



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART I

PROVISION OF HOUSING

[^{F1} Standards and performance in housing management]

Textual Amendments

F1 Crossheading for ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

^{F2}**17A** Publication of information.

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Textual Amendments

F2 S. 17A repealed (1.4.2012) by Housing (Scotland) Act 2010 (asp 17), s. 166(2), sch. 2 para. 3(2); S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)

^{F3}**17B** Power of Secretary of State to direct local authority.

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Textual Amendments

F3 S. 17B repealed (1.4.2012) by Housing (Scotland) Act 2010 (asp 17), s. 166(2), sch. 2 para. 3(2); S.S.I. 2012/39, art. 2, sch. 1 (with sch. 2) (as amended (1.4.2012) by S.S.I. 2012/91, art. 4)

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^{F4}[17C **Management plan.**

A local authority shall, if the Secretary of State gives them notice to do so, prepare and submit to him within 3 months after such notice, a plan for the management of the houses which they hold for housing purposes.]

Textual Amendments

F4 Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, **Sch. 2**.

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.

^{F5}19 **Admission to housing list**

(1) An applicant for housing held by a ^{F6}[social landlord] is entitled to be admitted to a housing list unless the applicant is under 16 years of age.

(2) In this section, “housing list” means a list of applicants for housing which is kept by any ^{F7}[social landlord] or jointly by or on behalf of any two or more ^{F8}[social landlords] in connection with the allocation of housing held by it or them for housing purposes.

^{F9}(3) In this Part, “social landlord” means any local authority or any registered social landlord.]]

Textual Amendments

F5 S. 19 substituted (1.4.2002) by 2001 asp 10, s. 9; S.S.I. 2002/168, art. 2, **Sch.** (subject to transitional provisions and savings in art. 3)

F6 Words in s. 19(1) substituted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(2)(a)**; S.S.I. 2014/264, art. 2, sch.

F7 Words in s. 19(2) substituted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(2)(b)(i)**; S.S.I. 2014/264, art. 2, sch.

F8 Words in s. 19(2) substituted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(2)(b)(ii)**; S.S.I. 2014/264, art. 2, sch.

F9 S. 19(3) substituted (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 2 para. 4(2)(c)**; S.S.I. 2014/264, art. 2, sch.

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

^{F10}(1) A social landlord must, in relation to all houses held by it for housing purposes, secure that in the selection of its tenants a reasonable preference is given to the persons mentioned in subsection (1ZA).

(1ZA) The persons are—

(a) persons who—

(i) subject to subsection (1A), are homeless persons and persons threatened with homelessness (within the meaning of Part 2), and

(ii) have unmet housing needs,

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- (b) persons who—
 - (i) are living under unsatisfactory housing conditions, and
 - (ii) have unmet housing needs, and
- (c) tenants of houses which—
 - (i) are held by a social landlord, and
 - (ii) the social landlord selecting its tenants considers to be under-occupied.

(1ZB) For the purposes of subsection (1ZA), persons have unmet housing needs where the social landlord considers the persons to have housing needs which are not capable of being met by housing options which are available.]

[^{F11}(1A) Homeless persons and persons threatened with homelessness (within the meaning of Part 2) are to be disregarded for the purposes of subsection (1) if they would not be such persons without the local authority having had regard to a restricted person (also within the meaning of Part 2).]

(2) In the allocation of [^{F12}[^{F13}such] housing][^{F12}housing falling within subsection (1)] a [^{F14}social landlord] —

- (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
 - [^{F15}(iii) [^{F16}except to the extent permitted by section 20B,] any liability (for payment of rent or otherwise) of the applicant which is attributable to the applicant's tenancy of a house but which is no longer outstanding; or
 - (iv) any such liability which is outstanding but in respect of which subsection (2A) is satisfied; or
 - (v) any outstanding liability of the applicant or of any person who it is proposed will reside with the applicant which is not attributable to the tenancy of a house; or
 - (vi) except to the extent permitted by subsection (2B), the age of the applicant provided that the applicant has attained the age of 16 years; or
 - (vii) the income of the applicant and his family; or
 - [^{F17}(viii) where any of the circumstances in subsection (2C) apply to that person, the ownership of, or value of, heritable property owned by—
 - (A) the applicant,
 - (B) a person who normally resides with the applicant, or
 - (C) a person who it is proposed will reside with the applicant.]]

[^{F18}(aa) shall take no account of whether an applicant is resident in their area if the applicant—

- (i) is employed, or has been offered employment, in the area; or
- (ii) wishes to move into the area and they are satisfied that his purpose in doing so is to seek employment; or
- (iii) wishes to move into the area to be near a relative or carer; or
- (iv) has special social or medical reasons for requiring to be housed within the area; or

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- (v) is subject to conduct amounting to harassment (“conduct” and “harassment” being construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40)) and wishes to move into the area; or
- (vi) runs the risk of domestic [^{F19}abuse] (within the meaning of section 33(3)) and wishes to move into the area; and]
- (b) shall not impose a requirement—
 - (i) [^{F20}except to the extent permitted by section 20B,] that an application must have remained in force for a minimum period; or
 - (ii) that a divorce or judicial separation be obtained; or
 - [^{F21}(ia) that a dissolution of a civil partnership or a decree of separation of civil partners 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.

[^{F22}(2A) This subsection is satisfied in respect of an outstanding liability where—

- (a) the amount of the outstanding liability is not more than one twelfth of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy in question; or
- (b) the applicant—
 - (i) has agreed with the landlord an arrangement for paying the outstanding liability;
 - (ii) has made payments in accordance with that arrangement for at least three months; and
 - (iii) is continuing to make such payments.

(2B) A local authority and a registered social landlord may take into account the age of applicants in the allocation of—

- (a) houses which have been designed or substantially adapted for occupation by persons of a particular age group;
- (b) houses to persons who are or are to be in receipt of housing support services (within the meaning of section 91 of the Housing (Scotland) Act 2001 (asp 10)) for persons of a particular age group.]

[^{F23}(2C) The circumstances are that—

- (a) in the case of a property which has not been let, the owner cannot secure entry to that property,
- (b) it is probable that occupation of the property will lead to abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)) from some other person residing in that property,
- (c) it is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that property or elsewhere,
- (d) occupation of the property may endanger the health of the occupants and there are no reasonable steps which can be taken by the applicant to prevent that danger.]

[^{F24}(3) A member of a local authority shall be excluded from a decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant, where—

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- (a) the house in question is situated; or
 - (b) the applicant for the house in question resides,
- in the electoral division or ward for which that member is elected.]

[^{F25}(4) In the application of this section to registered social landlords, any reference to their area means the local authority area or areas, or the part of that area or those areas, in which the registered social landlord holds houses for housing purposes.]

Textual Amendments

- F10** S. 20(1)-(1ZB) substituted for s. 20(1) (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 3, 104\(3\); S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)
- F11** S. 20(1A) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 15 para. 10\(3\); S.I. 2009/415, art. 3](#)
- F12** Words in s. 20(2) substituted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\), s. 325\(1\), Sch. 15 para. 10\(4\); S.I. 2009/415, art. 3](#)
- F13** Words in s. 20(2) substituted (1.4.2002) by [2001 asp 10, s. 10\(3\)\(a\); S.S.I. 2002/168, art. 2, Sch. \(subject to transitional provisions and savings in art. 3\)](#)
- F14** Words in s. 20(2) substituted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 2 para. 4\(3\)\(a\); S.S.I. 2014/264, art. 2, sch.](#)
- F15** S. 20(2)(a)(iii)-(viii) substituted for s. 20(2)(a)(iii) (1.4.2002) by [2001 asp 10, s. 10\(3\)\(e\); S.S.I. 2002/168, art. 2, Sch. \(subject to transitional provisions and savings in art. 3\)](#)
- F16** Words in s. 20(2)(a)(iii) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 6\(1\)\(a\), 104\(3\); S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)
- F17** S. 20(2)(a)(viii) substituted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 5\(1\), 104\(3\); S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)
- F18** S. 20(2)(aa) inserted (1.4.2002) by [2001 asp 10, s. 10\(3\)\(d\); S.S.I. 2002/168, art. 2, Sch. \(subject to transitional provisions and savings in art. 3\)](#)
- F19** Word in s. 20(2)(aa)(vi) substituted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\), ss. 10\(1\), 14\(1\); S.S.I. 2003/609, art. 2](#)
- F20** Words in s. 20(2)(b)(i) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 6\(1\)\(b\), 104\(3\); S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)
- F21** S. 20(2)(b)(iia) inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 2 para. 4\(3\)\(b\); S.S.I. 2014/264, art. 2, sch.](#)
- F22** S. 20(2A)(2B) inserted (1.4.2002) by [2001 asp 10, s. 10\(4\); S.S.I. 2002/168, art. 2, Sch. \(subject to transitional provisions and savings in art. 3\)](#)
- F23** S. 20(2C) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 5\(2\), 104\(3\); S.S.I. 2018/153, art. 2, sch. \(with art. 9\)](#)
- F24** S. 20(3) added (27.9.1993) by [1993 c. 28, s. 154; S.I. 1993/2163, art. 2 Sch. 1.](#)
- F25** S. 20(4) inserted (1.4.2002) by [2001 asp 10, s. 10\(5\); S.S.I. 2002/168, art. 2, Sch. \(subject to transitional provisions and savings in art. 3\)](#)

[^{F26}20A Rules on priority of allocation of housing: consultation

- (1) Before making or altering its rules governing the priority of allocation of houses, a social landlord must—
 - (a) consult the persons mentioned in subsection (2), and
 - (b) prepare and publish a report on the consultation.
- (2) The persons are—
 - (a) applicants on its housing list (within the meaning of section 19),

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- (b) tenants of the landlord,
 - (c) bodies for the time being registered in the register of tenant organisations maintained by the landlord under section 53(3) of the Housing (Scotland) Act 2001 (asp 10), and
 - (d) such other persons as the landlord thinks fit.
- (3) A social landlord may publish a consultation report mentioned in subsection (1)(b) in such manner as it thinks fit (and may in particular publish a joint report with any other social landlord).]

Textual Amendments

F26 S. 20A inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 4(1), 104(3); S.S.I. 2018/153, art. 2, sch. (with art. 9)

[^{F27} 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—
- (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—

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- (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),
 - ^{F28} [an eviction order within the meaning of the Private Housing (Tenancies) (Scotland) Act 2016 has been issued against the person,]
(ca)
 - (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,
 - (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,

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“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

F27 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. \(with art. 9\)](#)

F28 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.](#)

21 [F29 Rules relating to the housing list and to transfer of tenants]

- [F30(1) It shall be the duty—
- (a) of every local authority to make and to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, rules governing—
 - ^{F31}(i)
 - (ii) the priority of allocation of houses;
 - (iii) the transfer of tenants from houses owned by the landlord to houses owned by other bodies;
 - (iv) exchanges of houses;
 - ^{F31}(b)]
- (2) It shall be the duty of every registered [F32social landlord—
- (a) to make rules governing the matters mentioned in subsection (1)(a)(ii) to (iv);]
 - (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—
- ^{F33}(i)

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- ^{F34}(ia)
- (ii) every local authority within whose area there is a house let, or to be let, by ^{F35}a registered social landlord under a Scottish] secure tenancy.
- ^{F36}(3A) In making or altering its rules governing the priority of allocation of houses, a social landlord must have regard to—
- (a) any local housing strategy (within the meaning of section 89(1)(b) of the Housing (Scotland) Act 2001) for its area, and
- (b) any guidance published by the Scottish Ministers.
- (3B) Before publishing any guidance mentioned in subsection (3A), the Scottish Ministers must consult such persons as they consider appropriate.
- (3C) The Scottish Ministers may by regulations prescribe persons of a description or type who a social landlord must include in its rules governing the priority of allocation of houses.
- (3D) Regulations under subsection (3C) are subject to the affirmative procedure.]
- (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.

Textual Amendments

- F29** S. 21 title substituted (1.5.2019) by virtue of Housing (Scotland) Act 2014 (asp 14), ss. 4(3), 104(3); S.S.I. 2018/153, art. 2, sch. (with art. 9)
- F30** S. 21(1) substituted (27.9.1993) by 1993 c. 28, s. 155(1); S.I. 1993/2163, art. 2, Sch. 1.
- F31** S. 21(1)(a)(i)(b) repealed (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(a); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F32** S. 21(2)(a) and words substituted (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(b); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F33** S. 21(3)(i) repealed (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(c)(i); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F34** S. 21(3)(ia) repealed (20.11.2014) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), sch. 2 para. 4(4); S.S.I. 2014/264, art. 2, sch.
- F35** Words in s. 21(3)(ii) substituted (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(c)(iii); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F36** S. 21(3A)-(3D) 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. 4(2), 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2018/153, art. 2, sch. (with art. 9)

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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\(40\)\(a\)\(b\)](#)