

HOUSING (SCOTLAND) ACT 2006: SCOTTISH GOVERNMENT GUIDANCE ON SATISFACTORY PROVISION FOR DETECTING AND WARNING OF FIRES

1. Section 13(1) of the Housing (Scotland) Act 2006 sets out the criteria that must be met if a house is to comply with the Repairing Standard. One part of the Repairing Standard is that a house should have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. There are more than 6000 reported fires in dwellings (e.g. houses, flats and maisonettes) every year in Scotland. Fires can have a devastating effect on the lives of people and results in around 50 deaths and 1300 injuries each year. According to national fire statistics dwelling fires in which smoke alarms raise the alarm continue to:
 - be discovered more rapidly (less than 5 minutes) after ignition; and
 - be associated with lower fatal casualty rates.
2. The installation of smoke and fire detectors is intended to reduce the risk of fire and the consequent loss of life, injury and damage to property. Because of these dangers, the Repairing Standard sets a high benchmark for smoke and fire detection, matching the standard required for new building and which is higher than many owner-occupiers will meet for their own homes. All privately rented homes should, if at all possible, meet this standard. However, the most important thing is that there should be some provision to detect fires and that this should be operational and in good working order.
3. As stated in section 13(5) of the 2006 Act, in deciding whether this standard is met in relation to the fire safety standard, regard must be had to any building regulations and any guidance on the subject issued by the Scottish Ministers.
4. Building regulations set out the essential standards to be met when building work or a conversion takes place. The reference to building regulations in the Repairing Standard does not mean that privately rented property must always comply with building regulations. However, landlords should be aware of what the building regulations say in relation to smoke and fire detectors and have regard to those regulations in assessing what level of smoke and fire detectors are needed to ensure that the home has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. This means that landlords should either install smoke and fire detectors that meet the standard set by building regulations or be able to justify why a lesser level of protection is appropriate in a particular home. Reasons why a lesser level of protection might be appropriate could include:
 - Where the proximity of an open fireplace would make a detector impracticable,
 - Where the cost of installing detectors would be prohibitive (this is more likely to be due to the cost of structural alterations necessary to install detectors rather than the cost of the detectors themselves)
 - Where the landlord intends to install detectors within a reasonable timescale as part of a programme of upgrading property.

5. Landlords are entitled to rely on professional advice from qualified electricians on their compliance with the standards in building regulations.
6. Landlords should note that building standards were amended from 1 October 2010, and revised technical guidance has been issued by Building Standards Division (Technical Handbooks 2013: – Domestic – Fire, <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubtech/th2013dom2>).
7. The revised Domestic Technical Handbook guidance states there should be at least:
- one functioning smoke alarm in the^{*} room which is frequently used by the occupants for general daytime living purposes,
 - one functioning smoke alarm in every circulation space, such as hallways and landings,
 - one heat alarm in every kitchen, and
 - all alarms should be interlinked.
8. When the Repairing Standard was introduced (3 September 2007) the building standards regulations required that there should be one or more than one functioning smoke alarm installed in the house, the number and position of alarms to be determined by the size and layout of the house. There was normally to be at least one smoke alarm on each floor. If there were multiple alarms, they should be interlinked. A smoke alarm installed from 3 September 2007 onwards had to be mains powered with a standby power supply. Note that the manufacturer's recommended life span of a fire alarm is usually 5-10 years and all battery-powered fire alarms in private rented houses should hardwired when they are replaced.
9. If there is a requirement for the house to meet a more stringent standard of provision for detecting and giving warning of fire (for example, in a house in multiple occupation (HMO) requiring to be licensed, or under building regulations), then the Repairing Standard criterion is only to be regarded as met if that requirement is met. An alarm should be installed in accordance with the recommendations contained in the British Standard on the design of fire detection installations for dwellings (BS5839 Part 6) in conjunction with the Domestic Technical Handbook guidance under Standard 2.11 Communication. The fitting of a hardwired smoke/heat alarm system may require a building warrant and landlords should consult the Building Standards department of the local authority.
10. The Repairing Standard was amended by the Housing (Scotland) Act 2014 to include a requirement that privately rented properties must have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health - these requirements are set out in separate Scottish Government guidance.

* Text amended September 2014. Building regulations were updated in May 2014 and the word "every" was replaced by "the" in clause 2.11.1 of the technical handbook. See <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/techbooks/techhandbooks/therrt14>.

The need for carbon monoxide detection applies to any fixed combustion appliance in the dwelling or in an inter-connected space, for example, an integral garage.

11. Landlords should ensure that smoke and heat alarms are regularly maintained in accordance with the manufacturer's recommendations.

12. It is recommended as good practice that landlords advise tenants to test alarms on a weekly basis. It is also recommended that landlords should advise tenants not to tamper with alarms.

13. The risk of fire can be reduced by ensuring the electrical installations and appliances are safe. It is also part of the Repairing Standard that the installations in the house for the supply of electricity and any appliances provided by the landlord are in a reasonable state of repair and in proper working order. Separate Scottish Government guidance outlines the duty on private landlords to carry out electrical installation inspections, including fixtures, fittings and any appliances provided by the landlord at least every five years. Landlords may also wish to provide advice for tenants on ensuring the safety of any appliances brought into the house by the tenants.

14. Before a tenancy commences, landlords should:

- Carry out an inspection check to confirm that the house meets the repairing standard (required by section 19 of the Housing Scotland Act 2006),
- Provide a new tenant with a copy of a gas safety certificate (required by regulation 36 of the Gas Safety (Installation and Use) Regulations 1998).
- Provide a new tenant with a copy of an Electrical Installation Condition Report or an Electrical Safety Certificate.
- Provide a new tenant with a copy of a valid energy performance certificate (required by the Energy Performance of Buildings (Scotland) Amendment (No. 2) Regulations 2012).

15. The Scottish Fire and Rescue Service (SFRS) offer free home (i.e. domestic premises) fire safety visits (HFSVs) comprising an assessment of fire risk within the home at that time and the provision of advice on preventing fires, avoiding fire spread and formulating an escape plan in event of fire. Additionally, SFRS staff may on occasion, if available and appropriate, fit long life battery operated smoke and heat alarm(s). Note that a HFSV is neither a substitute for responsible persons complying with their specific legal obligations under the Fire (Scotland) Act 2005 nor does it signify compliance by persons with any other legislative requirement or standard. To arrange a free Home Fire Safety Visit: call 0800 0731 999; or visit www.firescotland.gov.uk.

27 November 2013

(Revised November 2016)