



Housing Defects Act 1984

1984 CHAPTER 50

Eligibility

1 Designation of defective dwellings

- (1) The Secretary of State may designate as a class any buildings each of which consists of or includes one or more dwellings if it appears to him that—
 - (a) buildings in the proposed class are defective by reason of their design or construction, and
 - (b) by virtue of the circumstances mentioned in paragraph (a) above having become generally known, the value of some or all of the dwellings concerned has been substantially reduced.
- (2) Any dwelling which a building in a class designated under this section consists of or includes is referred to in this Act as a "defective dwelling"; and in this Act in relation to such a dwelling—
 - (a) "the qualifying defect" means that which, in the opinion of the Secretary of State, is wrong with the buildings in that class; and
 - (b) "the cut-off date" means the date by which, in the opinion of the Secretary of State, the circumstances mentioned in subsection (1)(a) above became generally known.
- (3) A designation under this section shall describe the qualifying defect and specify—
 - (a) the date on which the designation is to come into operation;
 - (b) the cut-off date (not being a date falling after the date specified under paragraph (a) above); and
 - (c) the period within which persons may seek assistance under this Act in respect of the defective dwellings concerned.
- (4) The Secretary of State may vary or revoke a designation under this section and may by a variation of the designation extend the period referred to in subsection (3)(c) above, whether or not it has expired; but
 - (a) no variation or revocation shall affect the operation of the provisions of this Act in relation to any dwelling if, before the variation or revocation comes into

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operation, it is a defective dwelling by virtue of the designation in question and application for assistance in respect of it has been made under section 3 of this Act; and

- (b) no variation shall alter the cut-off date.
- (5) Notice of a designation under this section and of the variation or revocation of such a designation shall—
- (a) if it relates to England or Wales, be published in the London Gazette, and
 - (b) if it relates to Scotland, be published in the Edinburgh Gazette.
- (6) Any question arising as to whether a building is or was at any time in a class designated under this section shall be determined by the Secretary of State.
- (7) A designation under this section may make different provision in relation to England, Scotland and Wales; subject to that, no such designation shall describe a designated class by reference to the area in which the buildings concerned are situated.