



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

#### CHAPTER 4

##### DEMOLITION ORDERS AND SLUM CLEARANCE DECLARATIONS

##### *Demolition orders*

#### 46 Demolition orders

For section 265 of the Housing Act 1985 (c. 68) substitute—

##### **“265 Demolition orders**

- (1) If—
  - (a) the local housing authority are satisfied that a category 1 hazard exists in a dwelling or HMO which is not a flat, and
  - (b) this subsection is not disapplied by subsection (5),making a demolition order in respect of the dwelling or HMO is a course of action available to the authority in relation to the hazard for the purposes of section 5 of the Housing Act 2004 (category 1 hazards: general duty to take enforcement action).
- (2) If, in the case of any building containing one or more flats—
  - (a) the local housing authority are satisfied that a category 1 hazard exists in one or more of the flats contained in the building or in any common parts of the building, and
  - (b) this subsection is not disapplied by subsection (5),

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*Status: This is the original version (as it was originally enacted).*

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making a demolition order in respect of the building is a course of action available to the authority in relation to the hazard for the purposes of section 5 of the Housing Act 2004.

- (3) The local housing authority may make a demolition order in respect of a dwelling or HMO which is not a flat if—
  - (a) they are satisfied that a category 2 hazard exists in the dwelling or HMO,
  - (b) this subsection is not disapplied by subsection (5), and
  - (c) the circumstances of the case are circumstances specified or described in an order made by the Secretary of State.
- (4) The local housing authority may make a demolition order in respect of any building containing one or more flats if—
  - (a) they are satisfied that a category 2 hazard exists in one or more of the flats contained in the building or in any common parts of the building,
  - (b) this subsection is not disapplied by subsection (5), and
  - (c) the circumstances of the case are circumstances specified or described in an order made by the Secretary of State.
- (5) None of subsections (1) to (4) applies if a management order under Chapter 1 or 2 of Part 4 is in force in relation to the premises concerned.
- (6) This section also has effect subject to section 304(1) (no demolition order to be made in respect of listed building).
- (7) In this section “HMO” means house in multiple occupation.
- (8) An order made under subsection (3) or (4)—
  - (a) may make different provision for different cases or descriptions of case (including different provision for different areas);
  - (b) may contain such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate; and
  - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Sections 584A and 584B provide for the payment of compensation where demolition orders are made under this section, and for the repayment of such compensation in certain circumstances.”