



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

Management and allocation of local authority's houses

17 General management and inspection of local authority's houses

- (1) The general management, regulation and control of houses held for housing purposes by a local authority shall be vested in and exercised by the authority.
- (2) A house held for housing purposes by a local authority shall be at all times open to inspection by the local authority for the area in which it is situated or by any officer duly authorised by them.

18 Byelaws for regulation of local authority's houses

A local authority may make byelaws for the management, use and regulation of houses held by them for housing purposes.

19 Admission to housing list

- (1) In considering whether an applicant for local authority housing is entitled to be admitted to a housing list, a local authority shall take no account of—
 - (a) the age of the applicant provided that he has attained the age of 16 years; or
 - (b) the income of the applicant and his family; or
 - (c) whether, or to what value, the applicant or any of his family owns or has owned (or any of them own or have owned) heritable or moveable property; or
 - (d) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
 - (e) whether the applicant is living with, or in the same house as—

Status: This is the original version (as it was originally enacted).

- (i) his spouse; or
 - (ii) a person with whom he has been living as husband and wife.
- (2) Where an applicant—
- (a) is employed in the area of the local authority; or
 - (b) has been offered employment in the area of the local authority; or
 - (c) wishes to move into the area of the local authority and the local authority is satisfied that his purpose in doing so is to seek employment; or
 - (d) has attained the age of 60 years and wishes to move into the area of the local authority to be near a younger relative; or
 - (e) has special social or medical reasons for requiring to be housed within the area of the local authority,
- admission to a housing list shall not depend on the applicant being resident in the area.
- (3) Where a local authority has rules which give priority to applicants on its housing list it shall apply those rules to an applicant to whom subsection (2) above applies no less favourably than it applies them to a tenant of the local authority whose housing needs are similar to those of the applicant and who is seeking a transfer to another house belonging to the local authority.
- (4) In this section and in section 21 of this Act, "housing list" means a list of applicants for local authority housing which is kept by a local authority in connection with the allocation of housing.

20 Persons to have priority on housing list and allocation of housing

- (1) A local authority shall, in relation to all houses held by them for housing purposes, secure that in the selection of their tenants a reasonable preference is given—
- (a) to persons who—
 - (i) are occupying houses which do not meet the tolerable standard; or
 - (ii) are occupying overcrowded houses; or
 - (iii) have large families; or
 - (iv) are living under unsatisfactory housing conditions; and
 - (b) to persons to whom they have a duty under sections 31 to 34 (homeless persons).
- (2) In the allocation of local authority housing a local authority—
- (a) shall take no account of—
 - (i) the length of time for which an applicant has resided in its area; or
 - (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
 - (iii) any of the matters mentioned in paragraphs (a) to (c) of section 19(1); and
 - (b) shall not impose a requirement—
 - (i) that an application must have remained in force for a minimum period; or
 - (ii) that a divorce or judicial separation be obtained; or
 - (iii) that the applicant no longer be living with, or in the same house as, some other person,

before the applicant is eligible for the allocation of housing.

21 Publication of rules relating to the housing list and to transfer of tenants

- (1) It shall be the duty of every local authority, the Scottish Special Housing Association and development corporations (including urban development corporations) to publish in accordance with subsection (2), and within 6 months of any alteration of the rules, any rules which it may have governing—
 - (a) admission of applicants to any housing list;
 - (b) priority of allocation of houses;
 - (c) transfer of tenants from houses owned by it to houses owned by other bodies;
 - (d) exchanges of houses.
- (2) It shall be the duty of every registered housing association—
 - (a) within the period of 6 months commencing on 7th January 1987 to make rules governing the matters mentioned in paragraphs (a) to (d) of subsection (1) (unless it has, in accordance with subsections (4) and (5), published such rules before that date and those rules remain current);
 - (b) within 6 months of the making of rules under paragraph (a), and within 6 months of any alteration of such rules (whether or not made under that paragraph)—
 - (i) to send a copy of them to each of the bodies mentioned in subsection (3); and
 - (ii) to publish them in accordance with subsections (4) and (5).
- (3) The bodies referred to in subsection (2)(b)(i) are—
 - (i) the Housing Corporation; and
 - (ii) every local authority within whose area there is a house let, or to be let, by the association under a secure tenancy.
- (4) The rules to be published by a body in accordance with subsection (1) or (2) shall be—
 - (a) available for perusal; and
 - (b) on sale at a reasonable price; and
 - (c) available in summary form on request to members of the public,at all reasonable times—
 - (i) in a case where the body is a local authority or a development corporation, at its principal offices and its housing department offices; and
 - (ii) in any other case, at its principal and other offices.
- (5) Rules sent to a local authority in accordance with subsection 2(b) shall be available for perusal at all reasonable times at its principal offices.
- (6) An applicant for housing provided by a body mentioned in subsection (1) or (2) shall be entitled on request to inspect any record kept by that body of information furnished by him to it in connection with his application.