

# Legionnaires Disease – what landlords need to know!

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# Legionnaires Disease

- What is legionnaires disease?
- Landlords of larger units have had duties since 1991  
Under HSE Code of Practice L8
- 300 litre limit now removed from L8
- All rental properties now affected
- “Landlords who provide residential accommodation...have a legal duty to ensure that the risk of exposure of tenants to legionella is properly assessed and controlled.”



# What must landlords do?

Arrange for a “competent person” to

- Carry out risk assessment
- Implement control measures
- Conduct regular reviews

Also

- Inform tenants of potential risk – see SAL guidance for tenants

# What is a competent person?

- “A competent person is someone with the necessary skills, knowledge and experience to manage health and safety, including the control measures.”
- “All water systems require an assessment of the risk which they [*the landlord*] can carry out themselves if they are competent, or employ somebody who is.”
- SAL risk assessment template

# What are the risks?



- water is stored anywhere in the system
- the water temperature in any part of the system is between 20–45°C
- there are sources of nutrients such as rust, sludge, scale and organic matter
- there are parts of the system that are used infrequently e.g. guest bathrooms or redundant sections of pipework
- there are occasions when the system is unused for more than a week e.g. voids or tenant holidays
- it is possible for water droplets to be produced and dispersed e.g. showers
- it is likely that any of your tenants, visitors etc are more susceptible to infection due to age, illness or a weakened immune system

# What control measures can be put in place?

- flushing out the system before letting the property and weekly during vacant periods
- ensuring tenants run any little used outlets on a weekly basis
- avoiding debris getting into the system (e.g. ensure any cold water tanks have a tight-fitting lid)
- setting temperature controls correctly (e.g. adjusting system controls to ensure water is heated to and stored at 60°C)
- making sure any redundant pipework is removed
- advising tenants to regularly clean and disinfect shower heads

# Enforcement

- Enforced by Health & Safety Executive
- Landlord is ultimately responsible, not letting agent
- “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.”
- Criminal offence
- Fine of up to £20,000
- Up to 12 months in jail



# Hot off the press - new SAL publications

## Factsheets

- ID checks
- Data protection
- Council tax discounts
- Distance selling legislation

## Guidance

- Legionnaires Disease – landlords
- Legionnaires Disease – tenants

## Templates

- Legionnaires Disease risk assessment template

[www.scottishlandlords.com/resources/documents.aspx](http://www.scottishlandlords.com/resources/documents.aspx)





# Further information

Legionnaires disease:

- <http://www.hse.gov.uk/pubns/indg458.pdf>
- <http://www.hse.gov.uk/pubns/priced/hsg274part2.pdf>

SAL website/helpline:

[www.scottishlandlords.com](http://www.scottishlandlords.com)

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