



## 2022 CHAPTER 20

### **Fire, smoke and carbon monoxide alarms, etc.**

- 8.**—(1) The 2006 Order is amended as follows.  
(2) After Article 11 insert—

#### **“Application of Articles 11B to 11F**

**11A.**—(1) The provisions set out in Articles 11B to 11F apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, and
- (b) any private tenancy of a dwelling-house granted before the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation (but only from the prescribed date).

(2) For the purposes of paragraph (1)(b), a statutory tenancy is to be treated as if it were a private tenancy granted before the commencement of section 8 of the Private Tenancies Act (Northern Ireland) 2022 (regardless of when the dwelling-house in question became subject to the statutory tenancy).

### **Landlord’s duties: fire, smoke and carbon monoxide alarms**

**11B.**—(1) The landlord under a private tenancy must keep in repair and in proper working order—

- (a) sufficient appliances for detecting fire or smoke, and for giving warning in the event that they are detected, and

(b) sufficient appliances for detecting whether carbon monoxide is present at levels that are harmful to people, and for giving warning if it is.

(2) The Department may by regulations set minimum standards for the purpose of determining whether the duties under paragraph (1) have been complied with.

(3) The standards that may be set under paragraph (2) include standards as to the number, type and condition of appliances that should be installed in circumstances specified in the regulations.

(4) A landlord who fails to comply with a duty under paragraph (1) is guilty of an offence under this Order.

#### **Tenant's duties: fire, smoke and carbon monoxide alarms**

**11C.** The tenant under a private tenancy—

- (a) must take proper care of the appliances installed for the purposes of Article 11B as a good tenant;
- (b) must make good any damage to those appliances wilfully or negligently done or caused by the tenant, by any tenant of his or hers or by any other person lawfully living in or lawfully visiting the premises.

#### **Landlord's duties: private tenancy of part of a building**

**11D.** Where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

#### **General qualification on landlord's duties**

**11E.** 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 by virtue of Article 11C.

#### **Knowledge of disrepair**

**11F.** A landlord is not under a duty to carry out works by virtue of Article 11B unless the landlord has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works”.

(3) In Article 68(1) (prosecution and punishment of offences), after “5ZC(4),” (as inserted by section 4) insert “11B(4),”.

(4) Article 68A (fixed penalty for certain offences) is amended as follows.

- (5) In paragraph (1)—
  - (a) at the end of sub-paragraph (a), omit “or”;
  - (b) after that sub-paragraph insert—
    - “(aa) an offence under Article 11B(4);”.
- (6) In paragraph (8), after “5B(10)” insert “, 11B(4)”.