



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART II

HOMELESS PERSONS

Duties of local authorities with respect to homelessness and threatened homelessness

34 Duties to persons whose applications are referred.

- (1) Where, in accordance with section 33(1), a local authority notify another authority of an application, the notifying authority shall secure that accommodation is available for occupation by the applicant until it is determined whether the conditions for referral of his application to the other authority are satisfied.
- (2) ^[F1]If it is determined that the conditions for referral—
 - (a) are satisfied, the notified authority are subject to the duty under section 31(2);
 - (b) are not satisfied, the notifying authority are subject to that duty.]
- (3) When the matter has been determined, the notifying authority shall notify the applicant—
 - (a) ^[F3]whether they or the notified authority are subject to the duty under section 31(2),] and
 - (b) of the reasons why the authority subject to that duty are subject to it.

^[F4](3A) The notifying authority shall also notify him—

- (a) that he may request a review of the determination and of the time within which such a request must be made, and
 - (b) of the advice and assistance that is available to him in connection with any such review.]
- (4) The notice required to be given to a person under ^[F5]this section] shall be given in writing and shall, if not received by him, be treated as having been given to him only if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

Changes to legislation: Housing (Scotland) Act 1987, Section 34 is up to date with all changes known to be in force on or before 28 August 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

[^{F6}(5) For the purposes of subsection (1), “accommodation” has the meaning given in section 32(5).

(6) [^{F7}For the purposes of subsections (2) and (3)(a), “permanent accommodation” has the meaning given in section 31(5) as read with section 32(5).]]

Textual Amendments

- F1** S. 34(2) substituted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 15 para. 14\(2\)](#); S.I. 2009/415, art. 3
- F2** Words in s. 34(2)(3)(a) inserted (30.9.2002) by [2001 asp 10](#), s. 3(6)(a)(b); S.S.I. 2002/321, art. 2, [Sch.](#) (subject to transitional provisions and savings in arts. 3-5)
- F3** S. 34(3)(a) substituted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 15 para. 14\(3\)](#); S.I. 2009/415, art. 3
- F4** S. 34(3A) inserted (1.4.2002) by [2001 asp 10](#), s. 4(3)(a); S.S.I. 2002/168, art. 2, [Sch.](#) (with transitional provisions and savings in art. 3)
- F5** Words in s. 34(4) substituted (1.4.2002) by [2001 asp 10](#), s. 4(3)(b); S.S.I. 2002/168, art. 2, [Sch.](#) (with transitional provisions and savings in art. 3)
- F6** S. 34(5)(6) inserted (30.9.2002) by [2001 asp 10](#), s. 3(6)(c); S.S.I. 2002/321, art. 2, [Sch.](#) (subject to transitional provisions and savings in arts. 3-5)
- F7** S. 34(6) repealed (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 15 para. 14\(4\)](#), [Sch. 16](#); S.I. 2009/415, art. 3

Changes to legislation:

Housing (Scotland) Act 1987, Section 34 is up to date with all changes known to be in force on or before 28 August 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 :

- s. 34(2) by [2001 asp 10 s. 3\(6\)\(a\)](#)
- s. 34(3)(a) by [2001 asp 10 s. 3\(6\)\(b\)](#)
- s. 34(3A) by [2001 asp 10 s. 4\(3\)](#)
- s. 34(4) by [2001 asp 10 s. 4\(3\)\(b\)](#)
- s. 34(5)(6) by [2001 asp 10 s. 3\(6\)\(c\)](#)

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