

# Building Safety Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Clause 5**

LORD ABERDARE

Page 3, line 26, at end insert—

- “(c) the possible risks to safety as regards buildings and to the standard of buildings arising from the contractual arrangements relating to the construction and maintenance of buildings, including payment conditions.”

***Member’s explanatory statement***

*This amendment extends the duty of the Building Safety Regulator to include keeping under review the possible safety risks arising from inappropriate contract arrangements (including payment terms such as retentions) leading to poor behaviours such as substitution of sub-standard materials.*

LORD STUNELL

Page 3, line 26, at end insert—

- “(2) The regulator must within two years of this section coming into force carry out and publish an assessment of the benefits and costs of measures on improving the safety of people in or about buildings relating to—
- (a) fire suppression systems;
  - (b) safety of stairways and ramps;
  - (c) certification of electrical equipment and systems;
  - (d) provision for people with disabilities.
- (3) The regulator’s assessment may—
- (a) make proposals in accordance with section 7(2) for regulations in respect of any of these matters, and
  - (b) identify and give notice of such other matters relating to safety of people in or about buildings that they determine require further examination.”

***Member's explanatory statement***

*This amendment seeks to ensure that major issues of public concern about safety in buildings are addressed in a timely way.*

**Clause 115**

LORD BEST

*As an amendment to the second amendment tabled by Lord Greenhalgh to page 119, line 36 on sheet HL Bill 125(d)*

In subsection (2) before paragraph (a) insert—

“(za) as if it contained provision authorising the appointment of a person (whether or not a leaseholder or a resident of the building) as a director of the landlord for a building safety purpose,”

***Member's explanatory statement***

*The new clause “Building safety directors of resident management companies” which stands in the name of the Minister ensures that any restrictions in the Articles of Association of a residents management company are disapplied insofar as they conflict with the new power to appoint a professional director to discharge building safety duties. This amendment supplements that amendment by ensuring that any similar restriction imposed by a lease is also disapplied.*

**Clause 120**LORD BLENCATHRA  
LORD YOUNG OF COOKHAM

Page 127, line 27, leave out from “dwellings” to end of line 32

***Member's explanatory statement***

*This amendment extends the cost protections in the Bill to leaseholders in buildings of all heights containing two more residential dwellings.*

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

Page 127, line 33, leave out subsection (3)

***Member's explanatory statement***

*This amendment ensures leaseholders in enfranchised buildings are not excluded from the protection in the Bill.*

**Clause 121**LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

*As an amendment to the amendment tabled by Lord Greenhalgh to page 128, line 31 on HL Bill 125(d)*

Leave out “two” and insert “four”

***Member's explanatory statement***

*This amendment would allow buy-to-let landlords with up to five UK properties, including their principal residence, to benefit from the leaseholder protections.*

## Schedule 9

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

*As an amendment to the amendment tabled by Lord Greenhalgh to page 226, line 20 published on HL Bill 125(d)*

In sub-paragraph (4)(a), at end insert “, or

- (ii) where the relevant landlord is a trustee holding a legal or equitable interest in a relevant building on behalf of any third party who is not a tenant under a qualifying lease, the relevant landlord, any person associated with the relevant landlord, any such third parties and any persons associated with any such third parties;”

***Member’s explanatory statement***

*This amendment would ensure the assets of third-party investors who hold interests in relevant buildings through trust structures are caught by the leaseholder protection provisions.*

BARONESS PINNOCK

Page 227, line 14, leave out from “is” to end of line 17 and insert “one peppercorn”

***Member’s explanatory statement***

*This amendment would reduce the maximum amount leaseholders could be liable to pay for fire remediation work to a peppercorn, which is effectively zero.*

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

Page 227, line 14, leave out from “is” to end of line 17 and insert “1% of the value of the qualifying lease.”

***Member’s explanatory statement***

*This amendment changes the caps so leaseholders of properties of all values above the £175,000 and £325,000 pay the same 1% contribution.*

LORD BLENCATHRA  
LORD YOUNG OF COOKHAM

Page 227, line 16, leave out “£15,000” and insert “£7,500”

***Member’s explanatory statement***

*For buildings in London, this amendment halves the contribution of leaseholders to non-cladding costs.*

Page 227, line 17, leave out “£10,000” and insert “£5,000”

***Member’s explanatory statement***

*For buildings outside London, this amendment halves the contribution of leaseholders to non-cladding costs.*

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

Page 227, line 18, leave out paragraphs (3) to (5)

***Member's explanatory statement***

*This amendment is consequential on Lord Young's amendment earlier on page 227.*

LORD BLENCATHRA  
LORD YOUNG OF COOKHAM

Page 227, line 24, leave out "£50,000" and insert "£15,000".

***Member's explanatory statement***

*For buildings inside and outside London worth between £1 million and £2 million, this amendment reduces the leaseholder contribution to non-cladding costs from £50,000 to £15,000, being the previous London starting point.*

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

*As an amendment to the amendment tabled by Lord Greenhalgh to page 227, line 29 published on HL Bill 125(d)*

Leave out paragraphs (a) and (b) and insert "the consideration given on the most recent disposal of the qualifying lease."

***Member's explanatory statement***

*This amendment requires that value for the purposes of leaseholder contributions is determined as the most recent sale price, ignoring inflation, to avoid properties being ascribed an artificially high value not possible in the open market.*

**Clause 130**

BARONESS PINNOCK

Page 134, line 13, at end insert—

“(3A) Within the period of five years beginning with the day on which this section comes into force, the Secretary of State must by regulations prohibit any developer who has not completed all previously identified works in relation the remediation of fire safety risks from carrying out development of land in England.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to prevent developers who have not completed previously identified fire safety work within 5 years from carrying out any further development.*

**After Clause 136**

LORD YOUNG OF COOKHAM  
LORD BLENCATHRA

Insert the following new Clause—

**“Duty of local authorities to pursue responsible developers**

- (1) It is the duty of every local authority to compile a list of all relevant buildings in the area for which it is responsible.
- (2) The local authority must compile the list under subsection (1) by the end of the period of 3 months beginning on the day this section comes into force.
- (3) It is the duty of the local authority to undertake all necessary remedial works to a relevant building if there is no remediation order in relation to that building and—
  - (a) the relevant building is on the local authority’s list compiled under subsection (1),
  - (b) the relevant landlord has failed to start remedial works within the period of 6 months beginning with the day on which this section comes into force,
  - (c) any person with a legal or equitable interest in the relevant building, excluding the landlord, requests in writing that the local authority undertakes remedial work, and
  - (d) the local authority is reasonably satisfied that the building requires remedial work.
- (4) The Secretary of State may, on giving written notice to the local authority, act in place of the local authority in discharging the duty under this section.
- (5) Where a local authority or the Secretary of State undertakes any remedial works under this section, the local authority or the Secretary of State is deemed to be—
  - (a) a person to whom a duty is owed under section 1 of the Defective Premises Act 1972;
  - (b) a person with a relevant interest for the prescribed purposes.
- (6) The “prescribed purposes” under this section are—
  - (a) a claim for damages under section (*Liability for past defaults relating to cladding products*), or
  - (b) a claim for damages under section (*Liability relating to construction products*).
- (7) Where a local authority or the Secretary of State expends any money on remedial works for the purposes of this section, it has a claim enforceable as a debt against the developer of the relevant building.
- (8) Where the local authority is not able to recover any money from any third party in respect of works performed under subsection (3), it is the duty of the Secretary of State to reimburse the local authority.
- (9) By the end of the period of one month beginning with the day this section comes into force, the Secretary of State must make regulations providing for—

**After Clause 136 - continued**

- (a) the local authority, or Secretary of State, to have rights of access to any relevant building to undertake any necessary remedial works under this section, and
  - (b) the landlord of the relevant building to provide any information the local authority, or the Secretary of State, requires to undertake any necessary remedial works under this section.
- (10) For the purposes of this section –
- “developer” has the same meaning as in section 139;
  - “local authority” has the same meaning as in section 29;
  - “relevant defects” has the same meaning as in section 122;
  - “remedial works” means any work in relation to relevant defects.
- (11) This section comes into force on the day this Act is passed.”

***Member’s explanatory statement***

*This amendment places a duty on local authorities, or the Secretary of State, to undertake remedial works where there is no Building Remediation Order in place and the landlord has not carried out works.*

BARONESS PINNOCK

Insert the following new Clause –

**“Fire safety defects: prohibition on raising charges**

A landlord or freeholder may not increase any ground rent or service charge in order to rectify defects relating to fire safety.”

***Member’s explanatory statement***

*This amendment would prevent landlords and freeholders from increasing ground rent or service charges to pay for fire safety defects.*

**After Clause 150**

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 –

**After Clause 150 - continued**

- (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,
  - (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.*

BARONESS JOLLY

Insert the following new Clause –

**“Consultation on staircase regulations**

The Secretary of State must, within 6 months of the day on which this Act is passed, consult on regulations requiring staircases in all new build properties to comply with British Standard 5395-1.”

**After Clause 152**

BARONESS PINNOCK  
LORD STUNELL

Insert the following new Clause –

**“Report on the built environment industry workforce**

- (1) The Secretary of State must, at least once every two years, lay a report before Parliament outlining the current state of the built environment industry workforce, in relation to its ability to uphold building safety.
- (2) This report must include, but is not limited to –
  - (a) an independently verified assessment of fire risk assessor workforce numbers;
  - (b) a review of safety-related training available to and undertaken by –
    - (i) accountable persons, and

**After Clause 152 - continued**

- (ii) responsible persons;
- (c) an update on the impact of the regime established by this Act on the built environment industry culture with reference to—
  - (i) the building safety regulator,
  - (ii) the duty holder structure,
  - (iii) the gateway points,
  - (iv) the ‘golden thread’, and
  - (v) accountable persons.
- (3) The Secretary of State must consult the Health and Safety Executive, fire safety accreditors, local authorities, fire and rescue authorities, leasehold campaign groups, renters’ unions, the built environment industry, and any other persons deemed necessary for the preparation of the report.”

***Member’s explanatory statement***

*This amendment would require the Government to publish regular assessments of the current state of the built environment industry workforce, in relation to its ability to uphold building safety.*



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*24 March 2022*

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