



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 11 February 2021

New Amendments handed in are marked thus ★

Amendments tabled since the last publication: LA4 (j)

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).

Fire Safety Bill, *continued*

- (4) This section 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
 Mr William Wragg
 David Warburton
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Chris Green

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

Tom Tugendhat
 Andrew Rosindell
 Sir Mike Penning
 Stephen Hammond
 Sir Roger Gale
 Dr Matthew Offord
 Rebecca Long Bailey
 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi
 Meg Hillier

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
 Mr William Wragg
 David Warburton
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
 Bell Ribeiro-Addy
 Stella Creasy
 Daisy Cooper
 Huw Merriman
 Chris Green
 Tim Farron
 Janet Daby
 Andy Slaughter
 Mrs Maria Miller

Anne Marie Morris
 Sir David Amess
 Elliot Colburn
 Mr Virendra Sharma
 Richard Fuller
 Paul Blomfield
 Hilary Benn
 Dame Margaret Hodge
 Kate Osamor
 Sarah Olney
 Derek Twigg
 Rachel Hopkins
 Ian Byrne
 John Stevenson
 John McDonnell
 Layla Moran
 Apsana Begum
 Ms Harriet Harman
 Sir George Howarth

Tom Tugendhat
 Andrew Rosindell
 Sir Mike Penning
 Stephen Hammond
 Sir Roger Gale
 Dr Matthew Offord
 Rebecca Long Bailey
 Sir Peter Bottomley
 Mrs Pauline Latham
 John Cryer
 Florence Eshalomi
 Jason McCartney
 Wendy Chamberlain
 Ed Davey
 Kim Johnson
 Lloyd Russell-Moyle
 Helen Hayes
 Meg Hillier
 Munira Wilson

Fire Safety Bill, *continued*

Caroline Ansell	Rushanara Ali	Dr Julian Lewis
Kerry McCarthy	Daniel Zeichner	Rachael Maskell
Debbie Abrahams	Preet Kaur Gill	Mr Tanmanjeet Singh Dhese
Matt Western		

(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	Anne Marie Morris	Tom Tugendhat
Tom Hunt	Sir David Amess	Andrew Rosindell
Sir Robert Neill	Elliot Colburn	Sir Mike Penning
Mr William Wragg	Mr Virendra Sharma	Stephen Hammond
David Warburton	Richard Fuller	Sir Roger Gale
Tracey Crouch	Paul Blomfield	Dr Matthew Offord
Mr Andrew Mitchell	Hilary Benn	Rebecca Long Bailey
Caroline Lucas	Dame Margaret Hodge	Sir Peter Bottomley
Dawn Butler	Kate Osamor	Mrs Pauline Latham
Shabana Mahmood	Sarah Olney	John Cryer
Bell Ribeiro-Addy	Derek Twigg	Florence Eshalomi
Stella Creasy	Rachel Hopkins	Jason McCartney
Daisy Cooper	Ian Byrne	Wendy Chamberlain
Huw Merriman	John Stevenson	Ed Davey
Chris Green	John McDonnell	Kim Johnson
Tim Farron	Layla Moran	Lloyd Russell-Moyle
Janet Daby	Apsana Begum	Helen Hayes
Andy Slaughter	Ms Harriet Harman	Meg Hillier
Mrs Maria Miller	Sir George Howarth	Munira Wilson
Caroline Ansell	Rushanara Ali	Dr Julian Lewis
Kerry McCarthy	Daniel Zeichner	Rachael Maskell
Debbie Abrahams	Preet Kaur Gill	Mr Tanmanjeet Singh Dhese
Matt Western		

(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	Anne Marie Morris	Tom Tugendhat
Tom Hunt	Sir David Amess	Andrew Rosindell
Sir Robert Neill	Elliot Colburn	Sir Mike Penning
Mr William Wragg	Mr Virendra Sharma	Stephen Hammond
David Warburton	Richard Fuller	Sir Roger Gale
Tracey Crouch	Paul Blomfield	Dr Matthew Offord
Mr Andrew Mitchell	Hilary Benn	Rebecca Long Bailey
Caroline Lucas	Dame Margaret Hodge	Sir Peter Bottomley
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Kerry McCarthy	Daniel Zeichner	Rachael Maskell
Debbie Abrahams	Preet Kaur Gill	Mr Tanmanjeet Singh Dhesei
Matt Western		

(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

Fire Safety Bill, *continued*

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
 Neil Coyle
 Helen Hayes
 Munira Wilson
 Rachel Hopkins
 Kerry McCarthy
 Florence Eshalomi
 Preet Kaur Gill
 Matt Western

Dawn Butler
 Meg Hillier
 Kim Johnson
 Stella Creasy
 Hilary Benn
 Mr Virendra Sharma
 Rachael Maskell
 Mr Tanmanjeet Singh Dhese
 Mike Amesbury

Ms Harriet Harman
 Andy Slaughter
 Sir George Howarth
 Rushanara Ali
 Yvonne Fovargue
 Daniel Zeichner
 Debbie Abrahams
 Kate Green

(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).
- (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%.”

Fire Safety Bill, *continued*

Keir Starmer
Nick Thomas-Symonds
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Kerry McCarthy
Florence Eshalomi
Preet Kaur Gill
Matt Western

Dawn Butler
Meg Hillier
Kim Johnson
Stella Creasy
Hilary Benn
Mr Virendra Sharma
Rachael Maskell
Mr Tanmanjeet Singh Dhese
Mike Amesbury

Ms Harriet Harman
Andy Slaughter
Sir George Howarth
Rushanara Ali
Yvonne Fovargue
Daniel Zeichner
Debbie Abrahams
Kate Green

(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.”

Florence Eshalomi
Rachel Hopkins
Bell Ribeiro-Addy
Neil Coyle

(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.”

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

Dawn Butler
 Meg Hillier
 Kim Johnson
 Stella Creasy
 Hilary Benn
 Mr Virendra Sharma
 Rachael Maskell
 Mr Tanmanjeet Singh Dhese
 Mike Amesbury

Ms Harriet Harman
 Andy Slaughter
 Sir George Howarth
 Rushanara Ali
 Yvonne Fovargue
 Daniel Zeichner
 Debbie Abrahams
 Kate Green

(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.”

Stephen McPartland
 Royston Smith
 Mr Philip Hollobone
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 Caroline Nokes
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 Tom Hunt
 Sir Robert Neill
 Mr William Wragg
 David Warburton
 Tracey Crouch
 Mr Andrew Mitchell
 Caroline Lucas
 Dawn Butler
 Shabana Mahmood
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 Stella Creasy
 Daisy Cooper
 Huw Merriman
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 Tim Farron
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 Kim Johnson
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 Helen Hayes
 Meg Hillier
 Munira Wilson
 Dr Julian Lewis
 Rachael Maskell
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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*

Fire Safety Bill, *continued*

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
John McDonnell
Lloyd Russell-Moyle

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Neil Coyle
Helen Hayes
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Rachel Hopkins
Kerry McCarthy
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Sir George Howarth
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Yvonne Fovargue
Daniel Zeichner
Debbie Abrahams
Kate Green

(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.”
