

LORDS AMENDMENTS TO THE
BUILDING SAFETY BILL

[The page and line references are to HL Bill 98, the bill as first printed for the Lords]

Clause 1

- 1 Page 1, line 17, leave out “as follows” and insert “including”

Clause 4

- 2 Page 3, line 5, at end insert—

“(1A) The assistance and encouragement that must be provided under subsection (1) includes, in particular, assistance and encouragement with a view to facilitating securing the safety of disabled people in or about higher-risk buildings in relation to building safety risks as regards those buildings.”

- 3 Page 3, line 9, leave out “or building safety managers”

- 4 Page 3, line 13, leave out “subsection (1)” and insert “subsections (1) and (1A)”

- 5 Page 3, line 14, at end insert—

““disabled”: see section 29;”

Clause 5

- 6 Page 3, line 26, at end insert—

“(2) The regulator must within two years of this section coming into force carry out and publish an assessment of the benefits and costs of measures on improving the safety of people in or about buildings relating to—

- (a) fire suppression systems;
- (b) safety of stairways and ramps;
- (c) certification of electrical equipment and systems;
- (d) provision for people with disabilities.

(3) The regulator’s assessment may—

- (a) make proposals in accordance with section 7(2) for regulations in respect of any of these matters, and

- (b) identify and give notice of such other matters relating to safety of people in or about buildings that they determine require further examination.”

Clause 11

7 Page 5, line 18, at end insert –

- “(2A) The regulator must take all reasonable steps to ensure that the committee includes –
- (a) one or more residents of a higher-risk building who are disabled,
 - (b) a body that represents, supports or promotes the interests of any description of disabled people that includes residents of higher-risk buildings, or
 - (c) a member of a body within paragraph (b).”

Clause 12

8 Page 6, line 15, at end insert –

- “(1A) But regulations repealing section 9, 10 or 11 may be made only if the regulator has made a proposal to the Secretary of State for the making of such regulations (as to which see section 7(2)).”

9 Page 6, line 16, leave out “The regulations” and insert “Regulations under this section”

Clause 20

10 Page 10, line 36, at end insert –

- “(1A) A statement under subsection (1) must, in particular, include information about the regulator’s engagement with residents of higher-risk buildings who are disabled.”

Clause 29

11 Page 17, line 6, at end insert –

- ““disabled”: a person is disabled if the person has a physical or mental impairment which has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities;”

Clause 41

12 Page 51, line 21, at beginning insert “Section 58Z7A of this Act (sharing of information between regulatory authorities) and”

13 Page 51, line 22, leave out “applies” and insert “apply”

14 Page 51, line 25, leave out from beginning to “as” in line 26 and insert “The following provisions of this Act apply”

15 Page 51, line 28, at end insert “–

- () section 58Z7A (sharing of information between regulatory authorities);”

- 16 Page 51, line 28, at end insert “–
 () section 91B (cooperation and sharing of information between Welsh Ministers and other authorities);
 () section 131A (application to the Crown).”

- 17 Page 56, line 22, at end insert –

“Inspection of local authorities and registered building control approvers

58Z7A Inspections

- (1) The regulatory authority may carry out an inspection of a local authority, or a registered building control approver, in relation to their exercise of building control functions.
- (2) The purposes for which an inspection may be carried out include –
 - (a) ascertaining the efficiency and effectiveness of the local authority or registered building control approver in exercising their building control functions;
 - (b) verifying any information provided by the local authority or registered building control approver to the regulatory authority, in connection with their building control functions.”

- 18 Page 56, line 22, at end insert –

“Information sharing

58Z7A Sharing of information between regulatory authorities

- (1) The regulator may disclose information held in connection with a function under this Part to the Welsh Ministers for the purposes of –
 - (a) a function of the regulator under this Part, or
 - (b) a function of the Welsh Ministers under this Part.
- (2) The Welsh Ministers may disclose information held in connection with a function under this Part to the regulator for the purposes of –
 - (a) a function of the Welsh Ministers under this Part, or
 - (b) a function of the regulator under this Part.
- (3) Except as provided by subsection (4), the disclosure of information under this section does not breach –
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) This section does not authorise a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the powers conferred by this section).”

Clause 47

- 19 Leave out Clause 47

After Clause 47

20 Insert the following new Clause –

“Insurance: removal of requirements

- (1) The Building Act 1984 is amended as follows.
- (2) In section 47 (giving and acceptance of initial notice) –
 - (a) in subsection (1) omit paragraph (c) (but not the “and” at the end of it);
 - (b) omit subsections (6) and (7).
- (3) In section 51A(2) (variation of work to which initial notice relates) omit paragraph (c) (but not the “and” at the end of it).
- (4) In section 56 (recording and furnishing of information) omit subsection (2).”

Clause 52

21 Page 77, line 9, leave out “public body’s final certificates” and insert “plans certificates, final certificates”

Clause 57

22 Page 79, line 4, leave out from “on” to end of line 5 and insert “certain applications for building control approval etc”

23 Page 79, line 7, after “applications” insert “or notices”

24 Page 79, line 8, after “applications” insert “or notices”

25 Page 79, line 21, at end insert –

- “(3A) The different provision that may be made by the regulations by virtue of section 120A(2)(b) includes in particular different provision in relation to –
- (a) persons who are eligible to be members of a building industry scheme and are not members of that scheme, and
 - (b) other persons.”

26 Page 79, line 24, leave out from “that” to end of line 31 and insert “, unless the building control authority is given a notification under subsection (5A) in relation to a relevant application or notice (or a relevant application or notice of a specified description), the authority –

- (a) may not take a specified step in relation to the application or notice (for example, may not grant an application, accept a notice or give a specified certificate in relation to works connected with the application or notice), or
- (b) must take a specified step in relation to the application or notice (for example, must reject a notice).

(5A) A notification under this section is a notification given by the Secretary of State or designated person –

- (a) that the levy payable in respect of the application or notice has been paid, or
- (b) that no levy is payable in respect of the application or notice.”

- 27 Page 79, line 37, at end insert –
 “(7A) In this section “relevant application or notice” means –
 (a) an application for building control approval,
 (b) an initial notice,
 (c) an amendment notice, or
 (d) a public body’s notice,
 relating to a relevant building or proposed relevant building (including any such application or notice relating to work that causes a building to become a relevant building or causes a relevant building to cease to be such a building).”
- 28 Page 79, line 38, at end insert –
 ““amendment notice”, “initial notice” and “public body’s notice” have the same meaning as in Part 2 (see section 58);”
- 29 Page 79, line 38, at end insert –
 ““building industry scheme” means a scheme established under section (Building industry schemes) of the Building Safety Act 2022;”
- 30 Page 80, leave out lines 3 to 5 and insert –
 ““relevant building” means a building in England consisting of or containing –
 (a) one or more dwellings, or
 (b) other accommodation,
 (and “accommodation” here includes temporary accommodation, for example in a hotel or hospital);”

After Clause 57

- 31 Insert the following new Clause –
“Crown application
 In Part 5 of the Building Act 1984 before section 132 insert –
“131A Crown application
 (1) The following provisions bind the Crown –
 (a) Part 1 except sections 35B to 37, 39A and 40;
 (b) Part 2;
 (c) Part 2A except sections 58I to 58K, 58U, 58V and 58Z4 to 58Z6;
 (d) Part 4 so far as it relates to a provision within any of the preceding paragraphs.
 (2) No contravention by the Crown of a provision within subsection (1)(a) to (d) makes the Crown criminally liable.
 (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

- (4) Subsection (5) applies where –
- (a) a contravention of a provision within subsection (1)(a) or (b), or of Part 4 so far as it relates to such a provision, occurs in relation to a building or proposed building for which a local authority is the building control authority, or
 - (b) a contravention of a provision within subsection (1)(c), or of Part 4 so far as it relates to such a provision, occurs in relation to Wales,
- and the Crown would, but for subsection (2), be criminally liable under this Act in respect of the contravention.
- (5) The High Court may, on the application of –
- (a) the local authority (in a case within subsection (4)(a)), or
 - (b) the Welsh Ministers (in a case within subsection (4)(b)),
- declare unlawful the act or omission constituting the contravention.
- (6) In this section a reference to a provision includes any instrument made under it.
- (7) For the application to the Crown of Part 3, and Part 4 so far as it relates to that Part, see section 87.”

32 Insert the following new Clause –

“Application to Parliament

- (1) The Building Act 1984 is amended as follows.
- (2) In section 95 (power to enter premises) after subsection (4) insert –
 - “(5) This section does not apply in relation to the Parliamentary Estate (as defined by section 131B).”
- (3) After section 131A (inserted by section (*Crown application*)) insert –

“131B Parts 1 and 2 etc: application to Parliament

- (1) In their application in relation to the Parliamentary Estate, Parts 1 and 2, and Part 4 so far as it relates to those Parts, have effect with the following modifications –
 - (a) sections 35B to 37, 39A and 40 (enforcement etc) do not apply;
 - (b) any reference to the owner or occupier of a building or of any premises is to be read as a reference to –
 - (i) the Corporate Officer of the House of Lords,
 - (ii) the Corporate Officer of the House of Commons, or (as the case may be)
 - (iii) the Corporate Officers acting jointly.
- (2) In the following provisions –

“Corporate Officer” means –

 - (a) the Corporate Officer of the House of Lords,
 - (b) the Corporate Officer of the House of Commons, or
 - (c) the Corporate Officers acting jointly;

“relevant provision” means –

 - (a) any provision of, or of an instrument made under, Part 1 or 2, or

- (b) any provision of Part 4 or of an instrument made under Part 4, so far as the provision relates to Part 1 or 2.
- (3) No contravention by a Corporate Officer of a relevant provision makes the Corporate Officer criminally liable.
- (4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).
- (5) Where a contravention of a relevant provision occurs which, but for subsection (3), would result in a Corporate Officer being criminally liable, the High Court may, on the application of the local authority, declare unlawful the act or omission constituting the contravention.
- (6) In this section “the Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.”

Clause 58

- 33 Page 80, line 28, leave out paragraph (e)
- 34 Page 81, line 12, leave out “and Schedule 8”

Clause 77

- 35 Page 91, line 30, leave out paragraph (a)

Clause 78

- 36 Page 92, line 38, leave out paragraph (a)

Clause 79

- 37 Page 93, line 16, leave out “, and any building safety manager,”

Clause 80

- 38 Leave out Clause 80

Clause 81

- 39 Leave out Clause 81

Clause 82

- 40 Leave out Clause 82

Clause 83

- 41 Leave out Clause 83

Clause 84

42 Leave out Clause 84

Clause 93

43 Page 102, line 13, leave out “intervals” and insert “times”

44 Page 102, line 14, at end insert –

“(c) in prescribed circumstances, consult relevant persons and prescribed persons on the strategy and take any representations made on the consultation into account when next reviewing the strategy;

(d) act in accordance with the strategy.”

45 Page 102, line 23, leave out “an accountable person will consult relevant persons” and insert “relevant persons will be consulted”

46 Page 102, line 27, leave out “an accountable person’s”

47 Page 102, line 36, at end insert –

“(c) any prescribed person.”

48 Page 103, line 6, at end insert –

“(aa) make provision about the preparation, review or revision of a residents’ engagement strategy, in cases where there is more than one accountable person for the building;”

49 Page 103, line 8, at end insert –

“(c) make provision about consultations under this section.”

Clause 110

50 Page 112, line 19, leave out paragraph (a)

Clause 112

51 Page 113, line 30, leave out “section 110” insert “paragraph 8(3) of Schedule 7”

After Clause 112

52 Insert the following new Clause –

“Building safety directors of resident management companies

- (1) This section applies in relation to a resident management company that is an accountable person for a higher-risk building.
- (2) The articles of association of the resident management company have effect as if they included such provision as may be prescribed relating to –
 - (a) eligibility for appointment as a director of the company, for a building safety purpose;
 - (b) the appointment of a director for such a purpose;
 - (c) the entitlement to remuneration of a director appointed for such a purpose;
 - (d) the removal of a director so appointed.

- (3) Subsection (2) has effect—
- (a) whether or not the provision is adopted by the company;
 - (b) whether the company was formed before or after the coming into force of this section;
 - (c) notwithstanding anything in the company’s articles of association.
- (4) In this section—
- “building safety purpose” means the purpose of supporting the resident management company in complying with its duties under this Part or under regulations made under this Part;
- “resident management company” has the meaning given by regulations made by the Secretary of State.”

Clause 113

- 53 Page 114, line 4, leave out “(6)” and insert “(5)”
- 54 Page 114, line 8, leave out “in England”
- 55 Page 115, leave out lines 36 to 38
- 56 Page 116, leave out line 1
- 57 Page 116, line 7, leave out “Implied terms relating to building safety charges” and insert “Liability for building safety costs”
- 58 Page 116, line 8, leave out “in England”
- 59 Page 116, leave out lines 10 to 17
- 60 Page 116, line 26, at end insert—
- “(5A) The relevant lease has effect—
- (a) as if the matters for which the service charge is payable under the lease included the taking of building safety measures by or on behalf of a relevant person (insofar as this would not otherwise be the case), and
 - (b) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided for any costs for which the tenant is liable by virtue only of paragraph (a) to be apportioned in the same way as costs incurred in connection with insuring the building.
- (5B) “Building safety measure” means any of the following—
- (a) applying for registration of a higher-risk building in accordance with section 75 of the Building Safety Act 2022;
 - (b) applying for a building assessment certificate in accordance with section 76 of that Act;
 - (c) displaying a building assessment certificate in accordance with section 79 of that Act;
 - (d) assessing building safety risks in accordance with section 85 of that Act;
 - (e) taking reasonable steps in accordance with section 86 of that Act (management of building safety risks), other than steps involving the carrying out of works as referred to in section 86(2);
 - (f) preparing and revising a safety case report in accordance with section 87 of that Act;

- (g) notifying the regulator of a safety case report, and giving a copy of a safety case report to the regulator, in accordance with section 88 of that Act;
- (h) establishing and operating a mandatory occurrence reporting system, and giving information to the regulator, in accordance with section 89 of that Act;
- (i) keeping information and documents in accordance with section 90 of that Act;
- (j) giving information and documents to any person in accordance with section 91, 92 or 94 of that Act;
- (k) complying with any duty under section 93 of that Act (residents' engagement strategy);
- (l) establishing and operating a system for the investigation of complaints in accordance with section 95 of that Act;
- (m) giving a contravention notice to a resident, and making an application to the county court, in accordance with section 98 of that Act;
- (n) making a request to enter premises, or making an application to the county court, in accordance with section 99 of that Act (access to premises).

(5C) For the purposes of this section any of the following incurred in connection with the taking of a building safety measure are to be regarded as incurred in taking the measure –

- (a) legal and other professional fees;
- (b) fees payable to the regulator;
- (c) management costs.”

61 Page 116, leave out line 28

62 Page 116, line 31, at end insert –

““relevant person” means –

- (a) if the landlord is an accountable person for the building, the landlord or a special measures manager for the building;
- (b) otherwise, any superior landlord who is an accountable person for the building or a special measures manager for the building;”

63 Page 116, line 36, at end insert –

“(7) The Secretary of State may by regulations made by statutory instrument amend subsection (5B) so as to add, remove or modify a building safety measure.

(8) The regulations may make incidental, transitional or saving provision.

(9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

- 64 Page 116, line 36, at end insert –
- “30DA Liability for remuneration of building safety director of resident management company etc**
- (1) This section applies to a lease of premises which consist of or include a dwelling in a higher-risk building if –
- (a) the landlord is an accountable person for the building,
 - (b) the landlord is –
 - (i) a resident management company within the meaning of section (*Building safety directors of resident management companies*) of the Building Safety Act 2022, or
 - (ii) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), and
 - (c) the tenant is liable to pay a service charge.
- (2) The lease has effect –
- (a) as if it contained provision authorising the appointment of a person (whether or not a leaseholder or a resident of the building) as a director of the landlord for a building safety purpose,
 - (b) as if the matters for which the service charge is payable under the lease included remunerating any director of the landlord appointed for a building safety purpose (insofar as this would not otherwise be the case), and
 - (c) where the lease contains different methods for apportioning different relevant costs (within the meaning of section 18), as if it provided that any costs for which the tenant is liable by virtue only of paragraph (b) to be apportioned in the same way as costs incurred in connection with insuring the building.
- (3) In this section –
- “building safety purpose” means the purpose of supporting the landlord in complying with its duties under Part 4 of the Building Safety Act 2022 or under regulations made under that Part;
 - “landlord” includes any person who has a right under the lease to enforce payment of a service charge;
 - “service charge” has the meaning given by section 18;
 - “tenant” includes any person who has an obligation under the lease to pay a service charge.”
- 65 Page 116, line 37, leave out “section 30C or 30D” and insert “sections 30C to 30DA”
- 66 Page 116, line 39, leave out “or 30D”
- 67 Page 117, line 2, leave out “or 30D”
- 68 Page 117, line 5, at end insert –
- “(2) A covenant or agreement, whether contained in a lease to which section 30D or 30DA applies or in an agreement collateral to such a lease, is void insofar as it purports to modify the effect of section 30D(5A) or 30DA(2).”
- 69 Page 117, line 8, leave out “section 30C or 30D (implied terms)” and insert “any of sections 30C to 30DA (implied terms etc)”
- 70 Page 117, line 14, leave out “or 30D(2)”

- 71 Page 117, line 20, leave out “or 30D(2)”
- 72 Page 117, line 23, leave out “and Schedule 2”
- 73 Page 117, leave out lines 26 and 27
- 74 Page 117, line 35, leave out subsections (3) and (4) and insert –

“(3) After section 20E (inserted by section 117) insert –

“20F Limitation of service charges: excluded costs for higher-risk buildings

- (1) This section applies in relation to a lease to which section 30D (higher-risk buildings: building safety costs) applies.
- (2) Excluded costs are not to be regarded as relevant costs to be taken into account in determining the amount of service charge payable by a tenant under the lease.
- (3) In this section “excluded costs” means any of the following incurred in connection with Part 4 of the Building Safety Act 2022 or regulations made under that Part –
 - (a) costs incurred or to be incurred by or on behalf of a relevant person solely as a result of any penalty imposed or enforcement action taken by the regulator;
 - (b) legal costs incurred or to be incurred by or on behalf of a relevant person in connection with special measures order proceedings;
 - (c) costs incurred or to be incurred by or on behalf of a relevant person by reason of any negligence, breach of contract or unlawful act on the part of that relevant person or a person acting on their behalf;
 - (d) costs of a description prescribed by regulations made by the Secretary of State that are incurred or to be incurred by or on behalf of an accountable person or special measures manager for the building in connection with the taking of building safety measures.
- (4) In this section –
 - “building safety measures” has the meaning given by section 30D;
 - “enforcement action” means action taken with a view to, or in connection with –
 - (a) securing compliance with Part 4 of the Building Safety Act 2022 or regulations made under that Part, or
 - (b) the imposition of a sanction in respect of a contravention of that Part or those regulations;
 - “the regulator” has the meaning given by section 116 of the Building Safety Act 2022;
 - “relevant person” means –
 - (a) where the landlord under the lease is an accountable person for the higher-risk building, the landlord or a special measures manager for the higher-risk building;

- (b) where the landlord is not such an accountable person, any superior landlord who is an accountable person for the higher-risk building or a special measures manager for the higher-risk building;
- “special measures order proceedings” means any proceedings relating to the making, variation or discharge of, or the giving of directions in relation to, a special measures order under Schedule 7 to the Building Safety Act 2022 (including any appeals in relation to such proceedings).
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A power to make regulations includes power to make—
- (a) incidental, transitional or saving provision;
 - (b) different provision for different purposes.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 21 (service charge information) after subsection (6) insert—
- “(6A) In particular, regulations which make provision about higher-risk buildings (within the meaning of Part 4 of the Building Safety Act 2022) need not contain provision of a kind mentioned in subsection (2) or (3).”
- (4A) In section 30 (meaning of “landlord” and “tenant”)—
- (a) after the definition of “landlord” insert—

““services” includes, in relation to a dwelling in a higher-risk building (as defined by section 30H), building safety measures within the meaning of section 30D;”;
 - (b) in the heading for ““flat”, “landlord” and “tenant”” substitute ““landlord”, “tenant” etc.”.
- 75 Page 118, line 8, leave out “implied terms relating to building safety charges).” and insert “building safety costs),
section 30DA (liability for remuneration of building safety director of resident management company etc).”
- 76 Page 118, line 9, leave out subsections (6) to (8)
- 77 Page 118, line 24, leave out from “of” to end of line 26 and insert “the Commonhold and Leasehold Reform Act 2002 (application to Crown) —
- (a) for “30B” substitute “30H”;

Clause 114

- 78 Page 119, line 4, leave out “, an administration charge or a building safety charge” and insert “or an administration charge”
- 79 Page 119, line 11, leave out from “service charges” to “from” in line 12 and insert “or administration charges”

- 80 Page 119, line 12, at end insert “, or
(b) a special measures order (within the meaning of Schedule 7 to the Building Safety Act 2022) is in force.”
- 81 Page 119, leave out lines 19 and 20
- 82 Page 119, line 30, leave out “, administration charge or building safety charge” and insert “or administration charge”
- 83 Page 119, line 35, leave out “, administration charge or building safety charge” and insert “or administration charge”
- 84 Page 119, line 39, leave out from “service charges” to “from” in line 40 and insert “or administration charges”
- 85 Page 119, line 40, at end insert “, or
(b) a special measures order (within the meaning of Schedule 7 to the Building Safety Act 2022) is in force.”
- 86 Page 120, leave out lines 16 to 19
- 87 Page 120, leave out lines 22 and 23
- 88 Page 120, leave out lines 24 and 25
- 89 Page 120, leave out line 28
- 90 Page 120, leave out lines 29 and 30

Clause 116

- 91 Page 122, leave out line 32
- 92 Page 123, line 39, leave out subsection (2)

Before Clause 117

- 93 Insert the following new Clause –

“Remediation of certain defects

- (1) Sections (*Meaning of “relevant building”*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*) make provision in connection with the remediation of relevant defects in relevant buildings.
- (2) In those sections –
 - (a) sections (*Meaning of “relevant building”*) to (*Associated persons*) define “relevant building”, “qualifying lease”, “the qualifying time”, “relevant defect” and “associate”;
 - (b) section (*Remediation costs under qualifying leases*) and Schedule (*Remediation costs under qualifying leases*) contain protections for tenants under qualifying leases in respect of costs connected with relevant defects, and impose liabilities on certain landlords;
 - (c) section (*Remediation orders*) makes provision about remediation orders, under which a landlord in a relevant building is required to remedy certain relevant defects;

- (d) section (*Remediation contribution orders*) makes provision about remediation contribution orders, under which an associate of a landlord in a relevant building is required to contribute towards the costs of remedying certain relevant defects;
- (e) section (*Meeting remediation costs of insolvent landlord*) makes provision about cases where a company that is a landlord in a relevant building is being wound up, and confers on the court a power to require an associate of the company to contribute to its assets.”

94 Insert the following new Clause –

“Meaning of “relevant building”

- (1) This section applies for the purposes of sections (*Meaning of “qualifying lease”*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*).
- (2) “Relevant building” means a self-contained building, or self-contained part of a building, in England that contains at least two dwellings.
- (3) For the purposes of this section a building is “self-contained” if it is structurally detached.
- (4) For the purposes of this section a part of a building is “self-contained” if –
 - (a) the part constitutes a vertical division of the building,
 - (b) the structure of the building is such that the part could be redeveloped independently of the remainder of the building, and
 - (c) the relevant services provided for occupiers of that part –
 - (i) are provided independently of the relevant services provided for occupiers of the remainder of the building, or
 - (ii) could be so provided without involving the carrying out of any works likely to result in a significant interruption in the provision of any such services for occupiers of the remainder of the building.
- (5) In subsection (4) “relevant services” means services provided by means of pipes, cables or other fixed installations.

95 Insert the following new Clause –

“Section (*Meaning of “relevant building”*): height of buildings and number of storeys

- (1) This section applies for the purpose of section (*Meaning of “relevant building”*).
- (2) The height of a building is to be measured from ground level to the finished surface of the floor of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms).
- (3) When determining the number of storeys in a building –
 - (a) any storey below ground level is to be disregarded;
 - (b) any mezzanine floor is to be regarded as a storey if its internal floor area is at least half of the internal floor area of the largest storey in the building which is not below ground level.

- (4) In subsection (2) “ground level”, in relation to a building, means –
 - (a) the level of the surface of the ground immediately adjacent to the building, or
 - (b) where the level of the surface of the ground on which the building is situated is not uniform, the level of the lowest part of the surface of the ground immediately adjacent to it.
- (5) For the purposes of subsection (3) a storey is “below ground level” if any part of the finished surface of the ceiling of the storey is below the level of the surface of the ground immediately adjacent to that part of the building.”

96

Insert the following new Clause –

“Meaning of “qualifying lease” and “the qualifying time”

- (1) This section applies for the purposes of sections (*Remediation costs under qualifying leases*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*).
- (2) A lease is a “qualifying lease” if –
 - (a) it is a long lease of a single dwelling in a relevant building,
 - (b) the tenant under the lease is liable to pay a service charge,
 - (c) the lease was granted before 14 February 2022, and
 - (d) at the beginning of 14 February 2022 (“the qualifying time”) –
 - (i) the dwelling was a relevant tenant’s only or principal home,
 - (ii) a relevant tenant did not own any other dwelling in the United Kingdom, or
 - (iii) a relevant tenant owned no more than two dwellings in the United Kingdom apart from their interest under the lease.
- (3) Where a dwelling was at the qualifying time let under two or more leases to which subsection (2)(a) and (b) apply, any of those leases which is superior to any of the other leases is not a “qualifying lease”.
- (4) For the purposes of this section –
 - (a) “long lease” means a lease granted for a term of years certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture or otherwise;
 - (b) a person “owns” a dwelling in England, Wales or Northern Ireland if the person has a freehold interest in it or is a tenant under a long lease of it;
 - (c) “relevant tenant” means a person who, at the qualifying time, is the tenant, or any of the tenants, under the lease mentioned in subsection (2);
 - (d) “service charge” has the meaning given by section 18 of the Landlord and Tenant Act 1985.”

97

Insert the following new Clause –

“Meaning of “relevant defect”

- (1) This section applies for the purposes of sections (*Remediation costs under qualifying leases*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*).

- (2) “Relevant defect”, in relation to a building, means a defect as regards the building that—
- (a) arises as a result of anything done (or not done), or anything used (or not used), in connection with relevant works, and
 - (b) causes a building safety risk.
- (3) In subsection (2) “relevant works” means any of the following—
- (a) works relating to the construction or conversion of the building, if the construction or conversion was completed in the relevant period;
 - (b) works undertaken or commissioned by or on behalf of a relevant landlord or management company, if the works were completed in the relevant period;
 - (c) works undertaken after the end of the relevant period to remedy a relevant defect (including a defect that is a relevant defect by virtue of this paragraph).

“The relevant period” here means the period of 30 years ending with the time this section comes into force.

- (4) In subsection (2) the reference to anything done (or not done) in connection with relevant works includes anything done (or not done) in the provision of professional services in connection with such works.
- (5) For the purposes of this section—
- “building safety risk”, in relation to a building, means a risk to the safety of people in or about the building arising from—
- (a) the spread of fire, or
 - (b) the collapse of the building or any part of it;
- “conversion” means the conversion of the building for use (wholly or partly) for residential purposes;
- “relevant landlord or management company” means a landlord under a lease of the building or any part of it or any person who is party to such a lease otherwise than as landlord or tenant.”

98

Insert the following new Clause—

“Associated persons

- (1) For the purposes of sections (*Remediation costs under qualifying leases*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*), a partnership or body corporate is associated with another person in the circumstances mentioned in subsections (2) to (4).
- (2) A partnership is associated with any person who was a partner in the partnership, other than a limited partner, at any time in the period of 5 years ending at the qualifying time (“the relevant period”).
- (3) A body corporate is associated with any person who was a director of the body corporate at any time in the relevant period.
- (4) A body corporate is associated with another body corporate if—
 - (a) at any time in the relevant period a person was a director of both of them, or
 - (b) at the qualifying time, one of them controlled the other or a third body corporate controlled both of them.

Subsections (5) to (7) set out the cases in which a body corporate is regarded as controlling another body corporate.

- (5) A body corporate (X) controls a company (Y) if X possesses or is entitled to acquire—
- (a) at least half of the issued share capital of Y,
 - (b) such rights as would entitle X to exercise at least half of the votes exercisable in general meetings of Y,
 - (c) such part of the issued share capital of Y as would entitle X to at least half of the amount distributed, if the whole of the income of Y were in fact distributed among the shareholders, or
 - (d) such rights as would, in the event of the winding up of Y or in any other circumstances, entitle it to receive at least half of the assets of Y which would then be available for distribution among the shareholders.
- (6) A body corporate (X) controls a limited liability partnership (Y) if X—
- (a) holds a majority of the voting rights in Y,
 - (b) is a member of Y and has a right to appoint or remove a majority of other members, or
 - (c) is a member of Y and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in Y.
- (7) A body corporate (X) controls another body corporate (Y) if X has the power, directly or indirectly, to secure that the affairs of Y are conducted in accordance with X's wishes.
- (8) In subsection (6) a reference to "voting rights" is to the rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.
- (9) In determining whether one body corporate (X) controls another, X is treated as possessing—
- (a) any rights and powers possessed by a person as nominee for it, and
 - (b) any rights and powers possessed by a body corporate which it controls (including rights and powers which such a body corporate would be taken to possess by virtue of this paragraph).
- (10) In this section "partnership" means—
- (a) a partnership within the meaning of the Partnership Act 1890, or
 - (b) a limited partnership registered under the Limited Partnerships Act 1907,
- or a firm or entity of a similar character formed under the law of a country or territory outside the United Kingdom (and the reference to "limited partner" is to be read accordingly).
- (11) The Secretary of State may by regulations provide that, in relation to a prescribed reference in a provision mentioned in subsection (1) to anyone associated with another person, subsections (2) to (4) have effect with prescribed modifications."

99 Insert the following new Clause –

“Remediation costs under qualifying leases

Schedule (*Remediation costs under qualifying leases*) –

- (a) provides that certain service charge amounts relating to relevant defects in a relevant building are not payable, and
- (b) makes provision for the recovery of those amounts from persons who are landlords under leases of the building (or any part of it).”

100 Insert the following new Clause –

“Remediation orders

- (1) The Secretary of State may by regulations make provision for and in connection with remediation orders.
- (2) A “remediation order” is an order, made by the First-tier Tribunal on the application of an interested person, requiring a relevant landlord to remedy specified relevant defects in a specified relevant building by a specified time.
- (3) In this section “relevant landlord”, in relation to a relevant defect in a relevant building, means a landlord under a lease of the building or any part of it who is required, under the lease or by virtue of an enactment, to repair or maintain anything relating to the relevant defect.
- (4) In subsection (3) the reference to a landlord under a lease includes any person who is party to the lease otherwise than as landlord or tenant.
- (5) In this section “interested person”, in relation to a relevant building, means –
 - (a) the regulator (as defined by section 2);
 - (b) a local authority (as defined by section 29) for the area in which the relevant building is situated;
 - (c) a fire and rescue authority (as defined by section 29) for the area in which the relevant building is situated;
 - (d) a person with a legal or equitable interest in the relevant building or any part of it;
 - (e) any other person prescribed by the regulations.
- (6) In this section “specified” means specified in the order.
- (7) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with this section (other than one ordering the payment of a sum) is enforceable with the permission of the county court in the same way as an order of that court.”

101 Insert the following new Clause –

“Remediation contribution orders

- (1) The First-tier Tribunal may, on the application of an interested person, make a remediation contribution order in relation to a relevant building if it considers it just and equitable to do so.

- (2) “Remediation contribution order”, in relation to a relevant building, means an order requiring a specified body corporate or partnership to make payments to a specified person, for the purpose of meeting costs incurred or to be incurred in remedying relevant defects (or specified relevant defects) relating to the relevant building.
- (3) A body corporate or partnership may be specified only if it is –
- (a) a landlord under a lease of the relevant building or any part of it,
 - (b) a person who was such a landlord at the qualifying time,
 - (c) a developer in relation to the relevant building, or
 - (d) a person associated with a person within any of paragraphs (a) to (c).
- (4) An order may –
- (a) require the making of payments of a specified amount, or payments of a reasonable amount in respect of the remediation of specified relevant defects (or in respect of specified things done or to be done for the purpose of remedying relevant defects);
 - (b) require a payment to be made at a specified time, or to be made on demand following the occurrence of a specified event.
- (5) In this section –
- “associated”: see section (*Associated persons*);
- “developer”, in relation to a relevant building, means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;
- “interested person”, in relation to a relevant building, means –
- (a) the Secretary of State,
 - (b) the regulator (as defined by section 2),
 - (c) a local authority (as defined by section 29) for the area in which the relevant building is situated,
 - (d) a fire and rescue authority (as defined by section 29) for the area in which the relevant building is situated,
 - (e) a person with a legal or equitable interest in the relevant building or any part of it, or
 - (f) any other person prescribed by regulations made by the Secretary of State;
- “partnership” has the meaning given by section (*Associated persons*);
- “relevant building”: see section (*Meaning of “relevant building”*);
- “relevant defect”: see section (*Meaning of “relevant defect”*);
- “specified” means specified in the order.
- (6) The Secretary of State may by regulations provide that this section applies, with or without modifications, in relation to a building that would, but for section (*Meaning of “relevant building”*)(3), be a relevant building.”

102

Insert the following new Clause –

“Meeting remediation costs of insolvent landlord

- (1) This section applies if, in the course of the winding up of a company which is a landlord under a lease of a relevant building or any part of it, it appears –
- (a) that there are relevant defects relating to the building, and

- (b) that the company is under an obligation (howsoever imposed) to remedy any of the relevant defects or is liable to make a payment relating to any costs incurred or to be incurred in remedying any of the relevant defects.
- (2) The court may, on the application of a person acting as an insolvency practitioner in relation to the company, by order require a body corporate or partnership associated with the company –
- (a) to make such contributions to the company’s assets as the court considers to be just and equitable, or
 - (b) to make such payments to a specified person as the court considers to be just and equitable for the purpose of meeting costs incurred or to be incurred in remedying relevant defects mentioned in subsection (1)(b).

Section (*Remediation contribution orders*)(4) applies for the purposes of this section.

- (3) An order may be made where proceedings for the winding up of the company were commenced before (as well as after) the coming into force of this section.
- (4) In this section –
- “act as an insolvency practitioner” has the meaning given by section 388 of the Insolvency Act 1986;
 - “associated”: see section (*Associated persons*);
 - “the court” means a court having jurisdiction to wind up the company;
 - “partnership” has the meaning given by section (*Associated persons*);
 - “relevant building”: see section (*Meaning of “relevant building”*);
 - “relevant defect”: see section (*Meaning of “relevant defect”*);
 - “specified” means specified in the order.”

103

Insert the following new Clause –

“Building industry schemes

- (1) The Secretary of State may by regulations –
- (a) establish a scheme to be maintained by the Secretary of State, or a person designated by the Secretary of State and acting on the Secretary of State’s behalf, and
 - (b) make provision about the scheme.
- (2) A scheme may be established for any purpose connected with –
- (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
 - (b) improving the standard of buildings,
- including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.
- (3) Regulations that establish a scheme must prescribe –
- (a) the descriptions of persons in the building industry who may be members of the scheme (“eligible persons”), and
 - (b) the conditions that an eligible person must meet in order to become, and remain, a member of the scheme (“membership conditions”),
- and may provide for different categories of membership.

- (4) The membership conditions that may be prescribed include in particular conditions relating to—
- (a) the remedying of defects in buildings with which an eligible person has a connection of a prescribed kind;
 - (b) the making of financial contributions towards meeting costs associated with remedying defects in buildings (including buildings with which an eligible person has no connection);
 - (c) the use (or use in prescribed cases) of construction products (or construction products of a prescribed description) of prescribed persons carrying out activities in relation to construction products;
 - (d) the provision of information to the Secretary of State or any other person;
 - (e) the competence or conduct of any individual connected with an eligible person (for example, any director or senior manager of an eligible person) or any person with whom an eligible person contracts;
 - (f) whether persons with whom an eligible person contracts are members of a scheme.

In paragraph (e) “conduct” includes conduct occurring before the coming into force of this section.

- (5) The descriptions of persons prescribed by virtue of subsection (4)(c) may in particular be prescribed by reference to—
- (a) being eligible to be members of a scheme and not being members of that scheme;
 - (b) their conduct in relation to remedying defects in buildings or contributing to costs associated with remedying defects in buildings.
- (6) The membership conditions that may be prescribed by virtue of subsection (4)(c) include in particular a condition requiring an eligible person to ensure that no prescribed product of prescribed persons carrying out activities in relation to construction products is used in prescribed cases.
- (7) The Secretary of State must ensure that a list of members of a scheme is kept and published (and may publish a list of persons who are eligible persons but are not members of a scheme).
- (8) Regulations may make provision about the keeping and publication of other lists.”

104

Insert the following new Clause—

“Building industry schemes: supplementary

- (1) This section supplements section (*Building industry schemes*).
- (2) Regulations may make provision about—
 - (a) applications for membership of a scheme;
 - (b) renewal of membership at prescribed intervals;
 - (c) termination of a person’s membership;
 - (d) the suspension of a person from membership.
- (3) Regulations may provide for the charging of fees, in connection with—
 - (a) an application for membership;
 - (b) renewal of membership;

- (c) a review;
 - (d) any other prescribed matter.
- (4) Regulations may provide for membership conditions to be framed by reference to—
- (a) standards, or a document, from time to time published by any person;
 - (b) the opinion of the Secretary of State, or a designated person, in relation to any matter.
- (5) Regulations may make provision about the determination of disputes.
- (6) Regulations may make provision about the termination of a scheme.
- (7) In section (*Building industry schemes*) and this section—
- “building” means a building in England;
 - “building industry”: a reference to persons in the building industry is to persons carrying on, for business purposes, activities connected with the design, construction, management or maintenance of buildings, including persons carrying out activities in relation to construction products in England;
 - “construction product” has the meaning given by regulations;
 - “persons carrying out activities in relation to construction products” include (without limitation)—
 - (a) a manufacturer of construction products,
 - (b) a person who markets or supplies construction products to others, and
 - (c) a person who imports construction products into the United Kingdom for use, marketing or supply;
 - “prescribed” means prescribed by the regulations;
 - “regulations” means regulations under section (*Building industry schemes*);
 - “scheme” means a scheme established under section (*Building industry schemes*);
 - “standard” (except in subsection (4) of this section) is to be read in accordance with section 29.”

105

Insert the following new Clause—

“Prohibition on development for prescribed persons

- (1) The Secretary of State may by regulations prohibit a person of a prescribed description from carrying out development of land in England (or a prescribed description of such development).
- (2) The descriptions of persons which may be prescribed include in particular persons who—
 - (a) are eligible to be members of a scheme established under section (*Building industry schemes*), and
 - (b) are not members of that scheme.
- (3) A prohibition under the regulations may be imposed for any purpose connected with—
 - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
 - (b) improving the standard of buildings,

including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.

- (4) A prohibition under the regulations applies despite planning permission (or any prescribed description of planning permission) having been granted.
- (5) The regulations may provide that, in prescribed cases, no prescribed certificate under the 1990 Act may be granted (and any purported grant is of no effect).
- (6) The regulations may require a person of a prescribed description to give a notification relating to development (and may make provision about the content and form of a notification and the way in which it is to be given).
- (7) The regulations may contain exceptions.
- (8) The regulations may make provision about enforcement, including in particular provision applying (with or without modifications), in relation to a breach of the regulations, any provision of Part 7 of the 1990 Act (enforcement).
- (9) For the purposes of this section—
 - (a) “the 1990 Act” means the Town and Country Planning Act 1990;
 - (b) “building” means a building in England;
 - (c) “development” has the meaning given by section 55 of the 1990 Act;
 - (d) “planning permission” has the meaning given by section 336 of the 1990 Act;
 - (e) “prescribed” means prescribed by regulations under this section;
 - (f) “standard” is to be read in accordance with section 29.”

106

Insert the following new Clause—

“Building control prohibitions

- (1) The Secretary of State may by regulations impose a building control prohibition, as regards buildings or proposed buildings, in relation to persons of a prescribed description.
- (2) The descriptions of persons which may be prescribed include in particular persons who—
 - (a) are eligible to be members of a scheme established under section (*Building industry schemes*), and
 - (b) are not members of that scheme.
- (3) A building control prohibition may be imposed for any purpose connected with—
 - (a) securing the safety of people in or about buildings in relation to risks arising from buildings, or
 - (b) improving the standard of buildings,
 including securing that safety, or improving that standard, by securing that persons in the building industry remedy defects in buildings or contribute to costs associated with remedying defects in buildings.
- (4) A “building control prohibition”, in relation to a person, prohibits—
 - (a) the person from applying for building control approval or from depositing plans,

- (b) the person from giving an initial notice (whether or not jointly with anyone else) or a public body's notice, public body's plans certificate or public body's final certificate,
 - (c) the granting of building control approval to the person,
 - (d) the passing of plans deposited by the person,
 - (e) the acceptance of an initial notice given by the person (whether or not jointly with anyone else) or a public body's notice, public body's plans certificate or public body's final certificate given by the person,
 - (f) the giving of a final certificate in relation to works carried out by the person,
 - (g) the person from giving a prescribed document,
 - (h) the giving of a prescribed document to the person or in respect of works carried out by the person, or
 - (i) the acceptance of any prescribed document given by the person or in respect of works carried out by the person.
- (5) A building control prohibition applies despite any provision made by or under the Building Act 1984.
 - (6) The regulations may contain exceptions.
 - (7) The regulations may provide that anything done in contravention of the regulations is of no effect.
 - (8) Any reference in this section to a building or proposed building is to a building or proposed building in England.
 - (9) In this section –
 - “building” and “building control approval”, and references to the deposit and passing of plans, are to be read in accordance with Part 1 of the Building Act 1984;
 - “initial notice”, “final certificate”, “public body's notice”, “public body's plans certificate” and “public body's final certificate” have the same meaning as in Part 2 of that Act;
 - “prescribed” means prescribed by regulations under this section;
 - “standard” is to be read in accordance with section 29.”

107

Insert the following new Clause –

“Building liability orders

- (1) The High Court may make a building liability order if it considers it just and equitable to do so.
- (2) A “building liability order” is an order providing that any relevant liability (or any relevant liability of a specified description) of a body corporate (“the original body”) relating to a specified building is also –
 - (a) a liability of a specified body corporate, or
 - (b) a joint and several liability of two or more specified bodies corporate.
- (3) In this section “relevant liability” means a liability (whether arising before or after commencement) that is incurred –
 - (a) under the Defective Premises Act 1972 or section 38 of the Building Act 1984, or
 - (b) as a result of a building safety risk.

- (4) A body corporate may be specified only if it is, or has at any time in the relevant period been, an associate of the original body.
- (5) A building liability order –
- (a) may be made in respect of a liability of a body corporate that has been dissolved (including where dissolution occurred before commencement);
 - (b) continues to have effect even if the body corporate is dissolved after the making of the order.
- (6) In this section –
- “associate”: see section (*Building liability orders: associates*);
- “building safety risk”, in relation to a building, means a risk to the safety of people in or about the building arising from the spread of fire or structural failure;
- “commencement” means the time this section comes into force;
- “the relevant period” means the period –
- (a) beginning with the beginning of the carrying out of the works in relation to which the relevant liability was incurred, and
 - (b) ending with the making of the order;
- “specified” means specified in the building liability order.”

108

Insert the following new Clause –

“Building liability orders: associates

- (1) For the purposes of section (*Building liability orders*), a body corporate (A) is associated with another body corporate (B) if –
- (a) one of them controls the other, or
 - (b) a third body corporate controls both of them.
- Subsections (2) to (4) set out the cases in which a body corporate is regarded as controlling another body corporate.
- (2) A body corporate (X) controls a company (Y) if X possesses or is entitled to acquire –
- (a) at least half of the issued share capital of Y,
 - (b) such rights as would entitle X to exercise at least half of the votes exercisable in general meetings of Y,
 - (c) such part of the issued share capital of Y as would entitle X to at least half of the amount distributed, if the whole of the income of Y were in fact distributed among the shareholders, or
 - (d) such rights as would, in the event of the winding up of Y or in any other circumstances, entitle it to receive at least half of the assets of Y which would then be available for distribution among the shareholders.
- (3) A body corporate (X) controls a limited liability partnership (Y) if X –
- (a) holds a majority of the voting rights in Y,
 - (b) is a member of Y and has a right to appoint or remove a majority of other members, or
 - (c) is a member of Y and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in Y.

- (4) A body corporate (X) controls another body corporate (Y) if X has the power, directly or indirectly, to secure that the affairs of Y are conducted in accordance with X's wishes.
- (5) In subsection (3) a reference to "voting rights" is to the rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.
- (6) In determining under any of subsections (2) to (4) whether one body corporate (X) controls another, X is treated as possessing—
 - (a) any rights and powers possessed by a person as nominee for it, and
 - (b) any rights and powers possessed by a body corporate which it controls (including rights and powers which such a body corporate would be taken to possess by virtue of this paragraph)."

109 Insert the following new Clause—

“Order for information in connection with building liability order

- (1) A person of a prescribed description may apply to the High Court for an information order.
- (2) An “information order” is an order requiring a specified body corporate to give, by a specified time, specified information or documents relating to persons who are or have at any time in a specified period been, associates of the body corporate.
- (3) An information order may be made only if it appears to the court—
 - (a) that the body corporate is subject to a relevant liability (within the meaning of section (*Building liability orders*)), and
 - (b) that it is appropriate to require the information or documents to be provided for the purpose of enabling the applicant (or the applicant and others) to make, or consider whether to make, an application for a building liability order.
- (4) In this section—
 - “associate” has the meaning given by section (*Building liability orders: associates*);
 - “building liability order”: see section (*Building liability orders*);
 - “prescribed” means prescribed by regulations made by the Secretary of State;
 - “specified” means specified in the information order.”

Clause 119

110 Page 128, line 14, leave out from “section” to end of line 16 and insert “applies in relation to a claim which, before this section came into force, was settled by agreement between the parties or finally determined by a court or arbitration (whether on the basis of limitation or otherwise).”

Clause 120

111 Page 129, line 4, at end insert “, and
 (c) the relevant Northern Ireland department.”

- 112 Page 129, line 4, at end insert—
- “(5) In this section, “the relevant Northern Ireland department” means—
- (a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or
 - (b) failing such a designation, the Executive Office in Northern Ireland.”

Clause 122

- 113 Page 130, line 4, after “Scotland” insert “or Northern Ireland”
- 114 Page 130, line 10, after “converted” insert “, or to which any other works have been carried out,”
- 115 Page 130, line 11, after “conversion” insert “or works”
- 116 Page 130, line 23, at end insert—
- “(c) in relation to land in Northern Ireland, a legal estate which is—
- (i) an estate in fee simple absolute in possession,
 - (ii) an estate in fee simple in possession subject to a rent payable under a fee farm grant, or
 - (iii) a term of years absolute granted for a term of more than 21 years from the date of the grant.”
- 117 Page 130, line 28, after “conversion of” insert “, or carrying out of any other works to,”
- 118 Page 130, line 30, after “conversion of” insert “, or carrying out of any other works to,”
- 119 Page 130, line 33, leave out “the case of a conversion” and insert “a case falling”
- 120 Page 130, line 43, at end insert “, and
- (d) in relation to homes in Northern Ireland, the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly.”
- 121 Page 131, line 3, at end insert—
- “(10A) If no Northern Ireland department has been designated for the purposes of this section then, for the purposes of subsection (10), “the relevant national authority” in relation to homes in Northern Ireland is the Executive Office in Northern Ireland.”

Clause 123

- 122 Page 131, line 8, leave out from “is” to end of line 10 and insert “exercisable—
- (a) in the case of regulations made by the Secretary of State or the Welsh Ministers, by statutory instrument, and
 - (b) in the case of regulations made by a Northern Ireland department, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

- 123 Page 131, line 27, at end insert –
 “(d) if made by a Northern Ireland department, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.”

Clause 124

- 124 Page 132, line 8, at end insert “, and
 (c) the relevant Northern Ireland department.”

- 125 Page 132, line 31, at end insert –
 “(8) In this section, “the relevant Northern Ireland department” means –
 (a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or
 (b) failing such a designation, the Executive Office in Northern Ireland.”

Clause 126

- 126 Page 133, line 5, leave out “and the Scottish Ministers” and insert “, the Scottish Ministers and the relevant Northern Ireland department”

- 127 Page 133, line 8, at end insert –
 “(5) In this section, “the relevant Northern Ireland department” means –
 (a) the Northern Ireland department designated for the purposes of this section by the First Minister and deputy First Minister acting jointly, or
 (b) failing such a designation, the Executive Office in Northern Ireland.”

After Clause 127

- 128 Insert the following new Clause –
“New build home warranties
- (1) This section applies where a person (“the developer”) carries out a development in England that results in the creation of one or more dwellings (“new build homes”).
 - (2) The developer must, at the time of or before granting or disposing of a relevant interest in a new build home –
 - (a) provide to the purchaser a new build home warranty for the new build home, and
 - (b) provide to a prescribed person a new build home warranty for any common parts.
 - (3) A “new build home warranty” for a thing is an arrangement, satisfying any requirements under subsection (4), under which –
 - (a) the developer agrees, in specified circumstances, to remedy any specified defect (or any defect) in the thing occurring in a specified period, and
 - (b) a prescribed person obtains the benefit of a policy of insurance relating to specified defects (or any defects) in the thing.

“Specified” here means specified in the arrangement.

- (4) The Secretary of State may by regulations impose requirements about new build home warranties, including in particular requirements as to –
- (a) the kinds of defect which the developer must agree to remedy;
 - (b) the circumstances in which the developer must agree to remedy a defect (including the minimum duration of the period mentioned in subsection (3)(a));
 - (c) the developer agreeing to meet prescribed costs incurred by a person occupying a new build home, where works to remedy a defect are carried out;
 - (d) the policy of insurance (including risks that must be covered, the minimum amount of cover, the minimum duration of the period of cover, and the maximum amount of any excess);
 - (e) the solvency of the insurer or underwriter;
 - (f) the standard of service provided by or on behalf of the insurer in relation to the policy;
 - (g) the ability of a person who has the benefit of the warranty to transfer that benefit to another person.
- (5) The regulations must provide that the period of cover under the policy of insurance must be at least 15 years beginning with the day on which the relevant interest is granted or disposed of.
- (6) In this section –
- “carries out a development”: the reference to a person carrying out a development is to undertaking or commissioning –
 - (a) the construction of a building, or
 - (b) the conversion of, or carrying out of any other works to, a building,with a view to granting, or disposing of, relevant interests in one or more dwellings created as a result of the construction, conversion or carrying out of works;
 - “common parts”, in relation to a new build home, means any part of a building, where –
 - (a) that part is provided for the use, benefit and enjoyment of the residents of the new build home and the residents of other dwellings (whether alone or with other persons), and
 - (b) the right to use that part is conferred in connection with the grant or disposal of the relevant interest in the new build home;
 - “defect”: any reference to a defect includes, in relation to land, contamination;
 - “prescribed” means prescribed by regulations made by the Secretary of State;
 - “purchaser” means the person to whom the relevant interest is granted or disposed of;
 - “relevant interest” means a legal estate which is –
 - (a) an estate in fee simple absolute in possession, or
 - (b) a term of years absolute granted for a term of more than 21 years from the date of the grant.”

129 Insert the following new Clause –

“New build home warranties: financial penalties

- (1) The Secretary of State may by regulations make provision for and in connection with the imposition of a financial penalty in cases where the Secretary of State, or a person designated by the Secretary of State, is satisfied beyond reasonable doubt that a person has, without reasonable excuse, failed to comply with section (*New build home warranties*)(2).
- (2) The regulations may include provision –
 - (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) for the imposition of interest or additional penalties for late payment;
 - (d) conferring rights of appeal against penalties.
- (3) The regulations must provide that the amount of a financial penalty (excluding interest or any additional penalty) may not exceed the greater of –
 - (a) 10% of the value of the relevant interest at the time the person granted or disposed of the relevant interest, and
 - (b) £10,000.”

After Clause 128

130 Insert the following new Clause –

“Liability relating to construction products

Liability relating to construction products: general definitions

In this section, section (*Liability relating to construction products*) and (*Liability for past defaults relating to cladding products*) –

“the 1991 Regulations” means the Construction Product Regulations 1991 (S.I. 1991/1620);

“the 2011 Regulation” means Regulation (EU) No. 305/2011 (regulation laying down harmonised conditions for the marketing of construction products);

“the 2019 Regulations” means the Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465);

“construction products regulations” means regulations under paragraph 1 of Schedule 11;

“construction product requirement” means a requirement under –

- (a) construction products regulations,
- (b) the 2011 Regulation, or
- (c) the 2019 Regulations;

“relevant building” means –

- (a) a building which consists of a dwelling, or
- (b) a building which contains two or more dwellings;

“relevant interest”, in relation to a building in England and Wales, means –

- (a) in a case where the building consists of a dwelling, a legal or equitable interest in the building, and

- (b) in a case where the building contains one or more dwellings, a legal or equitable interest in –
 - (i) the building, or
 - (ii) any dwelling contained in the building;
- “relevant interest”, in relation to a building in Scotland, means –
- (a) in a case where the building consists of a dwelling, any right or interest (including a servitude or heritable security) in or over the building, and
 - (b) in a case where the building contains one or more dwellings, any right or interest (including a servitude or heritable security) in or over –
 - (i) the building, or
 - (ii) any dwelling contained in the building;
- “requirement” includes a prohibition or restriction.”

131 Insert the following new Clause –

“Liability relating to construction products

- (1) This section applies where Conditions A to D are met.
- (2) Condition A is that, at any time after the coming into force of this section –
 - (a) a person fails to comply with a construction product requirement in relation to a construction product,
 - (b) a person who markets or supplies a construction product makes a misleading statement in relation to it, or
 - (c) a person manufactures a construction product that is inherently defective.
- (3) Condition B is that, after Condition A is met, the construction product referred to in subsection (2)(a), (b) or (c) is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.
- (4) Condition C is that, when those works are completed –
 - (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
 - (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.
- (5) Condition D is that the facts referred to in subsection (2)(a), (b) or (c) were the cause, or one of the causes, of the building or dwelling being unfit for habitation.
- (6) The person referred to in subsection (2)(a), (b) or (c) is liable to pay damages to a person with a relevant interest in relation to the relevant building for personal injury, damage to property or economic loss suffered by that person as a result of the facts referred to in subsection (4)(a) or (b).
- (7) A term of an agreement which purports to exclude or restrict, or has the effect of excluding or restricting, any liability arising under this section is void.

- (8) For the purposes of section 10B(1) of the Limitation Act 1980 and section 18ZD(1) of the Prescription and Limitation (Scotland) Act 1973, the right of action that a person has by virtue of this section is to be regarded as having accrued –
- (a) in a case where the works referred to in subsection (3) are carried out in the construction of the relevant building, when the construction is completed, and
 - (b) in any other case, when the works are completed.
- (9) In subsection (2)(a), “construction product” –
- (a) in relation to a construction product requirement under construction products regulations, has the meaning specified in those regulations;
 - (b) in relation to a construction product requirement under the 2011 Regulation, has the meaning specified in the 2011 Regulation;
 - (c) in relation to a construction product requirement under the 2019 Regulations, has the meaning specified in the 2011 Regulation as it had effect immediately before IP completion day.
- (10) In subsection (2)(b) and (c) “construction product” has the meaning specified in the 2011 Regulation.”

132

Insert the following new Clause –

“Liability for past defaults relating to cladding products

- (1) This section applies where Conditions A to D are met.
- (2) Condition A is that, at any time before the coming into force of this section –
 - (a) a person fails to comply with a cladding product requirement in relation to a cladding product,
 - (b) a person who markets or supplies a cladding product makes a misleading statement in relation to it, or
 - (c) a person manufactures a cladding product that is inherently defective.
- (3) Condition B is that, after Condition A has been met, the cladding product is attached to, or included in, the external wall of a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.
- (4) Condition C is that, when those works are completed –
 - (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
 - (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.
- (5) Condition D is that the facts referred to in subsection (2)(a), (b) or (c) were the cause, or one of the causes, of the building or dwelling being unfit for habitation.
- (6) The person referred to in subsection (2)(a), (b) or (c) is liable to pay damages to a person with a relevant interest in relation to the relevant building for personal injury, damage to property or economic loss suffered by that person as a result of the facts referred to subsection (4)(a) or (b).

- (7) A term of an agreement which purports to exclude or restrict, or has the effect of excluding or restricting, any liability arising under this section is void.
- (8) For the purposes of section 10B(2) of the Limitation Act 1980 and section 18ZD(2) of the Prescription and Limitation (Scotland) Act 1973, the right of action that a person has by virtue of this section is to be regarded as having accrued –
- (a) in a case where the works referred to in subsection (3) are carried out in the construction of the relevant building, when the construction is completed, and
 - (b) in any other case, when the works are completed.
- (9) Where an action is brought under this section in England and Wales that, but for section 10B(2) of the Limitation Act 1980, would have been barred by that Act, a court hearing the action must dismiss it in relation to any defendant if satisfied that it is necessary to do so to avoid a breach of that defendant's Convention rights.
- (10) Where an action is brought under this section in Scotland that, but for section 18ZD(2) of the Prescription and Limitation (Scotland) Act 1973, would have been barred by that Act, a court hearing the action must dismiss it in relation to any defender if satisfied that it is necessary to do so to avoid a breach of that defender's Convention rights.
- (11) In this section "cladding product requirement" means –
- (a) in relation to a time before IP completion day, a requirement relating to a cladding product under –
 - (i) the 1991 Regulations, or
 - (ii) the 2011 Regulation as it had effect in EU law at that time, and
 - (b) in relation to a time after IP completion day, a requirement relating to a cladding product under –
 - (i) the 2011 Regulation, or
 - (ii) the 2019 Regulations.
- (12) In this section –
- "cladding product" means a cladding system or any component of a cladding system;
 - "Convention rights" has the same meaning as in the Human Rights Act 1998;
 - "external wall", in relation to a building, includes any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access otherwise than for the purpose of carrying out repairs or maintenance."

133

Insert the following new Clause –

“Liability relating to construction products: limitation in England and Wales

In the Limitation Act 1980, after section 10A insert –

“10B Special time limit for actions relating to construction products

- (1) An action under section (*Liability relating to construction products*) of the Building Safety Act 2022 shall not be brought after the expiration of 15 years from the date on which the right of action accrued.
- (2) An action under section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 shall not be brought after –
 - (a) if the right of action accrued before the commencement date, the expiration of the period of 30 years from the date on which it accrued, and
 - (b) if the right of action accrued on or after the commencement date, the expiration of the period of 15 years beginning with the date on which it accrued.
- (3) In a case where –
 - (a) a right of action under section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 accrued before the commencement date, and
 - (b) the expiration of the period of 30 years beginning with the date on which the right of action accrued falls in the year beginning with the commencement date,
 subsection (2)(a) has effect as if it referred to the expiration of that year.
- (4) In subsections (2) and (3) “the commencement date” is the day on which section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 came into force.
- (5) No other period of limitation prescribed by Part 1 of this Act applies in relation to an action referred to in subsections (1) and (2).
- (6) Sections 28, 32 and 35 of this Act apply in relation to an action referred to subsections (1) and (2), but otherwise Parts 2 and 3 of this Act (except sections 37 and 38) do not apply for the purposes of this section.”

134

Insert the following new Clause –

“Liability relating to construction products: limitation in Scotland

- (1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.
- (2) After section 18ZC insert –

“18ZD Actions relating to construction products

- (1) An action under section (*Liability relating to construction products*) of the Building Safety Act 2022 may not be brought after the expiration of 15 years from the date on which the right of action accrued (see subsection (8) of that section).

- (2) An action under section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 may not be brought after—
- (a) if the right of action accrued before the commencement date, the expiration of the period of 30 years from the date on which it accrued (see subsection (8) of that section), and
 - (b) if the right of action accrued on or after the commencement date, the expiration of the period of 15 years beginning with the date on which it accrued.
- (3) In a case where—
- (a) a right of action under section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 accrued before the commencement date, and
 - (b) the expiration of the period of 30 years beginning with the date on which the right of action accrued falls in the year beginning with the commencement date,
- subsection (2)(a) has effect as if it referred to the expiration of that year.
- (4) In subsections (2) and (3) “the commencement date” is the day on which section (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 came into force.
- (5) No other period of limitation specified by this Part of this Act applies in relation to an action referred to in subsection (1) or (2).
- (6) In the computation of a period of time specified in subsection (1) or (2), there is to be disregarded any time during which the person seeking to bring the action (P)—
- (a) was under a legal disability by reason of nonage or unsoundness of mind, or
 - (b) failed to bring the action by reason of—
 - (i) fraud on the part of the person against whom the action is to be brought (D) or the part of any person acting on D’s behalf, or
 - (ii) error induced by words or conduct of D or any person acting on D’s behalf,
 (but not including, for the purposes of paragraph (b), any time occurring after P could with reasonable diligence have discovered the fraud or error mentioned in that paragraph).
- (7) For the purposes of subsection (6)(b), it does not matter whether D, or the person acting on D’s behalf, intended the fraud or the words or conduct to cause P to fail to bring the action.”
- (3) In section 7(2) (extinction of obligations by prescriptive periods of twenty years), at the end insert “or any obligation to pay damages arising from liability under section (*Liability relating to construction products*) or (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022 (see section 18ZD of this Act).”
- (4) In section 19CA(1) (interruption of limitation period: arbitration), after “18ZC(2)” insert “, 18ZD(1) or (2)”.

- (5) In Schedule 1, in paragraph 2 (exceptions from the 5 year prescriptive period under section 6), after paragraph (ga) insert –
- “(gb) to any obligation to pay damages arising from liability under section (*Liability relating to construction products*) or (*Liability for past defaults relating to cladding products*) of the Building Safety Act 2022;”.

135

Insert the following new Clause –

“Construction products: costs contribution orders

Costs contribution orders: general definitions

In this section and sections (*Costs contribution orders made by courts*) to (*Costs contribution orders: assessments*) –

“the 2011 Regulation” means Regulation (EU) No. 305/2011 (regulation laying down harmonised conditions for the marketing of construction products);

“the 2019 Regulations” means the Construction Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/465);

“the 2020 Regulations” means the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1359);

“construction product” –

- (a) in relation to a construction product requirement under construction products regulations, has the meaning specified in those regulations;
- (b) in relation to a construction product requirement under the 2011 Regulation, has the meaning specified in the 2011 Regulation (or, in Northern Ireland, in the 2011 Regulation as having effect in EU law from time to time);
- (c) in relation to a construction product requirement under the 2019 Regulations, has the meaning specified in the 2011 Regulation as it had effect immediately before IP completion day;
- (d) in relation to a construction product requirement under the 2020 Regulations, has the meaning given by regulation 2 of those Regulations;

“construction products regulations” means regulations under paragraph 1 of Schedule 11;

“construction product requirement”, in England and Wales or Scotland, means a requirement under –

- (a) construction products regulations,
- (b) the 2011 Regulation, or
- (c) the 2019 Regulations;

“construction product requirement”, in Northern Ireland, means a requirement under –

- (a) construction product regulations,
- (b) the 2011 Regulation as having effect from time to time in EU law,
- (c) the 2019 Regulations, or
- (d) the 2020 Regulations;

references to an “interest” in a building or dwelling include –

- (a) in England and Wales, any legal or equitable interest in the building or dwelling;
- (b) in Scotland, any right or interest (including a servitude or heritable security) in or over the building or dwelling;
- (c) in Northern Ireland, any estate within the meaning given by section 45(2) of the Interpretation Act (Northern Ireland) 1954 in the building or dwelling;

“relevant building” means –

- (a) a building which consists of a dwelling, or
- (b) a building which contains two or more dwellings;

“requirement” includes a prohibition or restriction.”

136

Insert the following new Clause –

“Costs contribution orders made by courts

- (1) The Secretary of State may by regulations make provision for courts to make costs contribution orders on the application of the Secretary of State.
- (2) The regulations may only make provision for the making of costs contribution orders under this section in cases where –
 - (a) Conditions A to D are met, and
 - (b) any prescribed conditions are met.
- (3) Condition A is that a person (“the defaulter”) is convicted of an offence consisting of a failure to comply with a construction product requirement in relation to a construction product.
- (4) Condition B is that, after the failure to comply referred to in subsection (3), the construction product is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.
- (5) Condition C is that, when those works are completed –
 - (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or
 - (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.
- (6) Condition D is that the failure to comply referred to in subsection (3) was the cause, or one of the causes, of the building or dwelling being unfit for habitation.
- (7) A “costs contribution order” under this section is an order requiring the defaulter to pay an amount to a person with a prescribed interest in the building or any dwelling contained in the building.
- (8) Regulations under this section must provide for the amount to be paid to a person under a costs contribution order under this section to be such amount as the court making the order considers just and equitable in respect of the costs that the person has reasonably incurred, or in the view of the court is likely to reasonably incur, in respect of works to make the building or dwelling fit for habitation.

- (9) The regulations may make provision as to the matters which may or must be taken into account by a court in determining—
- (a) whether, against whom and in favour of whom to make a costs contribution order under this section;
 - (b) the amount required to be paid by a person under a costs contribution order under this section.
- (10) The regulations may make provision in relation to—
- (a) enforcement of a costs contribution order under this section;
 - (b) court powers to order the defaulter to pay—
 - (i) any costs incurred by the Secretary of State under regulations under section (*Costs contribution orders: assessments*) (assessments) in respect of the application, and
 - (ii) any costs incurred by the Secretary of State in making the application.
- (11) The regulations may make provision about how a costs contribution order under this section relates to other remedies, including in particular—
- (a) provision to secure that, taking a costs contribution order under this section together with other remedies—
 - (i) a person does not incur liability more than once in respect of the same costs;
 - (ii) a person is not entitled to be reimbursed more than once for the same costs;
 - (b) provision preventing a person to whom any amount is payable under a costs contribution order under this section from pursuing any other legal remedy for the recovery of such an amount.
- (12) In this section “prescribed” means prescribed by regulations under this section.”

137

Insert the following new Clause—

“Costs contribution orders made by the Secretary of State

- (1) The Secretary of State may by regulations make provision for the Secretary of State to make costs contribution orders.
- (2) The regulations may only make provision for the making of costs contribution orders in cases where—
 - (a) Conditions A to D are met, and
 - (b) any prescribed conditions are met.
- (3) Condition A is that a person (“the defaulter”) is convicted of an offence consisting of a failure to comply with a construction product requirement in relation to a construction product.
- (4) Condition B is that, after the failure to comply referred to in subsection (3), the construction product is installed in, or applied or attached to, a relevant building in the course of works carried out in the construction of, or otherwise in relation to, the building.
- (5) Condition C is that, when those works are completed—
 - (a) in a case where the relevant building consists of a dwelling, the building is unfit for habitation, or

- (b) in a case where the relevant building contains one or more dwellings, a dwelling contained in the building is unfit for habitation.
- (6) Condition D is that the failure to comply referred to in subsection (3) was the cause, or one of the causes, of the building or dwelling being unfit for habitation.
- (7) A “costs contribution order” under this section is an order requiring the defaulter to make a payment to a person with a prescribed interest in the building or any dwelling contained in the building.
- (8) Regulations under this section must provide for the amount to be paid to a person under a costs contribution order under this section to be such amount as the Secretary of State considers just and equitable in respect of the costs that the person has reasonably incurred, or in the view of the Secretary of State is likely to reasonably incur, in respect of works to make the building or dwelling fit for habitation.
- (9) The regulations may make provision as to the matters which may or must be taken into account by the Secretary of State in determining –
 - (a) whether, against whom, and in favour of whom, to make a costs contribution order under this section;
 - (b) the amount required to be paid by a person under a costs contribution order under this section.
- (10) The regulations may make provision for the Secretary of State to issue a warning notice to a person before determining whether to make a costs contribution order under this section against that person.
- (11) The regulations may make provision requiring that a costs contribution order under this section –
 - (a) be made in a prescribed form;
 - (b) contain prescribed information.
- (12) The regulations may make provision about service of a costs contribution order under this section including –
 - (a) how an order is to be served;
 - (b) when an order is to be taken as having been served;
 - (c) the persons on whom an order must be served.
- (13) The regulations may make provision in relation to –
 - (a) enforcement of a costs contribution order made under this section (including enforcement by the Secretary of State);
 - (b) powers of the Secretary of State to order the defaulter to pay any costs incurred by the Secretary of State under section (*Costs contribution orders: assessments*) in respect of a costs contribution order under this section.
- (14) The regulations may make provision about how a costs contribution order under this section relates to other remedies, including in particular –
 - (a) provision to secure that, taking a costs contribution order under this section together with other remedies –
 - (i) a person does not incur liability more than once in respect of the same costs;
 - (ii) a person is not entitled to be reimbursed more than once for the same costs;

- (b) provision preventing a person to whom any amount is payable under a costs contribution order under this section from pursuing any other legal remedy for the recovery of such an amount.
- (15) The regulations may make provision for persons to apply to the Secretary of State for a review of a costs contribution order under this section.
- (16) The regulations may make provision for appeals to a court or tribunal in relation to—
 - (a) a decision of the Secretary of State to make or not make a costs contribution order under this section;
 - (b) a refusal by the Secretary of State to review a costs contribution order under this section;
 - (c) the outcome of a review by the Secretary of State of a costs contribution order under this section.
- (17) The regulations may in particular include provision suspending a requirement to pay an amount due under a costs contribution order under this section pending the determination or withdrawal of an appeal or the determination of a review.
- (18) In this section “prescribed” means prescribed by regulations under this section.”

138

Insert the following new Clause—

“Costs contribution orders: assessments

- (1) For the purposes of sections (*Costs contribution orders made by courts*) and (*Costs contribution orders made by Secretary of State*), the Secretary of State may by regulations make provision for the Secretary of State to appoint persons to assess—
 - (a) whether the conditions for the imposition of a costs contribution order under either of those sections are met;
 - (b) the works required to make a building or dwelling fit for habitation;
 - (c) what interest a person has in a building or dwelling;
 - (d) the costs that a person has reasonably incurred or is likely to reasonably incur in respect of works referred to in paragraph (b);
 - (e) the amount that a person should be required to pay under a costs contribution order.
- (2) The regulations may include provision about the criteria to be met by a person before they may be appointed as an assessor.
- (3) The regulations may make provision about assessments, including provision—
 - (a) conferring power on an assessor to require that persons provide such information as the assessor may reasonably require for the purposes of an assessment;
 - (b) for the provision of information by an assessor to the Secretary of State (including any information provided under paragraph (a)).
- (4) Regulations under subsection (3)(a) may include provision for criminal offences relating to a failure to provide information, or to the provision of false or misleading information.

- (5) Regulations under subsection (3)(a) creating a criminal offence must have the effect that –
- (a) the offence is –
 - (i) triable summarily only, or
 - (ii) triable summarily or on indictment,
 - (b) the offence is punishable only –
 - (i) with a fine, or
 - (ii) with a term of imprisonment or a fine (or both),
 - (c) where the offence is triable summarily only, any fine with which the offence is punishable in Scotland or Northern Ireland does not exceed level 5 on the standard scale,
 - (d) where the offence is triable summarily or on indictment, any fine with which the offence is punishable on summary conviction in Scotland or Northern Ireland does not exceed the statutory maximum, and
 - (e) any term of imprisonment with which the offence is punishable on summary conviction does not exceed –
 - (i) in England and Wales, the relevant period,
 - (ii) in Scotland, 12 months, and
 - (iii) in Northern Ireland, 6 months.
- (6) In subsection (5)(e)(i), “the relevant period” means –
- (a) in relation to an offence that is triable summarily only –
 - (i) where the offence is committed before the coming into force of section 281 of the Criminal Justice Act 2003, 6 months, and
 - (ii) where the offence is committed after that time, 51 weeks;
 - (b) in relation to an offence that is triable summarily or on indictment –
 - (i) where the offence is committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, 6 months, and
 - (ii) where the offence is committed after that time, 12 months.
- (7) Regulations under subsection (3)(b) may make provision for the purpose of securing that there is (taking into account any power or duty to provide information under the regulations) no contravention of the data protection legislation.
- (8) In subsection (7), “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Clause 134

139

Page 141, line 31, at end insert –

- “(4) Where –
- (a) a relevant company is an accountable person for a higher-risk building (within the meaning of Part 4), and
 - (b) one or more (but not all) directors of the relevant company have been appointed for a building safety purpose and are entitled to remuneration from the company,
- this section, so far as relating to Part 4, does not apply in relation to a director who is not entitled to remuneration from the relevant company.

- (5) In subsection (4) –
- “building safety purpose” means the purpose of supporting the relevant company in complying with its duties under Part 4 or under regulations made under that Part;
- “relevant company” means –
- (a) a resident management company within the meaning of section (*Building safety directors of resident management companies*),
 - (b) an RTM company within the meaning of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (right to manage), or
 - (c) a company that is a commonhold association within the meaning of Part 1 of that Act (see section 34).”

Clause 135

- 140 Page 142, line 20, at end insert –
- ““building function” has the meaning given by section 3;”

Clause 137

- 141 Page 143, line 2, at end insert –
- “(ba) sections (*Remediation of certain defects*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*) (remediation of certain defects);”
- 142 Page 143, line 3, at end insert –
- “(ca) sections (*New build home warranties*) and (*New build home warranties: financial penalties*) (new build home warranties);”

After Clause 137

- 143 Insert the following new Clause –
- “Application to Parliament**
- (1) The following provisions do not apply in relation to the Parliamentary Estate –
 - (a) sections 101, 102 and 105 (compliance notices under Part 4);
 - (b) paragraphs 1 to 3 of Schedule 2 (powers of entry of authorised officers).
 - (2) If the Palace of Westminster (or any part of it) is a higher-risk building within the meaning of Part 4, for the purposes of that Part the accountable persons for the building are the Corporate Officer of the House of Lords and the Corporate Officer of the House of Commons, acting jointly.
 - (3) No contravention by a Corporate Officer of a provision made by or under Part 2 or 4 makes the Corporate Officer criminally liable.
 - (4) Subsection (3) does not affect the criminal liability of relevant members of the House of Lords staff or of the House of Commons staff (as defined by sections 194 and 195 of the Employment Rights Act 1996).
 - (5) In subsection (3) “Corporate Officer” means –
 - (a) the Corporate Officer of the House of Lords,

- (b) the Corporate Officer of the House of Commons, or
 - (c) the Corporate Officers acting jointly.
- (6) In this section “Parliamentary Estate” means any building or other premises occupied for the purposes of either House of Parliament.”

Clause 140

- 144 Page 144, line 19, leave out “or 124” and insert “, (*Remediation orders*), (*Building industry schemes*), (*Prohibition on development for prescribed persons*), (*Building control prohibitions*) or 124”
- 145 Page 144, line 21, at end “or paragraph 3(5), 4, 12 or 15 of Schedule (*Remediation costs under qualifying leases*),”
- 146 Page 144, line 28, at end insert –
“(ea) regulations under sections (*Costs contribution orders made by courts*) to (*Costs contribution orders: assessments*),”.

Clause 141

- 147 Page 144, line 41, at end insert –
“(ba) sections 120 to 127 and Schedule 9 (*new homes ombudsman scheme*);”
- 148 Page 145, line 1, at end insert –
“(ca) sections (*Costs contribution orders: general definitions*) to (*Costs contribution orders: assessments*) (*costs contribution orders*);”
- 149 Page 145, line 4, leave out subsection (3) and insert –
“(3) Section 2(2) and Schedule 1 (amendments of the Health and Safety at Work etc Act 1974) extend to England and Wales and Scotland.”
- 150 Page 145, line 10, at end insert –
“(5) Sections (*Liability relating to construction products: general definitions*) to (*Liability for past defaults relating to cladding products*) (*liability relating to construction products*) extend to England and Wales and Scotland.
- (6) Section (*Liability relating to construction products: limitation in Scotland*) (*liability relating to construction products: limitation in Scotland*) extends to Scotland only.
- (7) The Secretary of State may by regulations –
(a) provide for the provisions mentioned in subsection (5) to extend also to Northern Ireland, and
(b) make provision (including provision amending this Act or any other enactment) in relation to the application of the provisions mentioned in subsection (5) in Northern Ireland.”

Clause 142

- 151 Page 145, line 29, at end insert –
“(za) sections (*Remediation of certain defects*) to (*Meeting remediation costs of insolvent landlord*) and Schedule (*Remediation costs under qualifying leases*);”

152 Page 145, line 32, at end insert –
“(ca) sections (*Liability relating to construction products: general definitions*)
to (*Costs contribution notices: assessments*);”

153 Page 146, line 18, leave out “, 39 and 86 to 88” and insert “and 87 to 89”

Schedule 5

154 Page 166, line 28, leave out paragraphs 38 and 39 and insert –
“38 Omit sections 44 and 45 (and the heading before section 44).”

155 Page 168, line 11, at end insert –
“47A In section 56(3) for the words from “, public body’s final certificates” to
the end substitute “and public body’s final certificates.””

156 Page 170, leave out lines 34 and 35

157 Page 175, line 32, at end insert –
“(ea) section 105C;”

158 Page 176, line 8, at end insert –
“““the data protection legislation” has the same meaning as in
the Data Protection Act 2018 (see section 3 of that Act);””

159 Page 178, line 10, leave out paragraph 89 and insert –
“89 (1) The Sustainable and Secure Buildings Act 2004 is amended as follows.
(2) In section 3 omit subsections (8) and (9).
(3) In section 4 omit subsection (4).”

Schedule 7

160 Page 184, line 7, leave out paragraph (b)

161 Page 186, leave out lines 8 and 9

162 Page 186, line 12, leave out from “building” to end of line 14

163 Page 186, line 21, leave out from “Part” to end of line 22

164 Page 186, line 25, leave out paragraph (a)

165 Page 187, line 17, leave out sub-paragraph (4)

166 Page 188, line 6, leave out “the” and insert “relevant”

167 Page 188, line 6, leave out “a relevant person” and insert “an accountable person
for the building”

168 Page 188, line 7, leave out second “the”

169 Page 188, line 11, leave out “a relevant person” and insert “an accountable person
for the building”

170 Page 188, line 12, leave out paragraph (c) and insert –
“(c) one or more rights or liabilities of that person under the
contract are relevant rights or liabilities,”

- 171 Page 188, line 17, at end insert –
“(3A) A right or liability of an accountable person for the building under a relevant contract is a “relevant right or liability” if it relates to a function of that person under, or under regulations made under, this Part in relation to the building.”
- 172 Page 188, line 17, at end insert –
“(3B) The notice under sub-paragraph (3)(e) must state which rights or liabilities under the contract are relevant rights or liabilities.”
- 173 Page 188, line 21, leave out “a relevant person” and insert “an accountable person for the building”
- 174 Page 188, line 23, leave out “relevant function of a relevant person” and insert “function of that person under, or under regulations made under, this Part in relation to the building”
- 175 Page 188, line 32, leave out “a relevant person” and insert “an accountable person for the building”
- 176 Page 188, line 35, leave out sub-paragraph (7)
- 177 Page 192, line 3, leave out “building safety charges or”
- 178 Page 194, line 37, leave out “building safety charges or”
- 179 Page 195, line 3, after “making” insert “, variation or discharge”
- 180 Page 195, line 5, leave out sub-paragraph (2)
- 181 Page 195, line 11, leave out paragraph (b)
- 182 Page 196, leave out line 18

Schedule 8

- 183 Leave out Schedule 8

Before Schedule 9

- 184 Insert the following new Schedule –

“SCHEDULE

REMEDATION COSTS UNDER QUALIFYING LEASES

Interpretation

- 1 (1) In this Schedule –
“associated”: see section (*Associated persons*);
“building safety risk” has the meaning given by section (*Meaning of “relevant defect”*);
“joint venture” includes a partnership (as defined by section (*Associated persons*));
“prescribed” means prescribed by regulations made by the Secretary of State;
“qualifying lease”: see section (*Meaning of “qualifying lease”*);

“the qualifying time” has the same meaning as in section (*Meaning of “qualifying lease”*);

“relevant building”: see section (*Meaning of “relevant building”*);

“relevant defect”: see section (*Meaning of “relevant defect”*);

“relevant measure”, in relation to a relevant defect, means a measure taken—

(a) to remedy the relevant defect, or

(b) for the purpose of—

(i) preventing a relevant risk from materialising, or

(ii) reducing the severity of any incident resulting from a relevant risk materialising;

“relevant risk” here means a building safety risk that arises as a result of the relevant defect;

“service charge” has the meaning given by section 18 of the Landlord and Tenant Act 1985.

- (2) The definition of “service charge” applies in relation to a lease of premises that do not include a dwelling as it applies in relation to a lease of a dwelling.

No service charge payable for defect for which landlord or associate responsible

- 2 (1) This paragraph applies in relation to a lease of any premises in a relevant building.
- (2) No service charge is payable under the lease in respect of a relevant measure relating to a relevant defect if a relevant landlord—
- (a) is responsible for the relevant defect, or
- (b) is associated with a person responsible for a relevant defect.
- (3) For the purposes of this paragraph a person is “responsible for” a relevant defect if—
- (a) in the case of an initial defect, the person was, or was in a joint venture with, the developer or undertook or commissioned works relating to the defect;
- (b) in any other case, the person undertook or commissioned works relating to the defect.
- (4) In this paragraph—
- “developer” means a person who undertook or commissioned the construction or conversion of the building (or part of the building) with a view to granting or disposing of interests in the building or parts of it;
- “initial defect” means a defect which is a relevant defect by virtue of section (*Meaning of “relevant defect”*)(3)(a);
- “relevant landlord” means the landlord under the lease or any superior landlord.

No service charge payable if landlord meets contribution condition

- 3 (1) No service charge is payable under a qualifying lease in respect of a relevant measure relating to any relevant defect if the landlord under the lease at the qualifying time (“the relevant landlord”) met the contribution condition.

- (2) The contribution condition is that the landlord group's net worth at the qualifying time was more than $N \times \text{£}2,000,000$, where N is the number of relevant buildings within sub-paragraph (3).
- (3) A relevant building is within this sub-paragraph if a member of the landlord group was, at the qualifying time, a landlord under a lease of the relevant building or any part of it.
- (4) For the purposes of this paragraph –
 - (a) “the landlord group” means the relevant landlord and any person associated with the relevant landlord;
 - (b) the net worth of the landlord group at the qualifying time is to be determined in accordance with regulations made by the Secretary of State.
- (5) The Secretary of State may by regulations amend the amount for the time being specified in sub-paragraph (2).
- (6) This paragraph does not apply if, at the qualifying time, the relevant landlord was –
 - (a) a private registered provider of social housing (as to which see section 80 of the Housing and Regeneration Act 2008),
 - (b) a local authority (as defined by section 29), or
 - (c) a prescribed person.

No service charge payable where lease below certain value

- 4 (1) No service charge is payable under a qualifying lease in respect of a relevant measure relating to any relevant defect if the value of the qualifying lease at the qualifying time was less than –
 - (a) $\text{£}325,000$, if the premises demised by the qualifying lease are in Greater London;
 - (b) $\text{£}175,000$, in any other case.
- (2) For the purposes of this paragraph the value of a qualifying lease at the qualifying time is its value determined in accordance with paragraph 6 and regulations made under it.

Limit on service charge in other cases

- 5 (1) A service charge which would otherwise be payable under a qualifying lease in respect of a relevant measure relating to any relevant defect is payable only if (and so far as) the sum of –
 - (a) the amount of the service charge, and
 - (b) the total amount of relevant service charges which fell due before the service charge fell due,does not exceed the permitted maximum.
- (2) In this paragraph “relevant service charge” means a service charge under the lease in respect of a relevant measure relating to any relevant defect that –
 - (a) fell due in the pre-commencement period, or
 - (b) falls due after commencement.

- (3) In sub-paragraph (2) “the pre-commencement period” means the period –
- (a) beginning 5 years before commencement or, if later, on the day the relevant person became the tenant under the qualifying lease, and
 - (b) ending with commencement.
- “The relevant person” means the person who was the tenant under the qualifying lease at commencement.
- (4) In this paragraph –
- “commencement” means the time this paragraph comes into force;
 - “the permitted maximum”: see paragraph 6.

Paragraph 5: the permitted maximum

- 6 (1) In paragraph 5 “the permitted maximum”, in relation to a qualifying lease, has the following meaning.
- (2) The permitted maximum is zero.
- (3) Where the qualifying lease is a shared ownership lease and the tenant’s total share was less than 100% at the qualifying time –
- (a) the value of the qualifying lease at that time is to be determined as if the tenant’s total share at that time was 100%;
 - (b) the permitted maximum is the tenant’s total share (as at that time) of what would otherwise be the permitted maximum.
- (4) The Secretary of State may by regulations make provision about the determination of the value of a qualifying lease for the purposes of paragraph 4.
- (5) The regulations may in particular provide that, except in prescribed cases, the value of a qualifying lease at the qualifying time is to be determined by –
- (a) ascertaining the consideration given on the latest disposal of the qualifying lease on the open market to have been made before that time, and
 - (b) if that disposal occurred before 2022, uprating the consideration in accordance with the regulations.
- (6) In this paragraph “shared ownership lease” and “total share” have the meaning given by section 7 of the Leasehold Reform, Housing and Urban Development Act 1993.

Annual limit on service charges

- 7 (1) A relevant service charge which would otherwise be payable under a qualifying lease is payable only if (and so far as) the sum of –
- (a) the amount of the service charge, and
 - (b) the total amount of relevant service charges which fell due in the period of 12 months ending with the day on which the service charge fell due,
- does not exceed one tenth of the permitted maximum.

- (2) In this paragraph—
“the permitted maximum” means the permitted maximum as defined by paragraph 6 in relation to the lease;
“relevant service charge” means a service charge under a qualifying lease in respect of a relevant measure relating to any relevant defect.

No service charge payable for cladding remediation where tenant was resident

- 8 (1) No service charge is payable under a qualifying lease in respect of cladding remediation.
- (2) In this paragraph “cladding remediation” means the removal or replacement of any part of a cladding system that—
(a) forms the outer wall of an external wall system, and
(b) is unsafe.

No service charge payable for legal or professional services relating to liability for relevant defects

- 9 (1) No service charge is payable under a qualifying lease in respect of legal or other professional services relating to the liability (or potential liability) of any person incurred as a result of a relevant defect.
- (2) In this paragraph the reference to services includes services provided in connection with—
(a) obtaining legal advice,
(b) any proceedings before a court or tribunal,
(c) arbitration, or
(d) mediation.

Paragraphs 2 to 4, 8 and 9: supplementary

- 10 (1) This paragraph supplements paragraphs 2 to 4, 8 and 9 (the “relevant paragraphs”).
- (2) Where a relevant paragraph provides that no service charge is payable under a lease in respect of a thing—
(a) no costs incurred or to be incurred in respect of that thing (or in respect of that thing and anything else)—
(i) are to be regarded for the purposes of the relevant provisions as relevant costs to be taken into account in determining the amount of a service charge payable under the lease, or
(ii) are to be met from a relevant reserve fund;
(b) any amount payable under the lease, or met from a relevant reserve fund, is limited accordingly (and any necessary adjustment must be made by repayment, reduction of subsequent charges or otherwise).
- (3) In this paragraph—
“the relevant provisions” means sections 18 to 30 of the Landlord and Tenant Act 1985 (service charges) and section 42 of the Landlord and Tenant Act 1987 (service charge contributions to be held on trust);

“relevant reserve fund” means –

- (a) a trust fund within the meaning of section 42 of the Landlord and Tenant Act 1987,
 - (b) an express trust of a kind mentioned in subsection (9) of that section, comprising payments made by the tenant under the lease and others, or
 - (c) any other fund comprising payments made by the tenant under the lease and others, and held for the purposes of meeting costs incurred or to be incurred in respect of the relevant building in question or any part of it (or in respect of that building or part and anything else).
- (4) The Secretary of State may by regulations modify the application of this paragraph as it applies in relation to a lease of premises that do not include a dwelling.

No increase in service charge for other tenants

11 Where –

- (a) an amount (“the original amount”) would, apart from this Schedule, be payable by a tenant under a lease of premises in a relevant building, and
 - (b) a greater amount would (apart from this paragraph) be payable under the lease as a result of this Schedule,
- the lease has effect as if the amount payable were the original amount.

Recovery of service charge amounts from landlords

- 12 (1) The Secretary of State may by regulations make provision for and in connection with the recovery, from a prescribed relevant landlord, of any amount that is not recoverable under a lease as a result of this Schedule.
- (2) In this paragraph “relevant landlord”, in relation to a lease, means the landlord under the lease or any superior landlord.

Presumption: qualifying lease

- 13 (1) This paragraph applies in relation to a lease that meets the conditions in paragraphs (a) to (c) of section (*Meaning of “qualifying lease” and “the qualifying time”*)(2).
- (2) The lease is to be treated for the purposes of this Schedule as a qualifying lease unless –
- (a) the landlord under the lease has taken all reasonable steps (and any prescribed steps) to obtain a qualifying lease certificate from a tenant under the lease, and
 - (b) no such certificate has been provided to the landlord.
- (3) In this paragraph “qualifying lease certificate” means a certificate, complying with any prescribed requirements, that the condition in section (*Meaning of “qualifying lease” and “the qualifying time”*)(2)(d) was met in relation to the lease at the qualifying time.
- (4) The requirements that may be prescribed include requirements as to –
- (a) the information to be provided in the certificate,

- (b) the form of the certificate, and
- (c) the execution of the certificate.

Presumptions relating to landlord under qualifying lease

- 14 (1) The person who was the landlord under a qualifying lease at the qualifying time (“the relevant landlord”) is to be treated for the purposes of this Schedule as having met the contribution condition (as defined by paragraph 3) unless the landlord under the lease provides to the tenant under the lease a certificate, complying with any prescribed requirements, that the relevant landlord did not meet that condition.
- (2) The Secretary of State may by regulations provide that (in some or all cases) the condition in paragraph 2(2) is to be treated for the purposes of this Schedule as met in relation to a lease to which paragraph 2 applies unless the landlord under the lease provides to the tenant under the lease a certificate that complies with any prescribed requirements.
- (3) The requirements that may be prescribed include requirements as to—
- (a) the information to be provided in the certificate,
 - (b) the form of the certificate, and
 - (c) the execution of the certificate.

Information from tenants

- 15 (1) The Secretary of State may by regulations make provision requiring a tenant under a qualifying lease to give prescribed information or documents to the landlord under the lease or any superior landlord.
- (2) The regulations may provide that the information or documents are to be given in a prescribed way.

Information from landlords

- 16 (1) The Secretary of State may by regulations make provision requiring a relevant landlord to give prescribed information or documents to a relevant tenant or other prescribed person.
- (2) Information or documents may be prescribed if they relate to any matter with which this Schedule is concerned.
- (3) The regulations may require the information or documents to be given in a prescribed way.
- (4) The regulations may provide that where a relevant landlord fails to comply with the regulations, prescribed costs—
- (a) are not to be regarded as relevant costs to be taken into account in determining the amount of a service charge payable under a relevant lease, and
 - (b) must not be met from a relevant reserve fund.
- (5) The regulations may make provision for and in connection with an application to the First-tier Tribunal for an order—
- (a) determining whether a relevant landlord has failed to comply with the regulations, and

- (b) if so, requiring the relevant landlord to provide specified information or documents to a specified person by a specified time.

“Specified” here means specified in the order.

- (6) Nothing in sub-paragraph (5) limits the effect of regulations made by virtue of sub-paragraph (4).
- (7) Information or documents may be specified in an order under sub-paragraph (5) only if the regulations require them to be provided to the specified person.
- (8) In this paragraph –
- “relevant costs” has the meaning given by section 18 of the Landlord and Tenant Act 1985 (and this applies in relation to a lease of premises that does not include a dwelling as it applies in relation to a lease of a dwelling);
 - “relevant landlord” means a landlord under a relevant lease;
 - “relevant lease” means a lease of premises in a relevant building;
 - “relevant reserve fund” has the meaning given by paragraph 10;
 - “relevant tenant” means a tenant under a relevant lease.

- 17 In section 21 of the Landlord and Tenant Act 1985 (service charge information), in subsection (6A) (inserted by section 113), after “2022” insert “or relevant buildings (as defined by section (*Meaning of “relevant building”*) of that Act)”.

Anti-avoidance

- 18 A covenant or agreement (whenever made) is void insofar as it purports to exclude or limit any provision made under this Schedule.”

Schedule 9

- 185 Page 211, line 38, leave out “and the Scottish Ministers” and insert “, the Scottish Ministers and the relevant Northern Ireland department”

- 186 Page 211, line 38, at end insert –

- “(2) In this paragraph, “the relevant Northern Ireland department” means the Northern Ireland department designated for the purposes of this paragraph by the First Minister and deputy First Minister acting jointly.”

Schedule 11

- 187 Page 221, line 22, at end insert –

- “(2) Construction products regulations may under paragraph 20(1)(c) make consequential provision amending section (*Liability relating to construction products*), which may in particular include the omission or amendment of subsection (2)(b) and (c) of that section.”

- 188 Page 221, line 31, leave out paragraph (c) and insert –

- “(c) where the offence is triable summarily only, any fine with which the offence is punishable in Scotland or Northern Ireland does not exceed level 5 on the standard scale,

(ca) where the offence is triable summarily or on indictment, any fine with which the offence is punishable on summary conviction in Scotland or Northern Ireland does not exceed the statutory maximum, and”

189 Page 222, line 18, at end insert –

“(aa) provision omitting a construction product from the list of safety-critical products under paragraph 10(1);”

190 Page 222, line 21, at end insert –

“(d) provision under paragraph 21(2) (consequential provision relating to liability for construction products).”

191 Page 222, line 23, leave out “sub-paragraph (2) does” and insert “the requirements specified in sub-paragraph (2) do”

LORDS AMENDMENTS TO THE
Building Safety Bill

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