

Building Safety Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Supplementary to the Marshalled List]

Clause 93

LORD BLENCATHRA

Page 102, line 14, at end insert—

“(1A) Where some or all of the residents of the building have formed a residents association, the strategy must be prepared in conjunction with, and agreed by, the association.”

After Clause 96

THE LORD BISHOP OF ST ALBANS

Insert the following new Clause—

“Landlord’s duty to consult residents on building safety

- (1) This section applies to any landlord with—
 - (a) more than two qualifying tenants;
 - (b) more than two non-qualifying tenants; or
 - (c) any combination of more than two qualifying tenants and non-qualifying tenants.
- (2) A landlord of the type prescribed by subsection (1) owes a duty to consult with qualifying and non-qualifying tenants in relation to each of the following matters—
 - (a) where the building is a higher-risk building, but not in any other case, any resident engagement strategy under section 93 of this Act;
 - (b) the landlord’s planned long-term maintenance or improvement of any common parts under the same landlord so as to avoid any building safety risk; and
 - (c) any other matters relating to building safety and specified in guidance issued by the Secretary of State.
- (3) The landlord discharges its duty of consultation under subsection (2) as follows—

After Clause 96 - continued

- (a) where there is no recognised tenants' association in existence before the coming into force of this section, creating a recognised tenants' association and consulting with it about building safety;
 - (b) where there is a recognised tenants' association before the coming into force of this section, consulting with that association about building safety; and
 - (c) in either case, by complying with the building safety consultation requirements set out in guidance issued by the Secretary of State.
- (4) Where the matters on which the landlord is obliged to consult under subsection (2) relate predominately to service charges, the landlord is obliged only to consider the views of qualifying tenants.
- (5) The duties in subsections (2) and (3) apply to the landlord—
- (a) whether or not the building is a higher-risk building;
 - (b) in addition to any duty under section 20 of the Landlord and Tenant Act 1985 (limitation of service charges: consultation requirements); and
 - (c) regardless of whether the landlord obtains dispensation from consultation under section 20ZA of the Landlord and Tenant Act 1985 (consultation requirements: supplementary).
- (6) For the purposes of this section—
- “building safety risk” has the same meaning as in section 59;
 - “landlord” has the same meaning as in section 30 of the Landlord and Tenant Act 1985 (meaning of “flat”, “landlord” and “tenant”);
 - “non-qualifying tenant” means a tenant who is not a qualifying tenant;
 - “qualifying tenant” means a tenant who, under the terms of the lease, is required to contribute to the same costs as another tenant by the payment of a service charge;
 - “recognised tenants' association” has the same meaning as in section 29 of the Landlord and Tenant Act 1985 (tenants' associations: power to request information about tenants);
 - “service charge” has the same meaning as in section 18 of the Landlord and Tenant Act 1985 (meaning of “service charge” and “relevant costs”);
 - “tenant” has the same meaning as in section 30 of the Landlord and Tenant Act 1985 (meaning of “flat”, “landlord” and “tenant”).
- (7) This section comes into force on 1 January 2023.”

Before Clause 117

LORD BLENCATHRA

As an amendment to Amendment 66

- In subsection (2)(b), at end insert “, which may relate to but is not limited to—
- (i) external cladding,
 - (ii) internal walls and the materials contained inside any walls;
 - (iii) fire doors;
 - (iv) balconies;
 - (v) a lack of sprinklers, fire detection and control systems;
 - (vi) inadequate escape routes.”

After Clause 135

LORD BLENCATHRA

Insert the following new Clause—

“Review of safety impact of retention

- (1) Within 12 months of the passing of this Act the Secretary of State must publish a review of the impact on building standards and safety of retention of payments due to sub-contractors by building contractors.
- (2) Matters which the review may consider include, but are not limited to—
 - (a) cash flow difficulties sustained by sub-contractors as a result of retention,
 - (b) ability of sub-contractors, as a result of retention, to afford materials of a suitable quality for future contracts,
 - (c) ability of sub-contractors, as a result of retention, to recruit sufficiently qualified staff, and
 - (d) other factors which may cause sub-contractors to make savings on building standards and safety because of retention.”

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21 February 2022
