

# Fire Safety Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 1**

LORD BOURNE OF ABERYSTWYTH  
LORD RANDALL OF UXBRIDGE  
LORD TOPE  
LORD WHITTY

- 1 Page 1, line 16, at end insert –
- “(1C) Where a building contains two or more sets of domestic premises, the things to which this order applies include electrical appliances.
  - (1D) The reference to electrical appliances means any appliances specified by regulations made by the relevant authority.
  - (1E) Schedule (*Electrical Appliances*) to the Fire Safety Act 2020 applies to paragraphs (1C) and (1D).”

***Member’s explanatory statement***

*This amendment would clarify that the Fire Safety Order applies to electrical appliances where a building contains two or more sets of domestic premises.*

**Clause 2**

BARONESS NEVILLE-ROLFE

- 2 Page 2, line 7, at end insert –
- “( ) Regulations under subsection (1) may not amend the Regulatory Reform (Fire Safety) Order 2005 to apply the Order to domestic premises in buildings under five storeys in height.”

***Member’s explanatory statement***

*This is a probing amendment to enable the House to discuss fire safety measures that apply to low-rise domestic buildings, which have a lesser fire risk, and how the powers under Clause 2 may be used to implement Grenfell inquiry recommendations.*

LORD STUNELL  
BARONESS PINNOCK

3★ Page 2, line 10, leave out subsection (5) and insert –

- “(5) Before making regulations under subsection (1) the relevant authority must –
- (a) consult anyone that appears to the relevant authority to be appropriate;
  - (b) carry out an assessment of the impact of the amendment on the required number of fire safety assessors and whether that requirement is met;
  - (c) carry out an assessment of the cost implications of the amendment, and who will be responsible for those costs; and
  - (d) lay before Parliament a report outlining how the requirements in paragraphs (a) to (c) have been met.”

***Member’s explanatory statement***

*This amendment is intended to monitor capacity for effective implementation of the Bill, and places additional requirements on the appropriate authority such as an assessment of associated costs and required personnel, before regulations under subsection (1) can be made.*

LORD KENNEDY OF SOUTHWARK

4 Page 2, line 11, at end insert –

- “( ) The consultation under subsection (5) must involve –
- (a) local authorities;
  - (b) relevant trade unions including but not limited to those representing firefighters;
  - (c) relevant organisations representing firefighters;
  - (d) bodies representing tenants and residents of impacted properties; and
  - (e) any other bodies deemed relevant by the Secretary of State.
- ( ) A report detailing the findings of the consultation under subsection (5) must be laid before Parliament.”

***Member’s explanatory statement***

*This amendment would ensure that any consultation must include local authorities, trade unions, and representatives of tenants and residents.*

**After Clause 2**

LORD KENNEDY OF SOUTHWARK  
LORD WHITTY

5 Insert the following new Clause –

**“Duties of owner or manager**

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require an owner or a manager of any building which contains two or more sets of domestic premises to –

- (a) share information with their local Fire and Rescue Service in respect of each building for which an owner or manager is responsible about the design of its external walls and details of the materials of which those external walls are constructed;

**After Clause 2 - continued**

- (b) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake annual inspections of individual flat entrance doors;
- (c) in respect of any building for which an owner or manager is responsible which contains separate flats, undertake monthly inspections of lifts and report the results to their local Fire and Rescue Service if the results include a fault; and
- (d) share evacuation and fire safety instructions with residents of the building.”

***Member’s explanatory statement***

*This new Clause would place various requirements on building owners or managers of buildings containing two or more sets of domestic premises, and would implement recommendations made in the Grenfell Tower Inquiry Phase 1 Report.*

6 Insert the following new Clause—

**“Accreditation of fire risk assessors**

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require fire risk assessors for any building which contains two or more sets of domestic premises to be accredited.”

***Member’s explanatory statement***

*This new Clause would require fire risk assessors for any building which contains two or more sets of domestic premises to be accredited.*

7 Insert the following new Clause—

**“Inspectors: prioritisation**

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to require that, in discharging their duties under article 27 of that Order (powers of inspectors) in relation to any building which contains two or more sets of domestic premises, an inspector must prioritise the premises which they consider to be at most risk.”

***Member’s explanatory statement***

*This new Clause would require the schedule for inspecting buildings in relation to buildings which contain two or more sets of domestic premises to be based on a prioritisation of risk, not an arbitrary distinction of types of buildings.*

LORD KENNEDY OF SOUTHWARK  
LORD WHITTY  
BARONESS FINLAY OF LLANDAFF

8 Insert the following new Clause—

**“Meaning of responsible person**

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) so that in article 3 of that Order (meaning of responsible person) it is specified that where a building contains two or more sets of domestic premises, a leaseholder shall not be considered a responsible person unless they are also the owner or part owner of the freehold.”

*Member’s explanatory statement*

*This new Clause aims to clarify the definition of “responsible person” to ensure that, where a building contains two or more sets of domestic premises, leaseholders are not considered a responsible person unless they are also the owner or part owner of the freehold.*

LORD KENNEDY OF SOUTHWARK

9 Insert the following new Clause—

**“Waking watch**

The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to specify when a waking watch must be in place for any building which contains two or more sets of domestic premises and which has been found to have fire safety failings.”

*Member’s explanatory statement*

*This new clause would require the UK Government (for England) and the Welsh Government (for Wales) to specify when a waking watch must be in place for buildings which contain two or more sets of domestic premises and have fire safety failures.*

10 Insert the following new Clause—

**“Review of Scottish and Northern Irish legislation covering similar matters**

Within 24 months of the day on which this Act is passed, but no less than 12 months after the day on which this Act is passed, the Secretary of State must lay before Parliament a review of legislation covering similar matters to this Act enacted by the Scottish Government and the Northern Ireland Executive.”

*Member’s explanatory statement*

*This new Clause would ensure that the Government considers legislation covering similar matters to this Act enacted by the Scottish Government and the Northern Ireland Executive.*

11 Insert the following new Clause—

**“Impact on local authority finances**

Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a review of the impact of the provisions of this Act on local authority finances.”

**Member's explanatory statement**

*This new Clause would ensure that the Government must consider the Act's impact on local authority finances.*

12 Insert the following new Clause –

**“Review of relevant skills in the United Kingdom**

Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a review of whether there are sufficient skills in the United Kingdom to meet the requirements created by this Act.”

**Member's explanatory statement**

*This new Clause would ensure that the Government must consider whether there is a skills shortage in the United Kingdom in relation to the requirements of the Act.*

13 Insert the following new Clause –

**“Application of the Fire Safety Order to short-term lettings premises**

- (1) The relevant authority must, by regulations under section 2, amend article 2 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (interpretation) as follows.
- (2) In the definition of “domestic premises”, after “one such dwelling);” insert –  
“but does not include any premises let to persons for gain as holiday or short-term accommodation during the occupancy of the premises by such persons.””

**Member's explanatory statement**

*The amendment will clarify that the Regulatory Reform (Fire Safety) Order 2005 applies to holiday lets.*

## LORD PORTER OF SPALDING

14★ Insert the following new Clause –

**“Fire Safety Code of Practice**

- (1) The relevant authority must by regulations amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) as follows.
- (2) In Article 26(2) (Enforcement of Order), at the end insert “and any Code of Practice made pursuant to Article 50”.
- (3) In Article 50 (Guidance) –
  - (a) in the title, at the beginning insert “Code of Practice and”;
  - (b) after Article 50(3) insert –
    - “(4) The Secretary of State must issue a Code of Practice with the aim of securing that –
      - (a) all fire risk assessments of higher-risk residential buildings necessary to comply with this Order are carried out as soon as practicable and before those which are lower-risk, and
      - (b) privately-owned and publicly-owned buildings are equally able to access the resources available to carry out such work.

*After Clause 2 - continued*

- (5) Before issuing a code under this Article the Secretary of State shall—
  - (a) publish proposals, and
  - (b) consult such persons as he or she thinks appropriate.
- (6) Before issuing a code under this Article the Secretary of State shall lay a draft of the code before Parliament.
- (7) Where a draft is laid before Parliament under Article 50(6), if it is approved by both Houses of Parliament—
  - (a) the Secretary of State may issue the code in the form of the draft, and
  - (b) it shall come into force in accordance with provision made by the Secretary of State by order.
- (8) A failure to comply with a provision of a code shall not of itself make a person liable to criminal or civil proceedings; but a code—
  - (a) shall be admissible in evidence in criminal or civil proceedings, and
  - (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (9) The Secretary of State may amend any code of practice issued pursuant to this Article by publishing proposals for the amendment of the code and consulting on those proposals and seeking the approval of Parliament in the same way as for the first code, but a code issued under this Article shall continue in force until it is amended.””

*Member’s explanatory statement*

*This amendment, and the others in Lord Porter's name, would require the Government to introduce guidance in the form of an approved code of practice, before commencing the Bill. The approved code of practice must seek to ensure that the limited resources available to carry out the reviews of fire risk assessments required by the Bill are allocated between buildings on the basis of risk.*

BARONESS PINNOCK  
LORD SHIPLEY

15★

Insert the following new Clause—

**“Public register of fire risk assessments**

- (1) The Secretary of State must, by regulations, make provision for a register of fire risk assessments made under article 9 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (risk assessment).
- (2) Those regulations must provide that the register is—
  - (a) publicly available, and
  - (b) kept up-to-date.
- (3) Regulations under this section are—
  - (a) to be made by statutory instrument; and

**After Clause 2 - continued**

- (b) subject to annulment in pursuance of a resolution of either House of Parliament.”

***Member’s explanatory statement***

*This new Clause would enable prospective and current renters, leaseholders and owners to check the fire safety status of their home, by accessing a public register similar to the EPC register.*

BARONESS PINNOCK  
LORD STUNELL

16★ Insert the following new Clause –

**“Public register of fire risk assessors**

- (1) The Secretary of State must, by regulations, make provision for a register of individuals who are qualified to make fire risk assessments under article 9 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (risk assessment).
- (2) Those regulations must provide that only persons on the register may make such assessments.
- (3) Those regulations must provide that the register is –
  - (a) publicly available, and
  - (b) kept up-to-date.
- (4) Regulations under this section are –
  - (a) to be made by statutory instrument; and
  - (b) subject to annulment in pursuance of a resolution of either House of Parliament.”

***Member’s explanatory statement***

*This new Clause would enable home owners to verify the competencies of fire assessors before appointing them to conduct compulsory fire safety assessments or completing the EWS1 form, and would enable government and industry to assess the numbers of assessors to be trained.*

BARONESS PINNOCK  
LORD SHIPLEY

17★ Insert the following new Clause –

**“Prohibition on passing remediation costs onto leaseholders and tenants**

The owner of a building must not pass the costs of making any remedial work attributable to the provisions of this Act on to any leaseholders or tenants of that building.”

***Member’s explanatory statement***

*The purpose of this new Clause is to prevent freeholders passing on remediation costs to leaseholders and tenants, such as through demands for one-off payments or increases in service or other charges.*

## LORD BERKELEY

18★ Insert the following new Clause—

**“Sprinklers and water mist**

- (1) Regulations under section 2 must amend Article 13 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) (Fire-fighting and fire detection) as follows.
- (2) After paragraph (2), insert the following new paragraph—
  - “(2A) For buildings containing two or more sets of domestic premises, “appropriate fire-fighting equipment” may include sprinklers and water mist.””

***Member’s explanatory statement***

*The purpose of this amendment is to update the definition of fire-fighting equipment in the premises, where buildings contain two or more sets of domestic premises, to include fire sprinklers and water mist in order to draw attention to their effectiveness.*

**Clause 3**

## LORD PORTER OF SPALDING

19★ Page 2, line 25, at end insert—

“but only if a Code has been issued under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541).”

## BARONESS NEVILLE-ROLFE

20 Page 2, line 25, at end insert—

“( ) Before making regulations under subsection (2)(a) or section 2(1), the Secretary of State must produce and lay before Parliament an impact assessment of the provisions of this Act in relation to England.”

21 Page 2, line 25, at end insert—

“( ) Before making regulations under subsection (2)(b) or section 2(1), the Welsh Ministers must produce and lay before Senedd Cymru an impact assessment of the provisions of this Act in relation to Wales.”

## LORD KENNEDY OF SOUTHWARK

22 Page 2, line 26, at end insert—

“( ) Before making regulations under subsection (2) to bring section 1 into force, the Secretary of State or the Welsh Minister must publish a review of whether enough fire safety inspectors are employed in England or Wales to carry out the increased duties arising.”

***Member’s explanatory statement***

*This amendment would ensure a review takes place to consider whether enough fire safety inspectors are employed in England or Wales to carry out the duties arising from the Act.*

## LORD PORTER OF SPALDING

23★ Page 2, line 29, leave out “comes” and insert “and section (*Fire Safety Code of Practice*) come”

**After Clause 3**

## LORD BOURNE OF ABERYSTWYTH

24 Insert the following new Schedule—

## “ELECTRICAL APPLIANCES

- 1 The relevant authority must, no later than 12 months after the date on which this Act is passed, make regulations specifying the electrical appliances covered by paragraph (1D) of article 6 of the Regulatory Reform (Fire Safety) Order 2005.
- 2 The relevant authority must, no later than 12 months after the date on which this Act is passed, make regulations to amend the Regulatory Reform (Fire Safety) Order 2005 (“the Order”) as follows—
  - (a) to require the responsible person for a building to which the Order applies and which contains two or more sets of domestic premises to—
    - (i) carry out electrical safety checks of such type as may be prescribed by the Order at such frequency as may be so prescribed (being no less frequently than every 5 years) at each set of domestic premises, regardless of whether the occupier is a tenant of the responsible person;
    - (ii) keep records of the checks for such period as may be prescribed by the Order and make them available upon request to such persons as may be so prescribed;
    - (iii) keep a register of such kinds of electrical appliances as may be prescribed by the Order that are kept in each set of domestic premises, regardless of whether the occupier is a tenant of the responsible person;
    - (iv) check whether those electrical appliances are the subject of a recall notice under regulation 12 of the Electrical Equipment (Safety) Regulations 2016;
  - (b) to require occupiers of such premises to—
    - (i) provide access to premises and allow action to remedy any failure to meet safety standards identified in a safety check carried out in accordance with sub-paragraph (a)(i);
    - (ii) provide the relevant responsible person with information about electrical appliances prescribed in accordance with sub-paragraph (a)(iii) and kept in the premises;
    - (iii) comply with any reasonable requirement made by the responsible person in relation to electrical appliances which the responsible person has reason to believe are the subject of a recall notice under regulation 12 of the Electrical Equipment (Safety) Regulations 2016.
- 3 Regulations made under paragraph 2 may—
  - (a) confer a power to enter premises on such persons as may be prescribed in the Order for such purposes connected with the requirements imposed under the regulations as may be so prescribed;
  - (b) create offences;
  - (c) amend the definition of “responsible person” in article 3 of the Order;

**After Clause 3 - continued**

- (d) make such consequential, supplementary or incidental provision by way of amendments to the Order as the relevant authority considers appropriate.
- 4 Regulations made under paragraph 2 must provide that any power to enter domestic premises is not to be exercisable unless –
  - (a) at a reasonable time and with the consent of the occupier of the premises; or
  - (b) under the authority of a warrant issued by a justice of the peace.
- 5 In this Schedule the term “relevant authority” has the same meaning as in section 2(2).”

***Member’s explanatory statement***

*This new Schedule would require the Government to make regulations specifying the electrical appliances to which the Fire Safety Order applies in buildings which contain two or more sets of domestic premises. It would also require the Government to amend the Order to impose additional duties on the responsible person and on occupiers in those buildings.*

# Fire Safety Bill

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LIST OF AMENDMENTS  
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*26 October 2020*

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