

## 2002 No. 412

### HOUSING

#### The Homeless Persons Interim Accommodation (Scotland) Regulations 2002

<i>Made</i>	<i>5th September 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>9th September 2002</i>
<i>Coming into force</i>	<i>30th September 2002</i>

The Scottish Ministers, in exercise of the power conferred by section 32A(1) of the Housing (Scotland) Act 1987(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation and Commencement**

1. These Regulations may be cited as the Homeless Persons Interim Accommodation (Scotland) Regulations 2002 and shall come into force on 30th September 2002.

#### **Interpretation**

2. In this Order—

“the 1987 Act” means the Housing (Scotland) Act 1987;

“accommodation” has the same meaning as in sections 31 and 32 of the 1987 Act;

“applicant” has the same meaning as in section 28(1) of the 1987 Act;

“interim accommodation” means accommodation that is not permanent accommodation within the meaning of section 31(5) of the 1987 Act;

“housing support services” has the same meaning as in section 91(8) of the Housing (Scotland) Act 2001(b);

“housing support services assessment” means a decision by a local authority in any question as to whether an applicant or any person residing with that applicant should be provided with housing support services.

#### **Prescribed circumstances where interim accommodation can be provided**

3. The circumstances specified in regulation 4 below are hereby prescribed as circumstances in which section 31(2) of the 1987 Act so far as requiring that accommodation is to be permanent accommodation within the meaning of section 31(5) of that Act, does not apply.

4. The circumstances referred to in regulation 3 above are—

- (a) a housing support services assessment for an applicant has concluded that the applicant or any other person residing with that applicant requires housing support services which cannot reasonably be provided within permanent accommodation; and

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(a) 1987 c.26; section 32A was inserted by section 3(5) of the Housing (Scotland) Act 2001 (asp 10). See section 338 of the Housing (Scotland) Act 1987 for the definition of “prescribed”. The function of the Secretary of State to prescribe by Regulations was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 2001 asp 10.

- (b) as a result of that housing support services assessment, the local authority is providing an applicant or any person residing with that applicant with interim accommodation together with housing support services in connection with that interim accommodation which include—
- (i) all services required in terms of the housing support services assessment;
  - (ii) access to independent advocacy and information services in connection with the services mentioned in sub-paragraph (i) above;
  - (iii) a timetable, agreed with the applicant, for the provision of the interim accommodation and housing support services;
  - (iv) an end or review date for the provision of services and interim accommodation, which date shall not be later than a date six months from the date on which the interim accommodation was first provided;
  - (v) a written record of the housing support services assessment, the services that are to be provided and the timetable in (iii); and
  - (vi) a mechanism to monitor the use of interim accommodation and the long term outcomes for each applicant.

St Andrew's House,  
Edinburgh  
5th September 2002

*MARGARET CURRAN*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the circumstances where local authorities can provide interim accommodation to homeless applicants who otherwise would be entitled to permanent accommodation in terms of section 31 of the Housing (Scotland) Act 1987.

Regulation 4 sets out the prescribed circumstances which apply where a housing support services assessment has identified that an applicant for housing requires housing support services which cannot reasonably be provided within permanent accommodation.

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Regulations 2002**

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