



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART I

#### PROVISION OF HOUSING

##### *[<sup>F1</sup> Standards and performance in housing management]*

#### **[<sup>F1</sup>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
  - (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—

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*Changes to legislation: Housing (Scotland) Act 1987, Section 20B is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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),
  - (ca) [ an eviction order within the meaning of the Private Housing (Tenancies) (Scotland) Act 2016 has been issued against the person,]
  - (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),
  - (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,

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- (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.]

#### Textual Amendments

- F1** S. 20B inserted (20.11.2014 for specified purposes, 1.5.2019 in so far as not already in force) by Housing (Scotland) Act 2014 (asp 14), **ss. 6(2)**, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F2** S. 20B(6)(ca) inserted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(2)**; S.S.I. 2017/346, reg. 2, sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)