Smoke Alarms

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

New Regulations are expected to come into force in **October** requiring landlords in the private rented sector in England (excluding those that are registered providers of social housing) to ensure that a smoke alarm is equipped in every storey of their property and that a carbon monoxide alarm is provided in any room which contains a solid fuel burning combustion appliance. Failure to comply with these Regulations which will be enforced by local housing authorities will **result in a fine of up to £5000**.

As the title suggests, these Regulations apply to England only, although the Welsh Government is likely to follow suit in due course. In Scotland, the requirements for the installation of smoke alarms in private rented housing are unchanged for which statutory guidance is available on the Private Rented Housing Panel website - **www.prhpscotland.gov.uk.** In the case of landlords in Northern Ireland, guidance concerning smoke and carbon monoxide alarms is available from the Northern Ireland Fire and Rescue Service via the following link - **www.nifrs.org/fire-safety/community-information-bulletins/**

Regulatory Background

The Regulations are intended to **reduce the risk of injury or death** caused by smoke or carbon monoxide in the private rented sector. According to Government figures, **nearly 40% of fire deaths occur in properties without a working smoke alarm,** in addition to which there are around **40 deaths from accidental carbon monoxide poisoning each year.**

Approved Document B (Fire Safety) which supports the Building Regulations (England and Wales) 2010, **requires all new-build properties** (i.e. those built on or after 1 June 1992) to have a **hard wired smoke alarm** on at least each storey of the property. However, there is no legislation specifically requiring the installation of smoke alarms on every storey of older non-licensed dwellings.

As regards carbon monoxide alarms, Approved Document J (Combustion Appliances and Fuel Storage Systems) which supports the Building Regulations 2010, requires the installation of a carbon monoxide alarm in all properties when a solid fuel heating system is first installed. However, there is no requirement to install an alarm where the solid fuel heating system was installed before October 2010.

Duties under the New Regulations

These Regulations place duties on a landlord of residential premises in England to ensure that:

- A smoke alarm is equipped on each storey of the premises which is wholly or partly used as living accommodation;
- A carbon monoxide alarm is equipped in any room which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- The smoke and carbon monoxide alarms are in proper working order at the start of any new tenancy.

Fire and Rescue Authorities throughout England are **expected to support private landlords** in their own areas

to meet their new responsibilities with the provision of free alarms, with grant funding from government.

This is part of wider government plans to ensure there are **sufficient measures** in place to **protect public safety,** while at the same time avoiding regulation which would push up rents and restrict the supply of homes, limiting choice for tenants.

Equipment Standards, Installation and Maintenance

In support of the Regulations, it is **strongly recommended when purchasing smoke and carbon monoxide alarms** that they are selected from products complying with the relevant **BSEN Standards** and which have the **BSI Kitemark** and **CE mark**. It's also essential that they are installed, used and maintained in accordance with the manufacturers' instructions. A copy of the **manufacturers' user guide should be included** in the information provided to tenants and the importance of weekly testing and routine battery replacement emphasised.

Important Note: Although beyond the requirements of the new Regulations, the provision of a carbon monoxide alarm in any room containing an appliance burning any carbon-based fuel, including gas, oil, wood and coal is recommended safety practice. Also, whilst not directly linked to these Regulations, landlords are reminded of their legal duties under the Gas Safety (Installation and Use) Regulations 1998 which include, amongst other matters, ensuring that:

- A **safety check** of each gas appliance and flue is undertaken annually by a Gas Safe registered engineer;
- Records of safety checks are **issued to tenants within 28 days** of the check having been conducted, or to new tenants before they take occupation, and kept for a period of two years;
- Gas appliances, flues and installation pipe work are maintained in a **safe condition**. Gas appliances and flues should be serviced in accordance with the manufacturers' instructions. If these are not available, they are to be serviced annually unless advised otherwise by a Gas Safe registered engineer.

Detailed guidance on landlords' responsibility for gas safety is available at **www.hse.gov.uk/gas/landlords/ index.htm**

Did you know?

- You are **four times more likely** to die in a house fire if you don't have a working smoke alarm
- **Over 85%** of people put themselves at risk of injury when testing their smoke alarms
- Smoke alarms should be **tested weekly** and batteries replaced yearly

- If there is a fire in your home and you **don't have a working smoke** alarm installed **the chances of survival are virtually zero**
- **Fire deaths have been halved** since smoke alarms were introduced in the late 1970s
- The chance of an elderly person dying from fire doubles when they live alone and do not have a smoke alarm installed
- **One in eight house fires** that Fire and Rescue Services attend did not have a working smoke alarm
- On average **2 people over 65 die** in a house fire every week
- Smoke alarms should ideally be placed in the **middle of the ceiling**
- A number of Fire and Rescue Services in the UK offer **free home fire risk checks** and advice. They can also install smoke alarms for you.