectionid=7&subsectionid=161&id=8&action=trainingshop>)

NICEIC (<http://www.niceic.com/training/electrical/pat-testing>)

EAL (www.eal.org.uk) offer the following course: EAL Level 3 Award in the In-Service Inspection and Testing Of Electrical Equipment (PAT) (QCF). Further details are provided in the following link: http://www.eal.org.uk/res/pdf/public/sheets/600_4340_4_fs.pdf

ANNEX D: Portable Appliance Testing Report

The EICR must be accompanied by a description of each appliance inspected, and its location in the house.

The Institution of Engineering and Technology (IET) publishes a Code of Practice for In-service Inspection and Testing of Electrical Equipment. This publication provides useful guidance on all aspects of portable appliance testing including the classification of equipment types; inspection and testing procedures; training requirements for those overseeing and/or carrying out the inspection and testing and record keeping.

The code of practice also contains, in Appendix V, the following model forms for in-service inspection and testing:

- V.1 Equipment register – where all portable appliances in a property are listed
- V.2 Equipment formal visual and combined inspection and test record
- V.3 Equipment labels – to show clearly whether an item of equipment has passed or failed, the inspection and testing to which it was subjected
- V.4 Repair register
- V.5 Test instrument record.

Copies of forms V.1 and V.2 should be attached to the EICR.

The model forms are also freely downloadable from the IET website at <http://electrical.theiet.org/wiring-regulations/forms/index.cfm>. The forms for recording appliance checks are in the section headed “downloads” along the right side of the screen, in the second document called “BS 7671:2008 forms”. The forms for appliance test records start on page 20. The forms are freely available to encourage their use either as published or when used as the minimum content of user-devised forms.

The Scottish Government intends to add examples of completed forms in this guidance.

ANNEX E: Glossary

Advice pack for private landlords

The Scottish Government document, “The Repairing Standard – An Advice Pack for Private Landlords”, includes general advice on the repairing standard and advice on smoke and fire detectors.

It is available online at <http://www.prhpscotland.gov.uk/prhp/137.26.33.html>.

Approved electrician

Approved electrician is a grade recognised the Scottish Joint Industry Board for the Electrical Contracting Industry.

See <http://www.sjib.org.uk/sjib-grade-ecs-cards/grading-definitions/approved-electrician/>

BS7671

British Standards BS 7671 (the IET Wiring Regulations) sets the standards for electrical installation in the UK and many other countries. The IET co-publishes the Regulations with the British Standards Institution (BSI). The third edition of BS 7671 was published in January 2015.

Common areas (common parts)

A common area or a common part is an area or part of a building that is owned in common by the owners of separate parts of the building. In Scotland, the owners of individual homes within a block or tenement usually have common ownership of parts of the building such as closes and roofs. In the Housing (Scotland) Act 2006, the definition of a house includes “any part of the living accommodation (including its structure and exterior) which is, and any common facilities relating to it which are, owned in common with others.”

Competent person

See Annex A of this guidance.

Consumer unit

Consumer unit is the name used in the electrical industry for what home owners usually call the fuse box.

Electrical appliances

For this guidance, “appliances” means portable electrical equipment. See paragraph 23 and examples at paragraph 27. Items of non-portable electrical equipment are treated as fixtures.

Electrical Contractors' Association of Scotland (SELECT)

SELECT is a trade association for the electrical industry in Scotland.

Electrical fixtures and fittings

See paragraph 12 of this guidance.

Electrical installation condition report (EICR)

See Annex B of this guidance.

Electrical installations

Electrical installations cover all aspects of the supply, distribution and use of electrical power in the house from the consumer unit (where the electric supply connects to the wiring in the house) to the point of use at the switch or socket-outlet.

Electrical Installation Certificate

A safety certificate issued by a suitably competent person when they complete any new electrical work, or changes to existing electrics. The certificate confirms that the work has been designed, built, inspected and tested to the UK standard BS 7671. The certificate should include a schedule of inspections and test results

Electrical safety first

Electrical Safety First is the trading name used by the charity Electrical Safety Council (Registered Charity Scotland No. SC039990) since March 2014.

Electrical safety inspection

The electrical safety inspection is a periodic check of installations, fixtures, fittings and any appliances provided by the landlord. Private landlords are required to carry out an electrical safety inspection at least once every five years.

Electrotechnical certification scheme (ECS)

Electrotechnical Certification Scheme is the identification and competence card scheme for electricians.

Institution of Engineering and Technology (IET).

IET is a registered charity which represents the engineering profession.

Landlord

In this guidance the landlord is a private landlord.

Minor electrical installation works certificate

A safety certificate (see Electrical installation certificate above) used when an addition or alteration is made to your electrics and no new circuits have been added.

New tenancy

In this guidance a new tenancy is an agreement to let property under an assured or short assured tenancy to a person who did not previously rent the property from the landlord.

NICEIC

NICEIC is a voluntary regulatory body for the electrical contracting industry.

Periodic inspection

See electrical safety inspection.

Portable appliance test (PAT)

The PAT is a test of any moveable appliances. A PAT is required for appliances provided by the landlord.

Private rented housing panel (PRHP)

The PRHP is an independent panel with statutory power to require landlords to carry out work required by the repairing standard.

Reasonable

See paragraph 2 of this guidance

Repairing Standard

The repairing standard is the statutory minimum standard for private rented housing.

Residual current device (RCD)

See paragraph 42 of this guidance.

SELECT

See Electrical Contractors' Association of Scotland above.

Tenancy

The repairing standard applies to any tenancy except (a) a Scottish secure tenancy or a short Scottish secure tenancy (i.e. a social rented tenancy) (b) a tenancy of a house subject to a demolition or closing order which is retained or purchased by a local authority for use as housing accommodation, (c) a tenancy of a house which is comprised in specified agricultural holdings tenancies, (d) a tenancy of a house on a croft, or (e) a tenancy of a house on a holding to which the Small Landholders (Scotland) Acts apply.

Wiring Regulations

BS7671. Also known as the IET Wiring Regulations