



## Household Safety (Carbon Monoxide Detectors) Bill [Bill 26 of 2014-15]

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On 12 June 2014 Andrew Bingham secured fourteenth place in the Private Members' Bill ballot. He presented the *Household Safety (Carbon Monoxide Detectors) Bill* on 2 July; the debate on Second Reading is scheduled to take place on 12 September.

The Bill aims to introduce a requirement that a functioning carbon monoxide detector must be installed in all newly built and all rented residential properties.

This note provides background information on the Bill's provisions and summarises the content of the Bill.

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## 1 Introduction

On 12 June 2014, Andrew Bingham secured fourteenth place in the Private Members' Bill ballot. After initially shortlisting four proposals for consideration (Mountain Rescue Teams to be allowed to use 'red' diesel in their vehicles, Carbon Monoxide Detectors to be mandatory in all rental properties and new-build homes, Residents to have a right of appeal when Local Councils block community events on spurious Health and Safety grounds, and Local radio stations to be freed from prescribed playlists), Mr Bingham gave his constituents an opportunity for consultation prior to a final decision.<sup>1</sup> The proposal for a Bill to make Carbon Monoxide detectors mandatory proved to be the most popular option.

In July 2014, Mr Bingham attended a conference on Carbon Monoxide following the announcement that he would be taking forward a Private Member's Bill to make the installation of Carbon Monoxide detectors in new homes and rental properties mandatory. At the Conference, Mr Bingham said:

“Every year in the UK, 40 preventable deaths occur due to carbon monoxide poisoning, which is 40 too many. Every death or injury from carbon monoxide poisoning is 100 per cent preventable, and that's one of the reasons I'm taking forward a bill to make detectors compulsory in new-build homes and rental properties.”<sup>2</sup>

This short Bill aims to introduce a requirement that a functioning carbon monoxide detector must be installed in all newly built and all rented residential properties.

The Bill was presented on 2 July 2014 and the debate on Second Reading is scheduled to take place on 12 September.

## 2 Carbon Monoxide Detectors

### 2.1 Background

Carbon monoxide is an invisible, tasteless and odourless gas produced by the incomplete combustion of a fuel, for example when gas, oil, coal or wood do not burn properly. In the home this is most commonly caused by appliances and flues that have been incorrectly installed, not maintained or are poorly ventilated. Other locations which have claimed victims in recent years include boats, barbecues and vehicle exhausts.

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<sup>1</sup> [Andrew asks local residents to decide which Bill to put before Parliament](#) (accessed on 9 September 2014).

<sup>2</sup> [Andrew attends Carbon Monoxide Conference](#) (accessed on 9 September 2014).

Carbon monoxide poisoning causes approximately 40 deaths and 200 serious injuries per year. The cost of a carbon monoxide alarm starts at about £15 for the most basic model. Research by the Gas Safe Register suggests that about 15% of homes across all tenures have a carbon monoxide alarm.<sup>3</sup>

In October 2010, [changes were made to the building regulations in England](#) to require that a carbon monoxide alarm must be installed in any property when a solid fuel heating system, for example, a wood burning stove, is first installed. Alarms must be placed anywhere between one to three metres horizontally away from the solid fuel heating appliance.

In October 2013, Scotland amended their building regulations to require carbon monoxide alarms to be fitted when new boilers or gas appliances are installed in Scottish properties.<sup>4</sup>

The [Energy Act 2013](#), which received Royal Assent in December 2013, enables the Secretary of State to use secondary legislation to require private landlords to install smoke alarms and carbon monoxide detectors; but doesn't make any provisions for other buildings or property owners.

When these amendments were tabled to the Energy Bill in November 2013, [Baroness Stowell stated](#) that the powers would only be used to introduce regulations if the review into property conditions concludes that there is a clear need to do so and the benefits clearly outweigh the costs.<sup>5</sup> The Government review on property conditions asked, "Should private sector landlords be required to install, and maintain, carbon monoxide alarms in their properties or would a non-regulatory approach be a better option?"<sup>6</sup>

Any secondary legislation that the Secretary of State brought forward under this section would be subject to affirmative resolution procedure. This means that a Statutory Instrument would be laid before the House of Commons and the House of Lords and each would need to approve it. Usually this would involve a debate in a Delegated Legislation Committee.

## 2.2 The Bill

The aims for this Bill go beyond the provisions in the *Energy Act 2013* by requiring new build dwellings to be fitted with carbon monoxide detectors in addition to requiring landlords to fit carbon monoxide detectors. Whereas, the *Energy Act* only addresses private landlords.

**Clause 1 (1)** of the Bill would require the Secretary of State to make regulations under Section 1 of the *Building Act 1984* to require a functioning audible carbon monoxide detector to be provided in newly built dwellings where a fixed gas, liquid or solid fuel appliance is installed.

**Clause 1 (2)** introduces **Schedule 1** of the Bill which amends The Building Regulation 2010: Approved Document J (Combustion appliances and fuel storage systems) setting out the specific requirements for Carbon Monoxide Detectors in all new build dwellings:

1.61 In all new build dwellings, a carbon monoxide detector shall be provided in the room where a gas, liquid fuel or solid fuel 10 burning appliance is located.

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<sup>3</sup> DCLG, "[Review of Property Conditions in the Private Rented Sector](#)" 1 February 2014 (Accessed on 9 September 2014).

<sup>4</sup> BBC, "[Carbon monoxide alarm law toughened](#)" (6 August 2013). Accessed on 10 September 2014.

<sup>5</sup> DCLG, "[Government to review policy on smoke and carbon monoxide alarms](#)" 20 November 2013 (Accessed on 9 September 2014).

<sup>6</sup> Ibid.

1.62 The carbon monoxide detector shall comply with BS EN 50291:2001 and be powered by a battery designed to operate for the working life of the detector. The detector shall incorporate a warning device to alert users when the working life of the detector is due to pass. Mains-powered BS EN 50291 Type A carbon monoxide detectors with fixed wiring (not plug in types) may be used as alternative applications provided they are fitted with a sensor failure warning device.

1.63 The carbon monoxide detector shall be located in the same room as the appliance—

(a) on the ceiling at least 300mm from any wall or, if it is located on a wall as high up as possible (above any doors and windows) but not within 150mm of the ceiling; and

(b) 25 between 1m and 3m horizontally from the appliance.

1.64 The reference in paragraph 1.62 to BS EN 50291:2001 shall be construed as referring to any subsequent BS EN which replaces that standard.”

**Clause 2 (1)** of the Bill would require the Secretary of State to make regulations under Section 15 of the *Health and Safety at Work etc. Act 1974* to require, as part of landlords’ gas safety obligations, a functioning audible carbon monoxide detector to be provided in rented dwellings where a fixed gas, liquid or solid fuel appliance is installed.

**Clause 2 (2)** introduces **Schedule 2** of the Bill which amends the Gas Safety (Installation and Use) Regulations 1998 Part F (Maintenance) by making it a requirement that every landlord ensure that any relevant premises be fitted with a functioning carbon monoxide detector.

### 2.3 Comment

There has been no direct comment on the Bill either in Parliament or the press. The Government’s consultation suggests that it supports the principal, if not the detail.

When Scotland changed their building regulations in October 2013 – requiring carbon monoxide alarms to be fitted when new boilers or gas appliances are installed in Scottish properties – Iain Johnstone, from Stirling-based Scots Gas Training, welcomed the change in the regulations, [stating](#):

“It would be beneficial [...] if politicians would get together with the carbon monoxide alarm manufacturers and insurance companies to push for a retro-fit so every house in the country has an alarm.”<sup>7</sup>

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<sup>7</sup> BBC, [“Carbon monoxide alarm law toughened”](#) (6 August 2013). Accessed on 10 September 2014.