

FARMING AND PROPERTY BULLETIN – NOVEMBER 2017

Minimum Energy Efficiency Standards

Regulations

The Government have this month published guidance for landlords on the minimum level of energy efficiency required to let domestic property under Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

The regulations will prevent landlords renting out domestic property with an EPC rating below an E. From the 1st April 2018 this will mean that landlords of relevant domestic properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of band F or G as show on a valid Energy Performance Certificate. From 1st April 2020 landlords must not continue letting a property which is already let if that property has an EPC rating of band F or G.

Relevant Tenancies

Tenancies listed below will all be included within the new regulations

- Assured tenancies (including assured shorthold tenancy agreements) defined in the Housing Act 1988
- Regulated tenancies defined in the Rent Act 1977
- Domestic residential tenancies to include assured agricultural occupants and Rent (Agriculture) Act 1976 tenants

Making Improvements

A landlord is only required to make improvements to an F or G rated property to meet the minimum standard if they can do so at no cost to themselves. No cost funding can come from a range of sources primarily:

- Green Deal Finance
- ECO help to heat funding
- Local Authorities home energy efficiency grants

For advise on energy assistance funding landlords can contract the Energy Savings Advice Service on 0300 123 1234.

Exemptions

Where a valid exemption applies meaning F or G rated properties can be let the exemption must be registered by the landlord on the national PRS Exemptions Register and in most cases will apply for a five year period before needing to be re-registered. Exemptions include where the relevant energy efficiency improvements have been made and the property remains sub-standard, where a recommended measure is not a 'relevant energy efficient improvement' because the cost of the work cannot be financed at no cost to the landlord or where third party consent is required to do the work and this is withheld (e.g. where planning consent for the work is not granted).

More details on exemptions and the regulations can be found at:

<https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents>

Residential Lettings Reminders

As the colder weather draws in, below are some key reminders of measures landlords must have in place when letting residential property:

- *Boiler Service Certificates* – an up-to-date Gas Safety Certificate must be supplied in relation to any gas appliances provided by the landlord. An annual check by a recognised gas engineer is required and certificates must be copied to the tenants within 28 days of the inspection date. Whilst it is not compulsory it is considered best practice to undertake annual checks of any type of boiler including oil fired appliances.

- *Fixed Electrical Installation Periodic Test Report & Certificate* – Whilst there is no regulatory requirement it is considered best practice to obtain a report on the safety of electrical installations provided by the landlord when there is a change in tenant or every five years.
- *Carbon Monoxide Alarms and Smoke Alarms* – The Smoke & Carbon Monoxide Alarms (England) Regulations require smoke alarms to be installed on every storey of a residential property. Carbon monoxide alarms are to be installed in any room which contains a solid fuel burning appliance; this includes fireplaces and wood burning stoves.

BPS- Active Farmer Checks

The RPA are currently carrying out additional 'active farmer' checks on BPS 2017 claimants who have or are to be inspected and declared either less than 36ha of eligible land or received more than €5,000 BPS payment in 2016. This is being done now due to the European Commission expecting such BPS claimants to be able to produce evidence of their 'active farmer' status, not simply making a self-declaration on their BPS application. As a result some claimants will have received a letter and Accountants Certificate from the RPA which needs to be completed by an accountant. The accountant will need to confirm that the business is either:

- Not 'operating' one of the five negative list activities – these being airports, railways, waterworks, real estate service and sports and recreational grounds. There is a tick box on the Certificate to indicate this; or
- Operating a negative list activity but can requalify through one of the two income test routes

The RPA has confirmed that in order to clarify the 'active farmer' status of a claimant they need to 'examine the farmer's accounts and bank statements to see if there are any incomes from non-agricultural activities'. They also stated that they 'would expect any accountant completing this information to be aware of any other source of income that the business may have'.

The completed certificate needs to be returned to the RPA within 10 working days of receipt. If it is not returned a hold will be put on the 2017 BPS payment until the certificate is received.

Further details are available at:

<https://www.gov.uk/government/publications/active-farmer-certificate>

57th ANNUAL HAY & STRAW AUCTION SALE IN CONJUNCTION WITH THIMBLEBY & SHORLAND

TUESDAY 16TH JANUARY 2018

At 2.30pm

In the Loyd Lindsay Rooms, Ardington, Wantage, Oxon OX12 8PS

In order to ensure the continuity of the Adkin Annual Hay and Straw Sale we will from hereon be operating in conjunction with Thimbleby & Shorland of Reading. We intend to work closely together to maintain this important service.

Entry forms available from the office or www.adkin.co.uk
All enquiries to Philip Pocock or Hannah Rickards (01235 862888)