

Housing (Cladding Remediation) (Scotland) Bill — Stage 2

Section 1

Mark Griffin

- 44 In section 1, page 1, line 15, leave out <a> and insert <any>

Mark Griffin

- 45 In section 1, page 1, line 15, leave out <(directly or indirectly)>

Mark Griffin

- 46 In section 1, page 1, line 21, at end insert—
<() the specific type or types and Euroclass rating or ratings of cladding and insulation used by the building’s external wall cladding system,>

Mark Griffin

- 47 In section 1, page 1, line 23, after <mitigate> insert <any>

Mark Griffin

- 48 In section 1, page 1, line 23, leave out <(directly or indirectly)>

Miles Briggs

- 49 In section 1, page 2, leave out line 3

Before section 3

Miles Briggs

- 50 Before section 3, insert—
<Owners and occupiers not liable for costs of managing cladding
No owner or occupier is liable for any costs associated with managing the building’s external wall cladding system until works have been carried out under sections 6 or 7.>

Pam Duncan-Glancy

- 51 Before section 3, insert—
<A3 Committee for single-building assessments
(1) The Scottish Ministers must establish and maintain a committee with the function of giving advice to the Scottish Ministers about the development and improvement of single-building assessments within the meaning of section 25.
(2) The committee is to consist of—
(a) owners,
(b) occupiers,

- (c) persons representing an organisation that represents, supports or promotes the interest of any description of owners or occupiers of buildings that would qualify for a single-building assessment,
 - (d) such other persons as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers must take all reasonable steps to ensure that the committee includes—
- (a) one or more occupier who is disabled,
 - (b) a person representing an organisation that represents, supports or promotes the interests of any description of disabled people that include owners or occupiers of such buildings.
- (4) The Scottish Ministers must consult the committee before bringing into force any section under Part 2 of this Act (or revising any of their duties under Part 2 of this Act).>

Pam Duncan-Glancy

52 Before section 3, insert—

<Independent reviewer

- (1) For the purposes of this Act, there is to be a independent reviewer.
- (2) The independent reviewer’s purpose is to approve—
 - (a) the arrangement of a single-building assessment,
 - (b) the single-building assessment report, and
 - (c) the arrangement of any work to be carried out as identified in the single-building assessment report.
- (3) The Scottish Ministers may, by regulations, make further provision as to the expertise and reimbursement of the independent reviewer.
- (4) The regulations under this sections are subject to the affirmative procedure.>

Section 3

Mark Griffin

53 In section 3, page 2, line 30, at end insert—

- <() Each single-building assessment report must state who is responsible for carrying out any remediation work identified during the single-building assessment.>

Miles Briggs

54 In section 3, page 2, line 30, at end insert—

- <() For the avoidance of doubt, no owner or occupier is liable for any costs associated with arranging for a single-building assessment.>

Pam Duncan-Glancy

55 In section 3, page 2, line 30, at end insert—

- <() Before arranging for a single-building assessment to be carried out under subsection (1), the Scottish Ministers must consult with—
- (a) owners,
 - (b) occupiers,
 - (c) any resident association or committee,
- for the building for which the single-building assessment is being arranged.>

Section 6

Mark Griffin

- 56 In section 6, page 3, line 29, after <mitigate> insert <any>

Mark Griffin

- 57 In section 6, page 3, line 30, leave out <(directly or indirectly)>

Pam Duncan-Glancy

- 58 In section 6, page 3, line 31, at end insert—

<() Any work arranged under subsection (1) must adhere to the latest fire safety guidance.>

Miles Briggs

- 59 In section 6, page 3, line 31, at end insert—

<() For the avoidance of doubt, no owner or occupier is liable for any costs associated with arranging for work to be carried out or the carrying out of that work as identified in a single-building assessment report.>

Section 7

Mark Griffin

- 60 In section 7, page 4, line 12, leave out <a> and insert <any>

Mark Griffin

- 61 In section 7, page 4, line 13, leave out <(directly or indirectly)>

Miles Briggs

- 62 In section 7, page 4, line 19, at end insert—

<() For the avoidance of doubt, no owner or occupier is liable for any costs associated with arranging for work to be carried out under this section or the carrying out of that work.>

Section 8

Miles Briggs

63 In section 8, page 4, line 26, after <Ministers’> insert <reasonable>

Mark Griffin

64 In section 8, page 4, line 27, leave out <(directly or indirectly)>

Miles Briggs

65 In section 8, page 4, line 30, after <their> insert <reasonable>

After section 19

Pam Duncan-Glancy

66 After section 19, insert—

<Risk assessment for any occupier with a disability

- (1) Where a single-building assessment report has identified any risk to human life that is (directly or indirectly) created or exacerbated by the building’s external wall cladding system, the Scottish Ministers must make a specific assessment of the risks as a result of the external wall cladding system for each occupier with a disability, including measures for securing the means of escape.
- (2) A specific assessment under subsection (1) must remain in place until all remediation work identified in a single-building assessment report has been completed.
- (3) For the avoidance of doubt, an occupier with a disability under this section may also be an owner but need not be.>

Section 20

Miles Briggs

67 In section 20, page 11, leave out line 10

Miles Briggs

68 In section 20, page 11, line 12, leave out <address, or contribute> and insert <make a reasonable and proportionate contribution>

Mark Griffin

69 In section 20, page 11, line 12, after <addressing,> insert <any>

Mark Griffin

70 In section 20, page 11, line 13, leave out <(directly or indirectly)>

Miles Briggs

- 71 In section 20, page 11, leave out lines 25 and 26

Section 21

Miles Briggs

- 72 In section 21, page 11, line 34, leave out <has> and insert <poses a risk to human life created or exacerbated by>

Mark Griffin

- 73 In section 21, page 12, line 9, leave out <(directly or indirectly)>

Mark Griffin

- 74 In section 21, page 12, line 9, leave out <a> and insert <any>

Section 22

Miles Briggs

- 75 In section 22, page 12, line 19, after <making> insert <reasonable and proportionate>

Miles Briggs

- 76 In section 22, page 12, line 24, leave out <may> and insert <must>

Section 23

Miles Briggs

- 77 In section 23, page 12, line 33, leave out <may> and insert <must>

Miles Briggs

- 78 In section 23, page 12, line 36, at end insert—
- <() Regulations must provide details—
 - (a) about the process to be followed when making an appeal to a court or tribunal, and
 - (b) about the process a person operating a scheme must follow when taking decisions about another person’s membership.>

Section 24

Miles Briggs

- 79 Leave out section 24

After section 24

Miles Briggs

80 After section 24, insert—

<Annual review of the Act

Annual review of the Act

- (1) The Scottish Ministers must annually—
 - (a) undertake a review of the operation of this Act, and
 - (b) prepare a report on that review.
- (2) The review must include—
 - (a) a consultation with any industries impacted by or with an interest in the provisions of the Act to ensure ongoing compliance and effectiveness,
 - (b) an annual economic analysis of the cladding programme in Scotland.
- (3) The Scottish Ministers must, as soon as reasonably practicable after preparing the report—
 - (a) publish the report, and
 - (b) lay the report before the Scottish Parliament.>

Section 25

Mark Griffin

81 In section 25, page 14, line 16, leave out <(directly or indirectly)>

Mark Griffin

82 In section 25, page 14, line 19, at end insert—

<() who is responsible for the works needed to eliminate or mitigate any risk of that kind which is identified,>

Mark Griffin

83 In section 25, page 14, line 19, at end insert—

<() whether any risk of that kind which is identified is deemed tolerable,>

Mark Griffin

84 In section 25, page 14, line 19, at end insert—

<() the specific type or types and Euroclass rating or ratings of cladding and insulation used by the building's external wall cladding system,>

Section 26

Mark Griffin

85 In section 26, page 14, line 31, at end insert—

<() stands less than 11 metres above the ground.>

Section 31

Pam Duncan-Glancy

86 In section 31, page 16, line 26, after <Part> insert <and section A3>