
DRAFT STATUTORY INSTRUMENTS

2015 No.

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

PART 3

Remedial action

Duty of local housing authority to serve a remedial notice

5.—(1) Where a local housing authority has reasonable grounds to believe that, in relation to premises situated within its area, a relevant landlord is in breach of one or more of the duties under regulation 4(1), the authority must serve a remedial notice on the landlord.

(2) A remedial notice must—

- (a) specify the premises to which the notice relates;
- (b) specify the duty or duties that the local housing authority considers the landlord is failing or has failed to comply with;
- (c) specify the remedial action the local housing authority considers should be taken;
- (d) require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- (e) explain that the landlord is entitled to make written representations against the notice within 28 days beginning with the day on which the notice is served;
- (f) specify the person to whom, and the address (including if appropriate any email address) at which, any representations may be sent; and
- (g) explain the effect of regulations 6, 7 and 8, including the maximum penalty charge which a local housing authority may impose.

(3) The local housing authority must serve a remedial notice within 21 days beginning with the day on which the authority decides it has reasonable grounds under paragraph (1).

Duty of relevant landlord to comply with a remedial notice

6.—(1) Where a remedial notice is served on a landlord who is in breach of one or more of the duties under regulation 4(1), the landlord must take the remedial action specified in the notice within the period specified in regulation 5(2)(d).

(2) A landlord is not to be taken to be in breach of the duty under paragraph (1) if the landlord can show he, she or it has taken all reasonable steps, other than legal proceedings, to comply with the duty.

Duty of local housing authority to arrange remedial action

7.—(1) Where a local housing authority is satisfied, on the balance of probabilities, that a landlord on whom it has served a remedial notice is in breach of the duty under regulation 6(1), the authority

must, if the necessary consent is given, arrange for an authorised person to take the remedial action specified in the remedial notice.

(2) The local housing authority must ensure the authorised person takes the remedial action within 28 days beginning with the day on which the authority is first satisfied under paragraph (1).

(3) An authorised person must—

- (a) give not less than 48 hours' notice of the remedial action to the occupier of the premises on which it is to be taken; and
- (b) if required to do so by or on behalf of the landlord or occupier, produce evidence of identity and authority.

(4) In paragraph (1) “the necessary consent” means the consent of the occupier of the premises on which the remedial action is to be taken.

(5) A local housing authority is not to be taken to be in breach of a duty under this regulation where the authority can show it has taken all reasonable steps, other than legal proceedings, to comply with the duty.