



House of Commons

Wednesday 24 February 2021

CONSIDERATION OF LORDS AMENDMENTS

FIRE SAFETY BILL

On Consideration of Lords Amendments to the Fire Safety Bill

Lords Amendment No. 1

Secretary Priti Patel

To move, That this House agrees with the Lords in their Amendment.

Lords Amendment No. 2

Secretary Priti Patel

To move, That this House disagrees with the Lords in their Amendment.

2 Consideration of Lords Amendments: 24 February 2021

Fire Safety Bill, *continued*

Lords Amendment No. 3

Secretary Priti Patel

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment No. 4

As an Amendment to the Lords Amendment:—

Daisy Cooper
Ed Davey
Tim Farron
Wendy Chamberlain
Mr Alistair Carmichael
Wera Hobhouse

Christine Jardine
Jamie Stone

Layla Moran
Munira Wilson

Sarah Olney
Caroline Lucas

(e)

Line 5, leave out subsection (2) and insert—

- “(2) The owner of a building may not pass the costs of any remedial work referred to in subsection (1) through the request of increased service payments from the leaseholders or tenants of that building.
- (3) The owner of a building shall reimburse leaseholders for the proportion of increased service payments that have been collected since 17 June 2017 for the purposes of covering remedial works referred to in subsection (1).
- (4) This section does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

Fire Safety Bill, *continued*

Secretary Priti Patel
 Stephen McPartland
 Royston Smith
 Mr Philip Hollobone
 Mr John Baron
 Caroline Nokes

Bob Blackman
 Tom Tugendhat
 Andrew Rosindell
 Mr Virendra Sharma
 Sir Roger Gale
 Dr Matthew Offord
 Rebecca Long Bailey
 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi
 Meg Hillier

Damian Green
 Tom Hunt
 Sir Robert Neill
 Stephen Hammond
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Chris Green
 Mr William Wragg

Anne Marie Morris
 Sir David Amess
 Elliot Colburn
 David Warburton
 Paul Blomfield
 Hilary Benn
 Dame Margaret Hodge
 Kate Osamor
 Sarah Olney
 Derek Twigg
 Ms Harriet Harman

To move, That this House disagrees with the Lords in their Amendment.

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Stephen McPartland
 Royston Smith
 Mr Philip Hollobone
 Mr John Baron
 Caroline Nokes
 Bob Blackman

Damian Green
 Tom Hunt
 Sir Robert Neill
 Stephen Hammond
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Stella Creasy
 Daisy Cooper
 John Stevenson
 John McDonnell
 Layla Moran
 Apsana Begum
 Ms Harriet Harman
 Sir George Howarth
 Rushanara Ali
 Daniel Zeichner
 Preet Kaur Gill
 Ben Lake
 Jeremy Corbyn
 Hywel Williams

Anne Marie Morris
 Sir David Amess
 Elliot Colburn
 David Warburton
 Paul Blomfield
 Hilary Benn
 Dame Margaret Hodge
 Kate Osamor
 Sarah Olney
 Derek Twigg
 Rachel Hopkins
 Ian Byrne
 Ed Davey
 Kim Johnson
 Lloyd Russell-Moyle
 Helen Hayes
 Meg Hillier
 Munira Wilson
 Dr Julian Lewis
 Rachael Maskell
 Mr Tanmanjeet Singh Dhesi
 Mr David Davis
 Justin Madders
 Clive Lewis

Tom Tugendhat
 Andrew Rosindell
 Mr Virendra Sharma
 Sir Roger Gale
 Dr Matthew Offord
 Rebecca Long Bailey
 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi
 Jason McCartney
 Wendy Chamberlain
 Chris Green
 Tim Farron
 Janet Daby
 Andy Slaughter
 Mrs Maria Miller
 Caroline Ansell
 Kerry McCarthy
 Debbie Abrahams
 Matt Western
 Rehman Chishti
 Liz Saville Roberts
 Andrew Percy

Fire Safety Bill, *continued*

Paula Barker
Stephen Timms
Mr William Wragg

Barbara Keeley
Jonathan Edwards
Zarah Sultana

Tony Lloyd
Liam Byrne

(a)

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.”

Stephen McPartland
Royston Smith
Mr Philip Hollobone
Mr John Baron
Caroline Nokes
Bob Blackman

Damian Green
Tom Hunt
Sir Robert Neill
Stephen Hammond
Tracey Crouch
Mr Andrew Mitchell
Caroline Lucas
Dawn Butler
Shabana Mahmood
Bell Ribeiro-Addy
Stella Creasy
Daisy Cooper
John Stevenson
John McDonnell
Layla Moran
Apsana Begum
Ms Harriet Harman
Sir George Howarth
Rushanara Ali
Daniel Zeichner
Preet Kaur Gill
Ben Lake
Jeremy Corbyn
Hywel Williams
Paula Barker
Stephen Timms
Mr William Wragg

Anne Marie Morris
Sir David Amess
Elliot Colburn
David Warburton
Paul Blomfield
Hilary Benn
Dame Margaret Hodge
Kate Osamor
Sarah Olney
Derek Twigg
Rachel Hopkins
Ian Byrne
Ed Davey
Kim Johnson
Lloyd Russell-Moyle
Helen Hayes
Meg Hillier
Munira Wilson
Dr Julian Lewis
Rachael Maskell
Mr Tanmanjeet Singh Dhesi
Mr David Davis
Justin Madders
Clive Lewis
Barbara Keeley
Jonathan Edwards
Zarah Sultana

Tom Tugendhat
Andrew Rosindell
Mr Virendra Sharma
Sir Roger Gale
Dr Matthew Offord
Rebecca Long Bailey
Sir Peter Bottomley
Mrs Pauline Latham
John Cryer
Florence Eshalomi
Jason McCartney
Wendy Chamberlain
Chris Green
Tim Farron
Janet Daby
Andy Slaughter
Mrs Maria Miller
Caroline Ansell
Kerry McCarthy
Debbie Abrahams
Matt Western
Rehman Chishti
Liz Saville Roberts
Andrew Percy
Tony Lloyd
Liam Byrne

(b)

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

Fire Safety Bill, *continued*

- (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 s.112, Commonhold and Leasehold Reform Act 2002 and “long lease” has the meaning given by ss.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%.”

Stephen McPartland
 Royston Smith
 Mr Philip Hollobone
 Mr John Baron
 Caroline Nokes
 Bob Blackman

Damian Green
 Tom Hunt
 Sir Robert Neill
 Stephen Hammond
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Stella Creasy
 Daisy Cooper
 John Stevenson
 John McDonnell
 Layla Moran
 Apsana Begum
 Ms Harriet Harman
 Sir George Howarth
 Rushanara Ali
 Daniel Zeichner
 Preet Kaur Gill
 Ben Lake
 Jeremy Corbyn
 Hywel Williams

Anne Marie Morris
 Sir David Amess
 Elliot Colburn
 David Warburton
 Paul Blomfield
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 Andy Slaughter
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 Caroline Ansell
 Kerry McCarthy
 Debbie Abrahams
 Matt Western
 Rehman Chishti
 Liz Saville Roberts
 Andrew Percy

Fire Safety Bill, *continued*

Paula Barker	Barbara Keeley	Tony Lloyd
Stephen Timms	Jonathan Edwards	Liam Byrne
Mr William Wragg	Zarah Sultana	

(c)

Insert the following new Clause—

“Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order)

- (1) A covenant or agreement, whether contained in a long lease in which section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order*) applies or in an agreement collateral to such a long lease, is void in so far as it purports—
 - (a) to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or
 - (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations or immunities.”

Keir Starmer
Nick Thomas-Symonds
Sarah Jones
Mr Nicholas Brown
John McDonnell
Lloyd Russell-Moyle

Bell Ribeiro-Addy	Dawn Butler	Ms Harriet Harman
Neil Coyle	Meg Hillier	Andy Slaughter
Helen Hayes	Kim Johnson	Sir George Howarth
Munira Wilson	Stella Creasy	Rushanara Ali
Rachel Hopkins	Hilary Benn	Yvonne Fovargue
Kerry McCarthy	Mr Virendra Sharma	Daniel Zeichner
Florence Eshalomi	Rachael Maskell	Debbie Abrahams
Preet Kaur Gill	Mr Tanmanjeet Singh Dhesi	Kate Green
Matt Western	Mike Amesbury	Ben Lake
Justin Madders	Liz Saville Roberts	Hywel Williams
Clive Lewis	Chi Onwurah	Ruth Jones
Maria Eagle	Fabian Hamilton	Paula Barker
Janet Daby	Tony Lloyd	Stephen Timms
Seema Malhotra	Karin Smyth	Zarah Sultana

(f)

Insert the following new Clause—

“Costs arising from relevant notices or risk based guidance under the Fire Safety Order (No. 2)

- (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).

Fire Safety Bill, *continued*

- (4) Subsection (3) does not apply where the works are to repair a deterioration in original condition or to works of routine maintenance.
- (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 s.112, Commonhold and Leasehold Reform Act 2002 and “long lease” has the meaning given by ss.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%.”

Keir Starmer
 Nick Thomas-Symonds
 Sarah Jones
 Mr Nicholas Brown
 John McDonnell
 Lloyd Russell-Moyle

Bell Ribeiro-Addy	Dawn Butler	Ms Harriet Harman
Neil Coyle	Meg Hillier	Andy Slaughter
Helen Hayes	Kim Johnson	Sir George Howarth
Munira Wilson	Stella Creasy	Rushanara Ali
Rachel Hopkins	Hilary Benn	Yvonne Fovargue
Kerry McCarthy	Mr Virendra Sharma	Daniel Zeichner
Florence Eshalomi	Rachael Maskell	Debbie Abrahams
Preet Kaur Gill	Mr Tanmanjeet Singh Dhesi	Kate Green
Matt Western	Mike Amesbury	Ben Lake
Justin Madders	Liz Saville Roberts	Hywel Williams
Clive Lewis	Chi Onwurah	Ruth Jones
Maria Eagle	Fabian Hamilton	Paula Barker
Janet Daby	Tony Lloyd	Stephen Timms
Seema Malhotra	Karin Smyth	Zarah Sultana

(g)

Insert the following new Clause—

“Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order (No. 2))

- (1) A covenant or agreement, whether contained in a long lease in which section (*Costs arising from relevant notices or risk based guidance under the Fire Safety Order (No.2)*) applies or in an agreement collateral to such a long lease, is void in so far as it purports—
 - (a) to exclude or limit the obligations of the lessor or the immunities of the lessee under that section; or
 - (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of the lessee enforcing or relying upon those obligations or immunities.”

Fire Safety Bill, *continued*

Florence Eshalomi
Rachel Hopkins
Bell Ribeiro-Addy
Neil Coyle
Dame Margaret Hodge
Helen Hayes

Paula Barker

Janet Daby

(j)

Insert the following new Clause—

“Prohibition on passing interim costs on to leaseholders and tenants

- (1) The owner of a building may not pass on to leaseholders and tenants of that building the costs of any interim measures introduced ahead of remedial work mandated by the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541).
- (2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the building.”

Keir Starmer
Nick Thomas-Symonds
Sarah Jones
Mr Nicholas Brown
John McDonnell
Lloyd Russell-Moyle

Bell Ribeiro-Addy
Neil Coyle
Helen Hayes
Munira Wilson
Rachel Hopkins
Kerry McCarthy
Florence Eshalomi
Preet Kaur Gill
Matt Western
Clive Lewis
Maria Eagle
Janet Daby
Seema Malhotra

Dawn Butler
Meg Hillier
Kim Johnson
Stella Creasy
Hilary Benn
Mr Virendra Sharma
Rachael Maskell
Mr Tanmanjeet Singh Dhesi
Mike Amesbury
Chi Onwurah
Fabian Hamilton
Tony Lloyd
Karin Smyth

Ms Harriet Harman
Andy Slaughter
Sir George Howarth
Rushanara Ali
Yvonne Fovargue
Daniel Zeichner
Debbie Abrahams
Kate Green
Justin Madders
Ruth Jones
Paula Barker
Stephen Timms
Zarah Sultana

(h)

Page 2, line 11, at end insert “and, in the case of the appropriate authority for England, must also carry out and lay before both Houses of Parliament an analysis of the likely financial implications (whether by way of increased service charge costs or any other costs) for long leaseholders of dwellings in England as a result of the exercise of this power.”

Fire Safety Bill, *continued*

Stephen McPartland
 Royston Smith
 Mr Philip Hollobone
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 Caroline Nokes
 Bob Blackman

Damian Green
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 Stephen Hammond
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 Mr Andrew Mitchell
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 Shabana Mahmood
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 Rushanara Ali
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 Barbara Keeley
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 David Warburton
 Paul Blomfield
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 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi
 Jason McCartney
 Wendy Chamberlain
 Chris Green
 Tim Farron
 Janet Daby
 Andy Slaughter
 Mrs Maria Miller
 Caroline Ansell
 Kerry McCarthy
 Debbie Abrahams
 Matt Western
 Jeremy Corbyn
 Paula Barker
 Stephen Timms

(d)

Page 2, line 28, at end insert—

“() Sections (*Costs arising from relevant notices or risk based under the Fire Safety Order*) and (*Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order)*) shall each come into force on the same day as section 1 comes fully or partially into force in respect of any premises in England.”

Fire Safety Bill, *continued*

Keir Starmer
Nick Thomas-Symonds
Sarah Jones
Mr Nicholas Brown
John McDonnell
Lloyd Russell-Moyle

Bell Ribeiro-Addy
Neil Coyle
Helen Hayes
Munira Wilson
Rachel Hopkins
Kerry McCarthy
Florence Eshalomi
Preet Kaur Gill
Matt Western
Chi Onwurah
Fabian Hamilton
Tony Lloyd
Karin Smyth

Dawn Butler
Meg Hillier
Kim Johnson
Stella Creasy
Hilary Benn
Mr Virendra Sharma
Rachael Maskell
Mr Tanmanjeet Singh Dhesi
Mike Amesbury
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Paula Barker
Stephen Timms
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Ms Harriet Harman
Andy Slaughter
Sir George Howarth
Rushanara Ali
Yvonne Fovargue
Daniel Zeichner
Debbie Abrahams
Kate Green
Justin Madders
Maria Eagle
Janet Daby
Seema Malhotra

(i)

Page 2, line 28, at end insert—

“() Sections (*Costs arising from relevant notices or risk based under the Fire Safety Order (No. 2)*) and (*Restriction on contracting out of section (Costs arising from relevant notices or risk based guidance under the Fire Safety Order (No. 2))*) shall each come into force on the day on which this Act is passed.”

Lords Amendment No. 5

Secretary Priti Patel

To move, That this House agrees with the Lords in their Amendment.
