



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART II

#### HOMELESS PERSONS

##### *Main definitions*

#### **24 Homeless persons and persons threatened with homelessness.**

- (1) A person is homeless if he has no accommodation in [<sup>F1</sup>the United Kingdom or elsewhere].
- (2) A person is to be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him—
  - (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or
  - (b) has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy, or
  - (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.
- [<sup>F2</sup>(2A) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.
- (2B) Regard may be had, in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.]
- (3) A person is also homeless if he has accommodation but—
  - (a) he cannot secure entry to it, or

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**Changes to legislation:** *Housing (Scotland) Act 1987, Section 24 is up to date with all changes known to be in force on or before 09 April 2024. 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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- (b) it is probable that occupation of it will lead to <sup>F3</sup>abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)),] or
  - <sup>F2</sup>(bb) it is probable that occupation of it will lead to <sup>F4</sup>abuse (within the meaning of that Act)] from some other person who previously resided with that person, whether in that accommodation or elsewhere, or]
  - (c) it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it; or
  - (d) it is overcrowded within the meaning of section 135 and may endanger the health of the occupants <sup>F5</sup>; or
  - (e) it is not permanent accommodation, in circumstances where, immediately before the commencement of his occupation of it, a local authority had a duty under section 31(2) in relation to him.]
- (4) A person is threatened with homelessness if it is likely that he will become homeless within <sup>F6</sup>2 months].
- <sup>F7</sup>(5) For the purposes of subsection (3)(e), “permanent accommodation” includes accommodation—
- (a) of which the person is the heritable proprietor,
  - (b) secured by a Scottish secure tenancy,
  - (c) secured by an assured tenancy that is not a short assured tenancy,
  - (d) where paragraph 1 or 2 of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) is satisfied in relation to the person, secured by a short Scottish secure tenancy.
- <sup>F8</sup>(e) [ secured by a private residential tenancy.]]

#### Textual Amendments

- F1** Words in s. 24(1) substituted (1.4.2002) by 2001 asp 10, s. 3(1)(a); S.S.I. 2002/168, art. 2, **Sch.** (with transitional provisions and savings in art. 3)
- F2** S. 24(2A)(2B), 24(3)(bb) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 65(2)
- F3** Words in s. 24(3)(b) substituted (30.1.2004) by Homelessness etc. (Scotland) Act 2003 (asp 10), ss. 10(2)(a), 14(1); S.S.I. 2003/609, art. 2
- F4** Words in s. 24(3)(bb) substituted for s. 24(3)(bb)(i)(ii) (30.1.2004) by Homelessness etc. (Scotland) Act 2003 (asp 10), ss. 10(2)(b), 14(1); S.S.I. 2003/609, art. 2
- F5** S. 24(3)(e) and preceding word “or” inserted (30.9.2002) by 2001 asp 10, s. 3(1)(b); S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5)
- F6** Words in s. 24(4) substituted (1.4.2002) by 2001 asp 10, s. 3(1)(c); S.S.I. 2002/168, art. 2, **Sch.** (with transitional provisions and savings in art. 3)
- F7** S. 24(5) inserted (30.9.2002) by 2001 asp 10, s. 3(1)(d); S.S.I. 2002/321, art. 2, **Sch.** (subject to transitional provisions and savings in arts. 3-5)
- F8** S. 24(5)(e) inserted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), sch. 4 para. 4(3); S.S.I. 2017/346, reg. 2, sch.

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 24 is up to date with all changes known to be in force on or before 09 April 2024. 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.

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**Changes and effects yet to be applied to :**

- s. 24(1) by [2001 asp 10 s. 3\(1\)\(a\)](#)
- s. 24(3)(e) by [2001 asp 10 s. 3\(1\)\(b\)](#)
- s. 24(4)(5) by [2001 asp 10 s. 3\(1\)\(c\)\(d\)](#)
- s. 24(5)(d) words substituted by [2014 asp 14 sch. 2 para. 4\(5\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)