



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),

Changes to legislation: *Housing Act 2004, Cross Heading: Demolition orders is up to date with all changes known to be in force on or before 03 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*

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.”

Commencement Information

- II** S. 46 wholly in force at 16.6.2006; s. 46 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 46 in force for E. at 6.4.2006 by S. I. 2006/1060, art. 2(1)(a) (with Sch.); s. 46 in force for W. at 16.6.2006 by S. I. 2006/1535, art. 2(a) (with Sch.)

Changes to legislation:

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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\(3\)](#)