



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART II

HOMELESS PERSONS

Main definitions

24 Homeless persons and persons threatened with homelessness.

- (1) A person is homeless if he has no accommodation in Scotland, or England or Wales.
- (2) A person is to be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him—
 - (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or
 - (b) has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy, or
 - (c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.

[^{F1}(2A) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(2B) Regard may be had, in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.]

- (3) A person is also homeless if he has accommodation but—
 - (a) he cannot secure entry to it, or

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Housing (Scotland) Act 1987, Section 24 is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) it is probable that occupation of it will lead to violence from some other person residing in it or to threats of violence from some other person residing in it and likely to carry out the threats, or
 - [^{F1}(bb) it is probable that occupation of it will lead to—
 - (i) violence; or
 - (ii) threats of violence which are likely to be carried out,from some other person who previously resided with that person, whether in that accommodation or elsewhere, or]
 - (c) it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it; or
 - (d) it is overcrowded within the meaning of section 135 and may endanger the health of the occupants.
- (4) A person is threatened with homelessness if it is likely that he will become homeless within 28 days.

Textual Amendments

F1 S. 24(2A)(2B), 24(3)(bb) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 65(2)

Status:

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