

Draft Regulations laid before the Scottish Parliament under section 32B(8) of the Housing (Scotland) Act 1987 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

HOUSING

**The Housing Support Services
(Homelessness) (Scotland) Regulations 2012**

Made - - - - *2012*
Coming into force - - *1st June 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 32B of the Housing (Scotland) Act 1987(1) and all other powers enabling them to do so.

In accordance with section 32B(7) of that Act, the Scottish Ministers have consulted with such bodies representing local authorities, such bodies representing the interests of homeless persons and such other persons as they think fit.

In accordance with section 32B(8) of that Act(2), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Housing Support Services (Homelessness) (Scotland) Regulations 2012 and come into force on 1st June 2013.

Prescribed housing support services

2.—(1) For the purposes of section 32B(1) (whether a person may be in need of prescribed housing support services) of the Housing (Scotland) Act 1987 the following housing support services are prescribed—

- (a) advising or assisting a person with personal budgeting, debt counselling or in dealing with welfare benefit claims;

(1) [1987 c.26](#). Section 32B is inserted by section 158 of the Housing (Scotland) Act 2010 ([asp 17](#)). See section 338 of the Housing (Scotland) Act 1987 for the definition of “prescribed”. The function of the Secretary of State to prescribe by Regulations was, insofar as those functions are exercisable within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c.46](#)).

(2) Section 32B(8) has been modified by paragraph 5(2) of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).

- (b) assisting a person to engage with individuals, professionals or other bodies with an interest in that person's welfare;
- (c) advising or assisting a person in understanding and managing their tenancy rights and responsibilities, including assisting a person in disputes about those rights and responsibilities;
- (d) advising or assisting a person in settling into a new tenancy.

(2) For the purposes of paragraph (1), housing support services are prescribed only insofar as they are relevant to enabling that person to occupy, or to continue to occupy, residential accommodation as that person's sole or main residence.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the duty of local authorities to assess whether some persons found to be homeless or threatened with homelessness (“an applicant”) need housing support services.

Regulation 2 prescribes four types of housing support services which apply for the purposes of that duty. If a local authority has reason to believe that an applicant may be in need of one or more of these services, it must assess whether the applicant, or any person residing with the applicant, is in need of such support. If so, the local authority must ensure that the service is provided to the person who needs it.