

FIRE SAFETY BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Fire Safety Bill as brought from the House of Lords on 24 November 2020.
- 2 These Explanatory Notes have been prepared by the Home Office in order to assist the reader of the Bill and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL 132, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords amendments 1 and 5 were tabled in the name of Lord Greenhalgh and are Government amendments to the Bill.
- 6 Lords amendment 2 was tabled in the name of Lord Kennedy of Southwark. This amendment has been reworded through several stages of the Bill and has been resisted by the government at all stages.
- 7 Lords amendments 3 and 4 was tabled in the name of Baroness Pinnock. This amendment has been resisted by the government at all stages.
- 8 In the following Commentary, an asterisk (*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords amendments

Lords amendments to after clause 2

Lords amendment 1

- 9 This amendment has the effect of ensuring that risk-based guidance, which will be issued by the Secretary of State to support commencement of the Fire Safety Bill will have the appropriate status to incentivise responsible persons to comply with such guidance in order to assist with the prioritisation of the discharge of their duties.
- 10 This amendment also explicitly states that a court can consider whether a responsible person has complied with the risk-based guidance and whether that tends to establish whether they have complied with their duties under the FSO. Similarly, they can consider whether a person has failed to comply with such guidance and whether that tends to establish there was a contravention of the duties in the FSO.

- 11 An express provision is made to ensure that the Secretary of State before revising or withdrawing the risk-based guidance can only do so after consultation with appropriate persons.
- 12 This amendment will come into force at the same time as clause 1 of the Fire Safety Bill.

Lords amendment 2*

- 13 This amendment would require the ‘relevant authority’ (the Secretary of State) to make regulations to amend the FSO to require:
 - (i) the owner or manager to share information with their local Fire and Rescue Service about the design of and materials used in the construction of the external walls;
 - (ii) the owner or manager to carry out annual inspections of the flat entrance doors of each of the flats in any building for which they have responsibility;
 - (iii) the owner or manager to carry out monthly inspections of lifts and to report the results to their local Fire and Rescue Service;
 - (iv) the owner or manager to share evacuation and fire safety instructions with residents of the relevant building.

Lords amendment 3*

- 14 Lords amendment 3 would insert a new clause which has the effect of creating a power for the Secretary of State to make regulations to establish a public register of Fire Risk Assessments.
- 15 The Member’s explanatory statement sets out that this new clause would enable prospective and current- renters and owners to check the fire safety status of their home, by accessing a public register similar to the Energy Performance Certificate register.
- 16 This amendment would apply to all buildings in scope of the Fire Safety Order, rather than those in scope of the Fire Safety Bill (“two or more sets of domestic premises”).

Lords amendment 4*

- 17 Lords amendment 4 would insert a new clause which aims to prohibit the owner of a building from passing on any remediation costs to leaseholders and tenants, such as through demands for one-off payments or service or other charges. This means the owner would be required to pay for all remediation work needed under the Fire Safety Act.
- 18 This amendment would not apply to a leaseholder who is also the owner or part owner of the freehold of the building.

Lords amendment to after clause 3

Lords amendment 5

- 19 This amendment provides that the proposed new Clause (Lords amendment 1) in the Minister’s name to be inserted after Clause 2 comes into force at the same time as Clause 1 of the Fire Safety Bill in relation to premises in England.