



The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, as amended

Statement of Principles

Introduction

The [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) came into force on 1 October 2015.

The [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022](#) will come into force on 1 October 2022.

From that date, all relevant landlords must:

1. Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
2. Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
3. Ensure 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 specified tenancy begins if it is a new tenancy.
4. Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

Enforcement

Relevant landlords must comply with the new requirements from 1 October 2022.

The requirements are enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.

Where the Local Housing Authority has reasonable grounds to believe a landlord is in breach of their duties under regulation 4 -

- There are an insufficient number of smoke alarms or carbon monoxide detectors in the property or;
- The smoke alarms or carbon monoxide detectors were not working at the start of specified tenancy.
- If after 1st October 2022, that a smoke alarm or carbon monoxide detector is not in proper order and has not been repaired or replaced.



Then the Local Housing Authority must within 21 days serve on the landlord in a method prescribed by the Regulations a Remedial Notice detailing the actions the landlord must take to comply with the Regulations.

If after 28 days the landlord has not complied with the Remedial Notice a penalty charge shall be levied.

Level of Penalty Charge

Repeated offences should attract a progressively higher penalty in view of continuing disregard for legal requirements and tenant safety.

The Penalty Charge shall be set at **£500** for the first offence.

Should the landlord fail to comply with future Remedial Notices then the fine shall be set according to the table below :

Offence	Charge	Offence	Charge
Second	£1000	Fourth	£3000
Third	£2000	Fifth or More	£5000

The Penalty Charge will be reviewed on a periodic basis.

Recovery of Penalty Charge

The Local Housing Authority may recover the Penalty Charge as laid out in the Regulations. Should court proceedings be necessary to recover outstanding penalty charges, then the Council will also seek to recover all reasonably incurred court costs.

Appeals in relation to a penalty charge notice

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the Council review the penalty charge notice.

The Council must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice. A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First-tier Tribunal against the Council's decision.