

**Changes to legislation:** Housing Act 2004, Paragraph 16 is up to date with all changes known to be in force on or before 27 September 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 15

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Textual Amendments

- F1** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 335](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 76)

#### *Housing Act 1985 (c. 68)*

- 16 In section 274 (demolition orders: power to permit reconstruction of condemned house) for subsections (2) to (5) substitute—

“(2) If the authority are satisfied that the result of the works will be—

- (a) in the case of a demolition order made under section 265(1) or (2), that the hazard concerned ceases to be a category 1 hazard, or
- (b) in the case of a demolition order made under section 265(3) or (4), that a prescribed state of affairs exists,

they may, in order that the person submitting the proposals may have an opportunity of carrying out the works, extend for such period as they may specify the time within which the owner of the premises is required under section 271 to demolish them.

- (3) In subsection (2) “prescribed state of affairs” means such state of affairs as may be specified or described in an order made by the Secretary of State.

(4) An order under subsection (3)—

- (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.

(5) That time may be further extended by the authority, once or more often as the case may require, if—

- (a) the works have begun and appear to the authority to be making satisfactory progress, or
- (b) though they have not begun, the authority think there has been no unreasonable delay.

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- (6) Where the authority determine to extend, or further extend, the time within which the owner of any premises is required under section 271 to demolish them, notice of the determination shall be served by the authority on every person having an interest in the premises or part of the premises, whether as freeholder, mortgagee or otherwise.
- (7) If the works are completed to the satisfaction of the authority they shall revoke the demolition order (but without prejudice to any subsequent proceedings under this Part or Part 1 of the Housing Act 2004).”]

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**Commencement Information**

- II** Sch. 15 para. 16 wholly in force at 16.6.2006; Sch. 15 para. 16 in force for certain purposes at Royal Assent see s. 270(2)(b); Sch. 15 para. 16 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 16 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (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\(3\)](#)