

Residential landlords to install smoke and carbon monoxide alarms in all rented properties

The *Smoke and Carbon Monoxide Alarm (England) Regulations 2015* were made on 17 September 2015 and come into force on 1 October 2015. They apply only in England.

The Regulations apply to anyone who is the immediate landlord under a tenancy or licence which grants one or more persons the right to occupy premises as their only or main residence and provides for the payment of rent.

With some exceptions, set out briefly below, the Regulations require landlords to:

1. ensure that a **smoke alarm** is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
2. ensure that a **carbon monoxide alarm** is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
3. make **checks** at the beginning of each new tenancy to ensure that the smoke and carbon monoxide alarms are in proper working order.

These obligations apply from 1 October 2015 and are not restricted to new tenancies. If your property is occupied at any time on or after 1 October, you must ensure that the Regulations are complied with.

Smoke and carbon monoxide alarms must be installed on storeys even if they only include a bathroom or lavatory.

The obligation to check the alarms at the start of new tenancies does not apply to statutory periodic tenancies that arise when a fixed term tenancy ends or renewal tenancies entered into where the landlord, tenant and premises remain the same as under a previous tenancy.

Exceptions

The Regulations do not apply where:

1. the tenants share accommodation with the landlord or the landlord's family.
2. the lease grants a right of occupation for 7 years or more.
3. the building is a hall of residence used wholly or mainly for the accommodation of students.
4. the building is a hostel or refuge, care home, hospital or hospice.
5. the property is required to be licensed as a House in Multiple Occupation (HMO) or under a selective or additional licensing scheme under the Housing Act 2004 (but the 2004 Act now imposes equivalent obligations in relation to those properties).

Enforcement

Compliance with the Regulations is important because the local authority has the power to issue a civil penalty charge of up to £5,000. Unlike some of the other obligations on landlords, a failure to comply with the Regulations will not affect a landlord's ability to seek possession under a section 21 notice.

Comment

Landlords have for many years been under a general obligation to ensure that their properties are safe. The Regulations add to a growing number of specific obligations on landlords, who will be familiar with their duty to obtain gas safety and energy performance certificates and to protect deposits in an authorised government scheme.

To ensure that landlords avoid a hefty penalty charge, they will need to pay careful attention to the Regulations and maintain a record of compliance. One way to prove that the alarms are in proper working order at the beginning of the tenancy is to record that fact on the check-in report, and ensure that the tenant signs to confirm the accuracy of the report. The government has produced a [guidance booklet](#) to help landlords comply.

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