



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 1

ENFORCEMENT OF HOUSING STANDARDS: GENERAL

New system for assessing housing conditions

2 Meaning of “category 1 hazard” and “category 2 hazard”

(1) In this Act—

“category 1 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;

“category 2 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

“hazard” means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

(2) In subsection (1)—

“prescribed” means prescribed by regulations made by the appropriate national authority (see section 261(1)); and

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“prescribed band” means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

- (3) Regulations under this section may, in particular, prescribe a method for calculating the seriousness of hazards which takes into account both the likelihood of the harm occurring and the severity of the harm if it were to occur.
- (4) In this section—
 - “building” includes part of a building;
 - “harm” includes temporary harm.
- (5) In this Act “health” includes mental health.

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Commencement Orders yet to be applied to the Housing Act 2004:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/3019 art. 3 Sch. 1](#) Comencement Order