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Insights

REMEDIATION BILL: CLOSING THE GAPS IN BUILDING SAFETY

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Summary

The Building Safety (Remediation of Unsafe Cladding etc) Bill was introduced to Parliament on 14 October 2026.

At the time of writing (November 2026), the Bill has passed its second reading in the House of Commons and is being scrutinised by a Public Bill Committee, which is expected to report by 8 December 2026. It is not certain when the Bill will come into force however, the Impact Assessment indicates that the new remediation enforcement powers will be available approximately mid-2027 and refers to impacts beginning in 2027 and full operation in 2028, and projects the medium rise register for Spring 2028.

Obviously, such timeframes should be treated as indicative only because, in this environment, a lot can change between now and mid-2027. However, it is nonetheless useful to understand the government's intentions because it allows affected parties to start initial steps towards planning for compliance as outlined below.

This insight provides an overview of the key reforms and considers what building owners and developers can do now to prepare.

Background

The Building Safety Act 2022 (BSA) and accompanying initiatives established a framework to improve building safety and address the remediation of unsafe buildings. Such reforms were groundbreaking, however, have only partially addressed the deep-rooted complex issues surrounding cladding remediation. The Bill seeks to build on the foundations of the BSA and existing fire safety legislation and close the gaps in the remediation framework primarily by introducing a statutory duty to remediate medium and high-rise buildings.

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Key reforms

New legal duty to assess and remediate medium and high-rise buildings

The Bill places a legal duty on "responsible entities" of medium-rise and high-rise buildings to assess and remediate life-critical external wall fire safety risks. This duty is subject to certain exclusions, for example, buildings which are subject to the developer remediation contract.

This duty applies to "relevant buildings" completed before 28 June 2022. "Relevant building" means a self-contained building, or self-contained part of a building, in England that contains at least two dwellings and is at least 11 metres high OR has at least five storeys.

The responsible entity is the entity who has the relevant repairing obligation for the building. This may include freeholders, leaseholders in a head or sub-lease, right to manage companies, or resident management companies.

What does the responsible entity need to do?

Subject to certain exceptions, the responsible entity must ensure that a compliant fire risk assessment of external walls is carried out by a suitable professional within ten months after the assessment duty commences and then, if recommended by that assessment, a Fire Risk Appraisal of External Walls (FRAEW) which must comply with PAS 9980 (the government is intending to introduce legislation to require that the PAS 9980 methodology is used).

An assessment is not required where the latest Article 9 fire risk assessment during the assessment period identifies no actual or suspected external-wall fire safety risk and recommends no separate external-wall assessment, or where a qualifying pre-commencement external-wall assessment has already been carried out after 16 May 2022.

Where the assessment recommends interim measures or remediation, its written report must be provided to Homes England as soon as reasonably practicable after receipt and, in any event, by the assessment deadline. In addition, where the assessment recommends remedial work, the responsible entity must produce a Remediation Compliance Plan setting out steps and a timetable. The plan must be published prominently on the responsible entity's website, if it has one, with a conspicuous notice in the building explaining how to obtain it and reasonable steps taken to provide copies to the specified owners and leaseholders.

Stronger enforcement and group accountability

Failure to implement recommended interim measures or take required remediation steps as soon as reasonably practicable, without "reasonable excuse" will be an offence with potential civil and criminal sanctions. A reasonable excuse defence protects against delays beyond the responsible entity's control.

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Directors may be prosecuted where corporate failures involve their consent, connivance or neglect. Certain penalties may be imposed jointly on responsible entities and controlling firms. Unreasonable obstruction of lawful assessment or remediation also becomes an offence, subject to a reasonable excuse defence.

These provisions make remediation a board-level and group-wide governance issue, rather than a matter to be left solely to the entity with the repairing obligation. Controlling firms and directors should ensure that duty-holders have the resources and oversight needed to progress works promptly, with clear records of decisions, obstacles and steps taken to overcome them.

A remediation backstop

For relevant buildings with external wall fire risks where the duty-holder fails to remediate, local authorities or Homes England (authority) may seek a Remediation Management Order from the First-tier Tribunal. The Order enables the authority to undertake assessment and remediation, potentially assuming some management responsibilities. Government schemes will (subject to the project meeting the relevant criteria) fund works, but duty-holders would be expected to repay additional costs not covered by existing funding, with interest expected on repayable sums.

The proposed backstop is a significant shift from requiring a duty-holder to act to enabling an authority to deliver remediation where the duty-holder fails to do so, reducing the risk that residents remain trapped in unsafe buildings. Its effectiveness will depend on authorities having the funding, expertise and capacity to take over stalled projects, while the prospect of losing control of the works and incurring additional repayable costs should strengthen the incentive for duty-holders to act promptly.

No limitation for Remediation Orders, Remediation Contribution Orders and Building Liability Orders

The Bill also confirms that applications for Remediation Orders, Remediation Contribution Orders and Building Liability Orders have no statutory limitation period; underlying claims retain their limitation periods.

This clarification reinforces the protective purpose of the building safety regime: the passage of time should not, of itself, prevent unsafe buildings being remediated or the necessary funding being secured. For developers, building owners and associated companies, it also underlines the importance of addressing potential exposure early and preserving any onward claims against the original supply chain, rather than assuming that the expiry of ordinary defects claims brings finality.

A medium-rise building register

The Bill will give the Secretary of State the power to create a register of occupied medium-rise buildings. “Medium-rise building” means a building that is at least 11 metres in height or has at

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least five storeys; is less than 18 metres in height; has less than seven storeys; and, contains at least two residential units. Further Regulations may be made to refine this definition. The Explanatory Notes envisage a transition period before enforcement of the registration duty begins.

The “registration duty-holder” will have to register the building, provide key details about it, and pay a registration charge. The registration duty-holder is the person with a legal estate in possession of, or a relevant repairing obligation over, common parts. Where more than one person qualifies, responsibility falls on the person with the relevant interest or repairing obligation in the structure and exterior. Non-compliance attracts penalties.

The register should improve visibility of the medium-rise building stock and help authorities identify duty-holders and target remediation enforcement more effectively. Its practical value will depend on accurate, up-to-date information, so building owners should use the lead-in period to clarify responsibility for registration and assemble the required building data, rather than treating it as a purely administrative exercise.

Strengthening construction product reforms

The Bill also strengthens the BSA provisions relating to claims against cladding product manufacturers. Currently the BSA allows claims against cladding manufacturers whose products caused or contributed to a building being unfit for habitation. Claimants must show the product was defective, non-compliant or sold on misleading statements, and that its use made the building unsafe. Unfortunately, these provisions have not worked quite as intended. The government’s accompanying guide reports that these provisions have generated very few claims and identifies complexity and evidential difficulties as barriers to recovery.

To aid cost recovery from manufacturers, the Bill will:

- focus liability on inherently unsafe cladding products or misleading conduct, rather than the existing defectiveness and regulatory-compliance tests;
- require the product’s use to have caused or contributed more than trivially to the building or dwelling being unfit for habitation;
- allow developers and other remediation funders to claim directly;
- confirm Building Liability Orders can extend liability to associated companies where just and equitable, and courts can order disclosure of product information.

These changes are a welcome attempt to turn manufacturer accountability into a more effective route to recovering historic remediation costs, rather than leaving those funding the works to bear the burden. However, stronger legal rights alone will not resolve the evidential challenges: reliable records of product testing, marketing and use will remain critical to establishing responsibility and pursuing recovery.

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Other changes

The Bill introduces a raft of other changes, for example, it introduces a duty on fire safety regulators (local authorities, fire and rescue authorities and the BSR) to co-operate. It also makes wider reforms for example, local housing authorities, fire and rescue authorities, the BSR and Homes England will be able to require ownership information for residential blocks.

What can parties do now?

As noted above, the Bill is at an early stage and may still change during its passage through Parliament. The timing and final content remain uncertain, but affected parties can take proportionate preparatory steps now.

Monitor the Bill, understand the planned reforms, understand the exclusions: Track the legislation's progress and build knowledge of the proposed reforms. Knowing what is happening will allow you to plan more effectively for the changes.

Audit your portfolio: Identify buildings in your portfolio which may be affected by the reforms. This will allow you to effectively plan and allocate resources to ensure compliance with the new rules.

For medium and high-rise buildings, identify who is the "responsible entity" and if it is part of your corporate group structure. Check who must repair the external walls and whether each building is covered by a developer remediation commitment or government funding scheme. Also, check what fire risk assessments have already been carried out, check when they were carried out and if they were compliant with PAS 9980.

For medium-rise buildings consider what information is likely to be required for the register. Identify for each building whether you hold this information and if not, how or whether it can be obtained. Identify for each building who the registration duty-holder will be.

Final thoughts

The Bill's themes are accountability, transparency and more effective enforcement. While the detail remains subject to change, affected parties can begin identifying responsibilities, assembling reliable records and removing obstacles to remediation. All groups should monitor amendments and commencement regulations as the Bill progresses through Parliament. Preparation should support, not postpone, the safety works already needed.

Related capabilities

- Commercial Construction

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