

Law Society guidance on the EWS1 form for building safety and cladding issues



In early August the Law Society released new guidance to help home buyers and sellers understand building safety and cladding issues. The Law Society guidance can be found [here](#).

We previously published an article on the [introduction of Form EWS1](#) and an update on the [External Wall Fire Review](#).

The guidance released by the Law Society is particularly useful for those wishing to sell or buy properties that may involve EWS1 fire safety certificates.

The guidance itself focuses on understanding some of the risks involved in buying a leasehold flat (particularly concerning building safety) post Grenfell and the Hackitt Report. If you are purchasing a property, you may be aware of the intense media coverage surrounding cladding and fire safety and the guidance for those providing valuation information to mortgage lenders. You may be a prospective purchaser caught in a chain of linked transactions with someone in the chain who is affected by these issues.

what is an EWS1 form?

The EWS1 form provides the rating of the building's fire safety. It must be renewed every five years.

It is important to note that the Law Society has pointed out that any prospective purchaser cannot assume all is well if the building has an EWS1 form because the form itself has several ratings. The ratings can vary from low risk of fire to combustible materials being found. Some ratings will be suitable for lenders whilst some might not.



The rating of course can change at any time following a re-assessment of the building.

In April 2021, the guidance for those preparing valuations for lenders and providing EWS1 forms changed and then the government recently published a ministerial statement and an independent expert statement suggesting that an EWS1 is not required in buildings below 18 metres in height, that is, medium to low rise blocks.

We recommend that any prospective purchasers continue to follow the previous guidance as lenders will still remain cautious. The Law Society also recommends that previous guidance should be followed until RICS has more clarity about government documents and their impact on its guidance.

How we can help

Please get in touch with our [residential property team](#) if you would like to discuss this topic.