



VICTORSTONE

Action Guide

# Changes to Smoke and Carbon Monoxide Alarm Legislation



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## What are England's smoke and carbon monoxide regulations?

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Under the **Smoke and Carbon Monoxide Alarm (England) Regulations 2015**, all residential rented properties must have:

- A smoke alarm fitted on each storey of the property.
- A carbon monoxide alarm fitted in any room used as living accommodation which contains a solid fuel burning appliance, such as a coal fire or wood burner.

Each alarm must have been tested and be in working order on the day a **new tenancy** begins.

Landlords who do not comply with the law can be subject to a local authority penalty charge of up to £5,000.



### What is a new tenancy?

A tenancy granted on or after 1 October 2022 **OR** a periodic shorthold tenancy which starts at the end of a fixed term shorthold tenancy, with the same landlord and tenant **AND** in the same premises.

## What is the new law?

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The amended regulations require a carbon monoxide alarm in every room that has a fixed combustion appliance. This includes gas and oil-fired boilers but excludes gas cookers.

In practice, this means the vast majority of rental properties will now require a carbon monoxide alarm unless they use fully electric heating.

Landlords have a legal duty to ensure any alarm that is reported to be faulty is replaced or fixed.

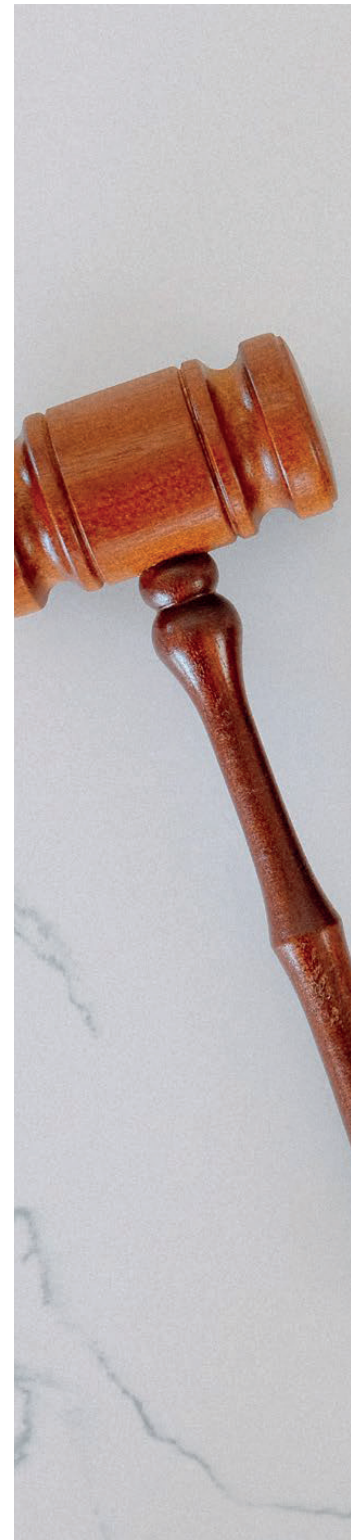
Failure to do so can lead to a penalty charge of up to £5,000.

All alarm regulations will now apply to social housing for the first time.

### HMO Properties

Licensable HMO properties have the same requirement to have alarms as any other property, though this obligation is not in the amended regulations.

Instead, on 1 October, the **Housing Act 2004** will be modified to require that smoke and carbon monoxide alarms are a standard condition in all HMO licences. The obligation will not apply to current licenses until they are renewed.



## What actions should agents take?

### BEFORE 1 OCTOBER

#### Ensure a working smoke alarm is on every storey of the property

##### What type of alarm is required?

The regulations do not state the type that's required, so it can be battery-powered or wired in, but Government guidance recommends an alarm compliant with British Standards BS 5839-6.

##### Where should the alarm be installed?

Follow the individual manufacturer's instructions when installing a smoke alarm. In general, smoke alarms should be fixed to the ceiling in a circulation space, like a hall or landing.

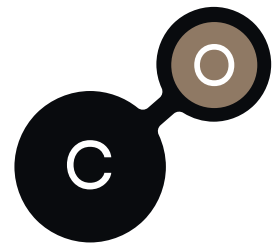
#### Install a carbon monoxide alarm in any room with a fixed combustion appliance

##### What type of alarm is required?

The regulations do not state a required type, so it can be battery-powered or wired in, but Government guidance recommends an alarm compliant with British Standards BS 50291.

##### Where should the alarm be installed?

Follow the individual manufacturer's instructions when installing a smoke alarm. In general, carbon monoxide alarms should be positioned at head height, either on a wall or shelf, approximately 1-3 metres away from a potential source of carbon monoxide.





## WHAT TO DO AFTER 1 OCTOBER

### What type of alarm is required?

The regulations do not state the type that's required, so it can be battery-powered or wired in, but Government guidance recommends an alarm compliant with British Standards BS 5839-6.

### Where should the alarm be installed?

Follow the individual manufacturer's instructions when installing a smoke alarm. In general, smoke alarms should be fixed to the ceiling in a circulation space, like a hall or landing.

### Keep a written check-in record

This should state that the alarms were checked and found to be in working order.

### Have your contractors test and repair alarms when carrying out compliance checks

Contractors who carry out gas safety inspections or EICRs could be asked to test the alarms when they visit and repair or replace them up to a certain value.



## Scotland

Every home must have:

- One smoke alarm in the living room or room used most for living purposes
- One smoke alarm in every circulation space, such as a hallway or landing
- One heat alarm in the kitchen
- One carbon monoxide alarm in any room with a carbon-fuelled appliance (boiler, fire, heater or flue)



Every smoke and heat alarm must be mounted on the ceiling and interlinked so that when one is set off, all others in the household are. The carbon monoxide alarm does not need to be linked to the fire alarms.

Open plan areas that include a kitchen area should have a heat alarm rather than a smoke alarm.



## Wales



Under the **Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022**, which will come into force on 1 December 2022, smoke alarms are required on each storey of a property. Each smoke alarm must be:

- In working order
- Connected to the property's electrical supply
- Interlinked with other smoke alarms in the property

A carbon monoxide alarm is required in every room which contains a gas appliance (including a gas cooker), an oil-fired combustion appliance or a solid fuel-burning combustion appliance.





## Northern Ireland

Every house where a new fossil fuel appliance has been installed since 2012 must have a carbon monoxide alarm. A fossil fuel appliance is anything which burns gas, oil, kerosene, charcoal or wood.

Legally, a smoke alarm is only required if a property is an HMO (House in Multiple Occupation). However, it is recommended for all landlords to fit smoke alarms and check them regularly.

The **Private Tenancies Act (Northern Ireland) 2022** will require private tenancies to have:

- Sufficient fire or smoke alarms
- Sufficient carbon monoxide alarms

This portion of the legislation is yet to be introduced.



## Where can I go for further information?

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For further information on England's Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, see the **Government's guidance** and the **legislation itself**.

Scotland's rules can be found on this **factsheet**.

Read about the **Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022** here.

Northern Ireland has produced this **guidance for landlords**.



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