

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the suspension of the power of a Scottish local authority under section 33(1) of the Housing (Scotland) Act 1987 to notify another Scottish local authority of certain matters.

Section 33(1) of the 1987 Act enables a local authority to notify another local authority that (1) they have received an application for accommodation, or for assistance in obtaining accommodation, (2) they are satisfied that the applicant is homeless and hasn't become homeless intentionally; and (3) they are of the opinion that the conditions for referral to that other local authority are satisfied.

The conditions for referral to another local authority are that the applicant (or person residing with them) (1) has no local connection to the local authority to which the application was made; (2) has a local connection to the local authority to which the application is being referred; and (3) is not at risk of domestic abuse in that other local authority's area.

This power in section 33(1) is being suspended (as described in Article 2) as it is no longer exercisable for so long as this Order is in force. Article 2 of the Order provides that, from the date that the Order comes into force, a relevant local authority (as defined in the Order as a council constituted in accordance with section 2 of the Local Government etc. (Scotland) Act 1994) will be unable to exercise the power under section 33 in relation to another relevant local authority.

Article 3 provides that the suspension under section 33 does not affect applications that were submitted to a relevant local authority under section 28(1) of the Housing (Scotland) Act 1987 before the date on which the Order comes into force.