SQUIRE PATTON BOGGS

The Building Safety (Remediation of Unsafe Cladding etc.) Bill

The next step in cladding remediation

November 2026

Introduction

The Building Safety (Remediation of Unsafe Cladding etc.) Bill (the "bill") was finally introduced to Parliament on 14 October 2026, alongside a practical guide and explanatory notes. The bill will evolve as it passes through Parliament but for now, here are the headlines: look out for more detail in our forthcoming Building Safety F(ACT)s newsletters.

According to the government's guide, the bill "will deliver on the legislative commitments of the Remediation Acceleration Plan" and builds on the premise of the Building Safety Act 2022 (BSA). Its objectives are:

- Certainty as to which buildings require cladding remediation and to what standard
- Empowering regulators to "hold the worst blockers to account"
- Making manufacturers of unsafe products contribute to the fix
- To "ensure all residents have a route to remediation, and that no building is left behind"

The guide is blunt: "the current system must be strengthened and underpinned with effective sanctions to incentivise action". That message runs throughout the bill. With the 10th anniversary of the Grenfell Tower tragedy next June, the government is plainly determined to accelerate remediation.

Some key provisions

The bill is wide-ranging. We focus here on the key issues, including: (1) the new legal duty to remediate; (2) the refined construction products liability regime; (3) the "remediation backstop" and (4) a new focus on medium-rise residential buildings.

Legal duty to remediate

The bill introduces a new legal duty on those responsible to assess and remediate unsafe cladding specifically.

The legal duty to remediate will fall upon the "responsible entity" of buildings in England over 11 metres in height or with at least five storeys, which contains at least two dwellings.

The responsible entity (i.e. whoever holds the relevant repairing obligation) could potentially include freeholders, head or sub-leaseholders, right to manage companies or resident management companies. Enforcement falls to local authorities, fire and rescue authorities and the building safety regulator. The duty on responsible entities includes:

- A legal duty to assess buildings of at least 11 metres or five storeys to identify those needing work. Fire risk appraisal of external walls (FRAEWs) must follow the PAS 9980 methodology (to be prescribed by regulations), and Homes England will audit them where mitigation or remediation is recommended.
- Where remediation is recommended, the responsible entity must carry out those recommendations.
- Producing a "Remediation Compliance Plan" that sets out its proposed compliance with the relevant duty.

The recurring theme is speed, and "mandatory" rather than "voluntary" action. As the guide notes, "an unacceptably high number of buildings have not yet started or completed remediation. In many cases, enforcement action and litigation has been required to progress works".

Failure to complete without reasonable excuse may attract financial and custodial sanctions –and, notably, group accountability provisions may allow fines to be levied on parent entities. Buildings under the developer remediation contract (DRC) are excluded given equivalent requirements are already in place.

The remediation backstop

Where a building dutyholder (i.e. the person obliged to repair it) has not carried out necessary remediation works, a local authority or Homes England (as "remediation authority") will be able to carry out the works itself. It may serve a "remediation notice" and, where appropriate, apply to the First-tier Tribunal for a "Remediation Management Order".

The message is clear: the works will get done. Once the order is discharged, the remediation authority can recover its costs (plus a 15% administration charge on unfunded costs) from the dutyholder as a debt, potentially secured by a charge over the dutyholder's legal interest with powers of sale and lease.

Claims against construction product manufacturers: Extending liability

The aim is to make manufacturers pay for the problems they caused. As the guide puts it: "The government has committed £5.15 billion to remediate buildings in England; and the cost to the 53 developers who have signed the Developer Remediation Contract is estimated at £4.2 billion. Construction product manufacturers have yet to contribute."

Section 149 of the BSA already allows claims against manufacturers of cladding products for past defaults that caused or contributed to a building being unfit for habitation. But the statutory conditions are demanding: the claimant must show the product was inherently defective, failed regulatory requirements or was the subject of a misleading statement, and that this caused the unfitness. Only those with a legal interest in the building (e.g. owners or leaseholders) can claim. As a consequence, very few claims have been made and developers who have funded remediation have had no clear route to claim directly against manufacturers.

The bill will simplify how causation and liability are established, let developers who carried out works claim directly against manufacturers and confirm that building liability orders can attach to Section 149 claims. The primary responsibility of those committed to fixing buildings (including under the DRC) is unchanged – this is about sharing remediation costs more fairly and equitably.

MRBs alongside HRBs: A new register for medium-rise buildings

Mirroring the high-rise buildings (HRB) regime, the bill will create a register of occupied residential buildings in England with at least two residential units that are 11 to 18 metres tall, or have at least five, but fewer than seven storeys. The "registration dutyholder" must register the building and provide prescribed information, with local authorities enforcing and a transition period before enforcement begins. Secondary legislation will flesh out the medium-rise buildings (MRB) Register.

No limitation period for ROs, RCOs or BLOs

The bill puts beyond doubt that no Limitation Act 1980 period applies to applications for Remediation Orders (ROs), Remediation Contribution Orders (RCOs) or Building Liability Orders (BLOs). The tribunal and court keep their discretion – for example, to dismiss applications for undue delay – but this strengthens these recovery tools ensuring that leaseholders or freeholders are not time-barred before they become aware of building safety defects.

Conclusion

The bill is results-driven. It replaces building-by-building enforcement with clear legal duties to assess and remediate backed by prosecution, and a last-resort backstop allowing public authorities to step in and recover their remediation costs. New registration, ownership information and limitation provisions close gaps that have allowed buildings to slip through and the amendments to the construction products reform is likely to lead to significant claims and recoveries against manufacturers of unsafe products. The shift is from encouraging remediation to compelling it.

The focus also widens from developers and housebuilders to "responsible entities", which could catch resident management companies and right to manage companies, albeit with a reasonable excuse defence and guidance aimed at proportionate enforcement.

With much still to play out as the bill passes through Parliament, we will be tracking every stage – so watch this space for further updates from our Building Safety Team.

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