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Committee Stage: Thursday 21 October 2021

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## Building Safety Bill (Amendment Paper)

This document lists all amendments tabled to the Building Safety Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional selection and grouping, which sets out the order in which the amendments will be debated.

☆ Amendments which will comply with the required notice period at their next appearance.

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Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman

Caroline Nokes

Wera Hobhouse

1

Clause 124, page 130, line 17, at end insert—

“(2A) In respect of remediation works completed before the coming into force of this section, apply for any refund of VAT due under section 35(1A)(d) of the Value Added Tax Act 1994 and credit the whole amount of any such refund received pro-rata in accordance with the terms of the lease.”

### Member's explanatory statement

This amendment is consequential on NC1. Where works have already been carried out, this new subclause requires the landlord to obtain any retrospective VAT refund and to credit the whole amount of that VAT refund to leaseholders.

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Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman

Caroline Nokes

Wera Hobhouse

2

Clause 126, page 133, line 1, leave out “15 years” and insert “25 years”

**Member's explanatory statement**

This amendment changes the period for claims under the Defective Premises Act 1972 and the Building Act 1984.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

14

Clause 126, page 133, line 1, leave out "15 years" and insert "30 years"

**Member's explanatory statement**

This amendment changes the period for claims under the Defective Premises Act 1972 and the Building Act 1984 to 30 years.

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Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman                      Caroline Nokes                      Wera Hobhouse

3

Clause 126, page 133, line 19, leave out subsection 5

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Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman                      Caroline Nokes                      Wera Hobhouse

4

Clause 126, page 133, leave out from the start of line 27 to the end of line 28

**Member's explanatory statement**

This amendment is consequential on Amendment 3.

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Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman                      Caroline Nokes                      Wera Hobhouse

5

Clause 126, page 133, line 29, leave out "90 days" and insert "1 year"

**Member's explanatory statement**

This amendment allows a period of up to 1 year, instead of 90 days, to obtain the necessary expert evidence required to issue viable claims under the Defective Premises Act 1972 and the Building Act 1984.

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Mark Logan

57

Clause 132, page 137, line 9, at end insert—

“(1A) The code of practice must include measures on the standards of quality of work to promote building safety, including but not limited to, preventing water ingress.”

**Member's explanatory statement**

This amendment requires the developers' code of practice to include standards relating to the prevention of water ingress.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

16

Clause 137, page 142, line 36, at end insert—

“(c) after sub-paragraph (1), insert—

“(1A) He must as part of his investigation consult tenants or bodies representing the interest of tenants.””

**Member's explanatory statement**

This amendment would ensure the Housing Ombudsman consults tenants as part of complaints made against social housing providers.

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Christopher Pincher

19

Clause 142, page 145, line 10, at end insert—

“(3) Regulations under this section may not make provision that may be made under section 143.”

**Member's explanatory statement**

This amendment provides that the Secretary of State may not make consequential provision that may be made by the Welsh Ministers under clause 143.

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Daisy Cooper  
Tim Farron

39

Clause 144, page 146, line 24, at end insert—

“(8) But the Secretary of State may not—

- (a) lay before Parliament a statutory instrument under subsection (6), or
- (b) make regulations in a statutory instrument under subsection (7)

unless the condition in subsection (9) is met.

(9) That condition is that the Secretary of State has consulted—

- (a) fire safety experts,
- (b) leaseholders and their representatives,
- (c) local authorities, and
- (d) safety and construction industry bodies

on the proposed regulations and given those persons no fewer than 28 days to respond.”

**Member's explanatory statement**

This amendment would require the Secretary of State to consult with stakeholders before making regulations.

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Christopher Pincher

20

Clause 146, page 147, line 18, at end insert—

“(3A)As regards Part 3 and section 134—

- (a) the following provisions come into force on such day as the Welsh Ministers may by regulations appoint—
  - (i) section 30 so far as relating to section 120I of the Building Act 1984;
  - (ii) section 31(3) so far as relating to section 91ZD of that Act;
  - (iii) section 41 so far as relating to section 58Z2 and 58Z8 of that Act;

- (iv) paragraph 56 of Schedule 5 (and section 54 so far as relating to that paragraph);
- (v) paragraph 77 of that Schedule so far as relating to section 120C of the Building Act 1984 (and section 54 so far as relating to that section);
- (b) the following provisions come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations appoint—
  - (i) section 31 except subsection (3) of that section;
  - (ii) section 32 except so far as relating to paragraph 1D(3) of Schedule 1 to the Building Act 1984;
  - (iii) sections 33 to 40;
  - (iv) section 41 except so far as relating to section 58Z2, 58Z7 or 58Z8 of the Building Act 1984;
  - (v) section 42 and Schedule 4;
  - (vi) sections 43 to 51;
  - (vii) section 52 except subsection (1) of that section;
  - (viii) section 54 and Schedule 5 except—
    - (a) paragraphs 38, 39 and 86 to 88 of that Schedule (and section 54 so far as relating to those paragraphs);
    - (b) paragraph 77 of that Schedule so far as relating to section 120B of the Building Act 1984 (and section 54 so far as relating to that section);
  - (ix) section 55 and Schedule 6 except paragraphs 7 and 29 of that Schedule (and section 55 so far as relating to those paragraphs);
  - (x) section 56;
  - (xi) section 134 except subsection (8) of that section so far as relating to Article 22B of the Regulatory Reform (Fire Safety) Order 2005;
- (c) subject to that, Part 3 and section 134 come into force on such day as the Secretary of State may by regulations appoint.”

**Member’s explanatory statement**

This amendment confers certain powers of commencement on the Welsh Ministers.

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Christopher Pincher

21

Clause 146, page 147, line 22, at end insert—

“(5A)Regulations under subsection (3A)(a) or (b) may make transitional or saving provision.”

**Member's explanatory statement**

This amendment provides that commencement regulations made by the Welsh Ministers may make transitional or saving provision.

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Christopher Pincher

NC21

☆ To move the following Clause—

**“Requirement for completion certificate before occupation**

- (1) This section applies if any of the following works are carried out—
  - (a) the construction of a higher-risk building;
  - (b) the creation of additional residential units in such a building;
  - (c) works to a building that cause it to become a higher-risk building.
- (2) If a relevant residential unit is occupied before a completion certificate relating to a relevant part of the building is issued, the relevant accountable person commits an offence.
- (3) It is a defence for a person charged with an offence under this section to prove that the person had a reasonable excuse for the residential unit being occupied before such a completion certificate was issued.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding the statutory maximum for either-way offences or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (5) In this section—

“completion certificate” means a certificate of a prescribed description that is issued under regulations made under section 1(1) of the Building Act 1984 (building regulations);

“occupied”: a residential unit is occupied if there is a resident of it;

“relevant accountable person”, in relation to a residential unit, means the accountable person who is responsible for a relevant part of the building;

“relevant part” of a building, in relation to a residential unit, means a part of the building containing the residential unit;

“relevant residential unit” means—

- (a) in the case of works within subsection (1)(a), any residential unit in the building;
- (b) in the case of works within subsection (1)(b), any additional residential unit;

- (c) in the case of works within subsection (1)(c), any residential unit in the building except one that existed before the works began.”

**Member’s explanatory statement**

This new clause creates an offence where a new residential unit in a higher-risk building is occupied without a completion certificate having been issued in relation to it.

Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman

Caroline Nokes

Wera Hobhouse

NC1

To move the following Clause—

**“Building Safety remediation and works: zero-rating for Value Added Tax purposes**

- (1) The Value Added Tax Act 1994 is amended as follows.
- (2) After section 35(1A)(c) insert—
  - “(d) building safety remediation or building safety works of the type described in item 4 of the table in paragraph 1 of Group 5 of Schedule 8 to this Act.”
- (3) After section 35(2) insert—
  - “(2A) For the purposes of subsection (2), the Commissioners shall make regulations providing for a period of not less than 6 months to be open for claims for repayment of VAT in relation to supplies under subsection 35(1A)(d) where the date of supply is between 14 June 2017 and 31 July 2022.”
- (4) Schedule 8, part 2, group 5, after item 3 insert—
  - “(3A) The supply in the course of—
    - (a) remediation of any defect in any external wall of any building containing two or more residential dwellings; or
    - (b) remediation of any defect in any attachment to any external wall of any building containing two or more dwellings; or
    - (c) the installation of a new or upgraded communal fire alarm system, other than to replace a communal system which has reached the end of its working life, or a communal system which has broken down as a result of failure to make reasonable repairs over time; or
    - (d) remediation of any internal or external defect other than a defect described in paragraphs (a), (b) or (c); or
    - (e) any building safety works carried out by an accountable person under section 84 of the Building Safety Act 2021 of any services related to the remediation”

- (5) Schedule 8, part 2, group 5, item 4, for “item 2 or 3” substitute “item 2, 3 or 3A”.
- (6) Schedule 8, part 2, group 5, after note 24 insert—  
“(25) For the purposes of item 4 in the table above—

“defect” means anything posing any risk to the spread of fire, the structural integrity of the building or the ability of people to evacuate the building, including but not limited to any risk identified in guidance issued under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) or any risk identified in regulations made under section 59 of the Building Safety Act 2021;

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

“remediation” means any step taken to eradicate or to mitigate a defect, including employment of any person temporarily or permanently to assist in evacuation of any part of a building, and whether or not the defect in question existed at the date any dwelling in the building was first occupied. Remediation does not include anything required in consequence of omitting to effect reasonable repairs or maintenance to all or any part of the building over time, or anything which is the responsibility of the occupant of a dwelling in the building.” “

- (7) This section comes into force on 1 August 2022.”

#### Member’s explanatory statement

This new clause allows recovery of VAT on building safety remedial works paid since 14 June 2017 and makes future supplies of materials, goods and services for building safety remediation projects zero-rated for Value Added Tax.

Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman  
Wera Hobhouse

Caroline Nokes

Daisy Cooper

NC3

To move the following Clause—

#### **“Duty on the Secretary of State to report on designations under Part XVI of the Housing Act 1985**

- (1) Within the period of six months beginning with the day on which this section comes into force, the Secretary of State must—
- (a) consider the financial impact on leaseholders in England and Wales of building safety advice given by his department since 14 June 2017; and
  - (b) in conjunction with the Treasury and the Prudential Regulation Authority, consider the impact of building safety advice given by his department since 14 June 2017 on the supply of mortgage finance for leasehold flats in England and Wales; and



- (c) publish a report setting out his determination, in light of the factors identified in paragraphs (a) and (b), as to whether designations under section 528 or section 559 of the Housing Act 1985 would improve conditions for leaseholders, or would improve the supply of mortgage finance for leasehold flats in England and Wales.
- (2) If the Secretary of State's report under subsection (1) concludes that designations under section 528 or section 559 of the Housing Act 1985 would improve financial conditions for leaseholders in England and Wales, or would improve the supply of mortgage finance for leasehold flats in England and Wales, then at the same time as publishing his report he must—
  - (a) make arrangements to provide all necessary funding;
  - (b) make the appropriate designations under section 528 of the Housing Act 1985; and
  - (c) advise local housing authorities to make appropriate designations under section 559 of the Housing Act 1985.
- (3) Before making any regulations bringing into force any section in Part 4 of this Act, the Secretary of State must make arrangements for—
  - (a) a motion to the effect that the House of Commons has approved the report prepared under subsection (1), to be moved in the House of Commons by a minister of the Crown; and
  - (b) a motion to the effect that the House of Lords to take note of the report prepared under subsection (1), to be moved in the House of Lords by a minister of the Crown.
- (4) The motions required under subsections (3)(a) and (3)(b) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report under subsection (1) is published.
- (5) If the motion tabled in the House of Commons is rejected or amended, the Secretary of State must, within 30 calendar days, publish a further report under subsection (1) and make arrangements for further approval equivalent to those under subsection (2).
- (6) The Secretary of State shall make a further report under subsection (1) at least every 90 calendar days beginning with the day of any rejection or amendment by the House of Commons under subsection (5) until otherwise indicated by a resolution of the House of Commons.
- (7) In this section—

“leaseholder” means the registered legal owner of a long lease; and

“long lease” has the same meaning as in section 76 of the Commonhold and Leasehold Reform Act 2002.

- (8) This section comes into force on the day this Act is passed.”

#### **Member's explanatory statement**

This new clause places a time-limited duty on the Secretary of State to consider making designations under Part XVI of the Housing Act 1985 to provide funding for cladding and fire safety remediation and for Parliament to approve the plans for doing so.

Stephen McPartland  
 Royston Smith  
 Sir Roger Gale  
 Bob Blackman  
 Dr Matthew Offord  
 Clive Lewis  
 Ms Harriet Harman  
 Wera Hobhouse

Caroline Nokes

Daisy Cooper

NC4

To move the following Clause—

**“Building Safety Indemnity Scheme**

- (1) There shall be a body called the “Building Safety Indemnity Scheme” (referred to in this Act as “the Scheme”).
- (2) The purpose of the Scheme shall be to collect money from levies and to disburse the money raised from those levies in the form of grants to leaseholders to pay all or any part of the following types of costs—
  - (a) remediation of any defect in any external wall of any building containing two or more residential units; or
  - (b) remediation of any defect in any attachment to any external wall of any building containing two or more residential units; or
  - (c) remediation of any internal or external defect other than a defect described in paragraphs (a) or (b); or
  - (d) any building safety works carried out by an accountable person under section 84; or
  - (e) any other cost of a type specified by the Secretary of State in regulations made under this section.
- (3) The Scheme may disburse money for the benefit of leaseholders in any type of building, whether or not a higher-risk building and whether or not the building was completed before the coming into force of this Act.
- (4) The levy imposed by the Scheme shall be determined by reference to each of the following—
  - (a) the Scheme’s best estimate of the reasonably likely total cost grants to cover any type of cost described in subsection (2);
  - (b) the Scheme’s best estimate of the costs of raising and administering the levy; and
  - (c) the Scheme’s best estimate of the costs of processing applications for grants to leaseholders and disbursing funds to leaseholders from monies raised by the levy.
- (5) Members of the Scheme subject to levies shall include the following—
  - (a) any person seeking building control approval from the Regulator;
  - (b) any prescribed insurer providing buildings insurance to buildings containing two or more residential units, whether or not the buildings are higher-risk buildings;
  - (c) any prescribed lender providing mortgage finance in the United Kingdom, whether or not secured over residential units in higher-risk buildings; and

- (d) any other person whom the Secretary of State considers appropriate.
- (6) The Scheme is to consult with levy paying members before determining the amount and duration of any levy.
- (7) The Scheme must provide a process by which leaseholders, or persons acting on behalf of leaseholders, can apply for grants for the types of costs specified in subsection (2).
- (8) The Scheme must provide an appeals process for the Scheme's decisions regarding—
  - (a) the determination of the amount of any levy; or
  - (b) the determination of any grant application.
- (9) A building control authority may not give building control approval under the Building Act 1984 to anyone unless—
  - (a) the person seeking building control approval is a registered member of the Scheme, or that person becomes a registered member of the Scheme; and
  - (b) the person seeking building control approval pays all levies made on that person by the Scheme under subsection (3).
- (10) Any liability to pay a levy under this section does not affect the liability of the same person to pay an additional levy under section 57 of this Act.
- (11) Within a period of 12 months beginning with the coming into force of this section, the Secretary of State must make regulations providing for—
  - (a) the appointment of a board to oversee the Scheme;
  - (b) the staffing of the Scheme;
  - (c) the creation and maintenance of a register of members of the Scheme;
  - (d) the preparation of the best estimates described in subsection (3);
  - (e) the amount, manner and timing of payment of the levies on members of the Scheme under this section;
  - (f) the process of joining the Scheme;
  - (g) the process of leaseholders applying to the Scheme for grants towards any of the types of costs specified in subsection (2);
  - (h) the process for handling any appeals against decisions of the Scheme on any levy or any grant;
  - (i) the Scheme to make an annual report to Parliament; and
  - (j) any other matters consequential to the Scheme's operation.
- (12) Regulations made under this section are to be made by statutory instrument.
- (13) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (14) In this section—

"building" has the same meaning as in section 29;

"building control approval" has the same meaning as in paragraph (1B)(2) of Schedule 1 to the Building Act 1984;

“building control authority” has the same meaning as in section 121A of the Building Act 1984;

“defect” means anything posing any risk to the spread of fire, the structural integrity of the building or the ability of people to evacuate the building, including but not limited to any risk identified in guidance issued under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) or any risk identified in regulations made under section 59;

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

“higher-risk building” has the same meaning as in section 59;

“prescribed” means prescribed by regulations made by the Secretary of State;

“remediation” means any step taken to eradicate or to mitigate a defect, including employment of any person to temporarily assist in evacuation of any part of a building, and whether or not the defect in question existed at the date any residential unit in the building was first occupied. Remediation does not include anything required in consequence of omitting to effect reasonable repairs or maintenance to all or any part of the building over time, or anything which is the responsibility of an occupant of a residential unit within the building;

“residential unit” has the same meaning as in section 123.

(15) This section shall come into force on the day this Act is passed.”

#### **Member’s explanatory statement**

This new clause would require the government to establish a comprehensive fund, equivalent to the Motor Insurers’ Bureau, to provide grants to remediate cladding and fire safety defects of all descriptions, paid for by levies on developers, building insurers and mortgage lenders.

Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Ms Harriet Harman  
Caroline Nokes

Wera Hobhouse

NC5

To move the following Clause—

#### **“Implied terms in residential building and residential renovation contracts**

- (1) Every residential building contract is to be taken to contain terms that—
- (a) the residential unit is fit for the purpose of ordinary residential occupation and is likely to remain so for a reasonable period if kept in appropriate repair;
  - (b) the residential unit in question is constructed in all material respects as described or stated on the approved plans;
  - (c) the residential unit is not subject to any building safety risk;

- (d) the materials incorporated in the residential unit are as described in any approved plans;
  - (e) the materials incorporated in the residential unit are of satisfactory quality;
  - (f) the design of the residential unit is of a reasonable standard;
  - (g) the design of the residential unit is prepared with reasonable care and skill;
  - (h) all works in connection with the construction of the residential unit are executed with reasonable care and skill; and
  - (i) the residential unit complies in all material respects with all applicable statutory requirements and with all applicable building regulations in force as at the date of completion.
- (2) Every residential renovation contract is to be taken to contain terms that any renovation works—
- (a) do not render the unit unfit for the purpose of ordinary residential occupation;
  - (b) do not create any building safety risk;
  - (c) do not involve the incorporation of materials in the residential unit which are not as described in any approved plans;
  - (d) do not involve the incorporation of materials in the residential unit which are not of satisfactory quality;
  - (e) are executed with reasonable care and skill; and
  - (f) do not render the residential unit materially non-compliant with any applicable statutory requirement or with any applicable requirement of building regulations in force as at the date of completion.
- (3) For the purposes of subsections (1) and (2), where the residential unit forms part of a building consisting of two or more residential units, the internal and external common parts of that building necessary for the reasonable occupation of any of the residential units are also to be taken to be subject to the same terms.
- (4) A residential unit is fit for the ordinary purpose of residential occupation if it would be regarded as such by a reasonable person and taking into account—
- (a) the ordinary costs of repair and maintenance of that residential unit by reference to that unit's location and specific characteristics;
  - (b) any marketing materials provided before the sale of the residential unit in question; and
  - (c) whether that unit was marketed, designed or intended to be occupied by any particular class of persons, whether by age, by gender or by physical or mental disability.
- (5) For the purposes of this section—
- (a) a matter is material if it would be considered material if known or discovered by a reasonable purchaser of that residential unit before completing a purchase of that residential unit on ordinary commercial terms;

- (b) a design is of a reasonable standard if a designer of average competence would have produced the same or a similar design;
  - (c) a material is of satisfactory quality if it would meet the requirements for satisfactory quality of goods under section 9 of the Consumer Rights Act 2015; and
  - (d) a material is as described if it would meet the requirements for description of goods under section 11 of the Consumer Rights Act 2015.
- (6) The terms taken to be included in any residential building contract or residential renovation contract are enforceable by any owner of the residential unit provided or renovated under the contract in question.
  - (7) A term of a residential building contract or a residential renovation contract is not binding on the owner of a residential unit provided or renovated pursuant to that contract if it would exclude or restrict any liability in relation to the terms implied by this section.
  - (8) The reference in subsection (7) to excluding or restricting a liability also includes preventing an obligation or duty arising or limiting its extent.
  - (9) An agreement in writing to submit present or future differences to arbitration is not to be regarded as excluding or restricting any liability for the purposes of this section.
  - (10) In this section—

“approved plans” means any document submitted as part of obtaining building control approval;

“building control approval” has the same meaning as in paragraph (1B) of Schedule 1 to the Building Act 1984;

“building safety risk” has the same meaning as in section 59, whether or not the residential unit is in a higher-risk building;

“higher-risk building” has the same meaning as in section 62;

“owner” means the registered legal owner of the residential unit from time to time, including any trustee holding a beneficial interest on behalf of a third party and any transferee or assignee of the original owner;

“residential unit” has the same meaning as in section 123;

“residential building contract” means a contract made in the course of business involving work on or in connection with the construction of a residential unit (whether the dwelling is provided by the erection or by the conversion or enlargement of an existing building);

“residential renovation contract” means a contract made in the course of business involving work on an existing residential unit, except where it is expected that, on completion of the work, it will have ceased to be a residential unit or will otherwise have ceased to exist.””

#### **Member’s explanatory statement**

This new clause strengthens consumer rights for future buyers by requiring houses and flats to be built, and renovated, to reasonable standards of quality in a way which is compliant in all material respects with the law and with building regulations.

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Stephen McPartland  
 Royston Smith  
 Sir Roger Gale  
 Bob Blackman  
 Dr Matthew Offord  
 Ms Harriet Harman  
 Caroline Nokes

Wera Hobhouse

NC6

To move the following Clause—

**“Implied terms: limitation**

- (1) The Limitation Act 1980 is amended as follows.
- (2) After section 5 insert—

**“5A Time limit for actions related to breach of implied terms in residential building contracts and residential renovation contracts**

An action in respect of the breach of the term implied into a residential building contract or a residential renovation contract by section (Implied terms in residential building and residential renovation contracts) of the Building Safety Act 2021 may not be brought after the expiration of 25 years from the date on which the cause of action accrued.””

**Member’s explanatory statement**

This new clause provides for a 25 year limitation period for failure to comply with NC5.

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Stephen McPartland  
 Royston Smith  
 Sir Roger Gale  
 Bob Blackman  
 Dr Matthew Offord  
 Ms Harriet Harman  
 Caroline Nokes

Wera Hobhouse

NC7

To move the following Clause—

**“Implied terms: mandatory insurance**

- (1) No residential unit is to be marketed for sale or sold unless—
  - (a) every potential purchaser is provided on request with an accurate written summary of the terms of a prescribed policy applying to the residential unit when completed; and
  - (b) the seller of the residential unit arranges a valid prescribed policy and provides a copy of a valid prescribed policy given to the purchaser of the residential unit on the day of the transfer of title in the residential unit.
- (2) Any person in the course of business providing a residential unit under a residential building contract or renovations to a residential unit under a residential renovation contract must obtain a valid prescribed policy.
- (3) No term of any residential building contract or residential renovation contract is enforceable unless a valid prescribed policy is in force in respect of such a contract.

- (4) Within a period of six months beginning on the day this section comes into force, the Secretary of State must make regulations prescribing insurance terms for the purposes for this section, including—
- (a) the creditworthiness of any insurer or warranty scheme under this section;
  - (b) the name of any warranty scheme which in the opinion of the Secretary of State achieves the purposes of this section;
  - (c) the minimum terms of any insurance or warranty;
  - (d) a policy term or a warranty term of not less than the limitation period for making claims under any term implied into a residential building contract or residential renovation contract by this Act; and
  - (e) to bring into force section [Implied terms in residential building and residential renovation contracts] and section [Implied terms: limitation].
- (5) Regulations made under this section are to be made by statutory instrument.
- (6) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—

“prescribed” means prescribed in regulations made by the Secretary of State;

“residential building contract” has the same meaning as in section [Implied terms in residential building and residential renovation contracts];

“residential renovation contract” has the same meaning as in section [Implied terms in residential building and residential renovation contracts]; and

“residential unit” has the same meaning as in section 123.

- (8) This section shall come into force on the day this Act is passed.”

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Debbie Abrahams  
Mike Amesbury  
Ruth Cadbury

NC8

To move the following Clause—

**“Review of payment practices and building safety**

- (1) The Secretary of State must, within 60 days of the day on which this Act is passed, establish a review of the effects of construction industry payment practices on building safety in general and on safety in high-risk buildings in particular.
- (2) The review must, in particular, consider—
  - (a) the extent to the structure of the construction market incentivises procurement with building safety in mind,



- (b) the extent to which contract terms and payment practices (for example, retentions) can drive poor behaviours, including the prioritisation of speed and low cost solutions and affect building safety by placing financial strain on supply chain,
  - (c) the effects on building safety of other matters raised in Chapter 9 (procurement and supply) of Building a Safer Future, the final report of the Independent Review of Building Regulations and Fire Safety, published in May 2018 (Cm 9607),
  - (d) the adequacy for the purposes of promoting building safety of the existing legislative, regulatory and policy regime governing payment practices in construction, including the provisions of Part II of the Housing Grants, Construction and Regeneration Act 1996, and
  - (e) recommendations for legislative, regulatory or policy change.
- (3) The Secretary of State must lay a report of the findings of the review before Parliament no later than one year after this Act comes into force.”

**Member’s explanatory statement**

This new clause would put an obligation on the Secretary of State to review the effects of construction industry payment on practices on building safety and to report the findings to Parliament.

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Daisy Cooper  
Tim Farron

NC9

To move the following Clause—

**“Devolved Building Safety Standards Co-operation Review**

- (1) The Secretary of State must conduct a review exploring how a formal mechanism of co-operation and information sharing on building safety standards across the United Kingdom could operate.
- (2) The review as set out in subsection (1) must include reviewing—
  - (a) the feasibility of establishing a duty to consult with the government of Northern Ireland and Scotland on the best practices for building safety, including on—
    - (i) funding;
    - (ii) grants;
  - (b) the provision of funding of fire safety remediation work, and
  - (c) the provision of funding in place to prevent costs being passed to leaseholders.
- (3) A report setting out the conclusions of the review as set out in subsections (1) must be laid before each House of Parliament no later than 3 months after the day on which this Act is passed.”

**Member’s explanatory statement**

This new clause would require the Secretary of State to conduct a review of formal co-operation on building safety standards across the United Kingdom, in recognition that sharing best practice could promote improved building safety standards in all four nations.

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Daisy Cooper  
Tim Farron

NC10

To move the following Clause—

**“Assessment of building safety and emergency status**

- (1) The Secretary of State must, as soon as reasonably practicable, conduct an assessment of the overall state of building safety and building fire safety defect remediation in England and lay before Parliament a report of that assessment.
- (2) The report must include an assessment of whether the matters in subsection (1) constitute an emergency for the purposes of Section 1(1)(a) of the Civil Contingencies Act 2004 (an event or situation which threatens serious damage to human welfare in a place in the United Kingdom).
- (3) In conducting the assessment, the Secretary of State must consult—
  - (a) fire safety experts,
  - (b) leaseholders and their representatives,
  - (c) social housing tenants,
  - (d) local authorities,
  - (e) trade unions, and
  - (f) safety and construction industry bodies.”

**Member’s explanatory statement**

This new clause would require the Secretary of State to conduct an assessment of the state of building safety and fire safety defect remediation in England.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC11

To move the following Clause—

**“Assessment of mental health impact for leaseholders in dwellings with building safety risks**

- (1) The Secretary of State must carry out a review of the impact of building safety issues on leasehold tenants’ mental health.
- (2) The review as set out in subsection (1) must be laid before each House of Parliament within six months of the day on which this Act is passed, and must consider the effect on leasehold tenants’ mental health arising from but not limited to—
  - (a) residing or being a leasehold tenant in a building which has had or currently has building safety issues;

- (b) any financial pressures on leaseholders as a result of charges due to building safety work, conducted based on advice given by his department since 14 June 2017;
  - (c) supply of mortgage finance.
- (3) The review shall include recommendations on any mental health support to be provided to leasehold tenants' as a result of findings under subsection (2).

**Member's explanatory statement**

This new clause would ensure the Government publish an assessment considering the impact of the building safety risks on leaseholders, and whether further specific mental health support is required.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC12

To move the following Clause—

**"Assessment of the impact of building safety issues on access to insurance**

- (1) Within one year of the day on which this Act is passed the Secretary of State must carry out a review of the impact of building safety issues, including the provisions of this Act, on access to insurance.
- (2) The review as set out in subsection (1) shall include assessment of the United Kingdom insurance market.
- (3) The review must consider the impact of building safety issues, confidence in the building safety industry and the impact of advice given by his Department on building safety given since 14 July 2017 on—
  - (a) the availability and cost of insurance for residential blocks;
  - (b) the availability and cost of professional indemnity insurance for workers in the building safety industry;
  - (c) requirements placed on buildings in order to access building insurance; and
  - (d) the wider insurance market.
- (4) The review must make recommendation as to any further action needed by Government or the industry to improve access to affordable residential and professional insurance across the United Kingdom."

**Member's explanatory statement**

This new clause would ensure the Government publish an assessment of the impact of the building safety risks on the UK insurance market for residential buildings and professional indemnity insurance for those working in building safety.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC13

To move the following Clause—

**“Assessment of the impact of Act on access to mortgage finance**

- (1) Within one year of the day on which this Act is passed, the Secretary of State must carry out a review of the impact of the provisions of this Act on access to mortgage finance for leaseholders.
- (2) The review shall be laid before each House of Parliament.
- (3) The review must consider the impact of building safety issues, confidence in the building safety industry and the impact of Government advice on building safety given since 14 July 2017 on—
  - (a) the availability and cost of mortgages and related financial services for leaseholders in the UK;
  - (b) difficulties accessing mortgage finance on the wellbeing of leaseholders; and
  - (c) the impact on the housing and housing finance markets.
- (4) The review must recommend what industry changes and Government action are necessary to improve accessibility to mortgage finance for leaseholders.”

**Member’s explanatory statement**

This new clause would ensure that the Government publish an assessment considering the impact of the building safety crisis on leaseholder access to mortgage finance and its impact on the wider housing market.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC14

To move the following Clause—

**“Agency to manage building safety works and funding**

- (1) Within six months of the day on which this Act is passed, the Secretary of State must create an agency referred to as the Building Works Agency.
- (2) The purpose of the Building Works Agency shall be to administer a programme of cladding remediation and other building safety works, including—

- (a) overseeing an audit of cladding, insulation and other building safety issues in buildings over two storeys;
- (b) prioritising audited buildings for remediation based on risk;
- (c) determining the granting or refusal of grant funding for cladding remediation work;
- (d) monitoring progress of remediation work and enforce remediation work where appropriate;
- (e) determining buildings to be safe once remediation work has been completed;
- (f) seeking to recover costs of remediation where appropriate from responsible parties: and
- (g) providing support, information and advice for owners of buildings during the remediation process.”

**Member’s explanatory statement**

This new clause would create a new body set up to oversee a programme of cladding remediation, including assessing the need for remediation, overseeing the process of remediation, managing funding of remediation and recouping costs where possible from appropriate parties.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

**NC15**

To move the following Clause—

**“Waking watch**

- (1) Within one year of the day on which this Act is passed the Secretary of State must carry out and publish a review of the impact of the advice of his department since June 2017 on—
  - (a) the implementation of 24 hour “waking watch” fire patrols and other interim fire safety measures in residential buildings in England awaiting fire safety works;
  - (b) costs arising from waking watches and other fire safety measures on leaseholders; and
  - (c) building insurance premiums and safety requirements of building insurance;
- (2) The review must include an assessment of the effectiveness of waking watch as an interim fire safety measures, and a comparison with other measures must be included.

- (3) The review must recommend industry changes and Government action necessary to reduce reliance on waking watch and interim fire safety costs for leaseholders.”

**Member’s explanatory statement**

This new clause would ensure the Government undertake a review of waking watch policies.

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Mike Amesbury  
Ruth Cadbury  
Daisy Cooper  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC16

To move the following Clause—

**“Monthly building safety updates**

- (1) The Secretary of State must within three months of the day on which this Act passes and monthly thereafter lay before each House of Parliament a report on the progress of cladding remediation.
- (2) The report must include an overview of—
  - (a) the progress of the remediation of non-ACM cladding;
  - (b) the remediation progress of—
    - (i) social residential buildings,
    - (ii) private sector residential buildings,
    - (iii) student accommodation,
    - (iv) hotels,
    - (v) hospitals,
    - (vi) care homes, and
    - (vii) publicly owned buildings identified as having in need of remediation due to unsafe cladding of any height,
  - (c) data collected from fire authorities, including—
    - (i) the numbers of waking watches,
    - (ii) other interim safety measures, and
    - (iii) fire alarms installed in residential buildings awaiting remediation or other building safety work.
  - (d) estimated dwelling numbers in all estimates.
- (3) The report as set out in subsection (1) shall include—
  - (a) regional breakdowns of all data points;
  - (b) identify whether remediation has been funded through government funding, developer or freeholder funding, through warrantee or by other means; and
  - (c) detail what proportion of government funding has been allocated and paid out in the period since the last report was published.

- (4) The report will no longer have to be published when all buildings identified as having cladding in need of remediation have completed remediation.”

**Member’s explanatory statement**

This new clause would ensure the Government provide regular written updates on the progress of the remediation programme of non-ACM cladding in line with what is currently published on ACM cladding.

\_\_\_\_\_  
Daisy Cooper  
Tim Farron

**NC17**

To move the following Clause—

**“Presumption of allowing urgent building safety remediation work**

- (1) If a leaseholder or tenant has identified urgent building safety work needed to the property they occupy they should notify the freehold owner in writing.
- (2) Should the freehold owner not reply to the written notification under subsection (1) within 90 days of receiving it there should be a presumption in favour of allowing the work to proceed.
- (3) It is the freehold owner’s responsibility to ensure that all leaseholders and tenants have the correct details to provide them with a written notification as set out in subsection (1).
- (4) The Secretary of State may issue guidance on the application of this section.
- (5) A court considering a matter relating to this section must have regard to any guidance issued under subsection (4).”

**Member’s explanatory statement**

This new clause would introduce the presumption of consent for leaseholders to carry out urgent building safety work, where absent freeholders cannot be contacted, or refuse to respond.

\_\_\_\_\_  
Stephen McPartland  
Royston Smith  
Sir Roger Gale  
Bob Blackman  
Dr Matthew Offord  
Clive Lewis  
Ms Harriet Harman

**NC18**

Caroline Nokes

Wera Hobhouse

To move the following Clause—

**“Fire safety defects and defective dwellings**

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 528(1)(a) omit the final “, and” and replace it with “, or”.
- (3) After section 528(1)(a) insert—

- “(za) buildings in the proposed class are defective as a result of their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question; or
  - (zb) buildings in the proposed class are defective as a result of anything which in the opinion of the Secretary of State poses a building safety risk or the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and”
- (4) In section 528(1)(b) for “paragraph (a)” substitute “paragraphs (a), (za) or (zb)”.
- (5) In section 528(1)(b) at the end insert “, or in the opinion of the Secretary of State is materially difficult to mortgage, insure or sell compared to non-defective dwellings.”
- (6) After section 528(4) insert—
- “(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.
  - (4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.”
- (7) After section 528(6) insert—
- “(7) In this section—

“building safety risk” has the same meaning as in section 59 of the Building Safety Act 2021.

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).

- (8) In section 559(1)(a) omit the final “, and” and replace it with “, or”.
- (9) After section 559(1)(a) insert—
- “(za) buildings in the proposed class are defective as a result of their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question; or
  - (zb) buildings in the proposed class are defective as a result of anything which in the opinion of the local housing authority poses a building safety risk or the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and”
- (10) In section 559(1)(b) for “paragraph (a)” substitute “paragraphs (a), (za) or (zb)”.
- (11) In section 559(1)(b) at the end insert “, or in the opinion of the local housing authority materially difficult to mortgage, insure or sell compared to non-defective dwellings.”



(12) After section 559(4) insert—

“(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.

(4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.”

(13) After section 559(6) insert—

“(7) In this section—

“building safety risk” has the same meaning as in section 59 of the Building Safety Act 2021;

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

“higher-risk building” has the same meaning as in section 62 of the Building Safety Act 2021.”

(14) This section comes into force on the day this Act is passed. ”

#### **Member’s explanatory statement**

This new clause amends Part XVI of the Housing Act 1985 (originally enacted as the Housing Defects Act 1984) to empower the government and local authorities to designate dwellings with cladding and fire safety defects as defective and to provide grant support for remediation funded by levies on developers, insurers, etc.

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Mike Amesbury  
Ruth Cadbury  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC19

To move the following Clause—

#### **“Review of Hackitt recommendations**

- (1) Within one year of the day on which this Act is passed the Secretary of State must carry out and publish a review on the Government’s implementation of the recommendations of Building a Safer Future, the final report of the Independent Review of Building Regulations and Fire Safety, published May 2018.
- (2) The review must include an assessment of how legislative changes and Government policy have affected the wider building industry culture in respect of building safety.

- (3) A report setting out the conclusions of the review as set out in subsection (1) must be laid before each House of Parliament no later than one year after the day on which this Act is passed.”

**Member’s explanatory statement**

This new clause would ensure the Government publish an assessment of the Government’s implementation of the Hackitt recommendations.

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Mike Amesbury  
Ruth Cadbury  
Ms Marie Rimmer  
Ian Byrne  
Rachel Hopkins  
Kate Osborne

NC20

To move the following Clause—

**“Assessment of the impact of building safety issues on social housing sector homebuilding**

- (1) Within one year of the day on which this Act is passed the Secretary of State must carry out and publish a review of the impact of building safety issues on properties provided by registered providers of social housing.
- (2) The review must consider in particular—
  - (a) current and future housebuilding,
  - (b) current maintenance of homes provided by registered providers of social housing, and
  - (c) homelessness.
- (3) The review must in particular consider the impact of building safety issues on social housing provider finances, including the amount of funding provided to registered providers of social housing to remediate buildings with combustible cladding and the advice given by his Department on building safety since 14 July 2017, on—
  - (a) the proportion of registered provider of social housing funds that was previously allocated to social homebuilding or the maintenance or improvement of current social housing which has instead been allocated to building safety work, and
  - (b) projections of future housebuilding by registered providers of social housing in comparison with Government housebuilding targets and national homelessness rates.
- (4) The review must make any recommendations for Government action necessary to ensure—
  - (a) homebuilding targets are reached,
  - (b) current housing provided by registered providers of social housing is maintained and improved, and
  - (c) any rise in homelessness is prevented.”

**Member's explanatory statement**

This new clause would require the Government to publish an assessment of the effect of building safety requirements on the maintenance of current homes and building of future homes by registered providers of social housing, and rates of homelessness.

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## Order of the House

**[21 July 2021]**

That the following provisions shall apply to the Building Safety Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 26 October 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.

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## Order of the Committee

**[9 September 2021]**

That—

1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 9 September) meet—
  - (a) at 2.00 pm on Thursday 9 September;
  - (b) at 9.25 am and 2.00 pm on Tuesday 14 September;
  - (c) at 11.30 am and 2.00 pm on Thursday 16 September;
  - (d) at 9.25 am and 2.00 pm on Tuesday 21 September;
  - (e) at 11.30 am and 2.00 pm on Thursday 23 September;

- (f) at 9.25 am and 2.00 pm on Tuesday 19 October;
- (g) at 11.30 am and 2.00 pm on Thursday 21 October;
- (h) at 9.25am and 2.00pm on Tuesday 26 October;

2. the Committee shall hear oral evidence in accordance with the following Table:

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Thursday 9 September	Until no later than 12.20 pm	Sir Ken Knight CBE QFSM, Independent Expert Advisory Panel; National Fire Chiefs' Council
Thursday 9 September	Until no later than 1.00 pm	Construction Industry Council; Royal Institute of British Architects
Thursday 9 September	Until no later than 2.45 pm	Construction Products Association; The British Standards Institution
Thursday 9 September	Until no later than 3.30 pm	The National Housing Federation; Local Authority Building Control; Local Government Association
Thursday 9 September	Until no later than 4.15 pm	UK Cladding Action Group; End Our Cladding Scandal
Thursday 9 September	Until no later than 5.00 pm	Landmark Chambers; Anthony Gold Solicitors LLP
Tuesday 14 September	Until no later than 10.15 am	The Health and Safety Executive; Office for Product Safety and Standards
Tuesday 14 September	Until no later than 10.45 am	Long Harbour; Home Builders' Federation
Tuesday 14 September	Until no later than 11.25 am	Councillor Jayne McCoy, Sutton Council; The Institute of Residential Property Management
Tuesday 14 September	Until no later than 2.45pm	Leasehold Knowledge Partnership; Association of Residential Managing Agents
Tuesday 14 September	Until no later than 3.30 pm	BRE Global Limited; Association of British Insurers; National House Building Council
Tuesday 14 September	Until no later than 4.00 pm	Fire Brigades Union
Tuesday 14 September	Until no later than 4.30 pm	UK Finance
Tuesday 14 September	Until no later than 5.00 pm	Alison Hills; Stephen Day

- 3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clause 2; Schedule 1; Clauses 3 to 21; Schedule 2; Clauses 22 to 26; Schedule 3; Clauses 27 to 42; Schedule 4; Clauses 43 to 54; Schedule 5; Clause 55; Schedule 6; Clauses 56 to 57; Clauses 59 to 120; Schedule 7; Clauses 121 to 123; Clause 58; Clauses 124 to 128; Schedule 8; Clauses 129 to 133; Schedule 9; Clauses 134 to 147; new Clauses; new Schedules; Clause 1; remaining proceedings on the Bill;
- 4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 26 October.

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## Notices Withdrawn

The following notices were withdrawn on 14 September 2021:

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The following notices were withdrawn on 17 September 2021:

NC2

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