

POLICY NOTE

THE HOMELESS PERSONS (UNSUITABLE ACCOMMODATION) (SCOTLAND) AMENDMENT ORDER 2017

SSI 2017/273

The above instrument was made in exercise of the powers conferred by section 29(3) and (4) of the Housing (Scotland) Act 1987(1) and all other powers enabling them to do so. The instrument is subject to negative procedure.

Policy Objectives

1. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (“the 2014 Order”) prescribes accommodation which may not be used to fulfill the duty on local authorities to provide interim accommodation under section 29(1) of the Housing (Scotland) Act 1987 in relation to applicants who are pregnant, or whose household includes either a pregnant woman or children. Accommodation is unsuitable in all circumstances if it is not wind and watertight or not suitable for occupation by children. Article 5 of the 2014 Order sets out other conditions any one of which if met would also make accommodation unsuitable e.g. it is accommodation within which the household does not have the use of adequate cooking facilities and use of a living room. Most commonly the type of accommodation that would fall within one of those conditions is bed and breakfast accommodation. Article 7 of the 2014 Order provides two particular circumstances where such accommodation may be used and this is time limited to 14 days. The time limit does not apply in the circumstances set out in article 6.
2. This instrument amends the time limit in article 7 from 14 days to 7 days. The aim is to minimise the amount of time families with pregnant women and children should spend in bed and breakfast accommodation, and reduce the time to a maximum of 7 days, unless there are exceptional circumstances.
3. The change in legislation will affect local authorities and homeless households where the applicant is (a) pregnant; (b) a person whose household includes a pregnant woman; or (c) a person whose household includes dependent children.
4. The amendment contributes to the following national outcomes:
 - Our children have the best start in life and are ready to succeed.
 - We have improved the life chances for children, young people and families at risk.
5. This Order comes into force on 2 October 2017.

(1) 1987 c.26; Section 29(3) and (4) 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.

Consultation

6. There is no statutory requirement to consult on this instrument, however, the Scottish Government consulted with stakeholders from 29 June to 20 July 2017 on the impact of the proposed amendment to The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017, reducing the time pregnant women and families with children spend in unsuitable accommodation from 14 days to 7 days. Stakeholders included local authorities, local government representative bodies, the third sector and homelessness charities. 17 organisations responded. Respondents felt that the amendment would positively affect pregnant women and households with dependent children by further reducing the amount of time they spend in unsuitable accommodation. All stakeholders thought the amendments was a positive move and should proceed. No negative impacts were identified.

Impact Assessments

7. An Equalities Impact Assessment (EQIA) and a Child Rights and Wellbeing Impact Assessment CRWIA has been completed and is published on the publications page on the Scottish Government Website. No negative equality impacts were identified.

Financial Effects

8. A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that there will be no impact on business.

Scottish Government
Directorate for Housing and Social Justice

29 August 2017