
STATUTORY INSTRUMENTS

1997 No. 3049 (S.193)

HOUSING, SCOTLAND

The Homeless Persons (Priority Need) (Scotland) Order 1997

Made - - - - - *17th December 1997*

Coming into force - - - - - *1st January 1998*

The Secretary of State, in exercise of the powers conferred on him by subsection (2)(a) of section 25 of the Housing (Scotland) Act 1987(1) and of all other powers enabling him in that behalf, and after consultation with such associations representing relevant authorities, and such other persons, as he considered appropriate, all in accordance with subsection (3) of that section, hereby makes the following Order, a draft of which has been laid before and has been approved by resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the Homeless Persons (Priority Need) (Scotland) Order 1997 and shall come into force on 1st January 1998.

Person with priority need for accommodation

2.—(1) A person of the description specified in paragraph (2) below shall have a priority need for accommodation under section 25 of the Housing (Scotland) Act 1987.

(2) The description referred to in paragraph (1) above is a person who—

- (a) has not yet attained twenty one years of age;
- (b) at the time when he ceased to be of school age (as defined in section 31 of the Education (Scotland) Act 1980(2)) or at any subsequent time was—
 - (i) looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995(3));
 - (ii) in the care of a local authority by virtue of section 15 or section 16 of the Social Work (Scotland) Act 1968(4); or

(1) 1987 c. 26.

(2) 1980 c. 44.

(3) 1995 c. 36.

(4) 1968 c. 49; sections 15 and 16 were repealed by the Children (Scotland) Act 1995 (c. 36), Schedule 5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iii) subject to a supervision requirement (within the meaning of section 44(1) of that Act⁽⁵⁾); and
- (c) is no longer being so looked after, in such care or subject to such a requirement.

St Andrew's House,
Edinburgh
17th December 1997

Calum MacDonald
Parliamentary Under Secretary of State, Scottish
Office

⁽⁵⁾ Section 44 was repealed by the Children (Scotland) Act 1995, Schedule 5.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 25 of the Housing (Scotland) Act 1987 lists categories of persons who, if homeless, have a priority need for accommodation and for whom the local authority have a duty to secure accommodation if they are unintentionally homeless. This Order adds a further category, namely persons under 21 who, at any time since reaching school leaving age, have been subject to specified care arrangements involving a local authority but are no longer subject to such care arrangements. The care arrangements in question are specified at article 2(2)(b) of the Order.