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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(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

I1   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.)

Changes to legislation:
Housing Act 2004, Cross Heading: Slum clearance declarations is up to date with all changes known to be in force on or before 19 August 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.
View outstanding changes

> **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)