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Lords Amendments: Wednesday 20 April 2022

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## Building Safety Bill

### (Motions relating to Lords Amendments)

This document should be read alongside the amendments the Lords have made to this Bill and the Speaker's provisional selection and grouping.

This paper sets out any motions to disagree, change or comment on amendments proposed by the Lords.

The motions are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: LA6 (a), LA26 (a), LA78 (a), LA93 (a) and (b), LA94 (a), LA98 (a) to (c), LA107 (a), LA108 (a), LA109 (a) and (b), LA145 (a), LA184 (a) to (f)

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#### *On Consideration of Lords Amendments to the Building Safety Bill*

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Lords Amendment No. **93**

As Amendments to the Lords Amendment:—  
Secretary Michael Gove

- ★ Line 12, leave out “under qualifying leases” (a)
  - ★ Line 23, leave out from “court” to end of line 25 and insert “powers in respect of persons associated with the company.” (b)
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Lords Amendment No. **94**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

★ Line 6, at end insert “and—” (a)

- (a) is at least 11 metres high, or
- (b) has at least 5 storeys.

This is subject to subsection (2A).

- (2A) “Relevant building” does not include a self-contained building or self-contained part of a building—
- (a) in relation to which a right under Part 1 of the Landlord and Tenant Act 1987 (tenants’ right of first refusal) or Part 3 of that Act (compulsory acquisition by tenants of landlord’s interest) has been exercised,
  - (b) in relation to which the right to collective enfranchisement (within the meaning of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993) has been exercised,
  - (c) if the freehold estate in the building or part of the building is leaseholder owned (within the meaning of regulations made by the Secretary of State), or
  - (d) which is on commonold land.”

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Lords Amendment No. **98**

As Amendments to the Lords Amendment:—

Secretary Michael Gove

★ Line 5, leave out “(2)” and insert “(1A)” (a)

★ Line 6, at end insert— (b)

- “(1A) Where a person’s interest in a relevant building was held on trust at the qualifying time, any partnership or body corporate which was a beneficiary of the trust at that time is to be regarded, for the purposes of the provisions mentioned in subsection (1) as they apply in relation to the relevant building, as associated with the person.”

- ★ Line 59, leave out “(2)” and insert (1A)” (c)
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Lords Amendment No. **107**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

(a)

- ★ Line 16, leave out “an associate of” and insert “associated with”
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Lords Amendment No. **108**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

(a)

- ★ Line 38, at end insert—

“(7) For the purposes of section (*Building liability orders*) as it applies in relation to a building, where a person’s interest in the building is held on trust, a body corporate which is a beneficiary of the trust is to be regarded as associated with the person.”

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Lords Amendment No. **109**

As Amendments to the Lords Amendment:—

Secretary Michael Gove

(a)

- ★ Line 6, leave out “associates of” and insert “associated with”

- ★ Line 16, leave out from ““associate”” to end of line 17 and insert “: section (Building liability orders: associates) applies for the purposes of this section as it applies for the purposes of section (Building liability orders);”<sup>(b)</sup>

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Lords Amendment No. **145**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

(a)

- ★ Line 1, leave out “4,”

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Lords Amendment No. **184**

As Amendments to the Lords Amendment:—

Secretary Michael Gove

(a)

- ★ In paragraph 2(4) of that Schedule, in the definition of “relevant landlord” after “lease” insert “at the qualifying time”

- ★ In paragraph 2(4) of that Schedule, in the definition of “relevant landlord”, at end insert “at that time”<sup>(b)</sup>

Mr Clive Betts  
Ian Byrne

(e)

- ★ Page 48, line 30, at end insert—

(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 was—

- (a) a private registered provider of social housing (as to which see section 80 of the Housing and Regeneration Act 2008), or
- (b) a local authority (as defined by section 29).

- (2) Where the landlord meets the conditions of sub-paragraph (1), the cost of relevant measures shall be paid from receipts from the levy set out in section 57 (Levy on applications for building control approval in respect of higher-risk Buildings)."

Secretary Michael Gove

(c)

- ★ In paragraph 6 of that Schedule, in sub-paragraph (2) leave out "zero" and insert "(subject to sub-paragraphs (2A) to—

- (a) if the premises demised by the qualifying lease are in Greater London,

(1) £15,000;

- (a) otherwise, £10,000.

(2A) Where the value of the qualifying lease at the qualifying time exceeded £1,000,000 but did not exceed £2,000,000, the permitted maximum is £50,000.

(2B) Where the value of the qualifying lease at the qualifying time exceeded £2,000,000, the permitted maximum is £100,000."

- ★ In paragraph 6(4) of that Schedule, at end insert "and this paragraph."

(d)

Mr Clive Betts  
Ian Byrne

(f)

- ★ Page 50, line 24, at end insert—

"9A (1) Where the freeholder of a building is a local authority, as defined by section 29, and a relevant defect is discovered, the cost of relevant measures shall be paid—

- (a) in the first instance, by a developer who the local authority commissioned to construct or convert the building (or part of the building), or  
(b) otherwise from receipts from the levy set out in section 57 (Levy on applications for building control approval in respect of higher-risk Buildings)."

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Lords Amendment No. 6

Secretary Michael Gove

That this House disagrees with the Lords in their Amendment.

Secretary Michael Gove

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

- ★ Page 11, line 7, at end insert the following new Clause— (a)

**“Report on certain safety-related matters**

- (1) Before the end of the period of three years beginning when this section comes into force, the regulator must—
  - (a) carry out a cost-benefit analysis of making regular inspections of, and testing and reporting on, the condition of electrical installations in relevant buildings;
  - (b) consider what further provision under the Building Act 1984, or in guidance under that Act, may be made about—
    - (i) stairs and ramps in relevant buildings,
    - (ii) emergency egress of disabled persons from relevant buildings, and
    - (iii) automatic water fire suppression systems in relevant buildings,with a view to improving the safety of persons in or about relevant buildings, and carry out a cost-benefit analysis of the making of that provision.
- (2) Before the end of that period, the regulator must—
  - (a) prepare one or more reports about the analysis mentioned in subsection (1) (which may also contain recommendations), and
  - (b) give them to the Secretary of State.
- (3) The Secretary of State must publish any report received under subsection (2).
- (4) In this section “cost-benefit analysis” means—
  - (a) an analysis of the costs together with an analysis of the benefits that will arise if the things mentioned in subsection (1)(a) are done or the provision mentioned in subsection (1)(b) is made, and
  - (b) an estimate of those costs and of those benefits (subject to subsection (5)).
- (5) If, in the opinion of the regulator—
  - (a) the costs or benefits cannot reasonably be estimated, or
  - (b) it is not reasonably practicable to produce an estimate,the cost-benefit analysis need not estimate them, but must include a statement of the regulator’s opinion and an explanation of it.
- (6) In this section—

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

“relevant building” means a residential building or any other kind of building that the regulator considers appropriate.”

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Lords Amendment No. **26**

As an Amendment to the Lords Amendment:—

Mr Clive Betts  
Ian Byrne

(a)

★ Line 10, after “notice).” insert —

“(5AA) The regulations must exempt any relevant application made by or on behalf of a registered social landlord for the provision of social housing as defined under section 68 of the Housing and Regeneration Act 2008.”

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Lords Amendment No. **78**

Secretary Michael Gove

To move the following consequential Amendment to the Bill:—

★ Page 119, leave out lines 14 and 15

(a)

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Lords Amendment No. **111**

As an Amendment to the Lords Amendment:—

Mr Clive Betts

(a)

★ Line 2, at end insert—

“(5) A person as described in section 120(2) may only be appointed by the Secretary of State after the Levelling Up, Housing and Communities Committee of the House of Commons has considered the suitability of that person for the post.”

**Member’s explanatory statement**

This amendment would mean that the new housing ombudsman would be subject to a pre-appointment hearing by the Levelling Up, Housing and Communities Committee.

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## Building Safety Bill: Programme (No. 3)

Secretary Michael Gove

That the following provisions shall apply to the Building Safety Bill for the purpose of supplementing the Order of 21 July 2021 (Building Safety Bill (Programme)), as varied by the Order of 19 January 2022 (Building Safety Bill (Programme) (No.2)):

**Consideration of Lords Amendments**

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.
2. That the Lords Amendments be considered in the following order, namely: 93, 94, 98, 107 to 109, 145, 184, 6, 1 to 5, 7 to 92, 95 to 97, 99 to 106, 110 to 144, 146 to 183, 185 to 191.

**Subsequent stages**

3. Any further Message from the Lords may be considered forthwith without any Question being put.
  4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
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