



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

Duties and powers of local authorities

- 1 Duty of local authority to consider needs of their area for further housing accommodation.**
 - (1) Every local authority shall consider the housing conditions in their area and the needs of the area for further housing accommodation.
 - (2) For that purpose they shall review any information which has been brought to their notice, including in particular information brought to their notice as a result of a survey or inspections made under section (3).
 - (3) If the Secretary of State gives them notice to do so, they shall, within 3 months after such notice, prepare and submit to him proposals for the provision of housing accommodation.
 - (4) In considering the needs of their area for further housing accommodation under subsection (1), every local authority shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State under subsection (3) shall distinguish any houses which they propose to provide which make special provision for the needs of such persons.

- 2 Powers of local authority to provide housing accommodation.**
 - (1) A local authority may provide housing accommodation—
 - (a) by the erection of houses on any land acquired or appropriated by them;
 - (b) by the conversion of any buildings into houses;
 - (c) by acquiring houses;

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- (d) by altering, enlarging, repairing or improving any houses or other buildings which have, or a right or interest in which has, been acquired by the local authority.
- (2) For the purpose of supplying the needs for housing accommodation in its area, a local authority may exercise any of its powers under subsection (1) outside that area.
- (3) A local authority may alter, enlarge, repair or improve any house provided by them under subsection (1).
- (4) For the purposes of this Part the provision of housing accommodation includes the provision of—
 - (a) a cottage with a garden of not more than one acre;
 - (b) a hostel.
- (5) In this section “hostel” means—
 - (a) in relation to a building provided or converted before 3 July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained dwellings) and board;
 - (b) in relation to a building provided or converted on or after 3 July 1962, a building in which is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in houses) and either board or common facilities for the preparation of food adequate to the needs of those persons or both.
- [^{F1}(6) Nothing in this Act shall be taken to require (or to have at any time required) a local authority itself to acquire or hold any houses or other land for the purposes of this Part.]

Textual Amendments

F1 S. 2(6) added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 161(2)

3 Power of local authority to provide shops, etc., in connection with housing accommodation.

- (1) Subject to the provisions of this section, a local authority may provide and maintain—
 - (a) any building adapted for use as a shop;
 - (b) any recreation grounds;
 - (c) such other buildings or land as are referred to in subsection (2),
 in connection with housing accommodation provided by them under this Part.
- (2) The buildings or land referred to in subsection (1)(c) are buildings or land which in the opinion of the Secretary of State will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.
- (3) The provision and maintenance of any building or land under this section—
 - (a) requires the consent of the Secretary of State;
 - (b) may be undertaken jointly with any other person.
- (4) The Secretary of State may, in giving his consent to the provision of any building or land under this section, by order apply, with any necessary modifications, to that building or land any statutory provisions which would have been applicable to it if the

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building or land had been provided under any enactment giving any local authority powers for that purpose.

4 Power of local authority to provide furniture, etc.

- (1) A local authority—
 - (a) may fit out, furnish and supply any house erected, converted or acquired by them under section 2 with all requisite furniture, fittings and conveniences;
 - (b) shall have power to sell, or to supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, to buy furniture.
- (2) In this section “hire-purchase agreement” means a hire-purchase or conditional sale agreement within the meaning of the ^{M1}Consumer Credit Act 1974.

Marginal Citations

M1 1974 c. 39.

5 Power of local authority to provide board and laundry facilities.

- (1) The power of a local authority under this Part to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and such laundry facilities and services as accord with the needs of those persons.
- (2) A local authority may make such reasonable charges for meals provided by them by virtue of this section, and such reasonable charges to persons availing themselves of laundry facilities or services so provided, as the authority may determine.

^{F2}(3)

Textual Amendments

F2 S. 5(3) repealed (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); [S.S.I. 2007/472](#), art. 3

[^{F3}5A Power of local authority to provide welfare services.

- (1) A local authority may provide in connection with housing accommodation provided by them (whether or not under this Part) such welfare services, that is to say services for promoting the welfare of the persons for whom the accommodation is so provided, as accord with the needs of those persons.
- (2) The local authority may make reasonable charges for welfare services provided by virtue of this section.
- (3) Notwithstanding the provisions of section 203, a local authority may attribute the income from and the expenditure on the welfare services provided under subsection (1) to a revenue account other than their housing revenue account.

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- (4) In this section “welfare services” does not include the repair, maintenance, supervision or management of houses or other property.
- (5) The powers conferred by this section shall not be regarded as restricting those conferred by section 83 of the Local Government (Scotland) Act 1973 (power to incur expenditure for purposes not otherwise authorised) and accordingly the reference in subsection (1) of that section to any other enactment shall not include a reference to this section.]

Textual Amendments

F3 S. 5A inserted (retrospectively) by 1993 c. 28, ss. 149, 188(2)(b).

[^{F4}5B Power to repeal provisions relating to welfare services.

- (1) The Secretary of State may at any time by order made by statutory instrument provide that, on such day or in relation to such periods as may be appointed by the order, section 5A, this section and paragraph 4A of Schedule 15 shall—
- (a) cease to have effect; or
 - (b) cease to apply for such purposes as may be specified in the order.
- (2) An order under this section may—
- (a) appoint different days or periods for different provisions or purposes or for different authorities or descriptions of authority; and
 - (b) contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient.]

Textual Amendments

F4 S. 5B inserted (20.7.1993) by 1993 c. 28, ss. 151, 188(2)(b).

6 Duty of local authority to have regard to amenities of locality, etc.

- (1) A local authority, in preparing any proposals for the provision of houses or in taking any action under this Act, shall have regard to artistic quality in the lay-out, planning and treatment of the houses to be provided, the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest.
- (2) For their better advice in carrying out the requirements of subsection (1), a local authority may appoint a local advisory committee including representatives of architectural and other artistic interests.

7 Execution of works by local authority in connection with housing operations outside their area.

Where any housing operations under this Part are being carried out by a local authority outside their own area, that authority shall have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the local authority of the area in which the

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operations are being carried out as to the terms and conditions on which any such works are to be executed.

8 Adjustment of differences between local authorities as to carrying out of proposals for provision of housing accommodation.

Where a local authority are providing houses in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Secretary of State, and the Secretary of State's decision shall be final and binding on the authorities.

Changes to legislation:

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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\(40\)\(a\)\(b\)](#)