



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART I

#### PROVISION OF HOUSING

*[<sup>F1</sup> Standards and performance in housing management]*

#### **20 Persons to have priority on housing list and allocation of housing.**

<sup>F1</sup>(1) A social landlord must, in relation to all houses held by it for housing purposes, secure that in the selection of its tenants a reasonable preference is given to the persons mentioned in subsection (1ZA).

(1ZA) The persons are—

- (a) persons who—
  - (i) subject to subsection (1A), are homeless persons and persons threatened with homelessness (within the meaning of Part 2), and
  - (ii) have unmet housing needs,
- (b) persons who—
  - (i) are living under unsatisfactory housing conditions, and
  - (ii) have unmet housing needs, and
- (c) tenants of houses which—
  - (i) are held by a social landlord, and
  - (ii) the social landlord selecting its tenants considers to be under-occupied.

(1ZB) For the purposes of subsection (1ZA), persons have unmet housing needs where the social landlord considers the persons to have housing needs which are not capable of being met by housing options which are available.]

<sup>F2</sup>(1A) Homeless persons and persons threatened with homelessness (within the meaning of Part 2) are to be disregarded for the purposes of subsection (1) if they would not be

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such persons without the local authority having had regard to a restricted person (also within the meaning of Part 2).]

- (2) In the allocation of <sup>[F3]</sup>housing falling within subsection (1)] a <sup>[F5]</sup>social landlord] —
- (a) shall take no account of—
- (i) the length of time for which an applicant has resided in its area; or
  - (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
  - <sup>[F6]</sup>(iii) <sup>[F7]</sup>except to the extent permitted by section 20B,] any liability (for payment of rent or otherwise) of the applicant which is attributable to the applicant’s tenancy of a house but which is no longer outstanding; or
  - (iv) any such liability which is outstanding but in respect of which subsection (2A) is satisfied; or
  - (v) any outstanding liability of the applicant or of any person who it is proposed will reside with the applicant which is not attributable to the tenancy of a house; or
  - (vi) except to the extent permitted by subsection (2B), the age of the applicant provided that the applicant has attained the age of 16 years; or
  - (vii) the income of the applicant and his family; or
  - <sup>[F8]</sup>(viii) where any of the circumstances in subsection (2C) apply to that person, the ownership of, or value of, heritable property owned by—
    - (A) the applicant,
    - (B) a person who normally resides with the applicant, or
    - (C) a person who it is proposed will reside with the applicant.]]
- <sup>[F9]</sup>(aa) shall take no account of whether an applicant is resident in their area if the applicant—
- (i) is employed, or has been offered employment, in the area; or
  - (ii) wishes to move into the area and they are satisfied that his purpose in doing so is to seek employment; or
  - (iii) wishes to move into the area to be near a relative or carer; or
  - (iv) has special social or medical reasons for requiring to be housed within the area; or
  - (v) is subject to conduct amounting to harassment (“conduct” and “harassment” being construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40)) and wishes to move into the area; or
  - (vi) runs the risk of domestic <sup>[F10]</sup>abuse] (within the meaning of section 33(3)) and wishes to move into the area; and]
- (b) shall not impose a requirement—
- (i) <sup>[F11]</sup>except to the extent permitted by section 20B,] that an application must have remained in force for a minimum period; or
  - (ii) that a divorce or judicial separation be obtained; or
  - <sup>[F12]</sup>(ia) that a dissolution of a civil partnership or a decree of separation of civil partners be obtained, or]
  - (iii) that the applicant no longer be living with, or in the same house as, some other person,

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before the applicant is eligible for the allocation of housing.

[<sup>F13</sup>(2A) This subsection is satisfied in respect of an outstanding liability where—

- (a) the amount of the outstanding liability is not more than one twelfth of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy in question; or
- (b) the applicant—
  - (i) has agreed with the landlord an arrangement for paying the outstanding liability;
  - (ii) has made payments in accordance with that arrangement for at least three months; and
  - (iii) is continuing to make such payments.

(2B) A local authority and a registered social landlord may take into account the age of applicants in the allocation of—

- (a) houses which have been designed or substantially adapted for occupation by persons of a particular age group;
- (b) houses to persons who are or are to be in receipt of housing support services (within the meaning of section 91 of the Housing (Scotland) Act 2001 (asp 10)) for persons of a particular age group.]

[<sup>F14</sup>(2C) The circumstances are that—

- (a) in the case of a property which has not been let, the owner cannot secure entry to that property,
- (b) it is probable that occupation of the property will lead to abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)) from some other person residing in that property,
- (c) it is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that property or elsewhere,
- (d) occupation of the property may endanger the health of the occupants and there are no reasonable steps which can be taken by the applicant to prevent that danger.]

[<sup>F15</sup>(3) A member of a local authority shall be excluded from a decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant, where—

- (a) the house in question is situated; or
- (b) the applicant for the house in question resides,

in the electoral division or ward for which that member is elected.]

[<sup>F16</sup>(4) In the application of this section to <sup>F16</sup>registered social landlords, any reference to their area means the local authority area or areas, or the part of that area or those areas, in which the registered social landlord holds houses for housing purposes.]

#### Textual Amendments

**F1** S. 20(1)-(1ZB) substituted for s. 20(1) (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 3, 104\(3\)](#); [S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)

**F2** S. 20(1A) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 15 para. 10\(3\)](#); [S.I. 2009/415, art. 3](#)

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- F3** Words in s. 20(2) substituted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 10(4)**; S.I. 2009/415, art. 3
- F4** Words in s. 20(2) substituted (1.4.2002) by 2001 asp 10, **s. 10(3)(a)**; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)
- F5** Words in s. 20(2) substituted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(3)(a)**; S.S.I. 2014/264, art. 2, sch.
- F6** S. 20(2)(a)(iii)-(viii) substituted for s. 20(2)(a)(iii) (1.4.2002) by 2001 asp 10, **s. 10(3)(c)**; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)
- F7** Words in s. 20(2)(a)(iii) inserted (1.5.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 6(1)(a), 104(3)**; S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F8** S. 20(2)(a)(viii) substituted (1.5.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 5(1), 104(3)**; S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F9** S. 20(2)(aa) inserted (1.4.2002) by 2001 asp 10, **s. 10(3)(d)**; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)
- F10** Word in s. 20(2)(aa)(vi) substituted (30.1.2004) by Homelessness etc. (Scotland) Act 2003 (asp 10), **ss. 10(1), 14(1)**; S.S.I. 2003/609, art. 2
- F11** Words in s. 20(2)(b)(i) inserted (1.5.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 6(1)(b), 104(3)**; S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F12** S. 20(2)(b)(ia) inserted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(3)(b)**; S.S.I. 2014/264, art. 2, sch.
- F13** S. 20(2A)(2B) inserted (1.4.2002) by 2001 asp 10, **s. 10(4)**; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)
- F14** S. 20(2C) inserted (1.5.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 5(2), 104(3)**; S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F15** S. 20(3) added (27.9.1993) by 1993 c. 28, **s. 154**; S.I. 1993/2163, **art. 2 Sch. 1.**
- F16** S. 20(4) inserted (1.4.2002) by 2001 asp 10, **s. 10(5)**; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)

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

- s. 20(1) by [2001 asp 10 s. 10\(2\)\(a\)](#)
- s. 20(1)(b) by [2001 asp 10 s. 10\(2\)\(b\)](#)
- s. 20(2) by [2001 asp 10 s. 10\(3\)\(a\)\(b\)](#)
- s. 20(2)(a)(iii)-(viii) by [2001 asp 10 s. 10\(3\)\(c\)](#)
- s. 20(2)(aa) by [2001 asp 10 s. 10\(3\)\(d\)](#)
- s. 20(2A)(2B) by [2001 asp 10 s. 10\(4\)](#)
- s. 20(4) by [2001 asp 10 s. 10\(5\)](#)

**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](http://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\(40\)\(a\)\(b\)](#)