
Lords Amendments: Wednesday 20 April 2022

Building Safety Bill

(Decisions on Motions relating to Lords Amendments)

This document sets out the fate of motions considered in relation to Lords Amendments. A glossary with key terms can be found at the end of this document.

On Consideration of Lords Amendments to the Building Safety Bill

Lords Amendment No. **93**

As Amendments to the Lords Amendment:—
Secretary Michael Gove

line 12, leave out “under qualifying leases”

Agreed to (a)

Line 23, leave out from “court” to end of line 25 and insert “powers in respect of persons associated with the company.”

Agreed to (b)

Lords Amendment, as amended, agreed to.

Lords Amendment No. **94**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

Agreed to on division (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.”

Lords Amendment, as amended, agreed to on division.

Lords Amendment No. **98**

As Amendments to the Lords Amendment:—

Secretary Michael Gove

Agreed to (a)

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

Line 6, at end insert—

Agreed to (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)”

Agreed to (c)

Lords Amendment, as amended, agreed to.

Lords Amendment No. **107**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

Agreed to (a)

Line 16, leave out “an associate of” and insert “associated with”

Lords Amendment, as amended, agreed to.

Lords Amendment No. **108**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove

Agreed to (a)

Line 16, 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.”

Lords Amendment, as amended, agreed to.

Lords Amendment No. **109**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove **Agreed to (a)**

Line 16, leave out “associates of” and insert “associated with”

Secretary Michael Gove **Agreed to (a)**

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);”

Lords Amendment, as amended, agreed to.

Lords Amendment No. **145**

As an Amendment to the Lords Amendment:—

Secretary Michael Gove **Agreed to (a)**

Line 1, leave out “4,”

Lords Amendment, as amended, agreed to.

Lords Amendment No. **184**

As Amendments to the Lords Amendment:—

Secretary Michael Gove **Agreed to (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 **Agreed to (b)**
 “at that time”

Mr Clive Betts
Ian Byrne

Not called (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

Agreed to on division (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 "**Agreed to on division** and this paragraph." (d)

Mr Clive Betts
Ian Byrne

Not called (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)."

Lords Amendment, as amended, agreed to.

Lords Amendment No. 6

Secretary Michael Gove

Agreed to

That this House disagrees with the Lords in their Amendment.

Lords Amendment accordingly disagreed to.

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—

Agreed to (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.”

Lords Amendments 1 to 5, 7 to 92, 95 to 97, 99 to 106, 110 to 144, 146 to 183 and 185 to 191 agreed to.

Lords Amendment No. **26**

As an Amendment to the Lords Amendment:—

Mr Clive Betts
Ian Byrne

Not called (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.”

Lords Amendment No. **78**

Secretary Michael Gove

To move the following consequential Amendment to the Bill:—

Page 119, leave out lines 14 and 15

Agreed to (a)

Lords Amendment No. **111**

As an Amendment to the Lords Amendment:—

Mr Clive Betts

Not called (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.”

Glossary

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Speaker.