

FACT SHEET

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

APPLIES TO: NORTHERN IRELAND
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CONTEXT

In April 2022, the Private Tenancies Act (Northern Ireland) 2022 received Royal Assent. The Act gives the Department for Communities the power to create future legislation for private tenancies over areas such as tenancy deposits, information to be provided to tenants and notice to quit periods. Sections one to six of the Act came into force on 1 April 2023 have already come into force, with sections seven to twelve being introduced over the following years.

NB: The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024 “the Regulations”, is the first piece of legislation covering sections seven to twelve of the Private Tenancies Act (Northern Ireland) 2022, specifically section eight: Fire, smoke and carbon monoxide alarms, etc.

THE CHANGES

The Regulations introduce requirements for all private tenancies in Northern Ireland to have sufficient smoke, heat and carbon monoxide alarms in the property. The number and location of alarms depends on the type of alarm which will be covered in the “*What you need to do*” section of this fact sheet. The intention behind the Regulations is to reduce the risk of fire and consequent loss of life, injury and damage to the property.

NB: Heat alarms are separate from smoke alarms and are defined by the act as “a device designed to detect heat instead of smoke, which contains a thermistor set to respond to temperatures above 58°C.”

ELIGIBILITY

The Regulations impact all private tenancies in Northern Ireland. They will come into force from 1 September 2024 for all new private tenancies signed on or after this date and from 1 December 2024 for all existing tenancies.

WHAT DOES THIS MEAN?

From 1 September 2024, it will be illegal in Northern Ireland to grant a tenancy unless adequate smoke, heat and carbon monoxide alarms are present in the property.

- All smoke and heat alarms should be British Standard BS 5839-6.
- All carbon monoxide alarms should be British Standard BS EN 50292.

NB: For tenancies that were granted before 1 September 2024, all properties must be compliant by 1 December 2024.

WHAT DO YOU NEED TO BE AWARE OF

Under the Regulations, it is the landlord's responsibility to comply with the duty to keep all types of alarms in repair and proper working order, even if the landlord has hired an agent to act on their behalf.

Agents can use the Landlord Notice to provide tenants with the contact details for both the landlord and the agent.

NB: It is therefore essential that agents inform landlords of this when establishing the responsibilities of the agent and the landlord within the property. If the Terms of Business or other written agreement between the agent and landlord state that it is the responsibility of the agent to ensure sufficient alarms are present at the property and they are in working order, the landlord will still be responsible for any fines or legal repercussions if the Regulations are not complied with.

WHAT YOU NEED TO DO

Even if it is ultimately the landlord's responsibility, PropertyMark recommends that letting agents work closely with landlords to ensure that they are meeting their duties. This may include taking on the responsibility for ensuring that the property is compliant with the Regulations, even if the agent cannot take legal responsibility for breaching the Regulations. In the case where a landlord does not wish to be contacted, the agent can emphasise this when providing contact details to the tenant through the Landlord Notice.

NB: It is also important that agents understand the Regulations so they can support their clients and keep tenants informed of their own responsibilities. This will potentially save lives and ensures agents provide a better service to landlords and tenants.

Types of alarms and location

- **Smoke alarms** – a smoke alarm must be installed in the room which is most frequently used by tenants during the daytime, such as a central lounge. A smoke alarm must also be installed in every circulation space on every storey (floor) of the property.
- **Heat alarms** – a heat alarm must be installed in every kitchen.
- **Carbon Monoxide alarms** – a carbon monoxide alarm must be installed in any room or circulation space which contains a fixed combustion appliance or flue.

Any garage that is structurally connected to the house, which can be accessed either via an internal door or from outside the property, is considered part of the house for the purpose of the Regulations.

All smoke and heat alarms must be interlinked, with all alarms either hard wired, battery sealed or a combination of both. If alarms are battery sealed, they should be tamper-proof with long life batteries. All alarms must be installed on the ceiling, with the exception of carbon monoxide alarms which can also be wall mounted.

If multiple carbon monoxide alarms are installed, they must be interlinked to each other as well.

NB: Since alarms are required to be battery sealed or hard-wired, there is no requirement to change batteries, as the batteries in battery-sealed alarms typically last as long as the alarms.

For larger rooms where an alarm is more than 7.5 metres from any point in the room, two smoke alarms are required. The only exception is if the room contains a kitchen. In that case, the second alarm should be a heat alarm.

Where a room has an open fireplace, it is recommended that a heat alarm be installed instead of a smoke alarm.

NB: the Act defines the following as:

- **“Circulation space” as a hall, stairs, landing or corridor.**
- **“Fixed combustion appliance” includes a fixed apparatus where fuel of any type is burned to generate heat and includes boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas, but excludes a gas cooker or a gas oven.**
- **“Flue” as a pipe or channel, including a chimney of a fire that has not been put beyond use, that leads to the outside of a dwelling-house, taking smoke, gases or hot air away from a fixed combustion appliance.**

Installation

Any alarm that is hardwired to the electric mains must be installed by a qualified electrician.

NB: Battery alarms can be fitted by the landlord.

Once installed, a record of where the alarms are installed must be maintained and updated when alarms are replaced. It may also be suitable to keep a record of when the alarms were last tested. A copy of the record should be provided to tenants at the start of the tenancy along with any other information that is usually provided to the tenant at this time.

There are additional requirements for the installation of carbon monoxide alarms, including where they **should not** be located, such as:

- In an enclosed space
- Where it can be easily obstructed
- 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°C
- Where dirt and dust may block the sensor
- In a damp and humid location
- In the immediate vicinity of cooking appliances

Testing

It must be confirmed with the tenant that the alarms are all fully functional and in the right location at the start of the tenancy. Once the tenancy commences, tenants must be advised to test the alarms regularly, based on any specific instructions from the alarm's manufacturer.

NB: This information can be recorded on the inventory and check in report.

A landlord does not have a duty to repair or replace alarms unless they have been informed about any potential fault. However, landlords must ensure they are aware of the expiry date for all alarms as it is not the tenant's responsibility to remind the landlord of the expiry date.

Repairs

Tenants must immediately report any faults to the landlord and are responsible for repairing or replacing alarms if they were negligently or wilfully damaged by any person legally living at or visiting the premises. If alarms were damaged by the tenant or if the alarms were not properly taken care of, the landlord will not have breached the Regulations.

NB: Landlords are however responsible for replacing alarms if the alarms experience a fault. Additionally, alarms must be replaced before or on their expiry date, not after. Landlords will be liable for an offence if they fail to replace faulty alarms or any alarms before the expiry date.

If alarms are required to be repaired or replaced, the landlord must provide tenants with 24-hours' notice to access the property. Landlords cannot enter the property by force but must obtain the consent of the tenant.

NB: Tenants however should be informed that it is a legal requirement for the landlord to ensure that all alarms are in property working order and that tenants have a duty to permit reasonable access to a landlord, or persons authorised by the landlord to inspect the property and carry out any necessary work.

ENFORCEMENT

If a landlord fails to comply with the Regulations, they will have committed an offence under Article 11B(4) of the Private Tenancies (NI) Order 2006. On conviction, the guilty party would be subject to a maximum fine of £2,500.

NB: Local authorities are responsible for the enforcement of the Regulations and can be contacted by the tenants if the tenants believe the landlord is failing to meet their duties.

FURTHER INFORMATION

Regulations in full

<https://www.legislation.gov.uk/nisr/2024/123/made>

Guidance from the Department for Communities

<https://www.communities-ni.gov.uk/articles/smoke-heat-and-carbon-monoxide-alarms-guidance>

Private Tenancies Act (Northern Ireland) 2022

<https://www.legislation.gov.uk/nia/2022/20/enacted>

Section 8 of the Private Tenancies Act (Northern Ireland) 2022

<https://www.legislation.gov.uk/nia/2022/20/section/8/enacted>

Private Tenancies (NI) Order 2006

<https://www.legislation.gov.uk/nisi/2006/1459/contents>