



The new part 2 of HSG274 for Hot and Cold water Systems – What does this mean to you?

Residential accommodation: Landlords

Part 2 of the new HSG 274 states that:

Landlords who provide residential accommodation, as the person in control of the premises or responsible for the water systems in their premises, have a legal duty to ensure that the risk of exposure of tenants to legionella is properly assessed and controlled. This duty extends to residents, guests, tenants and customers.

They can carry out a risk assessment themselves if they are competent, or employ somebody who is.

Where a managing (or letting) agent is used, the management contract should clearly specify who has responsibility for maintenance and safety checks, including managing the risk from legionella. Where there is no contract or agreement in place or it does not specify who has responsibility, the duty is placed on whoever has control of the premises and the water system in it, and in most cases, this will be the landlord themselves.

All water systems require a risk assessment but not all systems require elaborate control measures. A simple risk assessment may show that there are no real risks from legionella, but if there are, implementing appropriate measures will prevent or control these risks.

The law requires simple, proportionate and practical actions to be taken, including identifying and assessing sources of risk, managing the risk, preventing or controlling the risk; and periodically checking that any control measures are effective.

For most residential settings, the risk assessment may show the risks are low, in which case no further action may be necessary, eg housing units with small domestic-type water systems where water turnover is high.

If the assessment shows the risks are insignificant and are being properly managed to comply with the law, no further action may be required, but it is important to review the assessment periodically in case anything changes in the system. However, the frequency of inspection and maintenance will depend on the system and the risks it presents.

Simple control measures can help manage the risk of exposure to legionella and should be maintained, such as:

- flushing out the system before letting the property;
- avoiding debris getting into the system (eg ensure the cold water tanks, where fitted, have a tight-fitting lid);
- setting control parameters (eg setting the temperature of the calorifier to ensure water is stored at 60 °C);
- making sure any redundant pipework identified is removed;
- advising tenants to regularly clean and disinfect showerheads.

Landlords should inform tenants of the potential risk of exposure to legionella and its consequences and advise on any actions arising from the findings of the risk assessment, where appropriate. Tenants should be advised to inform the landlord if the hot water is not heating properly or if there are any other problems with the system, so that appropriate action can be taken.

The risk may increase where the property is unoccupied for a short period. It is important that water is not allowed to stagnate within the water system and so Health and Safety Executive Legionnaires' disease Page 46 of 65 dwellings that are vacant for extended periods should be managed carefully. As a general principle, outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, consider implementing a suitable flushing regime or other measures, such as draining the system if the dwelling is to remain vacant for long periods.

Where there are difficulties gaining access to occupied housing units, appropriate checks can be made by carrying out inspections of the water system, eg when undertaking mandatory visits such as gas safety checks or routine maintenance visits.

It may be impractical to risk assess every individual residential unit, eg where there are a significant number of units under the control of the landlord, such as Housing Associations or Councils. In such cases, a representative proportion of the premises for which they have responsibility should initially be assessed, on the basis of similar design, size, age and water supply, with the entire estate eventually assessed on a rolling programme of work.

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Should you have any further questions or queries in relation to this new document and how it will affect you contact

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