



Housing (Scotland) Act 2014

2014 asp 14

PART 2

SOCIAL HOUSING

Allocation of social housing

6 Determination of minimum period for application to remain in force

- (1) In section 20 of the 1987 Act (persons to have priority on housing list and allocation of housing)—
 - (a) in subsection (2)(a)(iii), at the beginning insert “ except to the extent permitted by section 20B, ”, and
 - (b) in subsection (2)(b)(i), at the beginning insert “ except to the extent permitted by section 20B, ”.
- (2) After section 20A of the 1987 Act (inserted by section 4(1)), insert—

“20B Determination of minimum period for application to remain in force

- (1) A social landlord may impose a requirement that an application must have remained in force for a minimum period before the applicant is eligible for the allocation of housing falling within section 20(1) if, before making that application, any of the circumstances mentioned—
 - (a) in subsection (6) applied in relation to the applicant, or
 - (b) in paragraphs (a) to (g) of subsection (6) applied in relation to a person who it is proposed will reside with the applicant.
- (2) But a social landlord may not impose a requirement under subsection (1) if the landlord—
 - (a) in relation to the same application has previously relied on the same circumstance as it applied to an applicant or a person who it is proposed will reside with the applicant to impose a requirement under subsection (1), or

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- (b) is a local authority and has a duty to the applicant under section 31(2) (duty to secure accommodation where applicant is homeless).
- (3) In considering whether to impose a requirement under subsection (1), a social landlord must have regard to any guidance about this section (including the matters mentioned in subsection (5)) published by the Scottish Ministers.
- (4) Before publishing any guidance mentioned in subsection (3), the Scottish Ministers must consult such persons as they consider appropriate.
- (5) The Scottish Ministers may by regulations prescribe—
 - (a) the maximum period preceding the application which a social landlord may consider in relation to any circumstances mentioned in subsection (6),
 - (b) the maximum period for an application to have remained in force which a social landlord may impose in relation to any circumstances mentioned in subsection (6), and such regulations may make different provision for different cases.
- (6) The circumstances are—
 - (a) the person has—
 - (i) acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person,
 - (ii) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person, or
 - (iii) acted in an antisocial manner, or pursued a course of conduct which is antisocial conduct, in relation to an employee of the social landlord in the course of making the application,
 - (b) the person has been, or has resided with a person who has been, convicted of—
 - (i) using a house or allowing it to be used for immoral or illegal purposes, or
 - (ii) an offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person,
 - (c) an order for recovery of possession has been made against the person in proceedings under—
 - (i) the Housing (Northern Ireland) Order 1983 (S.I. 1983/1118),
 - (ii) the Housing Act 1985 (c.68),
 - (iii) this Act,
 - (iv) the Housing (Scotland) Act 1988 (c.43),
 - (v) the Housing (Scotland) Act 2001 (asp 10),
 - (d) the person's tenancy has been terminated by the landlord under section 18(2) of the Housing (Scotland) Act 2001 (repossession where abandoned tenancy),
 - (e) the person's interest in a tenancy has been terminated by the landlord under section 20(3) of the Housing (Scotland) Act 2001 (abandonment by joint tenant),

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- (f) in relation to a house where the person was a tenant, a court has ordered recovery of possession on the ground set out in paragraph 3 or 4 of schedule 2 to the Housing (Scotland) Act 2001,
 - (g) there is or was any outstanding liability (for payment of rent or otherwise) in relation to a house which—
 - (i) is attributable to the person's tenancy of the house, and
 - (ii) either—
 - (A) section 20(2A) would not be satisfied in respect of that debt, or
 - (B) in the case of a debt which is no longer outstanding, section 20(2A) would not have been satisfied at any time while that debt remained outstanding,
 - (h) the person knowingly or recklessly made a false statement in any application for housing held by a social landlord,
 - (i) the person has refused one or more offers of housing falling within section 20(1) and the landlord considers the refusal of that number of offers to be unreasonable.
- (7) In subsection (6)—
- “antisocial”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance,
 - “conduct” includes speech, and a course of conduct must involve conduct on at least two occasions, and
 - “harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40).
- (8) The Scottish Ministers may by regulations modify subsections (6) and (7).
- (9) After the social landlord imposes a requirement under subsection (1) (whether or not previously varied under this subsection), it may—
- (a) withdraw the requirement, or
 - (b) vary the requirement in order to shorten the period imposed for the application to have remained in force.
- (10) An applicant may by summary application appeal to the sheriff against any decision of a social landlord under subsection (1).
- (11) Regulations under subsection (5) and under subsection (8) are subject to the affirmative procedure.”.

Commencement Information

- 11** S. 6(1) in force at 1.5.2019 by S.S.I. 2018/153, art. 2, sch. (with art. 9)
- 12** S. 6(2) in force at 20.11.2014 for specified purposes by S.S.I. 2014/264, art. 2, Sch.
- 13** S. 6(2) in force at 1.5.2019 in so far as not already in force by S.S.I. 2018/153, art. 2, sch. (with art. 9)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1)
(a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by
[S.S.I. 2015/349 art. 2\(2\)](#)