



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

Clearance areas

289 Declaration of clearance area.

- (1) A clearance area is an area which is to be cleared of all buildings in accordance with the following provisions of this Part.
- [^{F1}(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
 - (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,

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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, 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).]

(2B) Before declaring an area to be a clearance area, the authority shall—

- (a) serve notice of their intention to include a building in the clearance area on every person who has an interest in the building (whether as freeholder, lessee or mortgagee) and also, in the case of a residential building, on every person who has such an interest in any flat in the building; and
- (b) take reasonable steps to inform any occupiers of a residential building who do not have such an interest in the building or a flat in the building as is referred to in paragraph (a) of their intention to include the building in the clearance area; and
- (c) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) notice of their intention to declare the area to be a clearance area.

(2C) A notice served under paragraph (a) of subsection (2B) shall invite representations from the person on whom the notice was served within such reasonable period, being not less than twenty-eight days after the date on which the notice is served, as may be specified in the notice.

(2D) The authority shall, by the steps taken in relation to occupiers of a residential building as mentioned in paragraph (b) of subsection (2B), invite representations from those occupiers within such reasonable period, expiring not less than twenty-eight days after the date on which the steps are taken, as may be specified by the authority.

(2E) A notice published in accordance with paragraph (c) of subsection (2B) shall invite representations from any interested persons within such reasonable period, being not less than twenty-eight days after the date on which the notice is published, as may be specified in the notice.

(2F) The authority shall consider all representations made under subsections (2C), (2D) and (2E) and, in the light of the representations, shall take whichever of the following decisions they think appropriate, that is to say—

- (a) they may decide to declare the area to be a clearance area; or

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- (b) they may decide to declare the area to be a clearance area but exclude such residential buildings which [^{F2}contain category 1 or category 2 hazards] as they think fit; or
 - (c) they may decide not to declare the area to be a clearance area.
- (3) [^{F3}Subject to subsection (5B), where the authority decide to declare an area to be a clearance area in accordance with paragraph (a) or paragraph (b) of subsection (2F)] they shall—
- (a) cause the area to be defined on a map in such manner as to exclude from any area
 - [^{F4}(i) any residential building which is not [^{F5}dangerous or harmful to health or safety]
 - (ii) any other building which is not dangerous or [^{F6}harmful to health or safety] ; and
 - (iii) any residential buildings which, by virtue of subsection (2F)(b), they have decided to exclude from the area; and]
 - (b) pass a resolution declaring the area so defined to be a clearance area.
- (4) Before passing such a resolution the authority shall satisfy themselves—
- (a) that, in so far as suitable accommodation does not already exist for the persons who will be displaced by the clearance of the area, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of the buildings in the area, or in different parts of it, proceeds, and
 - (b) that the resources of the authority are sufficient for the purposes of carrying the resolution into effect.
- (5) The authority shall forthwith transmit to the Secretary of State a copy of any resolution passed by them under this section, together with a statement of the number of persons who on a day specified in the statement were occupying the buildings comprised in the clearance area.

[^{F7}(5A) ^{F8}.....

(5B) Subject to section 578A, a clearance area may not include any parcel of land which is not contiguous with another parcel of land within the area; and, where the effect of subsection (3) would otherwise be that a clearance area would comprise two or more separate and distinct areas, paragraph (b) of that subsection shall have effect as if for the words “pass a resolution declaring the area so defined” there were substituted “if the effect of paragraph (a) would otherwise be that the area would comprise two or more separate and distinct areas, pass a separate resolution in respect of each of those areas declaring each of them]

(6) ^{F9}

Textual Amendments

- F1** S. 289(2)-(2ZE) substituted (18.11.2004 for specified purposes and 6.4.2006 in so far as not already in force for E. and 16.6.2006 in so far as not already in force for W.) for s. 289(2)(2A) by [Housing Act 2004 \(c. 34\), ss. 47, 270\(2\)\(b\)\(4\)\(5\); S.I. 2006/1060, art. 2\(1\)\(a\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(a\)](#)
- F2** Words in s. 289(2F)(b) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), ss. 265\(1\), 270\(4\)\(5\), Sch. 15 para. 19; S.I.2006/1060, art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

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- F3** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 25(3)(a)**
- F4** S. 289(3)(a)(i)–(iii) substituted by Local Government and Housing Act 1989 (c.42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 25(3)(b)**
- F5** Words in s. 289(3)(i) substituted (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 265(1), 270(4)(5), **Sch. 15 para. 19(3)(a)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)
- F6** Words in s. 289(3)(ii) substituted (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 265(1), 270(4)(5), **Sch. 15 para. 19(3)(b)**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)
- F7** S. 289(5A)(5B) inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 25(4)**
- F8** S. 289(5A) repealed (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 266, 270(4)(5), **Sch. 16**; S.I. 2006/1060, **art. 2(1)(e)(v)** (with Sch.); S.I. 2006/1535, **art. 2(c)(v)** (with Sch.)
- F9** S. 289(6) repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 194(1)(4), Sch. 11 para. 70, **Sch. 12 Pt. II**

Modifications etc. (not altering text)

- C1** S. 289 restricted (11.9.1996 for specified purposes and 16.12.1997 otherwise) by 1996 c. 53, **s. 131(1)**; S.I. 1996/2352, **art. 2(2)**; S.I. 1997/2846, **art. 2**

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)