**To move, That this House disagrees with the Lords in their Amendment.**

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

**A “Restriction on forfeiture of leases of dwellings for unpaid Fire Safety Order costs**

1. Section 167 of the Commonhold and Leasehold Reform Act 2002 is amended as follows.
2. Before subsection (1) insert –

(1A) A landlord under a long lease of a dwelling may not exercise a right of re-entry or forfeiture for failure by a tenant to pay any FSO amount.

1. In subsection (5) after “dwelling” insert –

“Fire Safety Order” means the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

“FSO amount” means the part and only the part of any rent, service charge, administration charge (or any combination of them) arising directly from any one (or any combination of):

* 1. any order under Article 29, Article 30 or Article 31 of the Fire Safety Order; or
  2. anything required or said to be required under the risk based guidance issued by the Secretary of State under Article 50 of the Fire Safety Order; or
  3. anything recommended or said to be recommended in any non- statutory advice relating to fire safety issued by or on behalf of the Secretary of State for Housing, Communities and Local Government to the extent any such recommendation exceeds any relevant requirement.

1. In subsection (5) after “prescribed” insert –

“relevant requirement” means any requirement under any regulations made under section 1 of the Building Act 1984 or any requirement in any approved document issued under section 6 of the Building Act

1984, in either case as in force on the date of the completion certificate issued under regulations made under section 1 of the Building Act 1984 or the date of any final certificate issued under section 51 of the Building Act 1984.

1. Section 168 of the Commonhold and Leasehold Reform Act 2002 is amended as follows.
2. After subsection (5) insert—

(aa) is subject to Section 167(1A) of this Act.

1. Section 81 of the Housing Act 1996 is amended as follows.
2. After subsection (6) insert –

(6A) Nothing in this section permits the exercise a right of re-entry or forfeiture for failure by a tenant to pay a service charge or administration charge if the service charge or administration charge is an FSO amount under section 167 of the Commonhold and Leasehold Reform Act 2002.

1. For the purposes of section 123 and section 268 of the Insolvency Act 1986 a debt or any part of a debt consisting of an unpaid FSO amount is—
2. not due or payable and nor shall it be deemed to be due or payable; and
3. deemed to be disputed.
4. This section shall have effect notwithstanding—
5. any term of any agreement, whether or not that agreement was made before the coming into force of this section; or
6. any admission made before the coming into force of this section; or
7. any rule or principle of the common law or in equity.”

**B “Duty to apply and to make a determination of appropriate persons to contribute to Fire Safety Order costs**

1. A responsible person in respect of domestic premises shall serve a notice on the relevant authority for a determination of the appropriate persons to pay any FSO amount under section 167 of the Commonhold and Leasehold Reform Act 2002 (a “determination notice”).
2. Within a period of 6 months beginning on the day the responsible person serves on the relevant authority a notice under subsection (1), the relevant authority shall make a determination of the appropriate persons to contribute to any FSO amount in accordance with this Act.
3. Following any determination under subsection (2), the relevant authority shall serve on each person who that relevant authority deems an appropriate person a notice (in this Act referred to as a “contribution notice”) specifying what that person is to pay by way of contribution to the relevant FSO amount.
4. The “relevant authority”—
   1. in relation to premises in England, means the Secretary of State;
   2. in relation to premises in Wales, means the Welsh Ministers.
5. Where two or more persons are appropriate persons the contribution notice served on each of them shall state the proportion, determined under section (*Appropriate persons for FSO costs*), which each of them respectively is liable to bear.
6. Contribution notices may require contributions in cash or in kind or any combination of cash or in kind contributions.
7. Contribution notices may require contributions in cash or in kind or any combination of cash or in kind in respect of reimbursement of amounts previously paid toward any FSO amount, including payments before the coming into force of this Act.
8. Regulations may make provision for or in connection with—
   1. guidance in relation to the determination of shares of appropriate persons under contribution notices; or
   2. the form or content of contribution notices; or
   3. the form or content of determination notices; or
   4. any steps of a procedural nature which are to be taken in connection with, or in consequence of, the service of a contribution notice or a determination notice.
9. Regulations under this section —
   1. may make different provision for different purposes;
   2. may make transitional, transitory or saving provision.
10. Before making regulations under this section the relevant authority must consult anyone that appears to the relevant authority to be appropriate.
11. A statutory instrument containing regulations made by the Secretary of State under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
12. A statutory instrument containing regulations made by the Welsh Ministers under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
13. In this section –
    1. “responsible person” has the meaning given by Article 3 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).
    2. “FSO amount” has the meaning given by section 167 of the Commonhold and Leasehold Reform Act 2002.”

**C “Appropriate persons for Fire Safety Order Costs**

1. Subject to the provisions of this section, an appropriate person is anyone who built or designed, or contributed to the building or designing of, any domestic premises identified in a determination notice served under section (*Duty to apply and to make a determination of appropriate persons to contribute to Fire Safety Order costs*).
2. For the purposes of subsection (1) an appropriate person may include a person who:
   1. supplied materials used in the construction of any domestic premises; or
   2. acted at the direction of, or at the order of, any other appropriate person; or
   3. performed any function under the Building Act 1984 in relation to the design or construction of the domestic premises.
3. Where any appropriate person is a body corporate, in addition to the body corporate itself responsible persons may include:
   1. any current or former director or officer of that body corporate; or
   2. any associated company of that body corporate; or
   3. any current or former member of that body corporate.
4. Where any appropriate person is a firm, in addition to the firm itself appropriate persons may include any current or former partner of that firm.
5. Where two or more persons are appropriate persons in relation to any domestic premises under this section, they shall be liable to bear the cost of paying that contribution in proportions determined by the relevant authority in accordance with guidance issued for the purpose by the relevant authority under section (*Duty to apply and to make a determination of appropriate persons to contribute to Fire Safety Order costs*).
6. This section shall have effect notwithstanding –
   1. any provision of the Limitation Act 1980; or
   2. any agreement to the contrary, whether or not that agreement was made before the coming into force of this section; or
   3. any admission to the contrary, whether or not that admissions was made before the coming into force of this section; or
   4. any rule or principle of the common law or in equity.
7. In this section –

“associated company” has the meaning given by section 256 of the Companies Act 2006.

“body corporate” has the meaning given by section 1173 of the Companies Act 2006.

“director” has the meaning given by section 250 of the Companies Act 2006 and includes a “shadow director” within the meaning of section 251 of the Companies Act 2006.

“domestic premises” has the meaning given by Article 2 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541)

“firm” has the meaning given by section 1173 of the Companies Act 2006.

“member” has the meaning given by section 112 of the Companies Act 2006.”

**D “Expiry**

1. Sections (*Restriction on forfeiture of leases of dwellings for unpaid Fire Safety Order costs*) (*Duty to apply and to make a determination of appropriate persons to contribute to Fire Safety Order costs*) and (*Appropriate Persons for Fire Safety Order Costs*) expire at the end of the period of 5 years beginning on the date this Act is passed, subject to section (*Power to alter expiry date*).
2. A relevant authority may by regulations make transitional, transitory or saving provision in connection with the expiry of sections (*Restriction on forfeiture of leases of dwellings for unpaid Fire Safety Order costs*) and (*Duty to apply and to make a determination of appropriate persons to contribute to Fire Safety Order costs*).
3. Any regulations made under this section or section (*Power to alter expiry date*) must include provisions preventing the landlord from recovering legal costs or administrative expenses incurred in contemplation of the expiry of section (*Restriction on forfeiture of leases of dwellings for unpaid Fire Safety Costs*), notwithstanding any term of any relevant long lease or any provision of section 146 of the Law of Property Act 1925.
4. Before making regulations under subsection (2) the relevant authority must consult anyone that appears to the relevant authority to be appropriate.
5. The “relevant authority”—
   1. in relation to premises in England, means the Secretary of State;
   2. in relation to premises in Wales, means the Welsh Ministers.
6. A statutory instrument containing regulations made by the Secretary of State under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
7. A statutory instrument containing regulations made by the Welsh Ministers under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
8. In this section –

“dwelling” has the meaning given by section 167 of the Commonhold and Leasehold Reform Act 2002.

“long lease” has the meaning given by section 167 of the Commonhold and Leasehold Reform Act 2002.”

**E “Power to alter expiry date**

1. A relevant authority may by regulations provide that section (*Restriction on forfeiture of leases of dwellings for unpaid Fire Safety Order costs*)—
   1. does not expire at the time when it would otherwise expire (whether by virtue of section (*Expiry*) or previous regulations under this subsection or subsection (2)), and
   2. expires instead at such earlier time as is specified in the regulations.
2. A time specified under subsection (1) in relation to a provision of this Act must not be earlier than the end of the period of 3 years beginning on the date this Act is passed.
3. A relevant authority may by regulations provide that any provision of this Act—
   1. does not expire at the time when it would otherwise expire (whether by virtue of section (*Expiry*) or previous regulations under this subsection or subsection (1)), and
   2. expires instead at such later time as is specified in the regulations.
4. Regulations under this section—
   1. may make different provision for different purposes;
   2. may make transitional, transitory or saving provision.
5. Before making regulations under subsection (1) the relevant authority must consult anyone that appears to the relevant authority to be appropriate.
6. The “relevant authority”—
   1. in relation to premises in England, means the Secretary of State;
   2. in relation to premises in Wales, means the Welsh Ministers.
7. A statutory instrument containing regulations made by the Secretary of State under subsections (1) or (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
8. A statutory instrument containing regulations made by the Welsh Ministers under subsections (1) or (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.”