

Version
as at 2 July 2025



Residential Tenancies (Smoke Alarms) Regulations 2016 (LI 2016/128)

Regulations name: amended, on 2 July 2025, by regulation 31.

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 7th day of June 2016

Present:

The Right Hon John Key presiding in Council

These regulations are made under sections 138A and 138B of the Residential Tenancies Act 1986 on the advice and with the consent of the Executive Council.

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Housing and Urban Development.

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Regulations

1 Title

These regulations are the Residential Tenancies (Smoke Alarms) Regulations 2016.

Regulation 1: amended, on 2 July 2025, by regulation 31.

2 Commencement

- (1) These regulations come into force on 1 July 2016, subject to subclauses (2) to (5).
- (2) Subpart 1 of Part 2 comes into force as follows:
 - (a) on 1 July 2016, in relation to income-related rent tenancies:
 - (b) on 1 July 2019, in relation to all other tenancies.
- (3) Regulations 25, 26, and 28 come into force on 1 July 2019.
- (4) Regulations 27 and 29 come into force on 1 October 2019.
- (5) Clauses 5 and 7 of Schedule 1 come into force on 1 July 2019.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Residential Tenancies Act 1986

compliant, in relation to a battery for a smoke alarm, means—

- (a) the battery accords with the manufacturer's instructions for the alarm or, in the case of a replacement battery under regulation 9(3) or 10(3), the battery is of the same type as the battery being replaced; and
- (b) unless the alarm is a hard-wired alarm, the manufacturer's instructions for the battery include a certification, or other statement, to the effect that the battery has a life span of at least 8 years; and
- (c) the battery is not worn out

habitable space means an interior space of a building that is a space for activities normally associated with domestic living

manufacturer's instructions, in relation to any item, includes any specification, instruction, recommendation, or other information relating to the item that is provided, or otherwise made available, in any way to buyers, installers, or users of the item by or on behalf of the manufacturer of the item

qualifying smoke alarm is to be read in accordance with regulation 7.

- (2) *[Revoked]*
- (3) In these regulations, references to a smoke alarm being originally installed are, if the smoke alarm has been reinstalled on 1 or more occasions, references to the smoke alarm being reinstalled on that occasion or on the last of those occasions (as the case may be).

Regulation 3(1) **income-related rent tenancy**: revoked, on 2 July 2025, by regulation 32(1).

Regulation 3(1) **NZS 4246:2006**: revoked, on 1 October 2016, by regulation 4 of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 (LI 2016/219).

Regulation 3(1) **NZS 4246:2016**: revoked, on 2 July 2025, by regulation 32(1).

Regulation 3(1) **R-value**: revoked, on 2 July 2025, by regulation 32(1).

Regulation 3(1) **reasonable condition**: revoked, on 2 July 2025, by regulation 32(1).

Regulation 3(1) **zone 1**, **zone 2**, and **zone 3**: revoked, on 2 July 2025, by regulation 32(1).

Regulation 3(2): revoked, on 2 July 2025, by regulation 32(2).

Regulation 3(3): amended, on 2 July 2025, by regulation 32(3).

4 **Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Part 1 **Smoke alarms**

Subpart 1—Landlords' responsibilities

5 **Smoke alarms to be qualifying smoke alarms and installed in certain locations: tenancies other than boarding house tenancies**

- (1) The requirements set out in subclauses (4), (6), and (8) are imposed on all landlords for the purposes of section 45(1)(ba) of the Act.
- (2) The requirements must be met as at the commencement of the tenancy and at all subsequent times during the tenancy.
- (3) The requirements are subject to the following:
 - (a) regulation 8(2) (which relates to hard-wired smoke alarm systems);
 - (b) regulation 9(4) (which relates to tenants' responsibilities to replace worn-out smoke alarm batteries).
- (4) Every smoke alarm that is installed at the premises must be a qualifying smoke alarm.
- (5) Subclause (6) applies to every sleeping space at the premises.
- (6) There must be at least 1 qualifying smoke alarm installed—
 - (a) in the sleeping space; or
 - (b) otherwise at the premises within 3 metres of the entrance (or main entrance) to the sleeping space.
- (7) Subclause (8) applies to every storey or level of the premises on which there is 1 or more habitable spaces.
- (8) There must be at least 1 qualifying smoke alarm installed on the storey or level in the habitable space or in at least 1 of the habitable spaces (as the case may be).
- (9) In this regulation, **sleeping space**—
 - (a) means a space that is for use, or that can otherwise reasonably be expected to be used, as a bedroom or other sleeping space; but
 - (b) does not include a space in a tent or similar type of shelter.

6 Smoke alarms to be qualifying smoke alarms and installed in certain locations: boarding house tenancies

- (1) The requirements set out in subclauses (4), (5), and (7) are imposed on all landlords for the purposes of section 66I(1)(ba) of the Act.
- (2) The requirements must be met as at the commencement of the tenancy and at all subsequent times during the tenancy.
- (3) The requirements are subject to the following:
 - (a) regulation 8(2) (which relates to hard-wired smoke alarm systems):
 - (b) regulation 10(4) (which relates to tenants' responsibilities to replace worn-out smoke alarm batteries).
- (4) Every smoke alarm that is installed at the premises must be a qualifying smoke alarm.
- (5) There must be at least 1 qualifying smoke alarm installed—
 - (a) in the tenant's boarding room; or
 - (b) otherwise at the premises within 3 metres of the entrance (or main entrance) to the tenant's boarding room.
- (6) Subclause (7) applies to every storey or level of the premises on which there is 1 or more habitable spaces.
- (7) There must be at least 1 qualifying smoke alarm installed on the storey or level in the habitable space or in at least 1 of the habitable spaces (as the case may be).

7 Definition of qualifying smoke alarm

- (1) A **qualifying smoke alarm** is a smoke alarm that meets the following requirements:
 - (a) the alarm must be fully operational and otherwise in full working order, with no faults, defects, or damage:
 - (b) the alarm must be installed at a location that accords with the manufacturer's instructions for the alarm:
 - (c) the alarm's recommended replacement date must not have passed:
 - (d) unless the alarm is a hard-wired alarm,—
 - (i) the alarm's recommended replacement date must be displayed on the alarm:
 - (ii) the alarm must be a photoelectric alarm:
 - (iii) the manufacturer's instructions for the alarm must include a certification, or other statement, to the effect that the alarm has been manufactured in accordance with—
 - (A) AS 3786—1993; or

- (B) an equivalent smoke alarm standard specified in the certification or other statement.
- (2) For the purposes of subclause (1)(a) (but without limiting its generality),—
- (a) if the alarm requires batteries for any purpose (including back-up batteries if the alarm is a hard-wired alarm), the alarm must contain all necessary batteries, which must all be compliant batteries; and
 - (b) if the alarm is a hard-wired alarm, the alarm must be connected to an electricity supply as necessary.
- (3) In this regulation,—
- AS 3786—1993** means Australian Standard AS 3786—1993 (Smoke alarms)
- equivalent smoke alarm standard** means a national or international standard covering the manufacture of smoke alarms that—
- (a) is equivalent, or substantially equivalent, to AS 3786—1993; or
 - (b) is, overall, more stringent than AS 3786—1993
- recommended replacement date**, in relation to a smoke alarm, means the alarm’s recommended replacement date (however described) as displayed on the alarm or as otherwise included in the manufacturer’s instructions for the alarm.

8 Premises with hard-wired smoke alarm systems

- (1) This regulation applies if a system consisting of a hard-wired smoke alarm with connected sensors is installed at the premises.
- (2) If the system is a qualifying system, the following requirements may be met by the installation at a relevant location of a connected sensor instead of a qualifying smoke alarm:
- (a) if the tenancy is not a boarding house tenancy,—
 - (i) the requirement set out in regulation 5(6) as it applies to a sleeping space:
 - (ii) the requirement set out in regulation 5(8) as it applies to a storey or level:
 - (b) if the tenancy is a boarding house tenancy,—
 - (i) the requirement set out in regulation 6(5):
 - (ii) the requirement set out in regulation 6(7) as it applies to a storey or level.
- (3) The system is a **qualifying system** if—
- (a) the system is fully operational and otherwise in full working order, with no faults, defects, or damage; and
 - (b) each component of the system is installed at a location that accords with the manufacturer’s instructions for the component; and

- (c) none of the components of the system is due for replacement.
- (4) For the purposes of subclause (3)(a) (but without limiting its generality),—
 - (a) each component of the system must be connected to an electricity supply as necessary; and
 - (b) if any component of the system requires back-up batteries, the component must contain all necessary back-up batteries, which must accord with the manufacturer’s instructions for the component and must not be worn out.
- (5) For the purposes of subclause (3)(c), a component of the system is **due for replacement** if its recommended replacement date (however described), as displayed on the component or as otherwise included in the manufacturer’s instructions for the component, has passed.

Subpart 2—Tenants’ responsibilities

9 Tenants to replace worn-out smoke alarm batteries: tenancies other than boarding house tenancies

- (1) The requirement set out in subclause (3) is imposed on all tenants for the purposes of section 40(1)(ca) of the Act.
- (2) The requirement applies to a smoke alarm that is installed at the premises if—
 - (a) the alarm requires batteries for any purpose and is not a hard-wired alarm; and
 - (b) the alarm is a qualifying smoke alarm (with all necessary compliant batteries in accordance with regulation 7(2)(a))—
 - (i) at the commencement of the tenancy, if the alarm is installed as at the commencement of the tenancy; or
 - (ii) upon the completion of the original installation of the alarm, if that occurs after the commencement of the tenancy.
- (3) While the smoke alarm remains installed at the premises during the tenancy, the tenant must replace, with a compliant battery, any battery contained in the alarm that becomes worn out, but only if the alarm—
 - (a) would be a qualifying smoke alarm but for the battery being worn out; and
 - (b) is designed to permit the replacement of the battery.
- (4) Where the tenant is required to replace a worn-out battery by subclause (3), the landlord is not in breach of regulation 5(4), (6), or (8) just because the battery is worn out or has not been replaced with a compliant battery.
- (5) Except as set out in subclause (4), nothing in this regulation affects the requirements set out in regulation 5(4), (6), and (8).

10 Tenants to replace worn-out smoke alarm batteries: boarding house tenancies

- (1) The requirement set out in subclause (3) is imposed on all tenants for the purposes of section 66K(1)(ca) of the Act.
- (2) The requirement applies to a smoke alarm that is installed in the tenant's boarding room if—
 - (a) the alarm requires batteries for any purpose and is not a hard-wired alarm; and
 - (b) the alarm is a qualifying smoke alarm (with all necessary compliant batteries in accordance with regulation 7(2)(a))—
 - (i) at the commencement of the tenancy, if the alarm is installed as at the commencement of the tenancy; or
 - (ii) upon the completion of the original installation of the alarm, if that occurs after the commencement of the tenancy.
- (3) While the smoke alarm remains installed in the tenant's boarding room during the tenancy, the tenant must replace, with a compliant battery, any battery contained in the alarm that becomes worn out, but only if the alarm—
 - (a) would be a qualifying smoke alarm but for the battery being worn out; and
 - (b) is designed to permit the replacement of the battery.
- (4) Where the tenant is required to replace a worn-out battery by subclause (3), the landlord is not in breach of regulation 6(4), (5), or (7) just because the battery is worn out or has not been replaced with a compliant battery.
- (5) Except as set out in subclause (4), nothing in this regulation affects the requirements set out in regulation 6(4), (5), and (7).

**Part 2
Insulation**

[Revoked]

Part 2: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Subpart 1AA—Application of Part 2

[Revoked]

Subpart 1AA: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

10A Part 2 ceases to apply when healthy homes standards apply

[Revoked]

Regulation 10A: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Subpart 1—Ceiling and underfloor insulation required

[Revoked]

Subpart 1: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Ceiling insulation

[Revoked]

Heading: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

11 Ceiling insulation required

[Revoked]

Regulation 11: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

12 Qualifying ceiling insulation: general rule

[Revoked]

Regulation 12: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

13 Qualifying ceiling insulation: special rules for ceiling insulation originally installed before 1 July 2016

[Revoked]

Regulation 13: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Underfloor insulation

[Revoked]

Heading: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

14 Underfloor insulation required

[Revoked]

Regulation 14: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

15 Qualifying underfloor insulation: general rule

[Revoked]

Regulation 15: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

16 Qualifying underfloor insulation: special rules for underfloor insulation originally installed before 1 July 2016

[Revoked]

Regulation 16: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Reasonable condition

[Revoked]

Heading: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

17 Determining whether insulation is in reasonable condition

[Revoked]

Regulation 17: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Exceptions

[Revoked]

Heading: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

18 Not reasonably practicable to install insulation

[Revoked]

Regulation 18: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

19 Compliance with applicable legal requirements relating to thermal insulation

[Revoked]

Regulation 19: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

20 Landlord intends to demolish or substantially rebuild premises within 12 months

[Revoked]

Regulation 20: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

21 Tenant is former owner of premises

[Revoked]

Regulation 21: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Subpart 2—Other requirements

[Revoked]

Subpart 2: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

22 Insulation work during tenancy to be carried out in accordance with NZS 4246:2016

[Revoked]

Regulation 22: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

23 Insulation originally installed during tenancy to have minimum *R*-values

[Revoked]

Regulation 23: revoked, on 1 October 2019, by regulation 27.

24 Prohibition of electrically conductive insulation

[Revoked]

Regulation 24: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Subpart 3—Amendments to subpart 2

[Revoked]

Subpart 3: revoked, on 2 October 2019, by regulation 29.

25 Regulation 22 amended

[Revoked]

Regulation 25: revoked, on 2 October 2019, by regulation 29.

26 Regulation 23 amended

[Revoked]

Regulation 26: revoked, on 2 October 2019, by regulation 29.

27 Regulation 23 revoked

[Revoked]

Regulation 27: revoked, on 2 October 2019, by regulation 29.

28 Regulation 24 amended

[Revoked]

Regulation 28: revoked, on 2 October 2019, by regulation 29.

29 Subpart revoked

[Revoked]

Regulation 29: revoked, on 2 October 2019, by regulation 29.

Subpart 4—Amendments relating to Residential Tenancies (Healthy Homes Standards) Regulations 2019

[Revoked]

Subpart 4: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

30 Effective date

[Revoked]

Regulation 30: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

31 Regulation 1 amended (Title)

[Revoked]

Regulation 31: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

32 Regulation 3 amended (Interpretation)

[Revoked]

Regulation 32: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

33 Part 2 revoked

[Revoked]

Regulation 33: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

34 Schedule 1 amended

[Revoked]

Regulation 34: revoked, on 2 July 2025 (immediately after regulation 32 comes into force), by regulation 33.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

General

1 Existing tenancies

A provision of these regulations applies to a tenancy whether the tenancy commences before, on, or after the date on which the provision comes into force.

Smoke alarms

2 Paragraph (b) of definition of compliant in regulation 3 and regulation 7(1)(d) not to apply to smoke alarms originally installed before 1 July 2016

The following provisions do not apply to a smoke alarm that is originally installed at the premises before 1 July 2016:

- (a) paragraph (b) of the definition of compliant in regulation 3:
- (b) regulation 7(1)(d).

3 Modification of regulations 5(2), 6(2), 9(2), and 10(2) for tenancies commencing before 1 July 2016

In relation to a tenancy that commences before 1 July 2016, in regulations 5(2), 6(2), 9(2), and 10(2), references to the commencement of the tenancy are to be read as references to the beginning of 1 July 2016.

Insulation

4 Modification of regulations 11(2), 14(2), 18(1), and 20(1) for income-related rent tenancies commencing before 1 July 2019

In relation to an income-related rent tenancy that commences before 1 July 2019, in regulations 11(2), 14(2), 18(1), and 20(1), references to the commencement of the tenancy are to be read as references to the following:

- (a) the beginning of 1 July 2016, if the tenancy commences before 1 July 2016:
- (b) the beginning of the 90th day after the date of commencement of the tenancy, if the tenancy commences on or after 1 July 2016.

5 Modification of regulations 11(2), 14(2), 18(1), and 20(1) for tenancies, other than income-related rent tenancies, commencing before 1 July 2019

In relation to a tenancy, other than an income-related rent tenancy, that commences before 1 July 2019, in regulations 11(2), 14(2), 18(1), and 20(1), references to the commencement of the tenancy are to be read as references to the beginning of 1 July 2019.

6 Modification of regulations 20(5) and 21(3) for income-related rent tenancies commencing before 1 July 2019

In relation to an income-related rent tenancy that commences before 1 July 2019, in regulations 20(5) and 21(3), references to the date of commencement of the tenancy are to be read as references to the following:

- (a) 1 July 2016, if the tenancy commences before 1 July 2016;
- (b) the 90th day after the date of commencement of the tenancy, if the tenancy commences on or after 1 July 2016.

7 Modification of regulations 20(5) and 21(3) for tenancies, other than income-related rent tenancies, commencing before 1 July 2019

In relation to a tenancy, other than an income-related rent tenancy, that commences before 1 July 2019, in regulations 20(5) and 21(3), references to the date of commencement of the tenancy are to be read as references to 1 July 2019.

8 Modification of regulation 24(4) for tenancies commencing before 1 July 2016

In relation to a tenancy that commences before 1 July 2016, in regulation 24(4), the reference to the commencement of the tenancy is to be read as a reference to the beginning of 1 July 2016.

Part 2

Provisions relating to Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016

Schedule 1 Part 2: inserted, on 1 October 2016, by regulation 8 of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 (LI 2016/219).

9 Existing tenancies

- (1) A provision of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 applies to a tenancy whether the tenancy commences before, on, or after 1 October 2016.
- (2) This clause is subject to clause 10.

Schedule 1 clause 9: inserted, on 1 October 2016, by regulation 8 of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 (LI 2016/219).

10 Regulations 5 and 6 of Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 not to apply to insulation installed before 1 October 2016

Regulations 5 and 6 of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 do not apply to insulation installed before 1 October 2016.

Schedule 1 clause 10: inserted, on 1 October 2016, by regulation 8 of the Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 (LI 2016/219).

Part 3

Provision relating to Residential Tenancies (Healthy Homes Standards) Regulations 2019

Schedule 1 Part 3: inserted, on 2 July 2025, by regulation 34.

11 References to previous Title

On and after 2 July 2025, every reference in any enactment and in any other document to the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016 must, unless the context otherwise provides, be read as a reference to the Residential Tenancies (Smoke Alarms) Regulations 2016.

Schedule 1 clause 11: inserted, on 2 July 2025, by regulation 34.

Michael Webster,
Clerk of the Executive Council.

Notes

1 *General*

This is a consolidation of the Residential Tenancies (Smoke Alarms) Regulations 2016 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Residential Tenancies (Smoke Alarms and Insulation) Amendment Regulations 2016 (LI 2016/219)

Residential Tenancies (Smoke Alarms) Regulations 2016 (LI 2016/128): Part 2 subparts 3, 4