



Regulatory Update

Landlords and the Smoke and Carbon Monoxide Alarm Regulations 2015

Provided by Andrew Bourne & Co

Quick Facts

In an effort to reduce the risk of injury or death caused by smoke or carbon monoxide in the private rented sector, Parliament approved the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, which went into force on 1st October 2015.

The regulations require private rented sector landlords to ensure that there is at least one smoke alarm on every storey of their properties, and a carbon monoxide alarm in any room used as living accommodation, where solid fuel is used.

Only 83 per cent of properties in the private rented sector have working smoke alarms, despite the fact that 40 per cent of fire-related deaths occur in properties without working smoke alarms, according to government research. Carbon monoxide poisoning is also preventable in the private rented sector—it kills about 40 people each year in England and Wales.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 were approved by Parliament in order to reduce the risk of injury or death caused by smoke or carbon monoxide in the private rented sector—they apply to England only. The regulations place onus on private sector landlords starting on 1st October 2015 to ensure the installation of smoke alarms on every storey of their rental properties which are used as living accommodation, and to ensure the installation of a carbon monoxide alarm in any room containing a solid fuel burning appliance, such as a wood-burning stove. After that, landlords must ensure the alarms are in working order at the start of each new tenancy.

What types of tenancy are 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 his or her only or main residence in return for rent.

Are any tenancies excluded?

Certain tenancies are excluded from the regulations, including shared accommodation with the landlord or landlord's family, long leases, student halls of residence, hostels and refuges, care homes,

hospitals and hospices, and other accommodation relating to healthcare provision.

When must the alarms be inspected?

Landlords must check that the required alarms are in working order on the first day of any new tenancy beginning on or after 1st October 2015, and in any premises let under an existing tenancy before that date.

What is the penalty for non-compliance?

Local housing authorities will be responsible for enforcing the regulations, and can levy a civil penalty charge on a landlord of up to £5,000.

There is no prescribed method for proving landlords' compliance, although one possible means is going through an inventory with tenants on the first day of their tenancies and asking them to sign a document confirming the inventory and that the required alarms have been tested by the landlord and are in working order.

For more guidance, consult the actual language of the regulations at

www.legislation.gov.uk/ukxi/2015/1693.



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