
Report Stage: Wednesday 10 November 2021

Building Safety Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: 1 and NC2 to NC3

Debbie Abrahams

NC1

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.

Peter Aldous

NC2

★ To move the following Clause—

“Building regulations: property protection

- (1) The Building Act 1984 is amended as follows.
- (2) In section 1 (Power to make building regulations), after subsection (1)(f), insert—
 - “(g) furthering the protection of property”.
- (3) In Schedule 1 (Building Regulations), in paragraph 8(5A)—
 - (a) after “1(1)(a)” insert “(d), (e) and (g)”;
 - (b) after “flooding” insert “and fire”.

Member's explanatory statement

This new clause would add “furthering the protection of property” to the list of purposes for which building regulations may be made under the Buildings Act 1984, and extends the purposes for which persons carrying out works on a building may be required to do things to improve building resilience.

Keir Starmer
Lucy Powell
Mike Amesbury
Ruth Cadbury
Sir Alan Campbell

NC3

★ To move the following Clause—

“Remediation costs and Building Works Agency

- (1) The remediation costs condition applies where a landlord has carried out any fire safety works to an applicable building in consequence of any provision, duty or guidance arising from—
 - (a) the Housing Act 2004;
 - (b) the Regulatory Reform (Fire Safety Order) 2005;
 - (c) the Building Safety Act 2021;
 - (d) any direction, recommendation or suggestion of any public authority or regulatory body;
 - (e) such other circumstances or enactment as the Secretary of State may prescribe by regulations or in accordance with subsection (9), below.
- (2) If the remediation costs condition is met, then the costs incurred by the landlord in connection with those matters may not be the subject of a

- demand for payment of service charges, administration charges or any other charge permitted or authorised by any provision of any long lease.
- (3) Any demand for payment which contravenes this section shall be of no force or effect and will have no validity in law.
 - (4) Any covenant or agreement, whether contained in a lease or in an agreement collateral to such a lease, is void in so far as it purports to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant refusing, failing or declining to make a payment to which this section applies.
 - (5) The remediation costs condition applies to demands for payment before the landlord incurs the costs in the same way as it applies to demands for payment made after the costs have been incurred.
 - (6) The remediation costs condition does not apply where the landlord is a company in which the majority of the shares are held by leaseholders or where the landlord is an RTM company.
 - (7) Within six months of the day on which this section comes into force, the Secretary of State must create an agency referred to as the Building Works Agency.
 - (8) 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.
 - (9) The Building Works Agency shall also have power to recommend that the Secretary of State exercises his power under clause (1)(e) in such terms and to such extent that it sees fit. If such a recommendation is made, the Secretary of State must, within 28 days, either—
 - (a) accept it and exercise the power under clause 1(e) within 28 days of acceptance; or
 - (b) reject it and, within 28 days of rejection, lay before Parliament a report setting out the reasons for rejection.
 - (10) In this section—
 - (a) “fire safety works” means any work or service carried out for the purpose of eradicating or mitigating (whether permanently or temporarily) any risk associated with the spread of fire, the structural integrity of the building or the ability of people to evacuate the building;

- (b) “applicable building” means a building subject to one or more long leases on the day on which section comes into force;
- (c) “service charge” has the meaning given by s.18, Landlord and Tenant Act 1985;
- (d) “administration charge” has the meaning given by Schedule 11, Commonhold and Leasehold Reform Act 2002;
- (e) “long lease” has the meaning given by sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002;
- (f) “RTM company” has the meaning given by section 113 of the Commonhold and Leasehold Reform Act 2002.

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

Peter Aldous

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★ Clause 3, page 2, line 13, at end insert—

“(aa) furthering the protection of property, and”

Member’s explanatory statement

This amendment would require the building safety regulator to exercise its functions with a view to furthering the protection of property, which is intended promote longer term protections for occupant safety and reducing fire damage and cost.

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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