



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

#### CHAPTER 1

##### ENFORCEMENT OF HOUSING STANDARDS: GENERAL

##### *Enforcement of housing standards*

#### **5 Category 1 hazards: general duty to take enforcement action**

- (1) If a local housing authority consider that a category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard.
- (2) In subsection (1) “the appropriate enforcement action” means whichever of the following courses of action is indicated by subsection (3) or (4)—
  - (a) serving an improvement notice under section 11;
  - (b) making a prohibition order under section 20;
  - (c) serving a hazard awareness notice under section 28;
  - (d) taking emergency remedial action under section 40;
  - (e) making an emergency prohibition order under section 43;
  - (f) making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68);
  - (g) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.
- (3) If only one course of action within subsection (2) is available to the authority in relation to the hazard, they must take that course of action.

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**Changes to legislation:** *Housing Act 2004, Section 5 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*

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- (4) If two or more courses of action within subsection (2) are available to the authority in relation to the hazard, they must take the course of action which they consider to be the most appropriate of those available to them.
- (5) The taking by the authority of a course of action within subsection (2) does not prevent subsection (1) from requiring them to take in relation to the same hazard—
- (a) either the same course of action again or another such course of action, if they consider that the action taken by them so far has not proved satisfactory, or
  - (b) another such course of action, where the first course of action is that mentioned in subsection (2)(g) and their eventual decision under section 289(2F) of the Housing Act 1985 means that the premises concerned are not to be included in a clearance area.
- (6) To determine whether a course of action mentioned in any of paragraphs (a) to (g) of subsection (2) is “available” to the authority in relation to the hazard, see the provision mentioned in that paragraph.
- (7) Section 6 applies for the purposes of this section.

**Modifications etc. (not altering text)**

- C1** S. 5 modified by [Housing Act 1985 \(c. 68\), s. 265\(1\)\(2\)](#) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\), ss. 46, 270\(4\)\(5\)\(a\)](#)); [S.I. 2006/1060, art. 2\(1\)\(a\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(a\)](#) (with Sch.)
- C2** S. 5 modified by [Housing Act 1985 \(c. 68\), s. 289\(2\)](#) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\), ss. 47, 270\(4\)\(5\)\(a\)](#)); [S.I. 2006/1060, art. 2\(1\)\(a\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(a\)](#) (with Sch.)
- C3** S. 5 modified by [Housing Act 1985 \(c. 68\), s. 300\(1\)\(a\)\(2\)\(a\)](#) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\), ss. 265\(1\), 270\(4\)\(5\)\(f\), Sch. 15 para. 20](#)); [S.I. 2006/1060, art. 2\(1\)\(d\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(b\)](#) (with Sch.)

**Commencement Information**

- I1** S. 5 wholly in force at 16.6.2006; s. 5 not in force at Royal Assent see [s. 270\(4\)\(5\)](#); s. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060, art. 2\(1\)\(a\)](#) (with Sch.); s. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535, art. 2\(a\)](#) (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\(3\)](#)