

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties on certain landlords of residential premises in respect of smoke and carbon monoxide alarms. The duties do not apply to a landlord who is a registered provider of social housing. The Regulations require local housing authorities to enforce the requirements.

Part 1 sets out preliminary matters and defines terms used in the Regulations. In particular, a “specified tenancy” is defined as a tenancy (including a licence, lease, sub-lease and sub-tenancy) of residential premises in England which grants one or more persons the right to occupy all or part of the premises as their only or main residence, provides for the payment of rent and is not of a description mentioned in the Schedule.

Part 2 sets out the requirements on a “relevant landlord”.

Regulation 3 describes who is a “relevant landlord” for the purposes of these Regulations.

Regulation 4(1) requires a relevant landlord in respect of a specified tenancy to ensure that, during any period when the premises are occupied under the tenancy, a smoke alarm is equipped on every storey and a carbon monoxide alarm is equipped in any room which contains a solid fuel-burning combustion appliance. The landlord also has to ensure that any such alarm is in proper working order at the start of a new tenancy.

Part 3 places enforcement duties on local housing authorities. Where a local housing authority has reasonable grounds to believe a landlord is in breach of a duty under regulation 4(1), the authority must serve a remedial notice on the landlord (regulation 5). Regulation 6(1) makes it a duty to comply with a remedial notice. If the landlord fails to do so, the authority must arrange for remedial action to be taken at the premises (regulation 7).

Part 4 provides for a local housing authority to impose a penalty charge on a landlord who fails to comply with a remedial notice in breach of the duty under regulation 6(1). Regulations 8, 9 and 10 set out the procedure to be followed in imposing a penalty charge. A penalty charge notice must be served on the landlord. A landlord may give written notice requesting that the local housing authority review the penalty charge notice.

Regulation 11 provides for a right of appeal to the First-tier Tribunal against a local authority’s decision on review. The process for bringing an appeal is governed by the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (SI 2009/1976).

Regulation 12 provides for the enforcement of a penalty charge.

Regulation 13 requires a local housing authority to publish a statement of principles which it must have regard to in determining the amount of a penalty charge.

Part 5 contains provision about the serving of notices on landlords under these Regulations.

Part 6 makes amendments to paragraph 1 of Schedule 4 to the Housing Act 2004. These have the effect of introducing new and revised conditions, in respect of smoke and carbon monoxide alarms, which must be included in a licence under Part 2 or 3 of that Act of a house in England.

Two regulatory impact assessments have been prepared in relation to these Regulations (one relating to smoke alarms and the other relating to carbon monoxide alarms). The assessments will be placed in the Library of each House of Parliament and made available on www.gov.uk. Copies may be obtained from the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.