



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

#### CHAPTER 4

##### DEMOLITION ORDERS AND SLUM CLEARANCE DECLARATIONS

##### *Slum clearance declarations*

#### 47 Clearance areas

In section 289 of the Housing Act 1985 (c. 68) (declaration of clearance area) for subsections (2) and (2A) substitute—

“(2) If the local housing authority are satisfied, in relation to any area—

- (a) that each of the residential buildings in the area contains a category 1 hazard, and
- (b) that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area,

declaring the area to be a clearance area is a course of action available to the authority in relation to the hazard or hazards for the purposes of section 5 of the Housing Act 2004 (category 1 hazards: general duty to take enforcement action).

(2ZA) The local housing authority may declare an area to be a clearance area if they are satisfied that—

- (a) the residential buildings in the area are dangerous or harmful to the health or safety of the inhabitants of the area as a result of their bad arrangement or the narrowness or bad arrangement of the streets; and

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**Changes to legislation:** *Housing Act 2004, Section 47 is up to date with all changes known to be in force on or before 08 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(b) that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area.

(2ZB) The local housing authority may declare an area to be a clearance area if they are satisfied that—

- (a) that each of the residential buildings in the area contains a category 2 hazard,
- (b) that the other buildings (if any) in the area are dangerous or harmful to the health or safety of the inhabitants of the area, and
- (c) the circumstances of the case are circumstances specified or described in an order made by the Secretary of State.

Subsection (8) of section 265 applies in relation to an order under this subsection as it applies in relation to an order under subsection (3) or (4) of that section.

(2ZC) In this section “residential buildings” means buildings which are dwellings or houses in multiple occupation or contain one or more flats.

This is subject to subsection (2ZD).

(2ZD) For the purposes of subsection (2) or (2ZB)—

- (a) subsection (2ZC) applies as if “two or more flats” were substituted for “one or more flats”; and
- (b) a residential building containing two or more flats is only to be treated as containing a category 1 or 2 hazard if two or more of the flats within it contain such a hazard.

(2ZE) Subsections (2) to (2ZB) are subject to subsections (2B) to (4) and (5B).”

#### **Commencement Information**

- II** S. 47 wholly in force at 16.6.2006; s. 47 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 47 in force for E. at 6.4.2006 by S. I. 2006/1060, art. 2(1)(a) (with Sch.); s. 47 in force for W. at 16.6.2006 by S. I. 2006/1535, art. 2(a) (with Sch.)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)