

Fire Safety (Protection of Tenants) Bill

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Require landlords to provide smoke alarms in rented accommodation; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

- “contract of tenancy” means an agreement between a landlord and tenant which specifies the terms and conditions of the tenant’s period of residence in the relevant premises; 5
- “landlord”, “relevant premises” and “tenant” have the meaning given by regulation 36 of the Gas Safety (Installation and Use) Regulations 1998 (S.I. 1998/2451);
- “local authority” means—
- (a) in relation to England— 10
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) the Greater London Authority;
 - (v) the Common Council of the City of London in its capacity as a local authority; 15
 - (vi) the Council of the Isles of Scilly; and
 - (b) in relation to Wales, a county council or a county borough council;
- “system of smoke detection” means at least one mains-powered smoke alarm with an integral battery stand-by supply which complies with grade D of British Standard 5839: Part 6 (2004). 20

2 Installation and maintenance of systems of smoke detection

- (1) Before a contract of tenancy is agreed a landlord must ensure that a system of smoke detection is in place in the relevant premises.
- (2) Every contract of tenancy agreed after this Act comes into force must contain an undertaking by the tenant to – 5
 - (a) test all smoke alarms on the relevant premises at least once a month; and
 - (b) notify the landlord of any defect in any smoke alarm.
- (3) Every contract of tenancy agreed after this Act comes into force must contain an undertaking by the landlord to rectify all defects notified under subsection (2)(b). 10

3 Offences and penalties

- (1) A person who fails to comply with section 2(1) commits an offence.
- (2) A person guilty of an offence under section 2(1) is liable – 15
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.

4 Enforcement 20

The Secretary of State may by regulations make local authorities responsible for the enforcement of this Act to such extent as may be prescribed.

5 Regulations

- (1) Any power to make regulations under this Act is exercisable by statutory instrument. 25
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

6 Financial provisions

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided. 30

7 Short title, commencement and extent

- (1) This Act may be cited as the Fire Safety (Protection of Tenants) Act 2011.
- (2) This Act comes into force at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales. 35

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supported by
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