



Homelessness etc. (Scotland) Act 2003

2003 asp 10

Homelessness: priority need for accommodation

1 Amendment of section 25 of the 1987 Act

(1) Section 25 (persons having priority need for accommodation) of the Housing (Scotland) Act 1987 (c. 26) (“the 1987 Act”) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (c) substitute—

“(c) a person who is vulnerable as a result of—

- (i) old age;
- (ii) mental illness;
- (iii) personality disorder;
- (iv) learning disability;
- (v) physical disability;
- (vi) chronic ill health;
- (vii) having suffered a miscarriage or undergone an abortion;
- (viii) having been discharged from a hospital, a prison or any part of the regular armed forces of the Crown; or
- (ix) other special reason;”

(b) at the end insert—

“(e) a person with whom a person referred to in paragraph (c) or (d) resides or might reasonably be expected to reside;

- (f) a person aged 16 or 17;
- (g) a person aged 18 to 20 who satisfies either of the conditions specified in subsection (1A);
- (h) a person who, by reason of that person’s religion, sexual orientation, race, colour or ethnic or national origins—
 - (i) runs the risk of violence; or
 - (ii) is, or is likely to be, the victim of a course of conduct amounting to harassment;

Status: This is the original version (as it was originally enacted).

- (i) a person who runs the risk of domestic abuse (within the meaning of section 33(3)).”

(3) After that subsection insert—

“(1A) The conditions referred to in subsection (1)(g) are—

- (a) that, by reason of the circumstances in which the person is living, the person runs the risk of sexual or financial exploitation or involvement in the serious misuse of alcohol, any drug (whether or not a controlled drug within the meaning of the Misuse of Drugs Act 1971 (c. 38)) or any volatile substance;
- (b) that, at the time when the person ceased to be of school age (within the meaning of section 31 of the Education (Scotland) Act 1980 (c. 44)) or at any subsequent time, the person was looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c. 36)) and the person is no longer being so looked after.

(1B) In subsection (1)(h), the references to conduct, course of conduct and harassment are to be construed in accordance with section 8 of the Protection from Harassment Act 1997 (c. 40).”

(4) In subsection (2)(b), at the end insert “, (1A) or (1B)”.

(5) The Homeless Persons (Priority Need) (Scotland) Order 1997 (S.I. 1997/3049) is revoked.