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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Smoke and Carbon Monoxide  
Alarm (England) Regulations 2015**

**PART 2**

Prescribed alarms

**Meaning of “relevant landlord”**

- 3.**—(1) For the purposes of these Regulations, a landlord is a “relevant landlord” if the landlord—
- (a) is the immediate landlord in respect of a specified tenancy; and
  - (b) is not a registered provider of social housing (as to which see section 80(2) of the Housing and Regeneration Act 2008<sup>(1)</sup>).
- (2) In paragraph (1) “immediate landlord”—
- (a) where the premises are occupied under a specified tenancy which is not a licence means the person for the time being entitled to the reversion expectant on that tenancy; and
  - (b) where the premises are occupied under a specified tenancy which is a licence means the licensor, except that where the licensor himself or herself occupies the premises under a specified tenancy which is not a licence, it means the person for the time being entitled to the reversion expectant on that tenancy.

**Duties of relevant landlord in relation to prescribed alarms**

- 4.**—(1) A relevant landlord in respect of a specified tenancy must ensure that—
- (a) during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy—
    - (i) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
    - (ii) 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
  - (b) checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
- (2) For the purposes of paragraph (1)(a), a bathroom or lavatory is to be treated as a room used as living accommodation.
- (3) For the purposes of paragraph (1)(b), a tenancy begins on the day on which, under the terms of the tenancy, the tenant is entitled to possession under that tenancy.
- (4) In this regulation—

“new tenancy” means a tenancy granted on or after 1st October 2015, but does not include—

- (a) a tenancy granted in pursuance of an agreement entered into before that date;
- (b) a periodic shorthold tenancy which arises under section 5 of the Housing Act 1988<sup>(2)</sup> on the coming to an end of a fixed term shorthold tenancy;
- (c) a tenancy which comes into being on the coming to an end of an earlier tenancy, under which, on its coming into being—
  - (i) the landlord and tenant are the same as under the earlier tenancy as at its coming to an end; and
  - (ii) the premises let are the same or substantially the same as those let under the earlier tenancy as at that time;

“room” includes a hall or landing; and

“shorthold tenancy” means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988.

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(2) 1988 c. 50. Section 5 was amended by the Housing and Regeneration Act 2008 (c. 17), Schedule 11, Part 1, paragraphs 5, 6(1), (2) and (3), and by the Housing Act 2004 (c. 34), section 222(1), (2).