

Fire Safety Bill

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

[The clause numbers 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.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendments 4B and 4C, to which the Commons have disagreed for their Reason 4F, and 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.”

COMMONS REASON

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

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

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 4J, to which the Commons have disagreed for their Reason 4K, but do propose Amendment 4L in lieu –

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

“Legislative proposals relating to 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) 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) Within 90 days of the passing of this Act, the Secretary of State must publish draft legislation to ensure that leaseholders and tenants of dwellings do not have to pay the costs of any remedial work attributable to the provisions of this Act, and must also publish a statement on a proposed timetable for the passage of the draft legislation.
- (4) 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 (3) has progressed.”

COMMONS REASON

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

4M *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 Amendment 4L,

to which the Commons have disagreed for their Reason 4M.

A1

Lord Kennedy of Southwark to move, as an amendment to Motion A, leave out from “House” to end and insert “do insist on its Amendment 4L”

A2

Baroness Pincock to move, as an amendment to Motion A, at end insert “but do propose Amendment 4N in lieu –

4N

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 are not required to pay more than £50 per month during the course of the lease in respect of remedial work attributable to the provisions of this Act.
- (3) Subsection (1) does not apply to a cost that –
 - (a) is permitted under a lease or tenancy agreement that was made before this Act is passed, and
 - (b) does not exceed £500, whether as a one-off cost, or in total across a 12-month period.
- (4) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.””

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