

Fire Safety Bill

MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS REASONS

[The page and line references are to HL Bill 132, the bill as first printed for the Lords]

MOTION A

After Clause 2

LORDS AMENDMENT 2

2 Insert the following new Clause –

“Duties of owner or manager

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) to require an owner or a manager of any building which contains two or more sets of domestic premises to –

- (a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed,
- (b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake annual inspections of individual flat entrance doors,
- (c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake monthly inspections of lifts and report the results to their local Fire and Rescue Service if the results include a fault, and
- (d) share evacuation and fire safety instructions with residents of the building.”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

2A *Because the Government has announced that it intends to bring forward its own legislative proposals to address the issues mentioned in the amendment.*

A★ **Lord Greenhalgh to move, That this House do not insist on its Amendment 2, to which the Commons have disagreed for their Reason 2A.**

A1 **Lord Kennedy of Southwark to move, as an amendment to Motion A, at end insert “and do propose Amendment 2B in lieu –**

2B After Clause 2, insert the following new Clause –

“Legislative proposals relating to duties of owner or manager

- (1) Within 90 days of the passing of this Act, the Secretary of State must publish draft legislation to require an owner or a manager of any building which contains two or more sets of domestic premises to –
 - (a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed,
 - (b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake annual inspections of individual flat entrance doors,
 - (c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake monthly inspections of lifts and report the results to their local Fire and Rescue Service if the results include a fault, and
 - (d) share evacuation and fire safety instructions with residents of the building.
- (2) Within 90 days of the passing of this Act, the Secretary of State must publish a statement on a proposed timetable for the passage of the draft legislation mentioned in subsection (1).
- (3) Within 120 days of the passing of this Act, the Secretary of State must publish a statement confirming whether the draft legislation mentioned in subsection (1) has progressed.””

MOTION B

After Clause 2

LORDS AMENDMENT 3

3 Insert the following new Clause –

“Public register of fire risk assessments

- (1) The Secretary of State must, by regulations, make provision for a register of fire risk assessments made under article 9 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (risk assessment).
- (2) Those regulations must provide that the register is –
 - (a) publicly available, and
 - (b) kept up-to-date.

- (3) Regulations under this section are—
- (a) to be made by statutory instrument, and
 - (b) subject to annulment in pursuance of a resolution of either House of Parliament.”

COMMONS REASON

The Commons disagree to Lords Amendment 3 for the following Reason —

3A *Because it would involve a charge on public funds and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

B★ **Lord Greenhalgh to move, That this House do not insist on its Amendment 3, to which the Commons have disagreed for their Reason 3A.**

MOTION C

After Clause 2

LORDS AMENDMENT 4

4 Insert the following new Clause—

“Prohibition on passing remediation costs on to leaseholders and tenants

- (1) The owner of a building may not pass the costs of any remedial work attributable to the provisions of this Act on to leaseholders or tenants of that building.
- (2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

COMMONS REASON

The Commons disagree to Lords Amendment 4 for the following Reason —

4A *Because the issue of remediation costs is too complex to be dealt with in the manner proposed.*

C★ **Lord Greenhalgh to move, That this House do not insist on its Amendment 4, to which the Commons have disagreed for their Reason 4A.**

C1 **The Lord Bishop of St Albans to move, as an amendment to Motion C, at end insert “and do propose Amendments 4B, 4C, 4D and 4E in lieu —**

4B After Clause 2, insert the following new Clause—

“Prohibition on passing remediation costs on to leaseholders and tenants

- (1) The owner of a building may not pass the costs of any remedial work attributable to the provisions of this Act on to leaseholders or tenants of that building.
- (2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

4C After Clause 2, insert the following new Clause –

“Costs arising from relevant notices or risk based guidance under the Fire Safety Order

- (1) This section applies to a long lease of a dwelling in a relevant building.
- (2) This section applies –
 - (a) where a notice has been served by an enforcing authority under article 28, article 29 or article 30 of the Fire Safety Order; or
 - (b) where a responsible person carries out works on the basis that they are required or said to be required by the risk based guidance issued by the Secretary of State under article 50 of the Fire Safety Order.
- (3) In the lease there is an implied covenant by the lessor, or any third party to the lease, that the lessor or third party shall not recover from the lessee any amount in respect of the costs of works under subsection (2) where the works are to remedy any defect, risk or issue that predated the first grant of a long lease of the dwelling.
- (4) Subsection (3) does not apply where the works are to repair a deterioration in original condition.
- (5) Subsection (3) does not apply to any interest or shareholding the lessee may have in any superior lessor or freeholder.
- (6) This section does not apply to commonhold land.
- (7) “Dwelling” has the meaning given by section 112 of the Commonhold and Leasehold Reform Act 2002 and “long lease” has the meaning given by sections 76 and 77 of that Act, save that, in the case of a shared ownership lease, it is irrelevant whether or not the tenant’s total share is 100%.”

4D After Clause 2, insert the following new Clause –

“Restriction on contracting out of section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*)

A covenant or agreement, whether contained in a long lease to which section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*) applies or in an agreement collateral to such a long lease, is void in so far as it purports –

- (a) to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or
- (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations or immunities.”

4E Clause 3, page 2, line 28, at end insert –

“() Sections (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*) and (*Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order)*) shall each come into force on the same day as section 1 comes fully or partially into force in respect of any premises in England.””

C2 **Baroness Pinnock to move, as an amendment to Motion C, at end insert “and do propose Amendment 4F in lieu –**

4F After Clause 2, insert the following new Clause—

“Prohibition on passing remediation costs on to leaseholders and tenants

- (1) The Secretary of State must design and implement a scheme to reassign the costs of any remediation work arising from the provisions of this Act borne by leaseholders or tenants to bodies including but not limited to the building owner, freeholder or developer.
- (2) The owner of a building may not pass on the costs of any remediation work referred to in subsection (1) through the request of increased service payments from the leaseholders or tenants of that building.
- (3) Subsections (1) and (2) do not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

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