



**CARBON
MONOXIDE AND
SMOKE ALARM
REGULATIONS**

FOR LANDLORDS IN THE UK

Whether it's smoke alarms or a carbon monoxide detector, landlord responsibilities are governed by clear legislation. Knowing the regulations inside- out is a basic for every landlord. Read our guide to keeping compliant.

WHAT ARE THE CURRENT LANDLORD SMOKE ALARM REQUIREMENTS?

For landlords, regulations for smoke alarms and carbon monoxide detectors are non-negotiable.

From 1 October 2015, private sector landlords must have at least one smoke alarm installed on every storey of their property, with a carbon monoxide alarm in any room containing a 'solid fuel burning appliance', e.g a coal fire or wood burning stove. Landlords must also ensure all alarms work properly at the start of each new tenancy.

DO I NEED TO INSTALL SMOKE ALARMS AND CARBON MONOXIDE DETECTORS IN MY RENTAL?

First things first, smoke alarms and carbon monoxide detectors are non-negotiable for any household or premises. It's near-impossible to monitor 24/7 for fire and air poisoning unless you have an alarm. And with people at least four times as likely to die in a fire where no smoke alarm was fitted and working, it's simply not worth it to go rogue on the regulations.

WHAT TO DO TO BE COMPLIANT WITH CURRENT SMOKE AND CARBON MONOXIDE DETECTOR REGULATIONS

If you don't have any alarms fitted, it's an easy problem to fix. Here's what you need to do:

THE BARE MINIMUM

Currently, private rented sector landlords must have at least one smoke alarm fitted on every storey of the rental property which is used as living accommodation. Carbon monoxide detector regulations are also in force, and you must also have a carbon monoxide alarm in any room used as living accommodation if it contains a solid fuel burning appliance. The examples used are usually a coal fire or wood-burning stove and remember, heat detectors are not an acceptable replacement for fire alarms.

From there, you're also legally required to ensure all your alarms are in working order on the first day of any new tenancy. This is defined by law as the date stipulated in the tenancy agreement, even if the tenant moves in at a later date.

CHECK YOUR ALARMS

It's the first day of the new tenancy and you've tested all your alarms. But who's responsible from here, for the duration of the tenancy? The guidelines state that tenants should take responsibility for their own safety from this point, testing the alarms regularly. You could leave it at that, but remember, it's your property at risk. It's a good idea to mark dates in the calendar to test the alarms, and let your tenants know you'll be checking in.

The guidance recommends monthly tests for smoke alarms, and depending on the alarm type, the maximum work required will be to change the battery.

DO I NEED TO INSTALL ALARMS FOR MY EXISTING TENANTS?

Yes. All properties need to be compliant, but in terms of checking the alarms are working, you'll need to see to this at the start of each new tenancy. Gov.uk define a 'new tenancy' as 'a tenancy agreement that begins on or after 1 October 2015 and is not a renewal of a previous tenancy agreement.'

ARE THERE ANY EXEMPTIONS?

Almost all residential tenancies, leases or licences will need to comply with the current landlord smoke alarm requirements. There are some exemptions, including long leases, and you can read up on these in the schedule to the regulations.

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Here are some of the key exemptions you may need to know about, depending on your rental type:

LICENSED HOUSES OF MULTIPLE OCCUPATION (HMOS)

The regulations apply to unlicensed HMOs, but not to licensed ones. These are exempt from Parts 1 to 5 of the regulations. However, the Housing Act 2004 has been amended with similar requirements, so it makes sense to be alert to the rulings affecting smoke alarms regulations and carbon monoxide detector regulations there.

SOCIAL HOUSING

Currently, the regulations don't apply to social housing landlords. This is mainly because social housing has, so far, been doing a better job of staying on top of landlord smoke alarm requirements.

LIVE-IN LANDLORDS AND OWNER-OCCUPIERS

Some landlords share the accommodation with their tenant. In these cases, the regulations don't apply. What exactly counts as sharing can be a slightly grey area, but if both landlord and tenants are using rooms like the kitchen or living room, then they could be considered to be 'sharing' the accommodation.

WHAT TYPE OF ALARM DO I NEED TO FIT?

There are no hard-and-fast rules for this, so you could go for something basic. Remember though, fire and carbon monoxide are potentially devastating, so do some research and don't cut corners.

WHERE SHOULD I PUT MY ALARMS?

Again, the regulations don't say exactly where your alarms should be fitted, but there are some stipulations.

You'll need one smoke alarm on every storey and a carbon monoxide alarm in every room that contains a solid fuel-burning appliance, but from there it's best to check with the alarm manufacturer, or see what it says on the packaging.

Gov.uk advises that smoke alarms should be fixed to the ceiling in a 'circulation space', e.g a hall or landing. Carbon monoxide alarms should be fitted at head height, on a wall or shelf, about one to three metres from the fuel-burning appliance.

WHAT'S A 'SOLID FUEL BURNING APPLIANCE'?

Also referred to as 'solid fuel burning combustion appliances', these are devices powered using solid fuel such as coal, wood, etc. The regulations don't include 'non-functioning, purely decorative fireplace(s)' in this category.

DO I NEED A CARBON MONOXIDE ALARM FOR GAS APPLIANCES?

Gas appliances can emit carbon monoxide, so as gov. uk puts it 'we would expect and encourage reputable landlords to ensure that working carbon monoxide alarms are installed in rooms with these.'

Again, it might not be part of the legal requirements, but to maintain your track record as a great landlord and minimise risks, an alarm near your gas appliances can only help.

WHAT COUNTS AS 'LIVING ACCOMMODATION'?

According to gov.uk and the regulations, 'living accommodation' covers 'rooms used for the primary purposes of living' or a room 'in which a person spends a significant amount of time'. A bathroom or toilet could both be classed as living accommodation, according to the regulations.

Remember though, you only need to install alarms in these rooms if they contain a solid fuel burning appliance.

MY TENANT WON'T ALLOW ACCESS FOR AN ALARM TEST

In the first instance, write to your tenant, clearly explaining that it's a legal requirement to install fire and carbon monoxide alarms, and that this is for their own safety.

If your tenant doesn't respond or is still refusing to grant access, it's very important you're able to prove that you've tried to be compliant, should your local authority come knocking with a remedial notice. If they do, take them through the correspondence with your tenant, which should show that you've taken all reasonable steps, other than legal proceedings, to become compliant within 28 days of the notice being issued.

If you can do this, you'll be exempt from the fine, which could be as much as £5,000.

HOW CAN I PROVE I'VE CHECKED THE ALARMS?

The guidance suggests a check of the inventory on the first day of the tenancy, by the landlord, which asks the the tenant to sign and confirm that the alarms have been tested and that they're happy everything is in working order.

WILL I BE FINED IF I DON'T FIT AN ALARM FOR MY TENANTS?

Your local authority is in charge of enforcing the requirements and would usually start by issuing a remedial notice, requiring you to fit and/or test your alarms within 28 days. For landlords failing to comply, the local authority must arrange for the alarms to be fitted and tested themselves, if the occupier allows access.

EITHER WAY, YOU CAN EXPECT A FINE OF UP TO £5,000 FOR NOT COMPLYING

Whether it's a spot check from the council or someone reporting you to the authorities, dodging the requirement is simply not worth it. Keep this guide handy and get your house in order today.

CAN I APPEAL THE PENALTY CHARGE?

You can make a request in writing to the relevant local authority to have your penalty reviewed. You'll need to do this within the time period specified in your penalty charge notice. If the charge holds, you could then appeal to the First-tier Tribunal.

Grounds for appeal are explained in regulation 11, and if your appeal is lodged, the penalty can't be enforced until your appeal has been 'finally determined' or withdrawn.

FIRE SAFETY FOR LANDLORDS

It's not the same thing, but it's definitely connected. Check out our article on fire safety regulations and landlords' responsibilities to get the full picture.

LANDLORD SMOKE AND CARBON MONOXIDE ALARM REQUIREMENTS OUTSIDE OF ENGLAND

For smoke alarm and carbon monoxide detector law, England has its own set of regulations. Regulations for Scotland, Northern Ireland and Wales carry specific wording, so landlords will need to be on their toes with the latest guidance, depending on their rental address.

For Scottish smoke alarm and carbon monoxide detector law, Scotland has a dedicated guidance section on its gov.scot site. Wales has a great resource centre on its government-supported Rent Smart site, you'll want to check the Code of Practice in particular, and then there are lots of other leaflets which will be worth scanning through.

For landlords in Northern Ireland, the Housing Executive site has a resource centre you can visit, with specific advice for landlords and HMO owners around fire safety and monoxide checks.

And for landlords in England, it's worth reading [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) to make sure you're absolutely compliant.