

LORDS AMENDMENTS TO THE
FIRE SAFETY BILL

[The page and line references are to HL Bill 132, the bill as first printed for the Lords]

After Clause 2

- 1** Insert the following new Clause –
- “Risk based guidance about the discharge of duties under the Fire Safety Order**
- (1) Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (guidance) is amended as follows.
- (2) After paragraph (1) insert –
- “(1A) Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22 or of regulations made under article 24 in relation to a relevant building (or part of the building) –
- (a) proof of a failure to comply with any applicable risk based guidance may be relied on as tending to establish that there was such a contravention, and
- (b) proof of compliance with any applicable risk based guidance may be relied on as tending to establish that there was no such contravention.”
- (3) After paragraph (2) insert –
- “(2A) Before revising or withdrawing any risk based guidance in relation to relevant buildings the Secretary of State must consult such persons as the Secretary of State considers appropriate.”
- (4) After paragraph (3) insert –
- “(4) In this article –
- “relevant building” means a building in England containing two or more sets of domestic premises;

“risk based guidance” means guidance under paragraph (1) about how a person who is subject to the duties mentioned there in relation to more than one set of premises is to prioritise the discharge of those duties in respect of the different premises by reference to risk.”

2 Insert the following new Clause –

“Duties of owner or manager

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) to require an owner or a manager of any building which contains two or more sets of domestic premises to –

- (a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed,
- (b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake annual inspections of individual flat entrance doors,
- (c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake monthly inspections of lifts and report the results to their local Fire and Rescue Service if the results include a fault, and
- (d) share evacuation and fire safety instructions with residents of the building.”

3 Insert the following new Clause –

“Public register of fire risk assessments

- (1) The Secretary of State must, by regulations, make provision for a register of fire risk assessments made under article 9 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (risk assessment).
- (2) Those regulations must provide that the register is –
 - (a) publicly available, and
 - (b) kept up-to-date.
- (3) Regulations under this section are –
 - (a) to be made by statutory instrument, and
 - (b) subject to annulment in pursuance of a resolution of either House of Parliament.”

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.”

Clause 3

5 Page 2, line 28, at end insert—

“() Section (*Risk based guidance about the discharge of duties under the Fire Safety Order*) comes into force at the same time as section 1 comes fully into force in relation to premises in England.”

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Fire Safety Bill

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