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Guidance

Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants

Updated 29 July 2022

Applies to England

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Definitions



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Introduction

This booklet is not an authoritative interpretation of the law, but intended as a general guide.

The [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](https://www.legislation.gov.uk/ukxi/2015/1693/contents/made) (<https://www.legislation.gov.uk/ukxi/2015/1693/contents/made>) came into force on 1 October 2015.

The [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022](https://www.legislation.gov.uk/ukxi/2022/707/contents/made) (<https://www.legislation.gov.uk/ukxi/2022/707/contents/made>) 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 smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

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.

This booklet provides information about the requirements, who they apply to and how they are enforced. It is designed as a Q&A to cover the most common situations but it is not intended to cover every scenario, nor should it be seen as a substitute for reading the [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2022](https://www.legislation.gov.uk/ukxi/2022/707/contents/made) (<https://www.legislation.gov.uk/ukxi/2022/707/contents/made>).

These regulations should be considered alongside other relevant laws on fire and carbon monoxide safety in rented homes such as the [Housing Act 2004](https://www.legislation.gov.uk/ukpga/2004/34/contents) (<https://www.legislation.gov.uk/ukpga/2004/34/contents>), the [Fire Safety Act 2021](https://www.legislation.gov.uk/ukpga/2021/24/contents) (<https://www.legislation.gov.uk/ukpga/2021/24/contents>) and the [Building Safety Act 2022](https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted) (<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>).

It is the department's intention to ensure this booklet is updated whenever there are changes, but it is the landlord's responsibility to ensure that they are applying the relevant laws correctly.

If, after reading this booklet, you are not clear whether or how the requirements apply in your individual circumstances you should seek legal advice.

[Separate guidance is available for local authorities \(https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities\).](https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities)

Frequently asked questions

What type of smoke alarm is required?

The regulations do not stipulate the type of alarms (such as mains powered ('hard-wired') or battery powered) that should be installed.

We recommend that landlords choose the type of smoke alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 5839-6. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.

What type of carbon monoxide alarm is required?

The regulations do not stipulate the type of alarms (such as mains powered ('hard wired') or battery powered) that should be installed.

Landlords should make an informed decision and choose the type of carbon monoxide alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 50291. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.

Where do smoke alarms need to be located?

The regulations do not stipulate where the alarms should be placed.

At least one smoke alarm should be installed on every storey which is used as living accommodation.

Landlords should follow the individual manufacturer's instructions when installing the alarms. However, in general, smoke alarms should be fixed to the ceiling in a circulation space, i.e. a hall or a landing.

Your local fire and rescue authority may be able to provide further advice on installation or you can download fire safety information from www.gov.uk/firekills (<http://www.gov.uk/firekills>).

Where do carbon monoxide alarms need to be located?

The regulations do not stipulate where the alarms should be placed.

A carbon monoxide alarm should be installed in every room which is used as living accommodation containing a fixed combustion appliance (excluding gas cookers).

Landlords should follow the individual manufacturer's instructions when installing the alarms. However, in general, carbon monoxide alarms should be positioned at head height, either on a wall or shelf, approximately 1-3 metres away from a potential source of carbon monoxide.

Your local fire and rescue authority may be able to provide further advice on installation or you can download fire safety information from www.gov.uk/firekills (<http://www.gov.uk/firekills>).

Does replacing a battery count as a repair? Who is responsible for changing the batteries?

Landlords will be responsible for repairing or replacing any faulty alarms.

If tenants find that their alarms are not in working order during the tenancy, they are advised to arrange for the replacement of the batteries.

If the alarm still does not work after replacing the batteries, or if tenants are unable to replace the batteries themselves, they should report this to the relevant landlord.

How should a tenant test their alarms to check they are in working order?

Testing of smoke alarms and carbon monoxide alarms does not require specialist skills or knowledge and should be straightforward for tenants to do.

Landlords should consider providing residents with a demonstration and/or instructions to support resident understanding of how, and how often, to test their smoke alarms and make sure they are in working order. Landlords should follow the individual manufacturer's instructions for testing alarms and consider sharing these instructions with tenants to support regular testing.

What should tenants do if they find their alarm isn't working?

If tenants find that their alarms are not in working order during the tenancy, they are advised to arrange for the replacement of the batteries.

If the alarm still does not work after replacing the batteries, or if tenants are unable to replace the batteries themselves, they should report this to the relevant landlord.

Are specialist alarms required for people with disabilities?

Landlords should make an informed decision and choose the best alarms for their properties and tenants, with due regard for their residents' circumstances.

For example, specialist smoke alarms and carbon monoxide alarms that alert by vibration or flashing lights (as opposed to by sound alerts) may be required for residents who are deaf or hard of hearing.

Landlords should/must consider their duties under the Equality Act 2010.

What about heat detectors?

Heat detectors are not a replacement for smoke alarms.

What is meant by 'equipping' an alarm? Is it sufficient for landlords to provide an alarm, or do they need to install them?

The regulations require landlords to ensure alarms are equipped, and to check that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Landlords should make sure alarms are installed in an effective way to protect tenants from the dangers of smoke and carbon monoxide.

Your local fire and rescue authority may be able to provide further advice on installation or you can download fire safety information from www.gov.uk/firekills (<http://www.gov.uk/firekills>).

What sort of housing do these regulations apply to?

The regulations apply to all homes rented by private landlords or registered providers of social housing, unless excluded.

Excluded tenancies are detailed in the regulations.

What types of tenancies do these regulations apply to?

The regulations apply to all social and private rented tenancies, other than those explicitly excluded in the Schedule to the Regulations.

Which tenancies are exempt from these regulations?

The following tenancies are excluded from the regulations:

- shared accommodation with a landlord or landlord's family
- long leases

- student halls of residence
- hotels and refuges
- care homes
- hospitals and hospices
- low cost ownership homes
- other accommodation relating to health care provision

Do the regulations apply to live-in private sector landlords?

If the occupier shares the accommodation with the private landlord or the private landlord's family, then these regulations will not apply.

For the purposes of the regulations, a private landlord is considered to share accommodation with the tenant if they share an amenity such as a kitchen or living room. The regulations are not aimed at owner-occupied properties.

Do the regulations apply to HMOs (House in Multiple Occupation)?

The regulations apply to unlicensed HMOs. Licensed HMOs are exempt from Parts 1 to 5 of the regulations but only because the regulations also amend the HMO licensing obligations in the Housing Act 2004 so as to impose similar requirements.

Do the regulations apply to owner occupiers?

These regulations do not apply to owner occupiers.

Do the regulations apply to shared-ownership homes?

These regulations do not apply to owner occupiers living in shared-ownership homes.

How will these regulations be enforced?

The regulations will be enforced by local housing authorities. Details on enforcement of the regulations can be found in the [guidance for local authorities \(https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities\)](https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities).

What should landlords do if they are aware that they are not compliant?

If landlords are made aware that they are not compliant with the regulations, they should undertake remedial action to install alarms as soon as practicable. Private registered providers of social housing are expected to self-refer to the Regulator of Social Housing whilst they remain non-compliant on the basis of failing to meet their statutory duties.

The Regulator of Social Housing requires social landlords to ensure that all their homes meet the Decent Homes Standard and continue to maintain their homes to at least this standard. Social landlords are also required to meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

If private registered providers of social housing are aware that they are non-compliant with these requirements, or any of the regulatory standards, they are expected to self-refer to the Regulator of Social Housing.

How will local authorities enforce these regulations for themselves, where they are stock-owning local authorities that are also social landlords? / What if my landlord is a local authority?

Although local authority landlords cannot take enforcement action against themselves in respect of their own stock, they will be expected to ensure their housing is safe and they will be subject to these legislative requirements. As public authorities, local authorities can be challenged by way of judicial review.

Local authority landlords are obliged to comply with the regulatory regime overseen by the Regulator of Social Housing.

Do alarms have to be tested at the start of the tenancy, or can they be tested as part of routine gas safety checks?

The regulations require checks to be 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.

How should landlords prove that they have tested alarms at the start of a tenancy?

It is the responsibility of landlords to keep a record of when alarms are tested.

The local housing authority must decide whether the evidence provided proves that the landlord has met the requirements of the regulations.

One possible means, if the landlord goes through the inventory on the first day of the tenancy, is that the landlord makes provision for the tenant to sign the inventory to record that the required alarms have been tested by the landlord and the tenant

is satisfied they are in working order.

Does the penalty of up to £5,000 apply per landlord, or per breach?

Where a landlord is in breach, the local housing authority may serve a remedial notice. Failure to comply with each remedial notice can lead to a fine of up to £5,000. Fines will be applied per breach, rather than per landlord or property.

Do landlords have a right of appeal against the penalty charge notice?

Landlords have the right to appeal to the First-tier Tribunal against the penalty charge notice. Further details on appeals can be found in the [guidance for local authorities \(https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities\)](https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-local-authorities).

I'm a private landlord and my tenant won't let me into the property to install or repair an alarm. What should I do?

We know that getting access to do repairs and maintenance work can sometimes be difficult for landlords.

The existing regulations are clear that landlords must take all reasonable steps to comply with a remedial notice but are not expected to go to court to gain access in order to be compliant. Landlords should be able to demonstrate that they have taken all reasonable steps to comply to Local Authorities.

For example, landlords should write to their tenants to explain that it is a legal requirement to install the alarms and that it is for the tenant's own safety. Landlords should try to arrange a time to visit that is convenient for the tenant, and keep a written record of access attempts to provide to the local housing authority if required.

Landlords should attempt to understand why tenants cannot or will not provide access and work with them to find a solution

I'm a social landlord and my tenant won't let me into the property to install or repair an alarm. What should I do?

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For example landlords should write to their tenants to explain that it is a legal requirement to install the alarms and that it is for the tenant's own safety. Landlords should try to arrange a time to visit that is convenient for the tenant, and keep a written record of access attempts to provide to the local housing authority if required.

Is there a grace period for installation after the regulations commence?

All landlords (whether social or private) have time between when the amendment regulations became law on 27 June 2022 and when they come into force on 1 October 2022. Landlords must comply with the new requirements from 1 October 2022.

What if landlords have plans in place to be compliant, but the programme of works won't be complete until after 1 October 2022?

The new requirements come into force on 1 October 2022. Landlords are expected to be compliant with the regulations from that date.

Definitions

Carbon monoxide alarm

A carbon monoxide alarm is a device designed to detect the presence of carbon monoxide gas, and alert users of any detection usually, but not always, through an audible sound alert.

Carbon monoxide gas

Carbon monoxide (CO) is a colourless, odourless, tasteless, poisonous gas produced by incomplete burning of carbon-based fuels, including gas, oil, wood and coal.

Mild poisoning can cause headaches and flu-like symptoms, whilst higher concentrations can lead to collapse, coma or death.

Fixed combustion appliance

Carbon monoxide alarms must be installed in any room containing any fixed combustion appliance, except gas cookers. This means a fixed apparatus where fuel of any type is burned to generate heat.

Typically, these appliances are powered by gas, oil, coal, wood, etc., for example, gas or oil boilers, or log-burning stoves.

In the department's view, a non-functioning purely decorative fireplace would not constitute a fixed combustion appliance.

Gas cookers

Gas cooker refers to any apparatus heated by gas and used for cooking food.

Local housing authority

Local Housing Authority refers to the local council with responsibility for housing in that area.

New tenancy

A 'new tenancy' is a tenancy agreement that begins on or after 1 October 2022 and is not a renewal of a previous tenancy agreement.

Private rented home

A private rented home is a house, flat, bedsit, room or other residential accommodation which is privately owned and rented as housing on the open market.

Relevant landlord

For the purpose of these regulations a landlord is a "relevant landlord" if the landlord is the immediate landlord in respect of a specified tenancy, that is not an excluded tenancy.

Remedial action

Remedial action refers to action to install, repair, or check an alarm (i.e. to check it is in working order).

Remedial notice

A remedial notice is a notice requiring a landlord to take remedial action in accordance with the regulations.

Room

The regulations specifically stipulate that a hall or landing would be classed as a room.

Room used wholly or partly as living accommodation

The regulations require a smoke alarm to be installed on every storey of the premises on which there is a room used wholly or partly as living accommodation.

A carbon monoxide alarm must be installed in any room which is used wholly or partly as living accommodation and contains a fixed combustion appliance (except gas cookers).

In general, a room is classed as 'living accommodation' if it is used for the primary purposes of living, or is a room in which a person spends a significant amount of time.

The regulations specifically stipulate that a bathroom or lavatory would be classed as living accommodation.

Smoke alarm

A smoke alarm is a device that designed to detect the presence of smoke (as an indicator of fire) and alert users of any detection usually, but not always, through an audible sound alert.

Social rented home

A social rented home is any low-cost rental accommodation that is let below the market rent by a social landlord.

Social landlords are bodies that are registered providers of social housing. This includes local authorities who own and rent housing, housing associations, charities and any other landlord who is registered with the Regulator of Social Housing as a 'private registered provider' of social housing.

These regulations do not apply to other types of homes provided by social landlords, such as social sector leaseholders or shared ownership.

Storey

A smoke alarm must be installed on every storey of the premises on which there is a room used wholly or partly as living accommodation.

'Storey' is not defined in the regulations. It should be given its ordinary meaning. In the department's view, for the purpose of these regulations, a mezzanine floor would not be considered a storey.

Tenancy

Tenancy refers to the period of a tenancy agreement between a landlord and a tenant. A tenancy agreement is a contract between landlords and tenants that sets out the legal terms and conditions of the tenancy.

A tenancy can be fixed term (running for a fixed period of time) or perioding (running on a week-by-week or month-by-month basis).

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