

Draft Regulations laid before Parliament under section 150(9) of the Energy Act 2013 and section 250(6)(f) of the Housing Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

ENERGY, ENGLAND AND WALES HOUSING, ENGLAND AND WALES

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

Made - - - -

Coming into force - - *1st October 2022*

The Secretary of State, in exercise of the powers conferred by section 150(1)(a) and (b), (3)(a) and (b), (4)(a), (6)(a), (b) and (d) and (10) of the Energy Act 2013⁽¹⁾ and paragraph 3(a) of Schedule 4 to the Housing Act 2004⁽²⁾, makes the following Regulations.

A draft of this instrument was laid before and approved by a resolution of each House of Parliament in accordance with section 150(9) of the Energy Act 2013 and section 250(6)(f) of the Housing Act 2004.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 and come into force on 1st October 2022.

(2) These Regulations extend to England and Wales.

(3) In these Regulations, “the 2015 Regulations” means the Smoke and Carbon Monoxide Alarm (England) Regulations 2015⁽³⁾.

Amendment of the 2015 Regulations

2. The 2015 Regulations are amended in accordance with regulations 3 to 12.

Amendment of regulation 1: application provision

3.—(1) At the beginning of regulation 1(2), insert “Subject to paragraph (3),”.

(1) [2013 c. 32](#).

(2) [2004 c. 34](#). As to the meaning of “appropriate national authority” see section 261(1).

(3) [S.I. 2015/1693](#).

(2) After regulation 1(2), insert—

“(3) Regulation 15 applies to England and Wales.”.

Amendment of regulation 3: definition of relevant landlord

4. For regulation 3(1), substitute—

“(1) For the purposes of these Regulations, a landlord(4) is a “relevant landlord” if the landlord is the immediate landlord in respect of a specified tenancy.”.

Amendment of regulation 4: duties of relevant landlord in relation to prescribed alarms

5. In regulation 4—

(a) in paragraph (1)—

(i) in sub-paragraph (a) omit “beginning on or after 1st October 2015”;

(ii) in sub-paragraph (a)(ii) for “solid fuel burning combustion appliance” substitute “fixed combustion appliance other than a gas cooker”;

(iii) after sub-paragraph (a) omit “and”;

(iv) after sub-paragraph (b) insert—

“and

(c) where, following a report made on or after 1st October 2022 by a tenant or by their nominated representative to the landlord, a prescribed alarm is found not to be in proper working order, the alarm is repaired or replaced.”;

(b) after paragraph (3) insert—

“(3A) For the purposes of meeting the requirement in paragraph (1)(c) both the determination (following a report) as to whether the prescribed alarm is in proper working order and any required repair or replacement must be carried out by or on behalf of the landlord as soon as reasonably practicable.”; and

(c) in the definition of “new tenancy” in paragraph (4), for “1st October 2015” substitute “1st October 2022”.

Amendment of regulation 5: duty of local housing authority to serve a remedial notice

6. After regulation 5(3), insert—

“(4) The local housing authority must consider any representations made by the landlord within the period specified in paragraph (2)(e).

(5) Where the landlord makes such written representations the remedial notice is suspended from the beginning of the day following the day on which the representations were received until the local housing authority has complied with paragraphs (4) and (6).

(6) The local housing authority must—

(a) where the outcome of the consideration under paragraph (4) is to confirm the remedial notice, inform the landlord in writing that the remedial notice is confirmed (with or without amendment as the case may be) and the suspension under paragraph (5) ceases to have effect,

(4) See section 150(10) of the Energy Act 2013, by which “tenancy” includes any lease, licence, sub-lease or sub-tenancy and “landlord” is to be read accordingly.

(b) where the outcome of the consideration under paragraph (4) is to withdraw the remedial notice, inform the landlord in writing that the remedial notice is withdrawn,
within 7 days beginning with the day on which the period specified in paragraph (2)(e) expires.

(7) Where the local housing authority fails to inform the landlord in writing as required by paragraph (6) within the 7 days determined in accordance with that paragraph, the remedial notice served is deemed to be withdrawn.”.

Amendment of regulation 6: duty of relevant landlord to comply with a remedial notice

7. In regulation 6—

- (a) at the beginning of paragraph (1), insert “Subject to paragraph (1A),”;
- (b) after paragraph (1), insert—
 - “(1A) Where—
 - (a) a remedial notice has been suspended following representations being made, and
 - (b) the local housing authority has notified the landlord in accordance with regulation 5(6) that the remedial notice is confirmed,the landlord must take the remedial action specified in the remedial notice (as amended if amendments have been made) within 21 days beginning with the day on which the landlord is informed that the suspension under regulation 5(5) ceases to have effect.”;
- (c) in paragraph (2)—
 - (i) after “paragraph (1)” insert “or (1A)”; and
 - (ii) omit “, other than legal proceedings,”; and
- (d) after paragraph (2), insert—
 - “(3) For the purposes of paragraph (2), where the landlord is prevented from entering the premises to which the duty under paragraph (1) or (1A) relates by a tenant or occupier of the premises, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the duty under paragraph (1) or (1A) solely by reason of a failure to bring legal proceedings with a view to securing entry to the premises.”.

Amendment of regulation 7: duty of local housing authority to arrange remedial action

8. In regulation 7—

- (a) in paragraph (1), after “regulation 6(1)” insert “or (1A)”;
- (b) in paragraph (5), omit “, other than legal proceedings,”; and
- (c) after paragraph (5), insert—
 - “(6) For the purposes of paragraph (5), where an authorised person is prevented from entering the premises to which the duty under this regulation relates by a landlord, tenant or occupier of the premises, the local housing authority will not be considered to have failed to have taken all reasonable steps to comply with the duty under this regulation solely by reason of a failure to bring legal proceedings with a view to securing entry to the premises.”.