



# Homelessness etc. (Scotland) Act 2003

## 2003 asp 10

### *Intentional homelessness*

#### **5 Accommodation for intentionally homeless persons with priority need**

(1) In section 24 (definition of homelessness) of the 1987 Act, in subsection (3), after paragraph (e) insert “; or

(f) it is not accommodation secured by—

(i) a short Scottish secure tenancy granted in pursuance of paragraph 5A of schedule 6 to the Housing (Scotland) Act 2001 (asp 10), or

(ii) a Scottish secure tenancy,

in circumstances where, immediately before his occupation of it, a local authority had a duty under section 31(2A) or (2B)(a) in relation to him.”

(2) In section 31 (duties to persons found to be homeless) of that Act, after subsection (2) insert—

“(2A) Where—

(a) they are satisfied that he has a priority need and that he became homeless intentionally; and

(b) he does not fall within subsection (2C),

they shall secure that accommodation secured by a short Scottish secure tenancy granted in pursuance of paragraph 5A of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) becomes available for his occupation.

(2B) Where they are satisfied as mentioned in subsection (2A)(a) and he falls within subsection (2C), they shall—

(a) if (but only if) they think fit, secure that accommodation secured by a short Scottish secure tenancy of the type referred to in subsection (2A) becomes available for his occupation;

(b) in any other case—

(i) secure that accommodation becomes available for his occupation on a basis to which section 7 (persons living in

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*Status: This is the original version (as it was originally enacted).*

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hostel and other short-term accommodation) of the Housing (Scotland) Act 2001 (asp 10) applies; and

- (ii) provide, or ensure the provision of, such housing support services (within the meaning of section 91(8) of that Act) as they consider appropriate with a view to securing that he becomes entitled to accommodation in pursuance of paragraph (a) of this subsection,

until either he becomes entitled to accommodation in pursuance of subsection (2A) or paragraph (a) of this subsection or he himself secures accommodation for his occupation.

(2C) An applicant falls within this subsection if—

- (a) he has been the tenant in a short Scottish secure tenancy granted in pursuance of paragraph 5A of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) which was, within the preceding 12 months, terminated by an order under section 16(2)(a) or 36 of that Act,
- (b) an order for recovery of possession has, within the preceding 3 years, been made against the applicant, or a person who it is proposed will reside with him, in proceedings under any of the enactments mentioned in paragraph 1(a) to (f) of schedule 6 to that Act on the ground specified in relation to the enactment in question, or
- (c) the applicant, or a person who it is proposed will reside with him, is subject to an anti-social behaviour order under section 19 of the Crime and Disorder Act 1998 (c. 37)."

(3) In section 36(2) (protection of property of homeless persons and persons threatened with homelessness) of that Act, after "31(2)" insert ", (2A) or (2B)".

(4) In section 5 (duty of registered social landlord to provide accommodation) of the 2001 Act—

- (a) in subsection (1), after "31(2)" insert ", (2A) or (2B)",
- (b) in subsection (4), after "request" insert "made for the purposes of section 31(2) of the 1987 Act",
- (c) after subsection (5) insert—

"(5A) A registered social landlord complies with such a request made for the purposes of section 31(2A) or (2B)(a) of the 1987 Act only if it provides for the person concerned accommodation secured by a short Scottish secure tenancy granted in pursuance of paragraph 5A of schedule 6."

(5) In schedule 6 (grounds for granting short Scottish secure tenancy) to that Act, after paragraph 5 insert—

*"Accommodation for intentionally homeless persons with priority need*

- 5A The house is to be let expressly on a temporary basis, for a period of not less than a year, to a person in fulfilment of a duty imposed on a local authority by section 31(2A) or (2B)(a) of the 1987 Act."