

Annex B – The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No.2) Order 2020

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 419

HOUSING

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (No.2) Order 2020

<i>Made</i> - - - -	9 December 2020
<i>Laid before the Scottish Parliament</i>	11 December 2020
<i>Coming into force</i> - -	31 January 2021

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 29(3) and (4) of the Housing (Scotland) Act 1987⁽⁶⁾ and all other powers enabling them to do so.

Citation and commencement

This Order may be cited as the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) (No.2) Order 2020 and comes into force on 31 January 2021.

Amendment of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

—(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014⁽⁷⁾ is amended in accordance with paragraphs (2) to (5).

In article 2 (interpretation)—

(a) for the definition of “rapid access accommodation”, substitute—

““rapid access accommodation” means emergency temporary accommodation for rough sleepers, or those at risk of rough sleeping, which-

(a) contains a bedroom which is-

(i) safe, private and lockable;

(ii) furnished; and

(iii) of a good standard; and

(b) provides support to a person using that accommodation to—

(i) access benefits or other services through provision of on-site homelessness and support assessments; and

(ii) access ongoing support services, including specialist support services; and”, and

⁽⁶⁾ 1987 c.26. Subsections (3) and (4) of section 29 were inserted by section 9(1)(b) of the Homelessness etc. (Scotland) Act 2003 (asp 10). There are amendments to section 29 that are not relevant to this Order.

⁽⁷⁾ S.S.I. 2014/243.

(b) for the definition of “shared tenancy accommodation”, substitute—

““shared tenancy accommodation” means accommodation which—

- (a) is shared by no more than 5 people;
- (b) is of a good standard;
- (c) is provided to residents who agree to share accommodation on a temporary basis pending placement in settled accommodation; and
- (d) in which each resident has a private and lockable bedroom.”.

In article 4(b), after “by a household” insert “, taking into account the needs of the household”.

In article 5—

for paragraph (a) substitute—

“(a) is both—

- (i) outwith the area of the local authority which is subject to the duty to accommodate under section 29 of the 1987 Act; and
- (ii) accommodation in which the household has not agreed to be placed;”.

in paragraph (c), after “household” insert “which meet the accessibility needs of the household”,

in paragraph (d), after “adequate” insert “and accessible”, and

in paragraph (e), after “adequate” insert “and accessible”.

In article 6—

in paragraph (c), after “profit;” insert “or”,

in paragraph (d), for “; or” substitute “.”,

omit paragraph (e).

After article 7, insert—

“Additional exemptions from Article 5

7A.—(1) Where paragraph (4) applies, accommodation in the form of community hosting is not unsuitable by virtue of article 5 despite that accommodation—

- (a) lacking adequate toilet and personal washing facilities for the exclusive use of the household;
- (b) not being usable by the household for 24 hours a day.

(2) Where paragraph (4) applies, rapid access accommodation is not unsuitable by virtue of article 5 despite lacking adequate toilet and personal washing facilities for the exclusive use of the household.

(3) Where paragraph (4) applies, accommodation which is shared tenancy accommodation is not unsuitable by virtue of article 5 despite lacking adequate toilet and personal washing facilities for the exclusive use of the household.

(4) This paragraph applies where—

(a) a household does not include either—

- (i) a pregnant woman;
- (ii) a dependent child;
- (iii) a person who exercises parental rights in respect of a dependent child who is not part of the household; and

(b) the household has agreed to be placed in the accommodation referred to in paragraph (1), (2) or (3).”.

A member of the Scottish Government

St Andrew’s House,
Edinburgh
9 December 2020