

# Briefing

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## Fire Safety update

In February, we wrote about the latest on cladding at that time. Click [here](#) for our article. Since then there have been a number of further developments relating to cladding and fire safety generally including:

### 1. EWS1 Form

On 8 March RICS issued a revised EWS1 form (EWS stands for External Wall Systems) with guidance for valuers as to which buildings should require an EWS1 form. There are two options, option A - where external wall materials are unlikely to support combustion and option B - where combustible materials are present in external walls.

### 2. Fire Safety Consultation

The Government issued its response to the fire safety consultation on 17 March. The response includes the Government's intention to:

- Increase the obligations and responsibilities of the responsible person, including clearer identification as to who they are. The responsible person is a concept found in the Regulatory Reform (Fire Safety) Order 2005 (often referred to as simply the Fire Safety Order – see more on this below), and in relation to residential properties is likely to be either the owner or the person in control of the premises.
- Require Premise Information Boxes (PIBs). PIBs (which must include a copy of the up-to-date floor plans and information about the nature of any lift intended for use by the fire and rescue services) will have to be provided in all new blocks of flats above 11 metres in height. There will be amendments to the building regulations fire safety guidance to address this.
- Provide for the mandating of Plans Certificates ie a statement that the plans of building work have been checked and are considered to be compliant with Building Regulations.

Click [here](#) for the full response.

### 3. Draft code of practice for fire risk appraisal.

On 20 April the Government commissioned the British Standards Institute to draft a publically available specification (PAS) code of practice (PAS 9980) for fire risk appraisal and assessment of external wall construction and cladding of existing blocks of flats. The aim is to provide a standard methodology to enable building owners to assess if the external walls require remediation. It is intended to apply to all multi-occupancy residential buildings of all heights, not just those over 18 metres and appears to include student accommodation. It is **not** a replacement for the EWS1 form but is intended to provide guidance to those completing fire risk assessments, which will include fire risk assessments carried out in order to complete EWS1. The consultation closes on 20 May and publication is anticipated in the Autumn.

Click [here](#) for further information.

### 4. Cladding tax

In our previous article, we mentioned that a cladding tax was proposed for the 'largest property developers'. On 29 April it was confirmed by the Government that the tax will apply to residential property developers and will relate to profits over £25 million in any one year. Click [here](#) for further information.

### 5. Fire Safety Act 2021

On 29 April the Fire Safety Bill became law. This is not to be confused with the Building Safety Bill (a much more comprehensive piece of proposed legislation which is progressing through Parliament at the moment). The main purpose of the Fire Safety Act is to clarify aspects of the Regulatory Reform (Fire Safety) Order 2005 (which applies to non-domestic buildings of any height and to non-domestic parts of residential buildings, and as mentioned above, provides for the concept of a responsible person). The Act sets out that the responsible person should ensure that general fire precautions are in place, undertake fire risk assessments and have in place fire safety precautions. The Act also makes it clear that the Regulatory Reform (Fire Safety) Order 2005 applies to the building structure and external walls of domestic premises and all doors between the domestic premises and common parts. There had previously been doubt about this. In short, the Act does not introduce any substantive changes (which are expected to come with the Building Safety Bill) but provides some necessary clarification on the responsible person's obligations for domestic premises in the interim.

So, these are the latest developments, but there will be more to come. As mentioned above, the Building Safety Bill is progressing through Parliament, which among other things introduces the concept of a Building Safety Regulator. In the Queen's Speech on 11 May 2021, the Government made it clear that it was their intention to introduce such a regulator.

## Get in touch

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