

DT029 - Does the working class still exist?

Your report today on the Cadogan Estate litigation states that the judge 'will be required to make legal history by defining the working class, indeed deciding whether it exists'. This is not quite accurate, as shown by the following summary of a passage in my book *Statutory Interpretation* (3rd edn, page 694).

Section 5(1) of the Housing Act 1957, made it unlawful 'to erect any back-to-back houses intended to be used as dwellings for the working classes'. However the phrase 'working classes' had already been judicially declared obsolete in *Green & Sons v Minister of Health (No 2)* [1948] 1 KB 34. Vice-Chancellor Blackett-Ord performed the obsequies of section 5(1) in *Chorley Borough Council v Barratt Developments (North West) Ltd* [1979] 3 All ER 634. It was duly removed from housing legislation in the 1985 consolidation. Then in *Westminster City Council v Duke of Westminster* [1991] 4 All ER 136 Mr Justice Harman held that the phrase 'working classes', though it no longer appeared in the Housing Acts, was not obsolete after all.