



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART II

#### HOMELESS PERSONS

##### *Duties of local authorities with respect to homelessness and threatened homelessness*

#### **32 Duties to persons found to be threatened with homelessness.**

- (1) This section applies where a local authority are satisfied that an applicant is threatened with homelessness.
- (2) Where they <sup>F1</sup>... are not satisfied that he became threatened with homelessness intentionally they shall take reasonable steps to secure that accommodation does not cease to be available for his occupation.

[<sup>F2</sup>(2A) Subsection (2B) applies in a restricted threatened homelessness case where, in pursuance of the duty under subsection (2), the local authority secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him.

(2B) The provisions of section 31(2A) to (2H) (circumstances in which duty in restricted case ceases) apply, with any necessary modifications, in relation to the duty under subsection (2) as they apply in relation to the duty under section 31(2) in a restricted case (within the meaning of that section).]

- (3) [<sup>F3</sup>[<sup>F4</sup>In any other case] they shall furnish him][<sup>F3</sup>In a case not falling within subsection (2) the local authority shall furnish the applicant] with advice and [<sup>F5</sup>assistance of such type as may be prescribed], in any attempts he may make to secure that accommodation does not cease to be available for his occupation.
- (4) Nothing in subsection (2) shall affect any right of a local authority to secure vacant possession of accommodation, whether by virtue of a contract or of any enactment or rule of law.
- (5) In section 31 and in this section, “accommodation” does not include accommodation

*Changes to legislation: Housing (Scotland) Act 1987, Section 32 is up to date with all changes known to be in force on or before 08 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*

- [<sup>F6</sup>(a)] that is overcrowded within the meaning of section 135 or which may endanger the health of the occupants.
- [<sup>F7</sup>(b)] that does not meet any special needs of the applicant and any other person referred to in section 24(2), or
- (c) that it is not reasonable for the applicant to occupy.]
- [<sup>F8</sup>(5A) In this section “a restricted threatened homelessness case” means a case falling within subsection (2) where the local authority would not be satisfied as mentioned in subsections (1) and (2) without having had regard to a restricted person.]
- [<sup>F9</sup>(6) Regulations made by virtue of section 31(3)(b) or subsection (3) above may make different provision for different purposes and different areas.
- (7) Before making any such regulations, the Scottish Ministers shall consult—
- (a) such associations representing local authorities, and
  - (b) such other persons,
- as they think fit on the proposed regulations.
- (8) In exercising their functions under section 31 or this section in respect of a person [<sup>F10</sup>with whom dependent children reside or might reasonably be expected to reside], the local authority shall have regard to the best interests of the dependent children <sup>F11</sup>... [<sup>F12</sup>and shall, without prejudice to subsection (5) above and section 41, ensure that accommodation provided for such a person’s occupation is suitable for occupation by such children, so far as consistent with their best interests].]

#### Textual Amendments

- F1** Words in s. 32(2) omitted (31.12.2012) by virtue of [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, **9(a)**
- F2** S. 32(2A)(2B) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 15 para. 13(2)**; S.I. 2009/415, art. 3
- F3** Words in s. 32(3) substituted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 15 para. 13(3)**; S.I. 2009/415, art. 3
- F4** Words in s. 32(3) substituted for words and paras. (a)(b) in s. 32(3) (30.9.2002) by [2001 asp 10, s. 3\(4\)\(a\)\(i\)](#); S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)
- F5** Words in s. 32(3) substituted (30.9.2002) by [2001 asp 10, s. 3\(4\)\(a\)\(ii\)](#); S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)
- F6** Words in s. 32(5) renumbered as para. (a) (1.4.2002) by virtue of [2001 asp 10, s. 3\(4\)\(b\)\(i\)](#); S.S.I. 2002/168, art. 2, **Sch.** (with transitional provisions and savings in art. 3)
- F7** S. 32(5)(b)(c) inserted (1.4.2002) by [2001 asp 10, s. 3\(4\)\(b\)\(ii\)](#); S.S.I. 2002/168, art. 2, **Sch.** (with transitional provisions and savings in art. 3)
- F8** S. 32(5A) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 15 para. 13(4)**; S.I. 2009/415, art. 3
- F9** S. 32(6)-(8) inserted (30.9.2002) by [2001 asp 10, s. 3\(4\)\(c\)](#); S.S.I. 2002/321, art. 2, **Sch.** (with transitional provisions and savings in arts. 3-5)
- F10** Words in s. 32(8) substituted (31.12.2012) by [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, **9(b)(i)**
- F11** Words in s. 32(8) omitted (31.12.2012) by virtue of [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, **9(b)(ii)**
- F12** Words in s. 32(8) inserted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), **ss. 9(2), 14(1)**; S.S.I. 2003/609, art. 2

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 32 is up to date with all changes known to be in force on or before 08 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 32(3)(5) by 2001 asp 10 s. 3(4)(a)s. 3(4)(b)(i)
- s. 32(5)(b)(c) by 2001 asp 10 s. 3(4)(b)(ii)
- s. 32(6)-(8) by 2001 asp 10 s. 3(4)(c)

**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)