

HOMELESSNESS ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

HOMELESSNESS: PRIORITY NEED FOR ACCOMMODATION

Section 1: Amendment of section 25 of the 1987 Act

4. This section amends section 25 of the 1987 Act to widen the definition of persons having a priority need for accommodation. The amended version of section 25(1)(c) substituted by *subsection (2)(a)* includes within the definition those vulnerable as a result of: old age; mental illness; personality disorder; learning or physical disability; chronic ill health; having suffered a miscarriage or undergone an abortion; having been discharged from a hospital, a prison, or the armed forces; or other special reason. *Subsection (2)(b)* adds further paragraphs to section 25(1) to cover 16 and 17 year olds; certain young people between the ages of 18 and 20; a person who runs the risk of violence or is likely to be the victim of harassment because of their religion, sexual orientation, race, colour, or ethnic or national origins; and a person who runs the risk of domestic abuse. It also ensures in most circumstances that those residing with someone who is defined as having a priority need for accommodation are themselves within the definition. *Subsection (3)* sets out the circumstances in which a person aged 18 to 20 is defined as having a priority need. *Subsection (4)* amends section 25(2)(b) of the 1987 Act to ensure that the Scottish Ministers can amend or repeal the additional subsections of section 25 inserted by subsection (4) in the same manner as existing subsections. *Subsection (5)* revokes the [Homeless Persons \(Priority Need\) \(Scotland\) Order 1997 \(S.I. 1997/3049\)](#) as its terms are now incorporated into the 1987 Act by the amendments made by subsections (2)(b) and (3).

Section 2: Abolition of priority need test

5. This section sets out the process to be followed to provide for the eventual abolition of the priority need test. *Subsections (1)* and *(2)* allow the Scottish Ministers to abolish the test as soon as they are satisfied that local authorities will be able to carry out their duties in relation to homeless people without distinguishing between applicants on the basis of priority need. *Subsections (3), (4)* and *(5)* define the necessary powers and set out the procedures to be followed in the process of abolition.

Section 3: Statement on abolition of priority need test

6. This section requires the Scottish Ministers to publish a statement setting out an action plan for the abolition of the priority need test. Under *subsection (1)* the statement must be published by 31st December 2005 and must cover past, current and future action by Ministers and local authorities which contributes towards allowing local authorities to perform their homelessness duties without distinguishing between applicants on the basis of priority need. *Subsection (2)* requires that the statement include a target date, not later than 31st December 2012, for achieving the removal of priority need and also requires the statement to incorporate interim objectives which may, under *subsection (3)*, include proposals to expand the definition in section 25 of the 1987 Act of those having a priority need for accommodation. *Subsection (4)* requires Ministers to keep the statement under review and allows for modification; *subsection (5)* requires

*These notes relate to the Homelessness etc. (Scotland) Act
2003 (asp 10) which received Royal Assent on 9 April 2003*

Ministers to have regard to local housing and homelessness strategies prepared under the 2001 Act in the initial preparation of the statement and when modifying it; and *subsection (6)* deals with the consultation arrangements.