

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 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.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 4, to which the Commons have disagreed for their Reason 4A, 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%.”

COMMONS REASON

The Commons disagree to Lords Amendments 4B and 4C for the following Reason —

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

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

A1 **The Bishop of St Albans to move, as an amendment to Motion A, at end insert “but do propose Amendment 4J in lieu —**

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

“Prohibition on passing remediation costs on to leaseholders and tenants pending operation of a statutory scheme

- (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) This section has effect only until a statutory scheme is in operation which ensures that leaseholders and tenants of dwellings do not have to pay for remedial work attributable to the provisions of this Act.
- (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.”

A2 The Earl of Lytton to move, as an amendment to Motion A, at end insert “but do propose Amendment 4K in lieu —

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

“Financing of remediation costs for leaseholders and tenants

In the Landlord and Tenant Act 1985, after section 31 insert —

“31A Financing of remediation costs for building safety

- (1) The owner of a building must apply to the Building Safety Fund, or to any other scheme that the Government establishes to finance the cost of removal and replacement of unsafe cladding, or other historic fire safety remediation costs, that are attributable to the provisions of the Fire Safety Act 2021, before passing such costs on to leaseholders or tenants of that building, and must reduce or refund the amount passed on by any amount received from such a scheme.
- (2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

A3★ Baroness Pinnock to move, as an amendment to Motion A, at end insert “but do propose Amendment 4L in lieu —

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

“Prohibition on passing on remediation costs and public inquiry on financial impact

- (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) Within 3 months of this Act being passed the Secretary of State must make provision for an independent inquiry into the financial impact of the cost of fire remediation work under the provisions of this Act.
- (3) The inquiry must explore, but is not limited to —
 - (a) the number of people who have declared bankruptcy due to the financial impact of such fire remediation work, and
 - (b) the number of people who have been made homeless due to the financial impact of such fire remediation work.

- (4) The inquiry must investigate whether the Government took appropriate action to mitigate the impact of the cost of such fire remediation work on those affected by the provisions in this Act.
- (5) The inquiry must publish its findings withing 12 months of this Act being passed.””

MOTION B

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.”

COMMONS REASON

The Commons disagree to Lords Amendment 4D for the following Reason –

4G *Because it is supplemental to Lords Amendment 4C to which the Commons disagree.*

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

MOTION C

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.”

COMMONS REASON

The Commons disagree to Lords Amendment 4E for the following Reason –

4H *Because it is consequential on Lords Amendments 4C and 4D to which the Commons disagree.*

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

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