



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART II

#### HOMELESS PERSONS

##### *Duties of local authorities with respect to homelessness and threatened homelessness*

### 33 Referral of application to another local authority.

(1) If a local authority—

- (a) are satisfied that an applicant is homeless <sup>F1</sup>... and are not satisfied that he became homeless intentionally, but
- (b) are of opinion that the conditions are satisfied for referral of his application to another local authority,

they may notify that other local authority in Scotland, England or Wales of the fact that his application has been made and that they are of that opinion.

(2) The conditions of referral of an application to another local authority are—

- (a) that neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,
- (b) that the applicant or a person who might reasonably be expected to reside with him has a local connection with that other local authority's district, and
- (c) that neither that applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic [<sup>F2</sup>abuse] in that other local authority's district.

(3) For the purposes of this section a person runs the risk of domestic [<sup>F3</sup>abuse] —

- (a) if he runs the risk of [<sup>F4</sup>abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14))] from a person with whom, but for the risk of [<sup>F3</sup>abuse] , he might reasonably be expected to reside, or from a person with whom he formerly resided, <sup>F5</sup>...

<sup>F5</sup>(b) .....

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*Changes to legislation: Housing (Scotland) Act 1987, Section 33 is up to date with all changes known to be in force on or before 15 May 2023. 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) View outstanding changes*

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- (4) The question whether the conditions for referral of an application are satisfied shall be determined by agreement between the notifying authority and the notified authority, or in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order made by statutory instrument.
- (5) An order may direct that the arrangements shall be—
- (a) those agreed by any relevant authorities or association of relevant authorities, or
  - (b) in default of such agreement, such arrangements as appear to the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.
- (6) No order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

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#### Textual Amendments

- F1** Words in s. 33(1)(a) omitted (31.12.2012) by virtue of [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, **10**
- F2** Word in s. 33(2)(c) substituted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), ss. **10(3)(a)**, 14(1); S.S.I. 2003/609, art. 2
- F3** Word in s. 33(3) substituted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), ss. **10(3)(b)(i)**, 14(1); S.S.I. 2003/609, art. 2
- F4** Words in s. 33(3) substituted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), ss. **10(3)(b)(ii)**, 14(1); S.S.I. 2003/609, art. 2
- F5** S. 33(3)(b) and word repealed (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), ss. **10(3)(b)(iii)**, 14(1); S.S.I. 2003/609, art. 2
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#### Modifications etc. (not altering text)

- C1** S. 33(1) modified (29.11.2022) by [The Homeless Persons \(Suspension of Referrals between Local Authorities\) \(Scotland\) Order 2022 \(S.S.I. 2022/356\)](#), arts. 1(1), **2** (with art. 3)

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 33 is up to date with all changes known to be in force on or before 15 May 2023. 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.

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