



Homelessness etc. (Scotland) Act 2003

2003 asp 10

Homelessness: priority need for accommodation

2 Abolition of priority need test

- (1) From such day as the Scottish Ministers may by order made by statutory instrument appoint, the question whether an applicant has a priority need is to be left out of account in determining the duties of a local authority under—
 - (a) section 31 (duties to persons found to be homeless), and
 - (b) section 32 (duties to persons found to be threatened with homelessness),of the 1987 Act.
- (2) The day to be appointed under subsection (1) is the earliest day on which, in the view of the Scottish Ministers, all local authorities can reasonably be expected to perform the duties under sections 31 and 32 of the 1987 Act as modified by that subsection.
- (3) An order under subsection (1) may make—
 - (a) such modifications of Part II of the 1987 Act and any other enactment, and
 - (b) such incidental, supplemental, consequential, transitional, transitory or saving provision,as the Scottish Ministers think necessary or expedient in consequence or for the purposes of that subsection.
- (4) Except where subsection (5) applies, a statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No order under subsection (1) containing provisions which add to, replace or omit any part of the text of an Act is to be made unless a draft of it has been laid before, and approved by resolution of, the Parliament.