



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 25 January 2021

CONSIDERATION OF LORDS AMENDMENTS

FIRE SAFETY BILL

On Consideration of Lords Amendments to the Fire Safety Bill

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*

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

Richard Graham
 Tom Tugendhat
 Sir David Amess
 Sir Robert Neill
 Sir Mike Penning
 Stephen Hammond
 Sir Roger Gale
 Dr Matthew Offord
 Rebecca Long Bailey
 Martin Vickers
 Kate Osamor
 Sarah Olney
 Derek Twigg

Damian Green
 Andrew Selous
 Andrew Rosindell
 Nick Fletcher
 Mr William Wragg
 David Warburton
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi

Anne Marie Morris
 Tom Hunt
 Henry Smith
 Elliot Colburn
 Mr Virendra Sharma
 Richard Fuller
 Paul Blomfield
 Hilary Benn
 Dame Margaret Hodge
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy

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

Richard Graham
 Tom Tugendhat
 Sir David Amess
 Sir Robert Neill
 Sir Mike Penning
 Stephen Hammond
 Sir Roger Gale
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 Florence Eshalomi
 Jason McCartney

Anne Marie Morris
 Tom Hunt
 Henry Smith
 Elliot Colburn
 Mr Virendra Sharma
 Richard Fuller
 Paul Blomfield
 Hilary Benn
 Dame Margaret Hodge
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Stella Creasy
 Daisy Cooper

(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.”

Fire Safety Bill, *continued*

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 Stella Creasy
 Daisy Cooper

(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
 - (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%.”

Fire Safety Bill, *continued*

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 Bell Ribeiro-Addy
 Stella Creasy
 Daisy Cooper

(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

(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.

Fire Safety Bill, *continued*

- (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).
- (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

(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.”

Keir Starmer
 Nick Thomas-Symonds
 Sarah Jones
 Mr Nicholas Brown

(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*

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(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.”

Keir Starmer
Nick Thomas-Symonds
Sarah Jones
Mr Nicholas Brown

(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.”
