
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 2

The Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010

Prescribed circumstances where non-permanent accommodation can be provided

- 5.—(1) The circumstances referred to in regulation 3 are—
- (a) a short assured tenancy of a minimum duration of 12 months is available to the applicant;
 - (b) the applicant has been placed in no more than one short assured tenancy of a duration of less than 12 months between the date of the application being made and the date of the tenancy mentioned in sub-paragraph (a) becoming available;
 - (c) the local authority considers that the tenancy available can be afforded by the applicant;
 - (d) a housing support services assessment for the applicant has concluded that any support needs of the household to which the applicant belongs can be met within the accommodation provided under the tenancy that is available;
 - (e) the support to meet the support needs of the household is available; and
 - (f) the local authority has advised the applicant of tenants' and landlords' rights and obligations under a short assured tenancy and has directed the applicant to sources of independent advice and information and the applicant then agrees in writing that the duty of the local authority under section 31(2) of the 1987 Act may be discharged by the provision of accommodation that is not permanent accommodation.
- (2) In this regulation—
- (a) “short assured tenancy” has the meaning given in section 32 of the Housing (Scotland) Act 1988(1); and
 - (b) “sources of independent advice and information” refers to organisations which provide independent advice on homelessness and housing and includes law centres, Citizens Advice Bureaux and Shelter Scotland.