



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, Section 46 is up to date with all changes known to be in force on or before 17 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

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\(3\)](#)