

# Building Safety Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 3**

LORD FOSTER OF BATH

Page 2, line 13, at end insert—

“(aa) furthering the protection of property, and”

***Member’s explanatory statement***

*This amendment would require the building safety regulator to exercise its functions with a view to furthering the protection of property, which is intended to promote longer term protections for occupant safety and reducing fire damage and cost.*

**After Clause 32**

LORD FOSTER OF BATH

Insert the following new Clause—

**“Building regulations: property protection**

- (1) The Building Act 1984 is amended as follows.
- (2) In section 1 (power to make building regulations), after subsection (1)(f), insert—
  - “(g) furthering the protection of property,”.
- (3) In Schedule 1 (building regulations), in paragraph 8(5A)—
  - (a) after “1(1)(a) insert “(d), (e) and (g)”;
  - (b) after “flooding” insert “and fire”.”

***Member’s explanatory statement***

*This new Clause would add “furthering the protection of property” to the list of purposes for which building regulations may be made under the Buildings Act 1984, and extends the purposes for which persons carrying out works on a building may be required to do things to improve building resilience.*

**After Clause 133**

## LORD FOSTER OF BATH

Insert the following new Clause –

**“Existing homes: standards**

- (1) This section applies to domestic properties that have been used as such since before this Act is passed.
- (2) The Secretary of State must ensure that –
  - (a) all domestic properties achieve a minimum standard by 2035, and
  - (b) those domestic premises that, because of their standard, present a serious risk to the health, wellbeing or safety of people living in them, that the occupant is unable to rectify for financial or other reasons, achieve a minimum standard by 2030,  
where practical, cost-effective and affordable.
- (3) In this section a “minimum standard” is the achievement by the property of –
  - (a) Level C on an Energy Performance Certificate issued under section 43 of the Energy Act 2011 (domestic energy efficiency regulations) or any amendment to that section made by the Secretary of State by regulations; or
  - (b) an equivalent level on any new method of measuring the energy efficiency of properties that may be adopted by the Secretary of State by regulations.
- (4) The duty in subsection (2) does not apply to a domestic property where the following exemptions apply –
  - (a) an occupant or anyone else whose permission is needed for works to be carried out has explicitly refused such permission; or
  - (b) it is not technically feasible to fulfil the duty; or
  - (c) the cost of carrying out works to fulfil the duty would exceed £20,000.
- (5) The Secretary of State may by regulations add to or change the exemptions referred to in subsection (4).
- (6) The Secretary of State may by regulations define the terms “practical”, “cost-effective” and “affordable”.
- (7) In this section “wellbeing” includes the ability of an occupant to keep warm at reasonable cost.”

***Member’s explanatory statement***

*This Clause requires that existing homes achieve a minimum standard in order to protect the safety, health and wellbeing of occupants.*

LORD FOSTER OF BATH  
BARONESS BRINTON

Insert the following new Clause –

**“Electrical safety: leasehold dwellings in high rise residential buildings**

- (1) From a date to be specified by the Secretary of State, all residential leasehold dwellings in high rise residential buildings must have a valid Electrical Installation Condition Report (EICR) for that dwelling.
- (2) Within 12 months of the passing of this Act, the Secretary of State must make regulations specifying –
  - (a) the date referred to in subsection (1);
  - (b) who must pay for the EICR; and
  - (c) any other relevant matters that in the opinion of the Secretary of State are necessary to ensure the safety of such buildings.
- (3) In this section a “valid Electrical Installation Condition Report” is one which –
  - (a) is dated within the previous five years;
  - (b) covers the whole fixed electrical installation of the dwelling;
  - (c) has a satisfactory outcome;
  - (d) was completed by a qualified and competent person; and
  - (e) is based on the model forms in BS 7671 or equivalent.”

***Member’s explanatory statement***

*This new Clause requires leaseholders to ensure the safety of electrical installations in high rise buildings and will reduce risk of spread of fires between flats.*

Insert the following new Clause –

**“Electrical safety: leasehold dwellings in mixed tenure high rise residential buildings**

- (1) From a date to be specified by the Secretary of State, all residential leasehold dwellings in mixed tenure high rise residential buildings must have a valid Electrical Installation Condition Report (EICR) for that dwelling.
- (2) Within 12 months of the passing of this Act, the Secretary of State must make regulations specifying –
  - (a) the date referred to in subsection (1);
  - (b) who must pay for the EICR; and
  - (c) any other relevant matters that in the opinion of the Secretary of State are necessary to ensure the safety of such buildings.
- (3) In this section the following terms have the following meanings –

“mixed tenure” means a high rise residential building in which there are, in addition to leaseholders, also social housing or private rented tenancies;

a “valid Electrical Installation Condition Report” is one which –

  - (a) is dated within the previous five years;
  - (b) covers the whole fixed electrical installation of the dwelling;
  - (c) has a satisfactory outcome;
  - (d) was completed by a qualified and competent person; and
  - (e) is based on the model forms in BS 7671 or equivalent.”

***Member's explanatory statement***

*This new Clause requires leaseholders in mixed tenure high rise residential buildings to ensure the safety of their electrical installations to reduce the risk of the spread of fires between flats.*

Insert the following new Clause—

**“Duty of social landlords to undertake electrical safety inspections**

- (1) A social landlord of a residential dwelling in a high-rise building must—
  - (a) hold a valid Electrical Installation Condition Report (EICR) for that dwelling;
  - (b) provide to the tenant of the dwelling, including any new tenant—
    - (i) a copy of that EICR, and
    - (ii) a document explaining the provisions of this Act;
  - (c) handle any valid complaint about the safety of the electrical installations of the dwelling in accordance with subsection (5).
- (2) A person who fails to comply with a duty under subsection (1) commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (4) A complaint is valid if—
  - (a) it relates to the safety of the electrical installations of the dwelling;
  - (b) it is made in writing by, or on behalf of, the tenant of the dwelling; and
  - (c) it is not frivolous or vexatious.
- (5) The landlord must investigate any valid complaint within 28 days of receiving that complaint.
- (6) If such an investigation shows that the electrical installations are unsafe, the landlord must rectify the situation using a qualified and competent person within 28 days of the completion of the investigation.
- (7) If the landlord believes that a complaint is not valid, they must write to the tenant within 28 days of receiving that complaint explaining why they do not think it is valid.
- (8) In this section—
  - a “valid Electrical Installation Condition Report” is one which—
    - (a) is dated within the previous five years;
    - (b) covers the whole fixed electrical installation of the dwelling;
    - (c) has a satisfactory outcome;
    - (d) was completed by a qualified and competent person; and
    - (e) is based on the model forms in BS 7671 or equivalent;
 “social landlord” has the same meaning as in section 219 of the Housing Act 1996.”

***Member's explanatory statement***

*This new Clause requires social landlords to ensure the safety of electrical installations in high rise buildings in order to reduce risk of the spread of fires between flats.*

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*8 February 2022*

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