

COMMUNITY CONNECTIONS

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 – BRIEFING NOTE.



This briefing note follows a planned review of our existing Smoke and Carbon Monoxide Policy and update to version 2. The review incorporates changes to the regulations made in 2022.

The regulations are designed to place a number of duties on relevant landlords in order to ensure a basic level of fire detection and detection of carbon monoxide if present.

The amendments alter the wording of the original regulations. We have reviewed our policy, and the main changes are:

1. The regulations are extended to include Wales as well as England.
2. The meaning of relevant landlord has been changed to remove the exemption for registered providers of social housing.
3. Carbon monoxide detectors are required in more instances (where there is a fixed combustion appliance rather than just solid fuel appliance). It specifically excludes gas cookers from this requirement.
4. It removes the expectation that the tenant will replace batteries and requires a relevant landlord to, following notification, repair or replace an alarm as soon as reasonably practicable.
5. The Penalty Charge will generally remain at £5,000 however the prompt payment discount will be increased from 10% to 25% to encourage prompt payment and reduce the risk of a tribunal appeal.
6. Any representations that are not responded to by the Local Authority within 7 days of the end of the representation period will result in the penalty being deemed to have been withdrawn.
7. That the landlord will not have failed to take all reasonable steps to comply solely by reason of failure to bring legal proceedings to secure entry to the premises.
8. The secretary of state must carry out a review of the regulatory provisions.

The changes to the regulations will strengthen the existing regulations.

Historically we have found high levels of compliance with these regulations and good compliance with any remedial notices served such that only one penalty notice has been issued.

It is more common for an assessment of the hazard of fire to result in an Improvement Notice to require additional works over the basic requirements within these regulations.

Our policy of general enforcement remains unchanged except for the change of discount for prompt payment.