

HOMELESSNESS ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

RESTRICTION OF POWER OF REFERRAL

Section 8: Power to modify section 33 of the 1987 Act

16. This section inserts sections 33A and 33B into the 1987 Act, giving the Scottish Ministers the power to restrict the operation of section 33 of that Act, which allows referral of a homeless applicant to another local authority in certain circumstances. Section 33A allows Ministers to prescribe that the power of a local authority to refer an applicant to another authority is not to be exercisable by, or in relation to, such local authorities as are specified in an order. This enables Ministers both to restrict a specified local authority from making referrals and/or other local authorities making referrals to it. An order under section 33A will not affect the operation of other provisions (e.g. section 34 of the 1987 Act) relating to cases where a referral has taken place prior to section 33 being disapplied. Section 33B requires Ministers to make a statement on the circumstances in which the power will be exercised and the criteria which will be used. This statement must be consulted on before being made or modified.