

CONSULTATION
ON CHANGING
THE LAW TO
SAVE LIVES
FROM THE
'SILENT KILLER':
CARBON
MONOXIDE
POISONING

PRIVATE MEMBERS BILL

EDDIE HUGHES MP

#silentkillerbill

Foreword - Eddie Hughes MP

On Wednesday 13th September, I was delighted to be given permission by the House of Commons to present a Ten Minute Rule Bill to prevent death and injury from Carbon Monoxide Poisoning.

Carbon monoxide is a killer and many people haven't heard of it. In recent years, we've seen over twenty-five people killed each year



in carbon monoxide related incidents. Hundreds of people are hospitalised - 264 last year. And the figures I've seen say approximately 4000 people go to A&E each year with symptoms of carbon monoxide poisoning.

Despite progress in recent years we still have a problem and it's a fatal problem. And this shouldn't be the case in the twenty first century because it's almost entirely preventable. We should make this 'silent killer' history.

I am therefore proposing a new law (a Bill) which will make some simple changes to require installation of audible carbon monoxide alarms and duties around promoting carbon monoxide safety and awareness. This isn't a silver bullet but it will help.

Carbon monoxide poisoning is predominately a matter of housing safety, and I have no doubt that the improvements to current legislation proposed by my Bill will contribute to a reduction in the number of unnecessary deaths each year due to carbon monoxide poisoning. The stories associated with these deaths are heart-rending.

I am proposing that not only should carbon monoxide alarms be mandatory in new-build properties, but they should be installed in all rented properties, including social housing and those in the private rented sector. We should be designing this problem out.

We also need to ensure that people are fully aware of the risks associated with a gas that people cannot see, smell or taste, because any fuel-burning appliance that is not properly maintained has the potential to be a source of carbon monoxide. This is why I am also proposing that fire authorities have an explicit duty to promote carbon monoxide safety. That would not be an additional strain on the public purse, but would make current best practice by many forces enshrined in law.

I am hoping that by consulting on the proposals we can come up with the best ways to save lives, raise awareness of the dangers and get support to change the law. I look forward to receiving your thoughts.



Eddie Hughes MP

What is the problem?

I am looking to introduce this Bill to the Statute Book as I believe that there is a problem, and it is a fatal problem that should not be the case in the 21st century, because it is almost entirely preventable. Carbon monoxide is a killer. In recent years, more than 25 people have been killed each year in carbon monoxide-related incidents and hundreds of people have been hospitalised—264 last year—and figures suggest that over 4,000 people go to A&E each year with symptoms of carbon monoxide poisoning. Carbon monoxide poisoning is predominately a matter of housing safety and the Bill takes some practical steps to move towards making this "silent killer" history.

The objective of the Carbon Monoxide (Detection and Safety) Bill therefore is to reduce death and injury from carbon monoxide poisoning through education, awareness, and mandatory installation of detectors.

What are my proposals?

The Bill will apply in England only and will aim to do four things.

- Clause 1 of my Bill (Carbon monoxide safety: core function of fire and rescue authorities)
 makes provision for fire and rescue authorities to have a statutory duty to promote carbon
 monoxide safety in their area, including requiring them to provide and publicise information
 on the steps to be taken to prevent death or injury from carbon monoxide poisoning.
- Clause 2 of my Bill (Duty of Secretary of State to make carbon monoxide alarm regulations)
 places a statutory duty on the Government to make audible carbon monoxide alarms
 mandatory in all private rented and social rented dwellings, as well as all newly built dwellings,
 that contain a gas, liquid or solid fuel burning appliance, within 12 months of the Bill being
 enacted.
- 3. Clause 3 of my Bill (Duty of Secretary of State to make carbon monoxide alarm regulations: newly built dwellings) places a statutory duty on the Government to make audible carbon monoxide alarms mandatory in newly built dwellings that contain a gas, liquid or solid fuel burning appliance, within 12 months of the Bill being enacted.
- 4. Clause 4 of my Bill (Amendments to Schedule 4 to the Housing Act 2004) updates existing legislation so as to require licence holders of houses in multiple occupation or houses licensed under Part 3 of the Housing Act 2004 to install an audible carbon monoxide alarm in any room with a gas, liquid or solid fuel burning combustion appliance.

Initial draft of the Bill

Carbon Monoxide (Detection and Safety) Bill

A **BILL** TO

A Bill to make provision about requirements for carbon monoxide detectors; to make provision about carbon monoxide safety; 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 Carbon monoxide safety: core function of fire and rescue authorities

- (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) After section 6 (Fire safety) insert—

"6A Carbon monoxide safety

- (1) A fire and rescue authority in England must make provision for the purpose of promoting carbon monoxide safety in its area.
- (2) In making provision under subsection (1) a fire and rescue authority must in particular, to the extent that it considers it reasonable to do so, make arrangements for—
- (a) the provision of information, publicity and encouragement in respect of the steps to be taken to prevent carbon monoxide poisoning and death or injury from carbon monoxide poisoning;
- (b) the giving of advice, on request, about—
 - (i) how to prevent the spilling of carbon monoxide poisoning in buildings and other properties; and
 - (ii) the installation of functioning carbon monoxide alarms, including audible carbon monoxide alarms."

2 Duty of Secretary of State to make carbon monoxide alarm regulations: rented dwellings

- (1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, make carbon monoxide alarm regulations under section 150 of the Energy Act 2013.
- (2) Regulations under subsection (1) must impose duties on relevant landlords to install and maintain functioning audible carbon monoxide alarms in rented dwellings which contain a gas, liquid or solid fuel burning combustion appliance.
- (3) In this section "relevant landlord" means a landlord in respect of a tenancy of residential premises in England who is of a description specified in regulations, including landlords that are registered providers of social housing under the Housing and Regeneration Act 2008.
- (4) Regulations made by the Secretary of State under subsection (3) are to be made by statutory instrument.
- (5) Any statutory instrument containing regulations under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3 Duty of Secretary of State to make carbon monoxide alarm regulations: newly built dwellings

(1) The Secretary of State must, within 12 months of this Act receiving Royal Assent, make regulations under Section 1 of the Building Act 1984 to require the installation of functioning audible carbon monoxide alarms in newly built dwellings in England which contain a gas, liquid or solid fuel burning combustion appliance.

4 Amendments to Schedule 4 to the Housing Act 2004

- (1) Paragraph 1 of Schedule 4 to the Housing Act 2004 (licences under parts 2 and 3: mandatory conditions) is amended as follows.
- (2) Delete sub-paragraph (4A)(a) and insert—
 - "(a) to ensure that an audible carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a gas, liquid or solid fuel burning combustion appliance."

5 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Carbon Monoxide (Detection and Safety) Act 2018.

What are the next steps?

The consultation will run for five weeks from 27th November 2017 until 12 noon on Friday 29th December 2017. Consultation responses will then be analysed, published on eddiehughes.co.uk, and, if necessary, will be used to revise the Bill.

This revised Carbon Monoxide (Detection and Safety) Bill will be published by the House of Commons in advance of the bill's Second Reading which is currently due to be held in the House of Commons in early 2018.

In the meantime members of the public and any interested parties are invited to complete the consultation questions below to ensure the Bill is comprehensive, practical and likely to attract support from Members across the House.

Please tell us what you think.

| 1. Do you agree with the general aims of the proposed bill, that is, to make carbon monoxide detectors mandatory and improve awareness about carbon monoxide safety? |
|---|
| [] Fully supportive [] Partially supportive [] Neutral (neither support nor oppose) [] Partially opposed [] Unsure |
| Please explain the reasons for your response. |
| |
| 2. Could the aims of this proposal be better delivered in another way (without a Bill in the UK Parliament)? |
| [] Yes (if so, please explain below) [] No [] Unsure |
| Please explain the reasons for your response. |
| |
| 3. What do you think would be the main advantages, if any, of requiring fire and rescue authorities (sometimes known as the fire service) to have a duty to promote carbon monoxide safety in their area? |
| |

| 4. What do you think would be the main disadvantages, if any, of requiring fire and rescue authorities (sometimes known as the fire service) to have a duty to promote carbon monoxide safety in their area? |
|---|
| |
| 5. What do you think would be the main advantages, if any, of making audible carbon monoxide alarms mandatory in all private rented and social rented properties that contain a gas, liquid or solid fuel burning appliance? |
| |
| 6. What do you think would be the main disadvantages, if any, of making audible carbon monoxide alarms mandatory in all private rented and social rented properties that contain a gas, liquid or solid fuel burning appliance? |
| |
| 7. What do you think would be the main advantages, if any, of making audible carbon monoxide alarms mandatory in all newly built dwellings that contain a gas, liquid or solid fuel burning appliance? |
| |
| 8. What do you think would be the main disadvantages, if any, of making audible carbon monoxide alarms mandatory in all newly built dwellings that contain a gas, liquid or solid fuel burning appliance? |
| |

| 9. What do you think would be the main advantages, if any, of requiring licence holders of houses in multiple occupation or houses licensed under Part 3 of the Housing Act 2004 to install an audible carbon monoxide alarm in any room with a gas, liquid or solid fuel burning combustion appliance? |
|--|
| |
| 10. What do you think would be the main disadvantages, if any, of requiring licence holders of houses in multiple occupation or houses licensed under Part 3 of the Housing Act 2004 to install an audible carbon monoxide alarm in any room with a gas, liquid or solid fuel burning combustion appliance? |
| |
| 11. Do you have any further comments on the proposals in the draft bill? |
| |
| Please tell us about you |
| 12. Are you responding as: |
| an individual – in which case go to Q13 on behalf of an organisation? – in which case go to Q14 |
| 13. Which of the following best describes you? (If you are a professional or academic whose experience or expertise is not relevant to the proposal, please choose "Member of the public") |
| [] Politician (MP/Peer/MEP/Councillor) [] Professional with experience in a relevant subject [] Academic with expertise in a relevant subject [] Member of the public |
| 14. Please select the category which best describes your organisation: |
| Public sector body (Government/Government agency, local authority, NDPB) Commercial organisation (company, business) Representative organisation (trade union, professional association) Third sector (charitable, campaigning, social enterprise, voluntary, non-profit) Other (e.g. club, local group, group of individuals, etc.) |

| the name of your organisation as you wish it to be published. |
|--|
| I am content for this response to be attributed to me or my organisation I would like this response to be anonymous (the response may be published, but no name) I would like this response to be confidential (no part of the response to be published) |
| Name/organisation: |
| |
| |
| |
| 16. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.) |
| Contact details: |
| |
| |

15. Please choose one of the following: if you choose the first ontion, please provide your name or

Where to send responses

Our preferred method is submission through the Survey Monkey – link at: www.eddiehughes.co.uk/silentkillerbill

Responses prepared electronically should be sent by e-mail to: eddie.hughes.mp@parliament.uk

Responses prepared in hard copy should be sent by post to: Eddie Hughes MP, House of Commons, London, SW1A 0AA

Deadline for responses: All responses should be received no later than 12 noon on Friday 29th December 2017.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received on my website www.eddiehughes.co.uk As published, responses will normally include the name of the respondent, but other personal data (signatures, addresses and contact details) will not be included.

Requests for anonymity or confidentiality

If you wish your response, or any part of it, to be treated as anonymous, please state this clearly. You still need to supply your name, but any response treated as anonymous will be published without the name (attributed only to "Anonymous"). If you request anonymity, please note it is your responsibility to ensure that the content of your response does not allow you to be identified.

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory statements or material. If I think your response contains such material, it may be returned to you with an invitation to provide a justification for the comments or remove them. If the issue is not resolved to my satisfaction, I may then disregard the response and destroy it.

Data Protection Act 1998

As an MP, I must comply with the requirements of the Data Protection Act 1998 which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or confidentiality. I will not publish your signature or personal contact information, or any other information which could identify you and be defined as personal data.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you specifically wish me to publish information involving third parties, you must obtain their consent first and this should be included in writing with your submission.

If you consider that your response may raise any other issues concerning the Data Protection Act and wish to discuss this further, please contact me before you submit your response.

Further information about the Data Protection Act can be found at: https://www.gov.uk/data-protection