

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles

Introduction

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced the following requirements for all landlords during any period beginning on or after 1st October 2015 when the premises are occupied under a specified tenancy;

1. A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;

2. Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).

*amended by the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

3. 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.

Enforcement

Where the Local Housing Authority ('the Authority') has reasonable grounds to believe that

1. There are no or an insufficient number of smoke alarms or carbon monoxide detectors in the property as required by the regulations or;

2. The smoke alarms or carbon monoxide detectors were not working at the start of a tenancy or licence

Then the Authority shall 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 may be levied through a penalty charge notice.

Principles to be followed in determining the amount of a Penalty Charge

The Authority considers that a lesser penalty will be merited on the occasion of a first offence and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability and savings in administration costs.

The Authority considers the level of penalty should, however, as a minimum, cover the cost of all the works in default, officer time, recovery costs, and administration fee and a fine. Repeated offences should attract a progressively higher penalty in view of continuing disregard for legal requirements and tenant safety.

Level of Penalty Charge

The penalty charge shall be set at £1,000 for the first offence but this will be reduced to £750 if paid within a 14 day period.

Should the landlord not comply with future Remedial notices then the fine shall be set according to the table below;

Offence	Fine
Second	£2000
Third	£3000
Fourth	£4000
Fifth	£5000

No reduced payment will be offered for prompt payment after the first occasion.

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 Authority 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 authority review the penalty charge notice.

The Authority 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 authority's decision.

November 2022.