

Carbon Monoxide and Fire Safety

19 November 2013

Baroness Verma, House of Lords put forward proposals to give Sec State powers to regulate alarms (smoke and carbon monoxide in rented property) she explained the process of making regulations as follows;

In tabling these amendments, I make it clear again that the Government remain to be convinced of the need to regulate in this area at this time. However, as I have said, we have decided that it would be prudent to take the necessary powers now. We will now take forward a wide-ranging and fundamental review into property conditions in the private rented sector. The review will consider very carefully the case for requiring landlords to install carbon monoxide alarms and/or smoke alarms in their properties. The review is scheduled to last approximately six months and to conclude in June 2014.

As soon as possible following this, the Government will publish a report which will summarise the key findings of the review, set out government conclusions and detail the Government's intended actions following those conclusions.

The first stage of the review will be the publication next month of a discussion document setting out the terms of reference and inviting views on a range of issues. We will also engage widely with interested organisations including landlord associations, housing charities, tenant groups and professional bodies. In addition to considering whether smoke and carbon monoxide alarms should be required in privately rented housing, the review will also look at the minimum standards tenants should expect when renting a property. This will include considering the requirements of the Landlord and Tenant Act 1985, the current licensing system for privately rented housing, current requirements around regular checks of electrical installations in the home and whether there is a need to introduce a compulsory system requiring that such installations are checked regularly. We will also give careful consideration to the possibility of requiring landlords to repay all or part of any rent they have received where they rent out a property that contains serious health hazards or has other major defects.

It is important that we do not prejudge the outcome of the review. The Government are seeking to take these powers now to enable us to move quickly if the review concludes that such alarms should be mandated in this sector. I hope, therefore, that noble Lords feel reassured by what I have said today and are reassured that the Government take this issue very seriously. I am very grateful to noble Lords for their intervention on this important issue which has had a significant impact in raising its profile. I beg to move.

The amendment, as proposed, will be inserted into the Energy Bill as follows:

After Clause 149

BARONESS VERMA

Insert the following new Clause—

“Smoke and carbon monoxide alarms

(1) The Secretary of State may by regulations make provision imposing duties on a relevant landlord of residential premises in England for the purposes of ensuring that, during any period when the premises are occupied under a tenancy—

(a) the premises are equipped with a required alarm (or required alarms), and

(b) checks are made by or on behalf of the landlord in accordance with the regulations to ensure that any such alarm remains in proper working order.

(2) “Required alarm” means—

(a) a smoke alarm, or

(b) a carbon monoxide alarm,

that meets the appropriate standard.

(3) Regulations may include provision about—

(a) the interpretation of terms used in subsections (1) and (2);

(b) the enforcement of any duty imposed by regulations.

(4) Provision made by virtue of subsection (3)(b) may in particular—

(a) confer functions on local housing authorities in England;

(b) require a landlord who contravenes any such duty to pay a financial penalty.

(5) Provision about penalties made by virtue of subsection (4)(b) includes provision—

- (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) conferring rights of appeal against penalties;
 - (d) for the enforcement of penalties;
 - (e) about the application of sums paid by way of penalties (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (6) Regulations may—
- (a) include incidental, supplementary and consequential provision;
 - (b) make transitory or transitional provision or savings;
 - (c) make different provision for different cases or circumstances or for different purposes;
 - (d) make provision subject to exceptions.
- (7) Consequential provision made by virtue of subsection (6)(a) may amend, repeal or revoke any provision made by or under an Act.
- (8) Regulations are to be made by statutory instrument.
- (9) An instrument containing regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Subject to provision contained in regulations, in this section—
- “the appropriate standard”, in relation to a smoke alarm or a carbon monoxide alarm, means the standard (if any) that is specified in, or determined under, regulations;
- “local housing authority” has the meaning given in section 261(2) of the Housing Act 2004;
- “premises” includes land, buildings, moveable structures, vehicles and vessels;
- “regulations” means regulations under this section;
- “relevant landlord” means a landlord in respect of a tenancy of residential premises in England who is of a description specified in regulations;

“residential premises” means premises all or part of which comprise a dwelling;

“tenancy” includes any lease, licence, sub-lease or sub-tenancy (and “landlord” is to be read accordingly).”