

**Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1940](#):
Calling on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law coming into force in February 2022, lodged by Campbell Wild**

Brief overview of issues raised by the petition

- From February 2022, the 'Tolerable Standard' was amended to include ceiling mounted and interlinked smoke and heat alarms and, where appropriate, carbon monoxide alarms.
- The Tolerable Standard is a basic standard of house condition, set out in the Housing (Scotland) Act 2007, that applies to homes in all tenures. It is the property owner's responsibility to meet the standard. [Councils have powers to enforce the Tolerable Standard in their areas.](#)
- The changes are implemented by the [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#).
- The Order includes the addition of, "satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire" to the Tolerable Standard. Further detail of what that means is provided in [Scottish Government guidance](#) (and explained on the [Scottish Government website](#)). The guidance sets out the requirement for:
 - one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge)
 - one smoke alarm in every circulation space on each storey, such as hallways and landings
 - one heat alarm installed in every kitchen
 - all smoke and heat alarms to be ceiling mounted and interlinked.
- The changes stem from the Grenfell Tower fire in London. Following the fire, the Scottish Government established a Ministerial Working

Group on Building and Fire Safety to review Scotland's building and fire safety regulatory frameworks.

- The petitioner states that they have a Nest Protect system in their home. This is an alarm, developed by Google, that detects smoke, carbon monoxide (CO) and other environmental threats in every room. It is a wireless and interconnected system.
- The Scottish Government state that the Nest Protect system is not compliant with the changes to the law. [As it states on its website:](#) "Please note that the Nest Protect System will not meet the standard. This is because they do not meet the requirements for a heat alarm under the relevant British Standard. British Standard (BS 5839-6:2019) states that only heat alarms should be installed in kitchens."
- The Scottish Government [guidance on the requirements](#) states:
"16.8. Heat alarm: A fire detector that detects the presence of fire by monitoring the changes in temperature associated with combustion. It produces an audible and/or visible signal locally in a room or a home. Heat alarms should conform to BS 5446-2. For more detailed information on heat alarms, see BS 5839 Part 6. In a fire, heat alarms operate later than smoke alarms, so their use should be restricted to rooms in which smoke alarms would cause false alarms (e.g. kitchens)."
- The petitioner has contacted Nest/Google to see if they can disable the CO and smoke detector which has been located in the kitchen. However, they appear unable to do this and they have no plans to release a standalone heat sensor.
- The extension of the Tolerable Standard does not impose a legal duty on owner-occupiers to comply with the new requirements for smoke and heat alarms. [This means that owner-occupiers will not be breaking the law if they do not comply and there are no penalties for non-compliance.](#)
- Instead, the duty rests with councils to ensure compliance with the standards in their area. Councils have statutory powers to require owners to carry out work on substandard housing. In some cases, the powers allow council to carry out the necessary work and recharge this to the owner. However, the [Scottish Government guidance](#) expects councils to take a 'proportionate, rational and reasonable' approach to enforcement.

- In terms of costs of installation, [the Scottish Government estimate that the cost for an average three bedroom house](#) which requires three smoke alarms, one heat alarm and one carbon monoxide detector will be around £220. This is based on using the type of alarms that can be bought and installed without the need for an electrician.

Kate Berry
Senior Researcher
[20/06/22]

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