

# Fire Safety Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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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 5, after “paragraph (1A)” insert “or paragraph (1C)”
- 2 Page 1, line 5, after “paragraph (1A)” insert “or paragraph (1G)”
- 3★ Page 1, line 16, at end insert –
- “(1C) Where a building is a high-rise residential building, the things to which this order applies include electrical systems.
  - (1D) The reference to electrical systems means any systems specified by regulations made by the relevant authority.
  - (1E) In paragraph (1C) a high-rise residential building means a residential building which is over 11 metres in height and which contains two or more sets of domestic premises.
  - (1F) Schedule (*Electrical Safety Checks*) to the Fire Safety Act 2020 applies to paragraphs (1C), (1D) and (1E).”

***Member’s explanatory statement***

*This amendment would require that the Fire Safety Order applies to electrical systems where a building is a high-rise residential building and apply the new Schedule (Electrical Safety Checks).*

- 4 Page 1, line 16, at end insert –
- “(1G) Where a building is a high-rise residential building, the things to which this order applies include electrical appliances.
  - (1H) The reference to electrical appliances means any appliances specified by regulations made by the relevant authority.

**Clause 1 - continued**

- (1J) In paragraph (1G) a high-rise residential building means a residential building which is over 11 metres in height and which contains two or more sets of domestic premises.
- (1K) Schedule (*Electrical Appliance Registers*) to the Fire Safety Act 2020 applies to paragraphs (1G), (1H) and (1J)."

**Member's explanatory statement**

*This amendment would require that the Fire Safety Order applies to electrical appliances where a building is a high-rise residential building and apply the new Schedule (Electrical Appliance Registers).*

**Clause 2**

LORD KENNEDY OF SOUTHWARK

5 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.*

BARONESS NEVILLE-ROLFE

6★ Leave out Clause 2

**Member's explanatory statement**

*This probing amendment is intended to clarify the extent to which the powers under the bill may be used, and may not be used, to impose requirements on those responsible for certain types of premises, and the extent of any such requirement; and to explore the impact of the proposed measures on the housing market.*

**After Clause 2**

LORD GREENHALGH

7★ Insert the following new Clause –

**“Risk based guidance about the discharge of duties under the Fire Safety Order**

- (1) Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (guidance) is amended as follows.
- (2) After paragraph (1) insert –

**After Clause 2 - continued**

- “(1A) Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22 or of regulations made under article 24 in relation to a relevant building (or part of the building) –
- (a) proof of a failure to comply with any applicable risk based guidance may be relied on as tending to establish that there was such a contravention, and
  - (b) proof of compliance with any applicable risk based guidance may be relied on as tending to establish that there was no such contravention.”
- (3) After paragraph (2) insert –
- “(2A) Before revising or withdrawing any risk based guidance in relation to relevant buildings the Secretary of State must consult such persons as the Secretary of State considers appropriate.”
- (4) After paragraph (3) insert –
- “(4) In this article –
- “relevant building” means a building in England containing two or more sets of domestic premises;
- “risk based guidance” means guidance under paragraph (1) about how a person who is subject to the duties mentioned there in relation to more than one set of premises is to prioritise the discharge of those duties in respect of the different premises by reference to risk.””

***Member’s explanatory statement***

*This amendment provides that, where the Secretary of State issues risk based guidance under the existing duty to ensure the availability of appropriate guidance, proof of compliance or a lack of compliance with that guidance can be used in legal proceedings. It also requires the Secretary of State to consult before revising or withdrawing risk based guidance.*

## LORD KENNEDY OF SOUTHWARK

8

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;
- (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

**After Clause 2 - continued**

- (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.*

LORD KENNEDY OF SOUTHWARK  
LORD MENDELSON

9 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 new Clause will clarify that the Regulatory Reform (Fire Safety) Order 2005 applies to holiday lets.*

BARONESS PINNOCK  
LORD SHIPLEY

10 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
  - (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

11 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.*

LORD STUNELL  
BARONESS PINNOCK

12★ Insert the following new Clause –

**“Fire safety risk assessments: permitted developments**

- (1) The relevant authority must, by regulations under section 2, amend the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) to specify that when a development described as a permitted development involves altering a building such that it comes to contain two or more sets of domestic premises, a risk assessment under article 9 of the order, in relation to the things to which the order applies in the converted building, must take place before any of the domestic premises are occupied.
- (2) A “permitted development” under this section has the meaning given by the Town and Country Planning (General Permitted Development) (England) Order 2015 (SI 2015/596).”

*Member’s explanatory statement*

*This amendment would require fire safety risk assessments in relation to the matters covered by the Order to take place before permitted developments, which do not require planning permission to be converted into domestic premises, can be occupied as domestic premises.*

BARONESS PINNOCK  
LORD SHIPLEY

13★ Insert the following new Clause –

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

- (1) The owner of a building may not pass the costs of any remedial work attributable to the provisions of this Act on to leaseholders or tenants of that building.
- (2) Subsection (1) does not apply to a leaseholder who is also the owner or part owner of the freehold of the 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.*

**Clause 3**

LORD GREENHALGH

14★ Page 2, line 28, at end insert –

- “( ) Section (*Risk based guidance about the discharge of duties under the Fire Safety Order*) comes into force at the same time as section 1 comes fully into force in relation to premises in England.”

*Member’s explanatory statement*

*This amendment provides that the proposed new Clause in the Minister’s name to be inserted after Clause 2 comes into force at the same time as Clause 1 in relation to premises in England.*

**After Clause 3**

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

15★ Insert the following new Schedule –

**“ELECTRICAL SAFETY CHECKS**

- 1 The relevant authority must, no later than 12 months after the date on which this Act is passed, make regulations specifying the electrical systems 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”) –
  - (a) to require the responsible person for a building to which the Order applies which is a residential building over 11 metres in height and which contains two or more sets of domestic premises to –

**After Clause 3 - continued**

- (i) carry out electrical safety checks, with regard to electrical systems specified by the regulations under paragraph 1, 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;
- (b) to require occupiers of such premises to—
  - (i) provide access to premises to allow safety checks to be carried out; and
  - (ii) take or allow action to remedy any failure to meet safety standards identified in a safety check carried out in accordance with sub-paragraph (a)(i).”

***Member’s explanatory statement***

*This new Schedule would require the Government to make regulations specifying the electrical systems to which the Fire Safety Order applies in high-rise residential buildings. It would also require the Government to amend the Order to impose additional duties on the responsible person and on occupiers.*

16 Insert the following new Schedule—

**“ELECTRICAL APPLIANCE REGISTERS**

- 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 (1H) 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 which is a residential building over 11 metres in height and which contains two or more sets of domestic premises to—
    - (i) 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; and
    - (ii) 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 to allow the responsible person to confirm the presence of such kinds of electrical appliances as may be prescribed by the Order;

**After Clause 3 - continued**

- (ii) provide the relevant responsible person with information about electrical appliances prescribed in accordance with sub-paragraph (a)(i) 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;
  - (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 relevant authority to make regulations for the registration of electrical appliances in high-rise residential buildings.*

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*12 November 2020*

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