



Guidance notes for The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024

1. Introduction

- 1.1 These guidance notes have been produced to clarify what is required under the Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024.
- 1.2 The Regulations became law on TBC which means all private rented properties must comply and have the appropriate smoke, heat, and carbon monoxide alarms in place.

2. Purpose of Smoke, Heat and Carbon Monoxide Alarms

- 2.1 According to national fire statistics fires in properties that have alarms in place continue to:
 - be discovered more rapidly (less than 5 minutes) after ignition; and
 - be associated with lower fatal casualty rates.
- 2.2 The installation of smoke, heat and carbon monoxide alarms are intended to reduce the risk of fire and the consequent loss of life, injury, and damage to property. That is why this new legal requirement was introduced under Section 8 of the Private Tenancies Act (NI) 2022.

3. Landlords' responsibilities

- 3.1 These regulations introduce a responsibility on a landlord to install and keep in proper working order sufficient alarms for detecting smoke, heat and carbon monoxide within any property that they rent out to tenants. Alarms need to provide sufficient warning of potential danger. Additionally, any alarm within the property must be repaired or replaced once a landlord has been informed it has become faulty. Section 6 of this guidance details the number, type and location requirements that need to be applied.

- 3.2 A landlord needs to ensure that any alarm units (smoke, heat & carbon monoxide) that are bought/installed are marked/referenced as being British Standard compliant. If any alarms are being hardwired into the main electrical installation that work will need to be undertaken by a qualified electrician.
- 3.3 The landlord is responsible for the alarms within their property and must ensure they are fully functional. The landlord should confirm the tenant is satisfied all alarms are in working order on the commencement of any tenancy. A formal record should be kept of when alarms are installed or replaced. It is recommended to keep a record and associate with further information you hold on your rental property. A copy should also be placed within any information pack located in the property for the tenant's information. All tenants should be advised they need to regularly test the alarms according to the manufacturer's instructions, and to report any faults to the landlord.
- 3.4 If the alarms are due to be replaced, or a fault occurs, the landlords must take remedial action. Failure to comply may be a breach of their duty under these Regulations and an offence may have been committed. A landlord must check the tenant's availability to get access to a property to do repairs and maintenance work.
- 3.5 If a situation does occur in respect of access to the property landlords should attempt to understand why tenants cannot or will not provide access and work with them to find a solution. If access is continually denied 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 provide the tenant with a minimum of 24-hour notice for the need to access the property arranging a time to visit that is convenient for the tenant. The landlord should keep a written record of access attempts to provide to the local council in case of any challenge in respect of compliance.

4. Tenants' responsibilities

- 4.1 If tenants find that their alarms are not in working order during the tenancy, they need to report this to the relevant landlord or acting agent. Landlords will be responsible for repairing or replacing any faulty alarms. However, a landlord must be notified that a fault has occurred. (A landlord is not under a duty to carry out works unless he has actual knowledge of the fault).
- 4.2 Tenants should refer to the notes section of their tenancy information notice, their tenancy agreement, or any specific tenancy information pack provided by the landlord for any detail on testing and checking alarms.
- 4.3 Additionally it is a tenant's responsibility to take proper care of the alarms and make good any damage wilfully or negligently caused by themselves, or by any person/persons lawfully living in or lawfully visiting the premises.

- 4.4 As it is a legal requirement on the landlord to install alarms for the tenants' own safety, tenants should ensure that any required access to the property to do repairs, maintenance work and install alarms can be accommodated at a mutually agreeable time.

5. Testing alarms to check they are in working order

- 5.1 Testing of smoke, heat and carbon monoxide alarms does not require specialist skills or knowledge and is straightforward to do. Landlords should consider providing tenants with a demonstration and/or instructions to support understanding of how, and when, to test alarms to make sure they are in working order. Tenants should be advised of the expiry dates of the alarms located within the property and a warned not to tamper with the alarm units.
- 5.2 Landlords should advise tenants to test the alarms once per week by pressing the test button. If they can't reach, ask a family member or neighbour to help, or use a broom handle. It is the tenant's responsibility to undertake regular testing of the alarms and draw any faults to the landlord's attention. All relevant information should be included within any information pack located in the property for the tenant's information.

6. Requirement for alarms and installation

- 6.1 A landlord must have within the property a minimum of:

- ✓ 1 smoke alarm installed in:
 - the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge), and
 - in every circulation space.
- ✓ 1 heat alarm installed in every kitchen.
- ✓ 1 carbon monoxide alarm installed in any room or circulation space of the property which contains a fixed combustion appliance other than a gas cooker.

- 6.2 In connection with the standards on the required number of alarms outlined in the Regulations, it is recognised that layout and design of a property may determine that:

- if an area is open plan, one smoke alarm can cover the whole room provided it can be located where it is no more than 7.5 metres from any point in the room, except where the open plan area contains a kitchen area in which case the alarm fitted should be a heat alarm;

- if an alarm is more than 7.5 meters from any point in the room then another alarm must be installed:
- where the proximity of an open fireplace would make a smoke alarm impracticable a heat alarm may be fitted.

6.3 **Smoke alarms** (*mains wired, battery, or a combination of both*) must be installed on the ceiling and be interlinked. That means if one smoke alarm detects an incident all other alarms in the vicinity of that first alarm's signal will also raise an audible alert.

6.4 **Carbon monoxide alarms** (*mains wired or battery*) can be either ceiling or wall mounted see section 8.11 for further clarification. If the alarm is battery operated it must have a sealed battery for the duration of its lifespan.

6.5 If using battery smoke alarms, they must be sealed tamper-proof units and have long-life batteries. You may be able to fit these alarms yourself as they do not need to be fitted by a qualified electrician. Batteries last for the duration of its operational lifespan, which may be up to 10 years, however be aware sensors can degrade over time.

6.6 Mains wired alarms (smoke, heat or carbon monoxide) must be fitted by a qualified electrician.

6.7 Mains wired alarms may be subject to building control approval, for further information please check the following link: [Building Control NI \(buildingcontrol-ni.com\)](http://buildingcontrol-ni.com). It will be the responsibility of a qualified electrician to install mains wired alarms in compliance with current building regulation standards.

6.8 Northern Ireland Fire and Rescue Service provide free Home Fire Safety Checks to people at risk. This includes a visit to the property to provide advice on how to stay safe from fire. To apply for a home fire safety check and get additional advice, please visit the NIFRS website at: www.nifrs.org

7. Specialised alarms

7.1 Landlords should make an informed decision and choose the best alarms for their properties and tenants, with due regard for their tenants' circumstances. For example, specialist smoke, heat and carbon monoxide alarms that alert by vibration or flashing lights (as opposed to by sound alerts) may be required for tenants who are deaf or hard of hearing.

8. Carbon Monoxide Alarms

8.1 Carbon monoxide (CO) is a gas, produced when carbon-based fuel, such as coal, wood, oil, or natural gas, is burnt without enough oxygen. You cannot

see, smell, or taste it but it can injure and kill quickly. Not only is CO responsible for many deaths and poisonings each year, but many people are also likely to be affected by CO without realising it. [Carbon monoxide | Health and Safety Executive Northern Ireland \(hse.gov.uk\)](https://www.hseni.gov.uk)

- 8.2 Alarms are essential in providing perhaps the only warning an occupier will have of the presence of CO, which is a 'silent killer' and almost every fatality results from the lack of early warning to its presence.
- 8.3 Combustion appliances such as boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas all have the potential to cause CO poisoning if they are poorly installed or commissioned, inadequately maintained, or incorrectly used. Inadequate ventilation or a lack of the correct maintenance of appliances, flues and chimneys are the main causes of CO poisoning. Poisonous CO gas is produced when fuel does not burn properly. Incidents of poisoning can also occur through deterioration of the structure of the flue or chimney.
- 8.4 The installation of carbon monoxide alarms is intended to reduce the risk of CO poisoning and the consequent loss of life and serious injury. These Regulations match the existing Regulations required for new build properties. Private landlords must ensure that all the properties they let to tenants include carbon monoxide alarms, if appropriate, regardless of when the tenancy started and what previous requirements have already been met.
- 8.5 Tenants have a right to refer any landlord not complying with the installation of carbon monoxide alarms or any other element of non-compliance within the regulations to the environmental health department of their local council.
- 8.6 In order to alert occupants to the presence of levels of CO gas which may be harmful to people, private landlords must ensure that carbon monoxide alarms are installed in all dwellings they rent to tenants where there is:
 - A fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling.
 - A fixed combustion appliance in an inter-connected space, for example an integral garage.
 - A combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) – the CO detector should be sited outside the room as close to the appliance as possible but allowing for the effect humid air might have on the detector when the bathroom door is open.
- 8.7 A carbon monoxide alarm is not required in an attached out-building or garage where there is no inter-connection with the house for example a connecting door. To be clear, if there is no way that CO could reasonably be expected to find a path into the house there is no need for a detector.

- 8.8 Carbon monoxide alarms need to be powered by a battery designed to operate for the working life of the detector. The detector should incorporate a warning device to alert the users when its working life is due to expire and should be replaced before the expiry date. However, hard wired mains operated carbon monoxide alarms (fixed wiring) may be used as an alternative, provided they are fitted with a sensor failure warning device. Carbon monoxide alarms whether hard-wired or battery must be British Standard compliant.
- 8.9 Section 6 of this guidance specifies that there must be a carbon monoxide alarm installed in any room of the property which contains a fixed combustion appliance other than a gas cooker. That is the minimum standard, however a carbon monoxide alarm may also be installed in a bedroom or any room where a flue passes through to provide extra protection if considered necessary.
- 8.10 Unless otherwise indicated by the manufacturer, carbon monoxide alarms should be sited as follows:
- Ceiling mounted and positioned at least 300mm from any wall (unless otherwise indicated by the manufacturer).
 - Wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room (unless otherwise indicated by the manufacturer).
 - If the combustion appliance (primarily boiler) is located within a small space, usually a cupboard, the alarm should be sited outside the space/cupboard with the appropriate distance between appliance and alarm of between one and three meters.
 - If the combustion appliance (primarily boiler) is located in an attic, the detector should ideally be sited between one and three meters from the appliance in the attic and another interlinked detector sited outside the attic near the attic hatch. Where this is not possible, a detector sited outside the attic as near the attic hatch as possible is acceptable.
- 8.11 A carbon monoxide alarm should **not** be sited:
- In an enclosed space (for example in a cupboard or behind a curtain).
 - Where it can be obstructed (for example by furniture).
 - Directly above a sink.
 - Next to a door or window.
 - Next to an extractor fan.
 - Next to an air vent or similar ventilation opening.
 - In an area where the temperature may drop below -10 °C or exceed 40° unless the detector is designed to do so.
 - Where dirt and dust may block the sensor.
 - In a damp and humid location.
 - In the immediate vicinity of a cooking appliances.

- 8.12 Landlords should be mindful that the provision of carbon monoxide alarms should not be regarded as a substitute for the correct installation and regular servicing of all combustion appliances.

Although not part of these Regulations further information relating to Gas Safety can be found via the following link: [Gas safety and carbon monoxide | nidirect](#)

9. Enforcement

- 9.1 If a landlord fails to comply with the duty to keep in repair and proper working order sufficient appliances for detecting smoke, heat, and carbon monoxide in a private tenancy, this will be an offence under Article 68(1) of the Private Tenancies (NI) Order 2006 and, the appropriate district council may institute legal proceedings.

10. Fines/Penalties

- 10.1 An offence under Article 68(1) of the Private Tenancies (Northern Ireland) Order 2006 on conviction will attract a fine not exceeding level 4 on the Department of Justice standard scale.
- 10.2 If the local council believes that an offence has been committed the authorised council officer, may offer the landlord the opportunity of discharging any liability to conviction, by the payment of a fixed penalty fine which will not exceed one-fifth of the maximum fine payable on conviction of that offence.