

Guidance note: Gas Safety Certificates and Section 21 notices

What has changed?

- From 1 October 2018, the requirement to provide a Gas Safety Certificate (GSC) **before** a tenant occupies a property is applied to tenancies regardless of when they began
- In the light of the recent court of appeal decision in **Trecarrell House v Rouncefield**, landlords are now able to serve a Section 21 notice if a copy of the GSC is provided to the tenant **before** the notice is served **AND** there was a valid GSC in place before the tenant first occupied the property (even if a copy of the said GSC was not provided to the tenant)
- Before the above decision, it was not possible for landlords to serve a Section 21 Notice under any circumstances if a copy of the GSC was not provided to a tenant before occupying the property

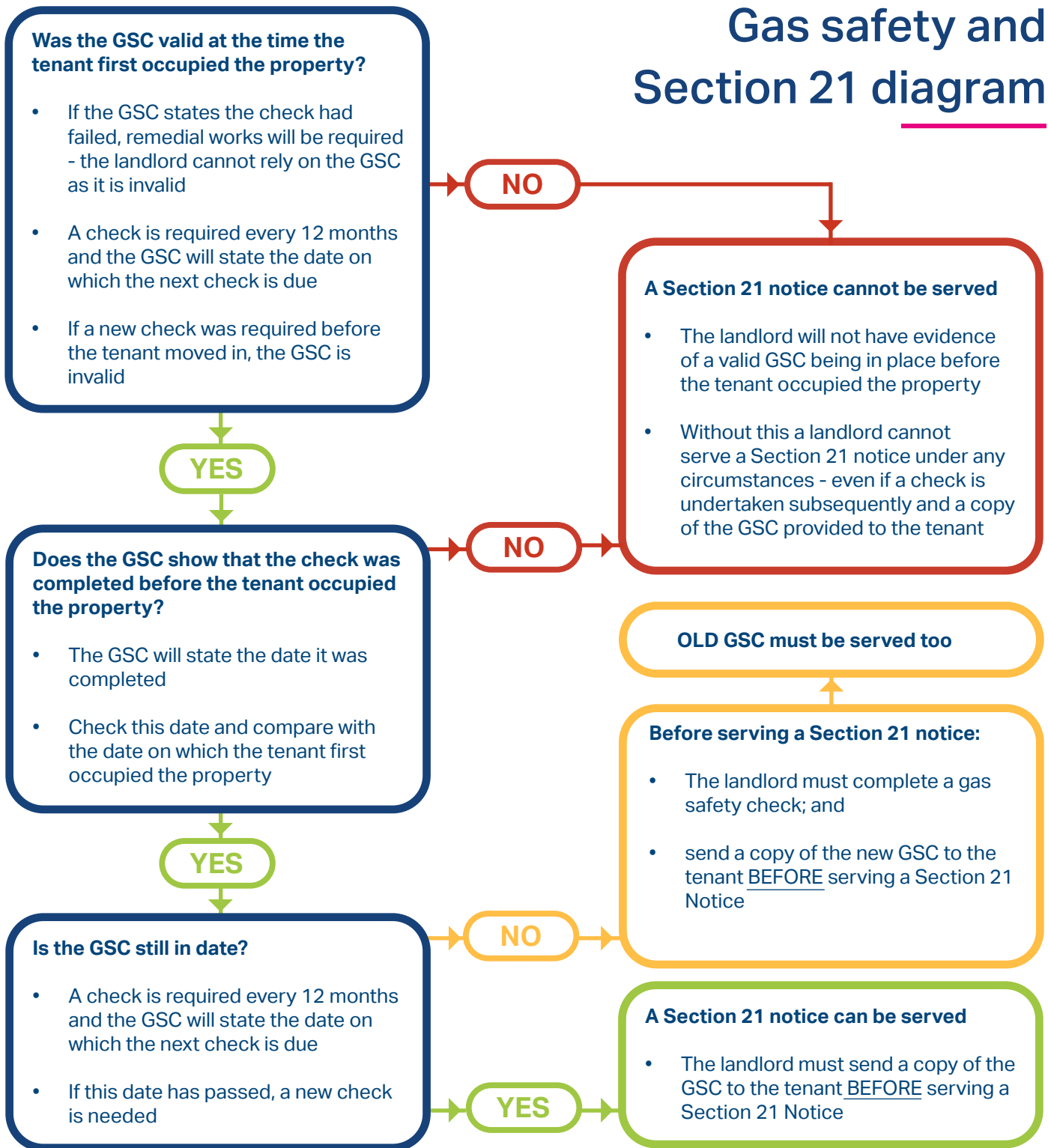
Things to remember

- When serving a copy of the GSC to the tenant check to see if the method of service met the requirements of the tenancy agreement
 - For example, if the tenancy agreement only allows for service of documents via post or in person, serving the GSC by email will not be valid
- It is good practice to check for any clerical errors on the GSC
 - Points to look out for include the address of the rental property, landlord name, date of check, etc.
 - Errors could invalidate a GSC, in which case the landlord might not be able to serve a Section 21 at all
- For HMO properties, a landlord can place a copy of the GSC in a prominent place, such as the hallway, and show the tenant a copy of the GSC before they move into their room
- Usually landlords are only required, by law, to keep a copy of GSCs for the preceding two years – however, as best practice landlords should keep hold of all copies during occupation of the property by a tenant.
- All landlords must continue to undertake gas safety checks and provide a copy of the GSC before a tenant starts occupying the property
- Landlords are still potentially liable for prosecution by the Health and Safety Executive for the duration of time when a valid GSC was not in place. Landlords should be reminded to undertake checks every 12 months, ensuring all renewals are undertaken on time (i.e. on or before expiry of the previous GSC)

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Gas safety and Section 21 diagram



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