

*These notes refer to the Private Tenancies Act (Northern Ireland)
2022 (c.20) which received Royal Assent on 27 April 2022*

Private Tenancies Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8:

Fire, smoke and carbon monoxide

Section 8 is intended to reduce the risk of injury or death caused by fire, smoke and carbon monoxide in private tenancies.

This section inserts new Articles 11A to 11F into the 2006 Order which set out new requirements on private landlords in relation to the provision of fire, smoke and carbon monoxide detectors and the duties on landlords and tenants with regard to these.

New Article 11A provides that the requirements and duties in Articles 11B to 11F apply to all private tenancies, whether granted before or after this section comes into operation, but in respect of those tenancies granted before such commencement only from a date in the future to be prescribed by the Department in regulations.

New Article 11B requires landlords to keep in repair and proper working order sufficient appliances for detecting and warning of fire, smoke and carbon monoxide (in the case of carbon monoxide, at levels where the gas is harmful to people).

This Article also allows the Department by regulation to set minimum standards for the purpose of determining whether those duties have been complied with (which may include standards as to the number, type and condition of appliances to be installed in certain specified circumstances), and provides that a breach of one of those duties is an offence under the 2006 Order.

Under new Article 11C the tenant under a private tenancy must take proper care of the detection appliances installed and must make good any damage wilfully or negligently done or caused to those appliances by the tenant or any other person lawfully on the premises.

New Article 11D deals with the situation where a tenancy is part of a building and provides that the duties under Article 11B may require the landlord to position appliances in a part or parts of the building not included in the tenancy.

New Article 11E clarifies that the duties imposed on the landlord by Article 11B do not require the landlord to carry out works or repairs for which the tenant is liable as a result of Article 11C.

New Article 11F limits the extent to which the duties under Article 11B require the landlord to carry out works by providing that the landlord is only under a duty to carry out such works where the landlord has knowledge of the need.

New Articles 11B to 11F mirror many of the provisions in existing Articles 7 to 11 of the 2006 Order, and seek to apply the same rules, modified as appropriate, in the context of the provision of fire, smoke and carbon monoxide detectors.

Subsections (3) to (6) of this section amend Articles 68 and 68A of the 2006 Order. The amendment of Article 68(1) ensures that a breach of a duty under Article 11B is punishable on summary conviction with a fine not exceeding level 4 on the standard scale. By providing that this offence is an “offence under this Order”, it comes within Article 68(3) and as such can be prosecuted by district councils.

The amendment of Article 68A provides that fixed penalty notices can be given in respect of the offence. The amendment also provides that the maximum fixed penalty amount is one-fifth of the maximum fine payable on summary conviction.