



# Energy Act 2013

## 2013 CHAPTER 32

### PART 6

#### CONSUMER PROTECTION AND MISCELLANEOUS

### CHAPTER 2

#### MISCELLANEOUS

##### *Smoke and carbon monoxide alarms*

#### **150 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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).