

Smoke and Carbon Monoxide Alarm Key Questions

Q: What do the regulations require?

The draft regulations are currently awaiting Parliamentary approval. If they are approved then, from 1 October 2015, private rented sector landlords will be required to have smoke alarms installed on every floor of their property and carbon monoxide alarms in rooms where solid fuel is used. Landlords will be required to test all the alarms at the start of every new tenancy to make sure they are working.

Q: Do the regulations apply to existing tenancies?

Yes, if approved, the regulations require private sector landlords to have installed all the alarms required from 1 October 2015.

Q: What types of tenancy will be affected?

The regulations apply to any tenancy, lease or licence of residential premises in England that gives somebody the right to occupy all or part of the premises as their only or main residence in return for rent. There are some exemptions (such as for long leases) – more information is given in the Schedule to the draft regulations:

<http://www.legislation.gov.uk/ukdsi/2015/9780111133439/contents>

Q: Are houses in multiple occupation (HMOs) exempt?

Parts 1 to 5 of the regulations do not apply to landlords of licensed HMOs. However, similar requirements will be imposed through the HMO licensing regime. The regulations, if approved, will change Schedule 4 to the Housing Act 2004 to require landlords of HMOs to have a smoke alarm installed on every floor of their property and a carbon monoxide alarm in rooms where solid fuel is used. The landlord must ensure that all the alarms are kept in proper working order.

Q: What type of alarm should I install?

The regulations do not stipulate the type of alarm (hard wired or battery powered) to be installed. Landlords should make an informed decision and choose the best alarm for their property and tenants. All smoke alarms on sale in the UK must have CE marking under the European Constructions Products Regulation.

Q: Am I required to install a CO alarm in rooms with gas appliances?

No, under the new proposals carbon monoxide alarms would only be required in rooms containing a solid fuel burning appliance (rooms containing a coal fire, log burning stove, etc.). However, as gas appliances do emit carbon monoxide, reputable landlords will install working carbon monoxide alarms in addition to obtaining the annual gas safety certificate for each appliance.

Q: Do the regulations apply to social housing landlords?

No, at present private rented sector properties have fewer alarms installed than other housing – these regulations are designed to remedy this position. Registered providers of social housing are therefore exempt from the regulations but reputable landlords will have installed at least the number of alarms specified in the regulations and probably more.

Q: I will need a new alarm – how do I get a free one?

The Government has provided grant funding to local fire and rescue authorities to purchase around 445,000 smoke and 40,000 carbon monoxide alarms.

Please contact your local fire and rescue service to find out how they will be distributing their allocation in your area.

Q: When will these provisions come into force?

If Parliament approves the regulations, they will come into force on 1 October 2015.

Q: How will the regulations be enforced?

Your local housing authority is responsible for enforcing the regulations. They can issue a remedial notice requiring a landlord to fit the alarms. If the landlord fails to comply with the notice, the local housing authority can arrange for alarms to be fitted and can levy a civil penalty charge on the landlord of up to £5000.