

2003 No. 140

HOUSING

The Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003

Made 6th March 2003

Laid before the Scottish Parliament 7th March 2003

Coming into force 1st April 2003

The Scottish Ministers, in exercise of the powers conferred by section 91(4) of the Housing (Scotland) Act 2001(a) and of all other powers enabling them in that behalf, and after consultation with such bodies representing local authorities and such other persons as they think fit in accordance with section 91(7) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2001 (Payments out of Grants for Housing Support Services) Order 2003 and shall come into force on 1st April 2003.

Interpretation

2. In this Order—
- “the 2001 Act” means the Regulation of Care (Scotland) Act 2001(b);
 - “care home service” has the same meaning as in the 2001 Act;
 - “grant” means sums paid to local authorities by Scottish Ministers under section 91(1) of the Housing (Scotland) Act 2001;
 - “payee” means the recipient of the payment out of grant; and
 - “payer” means the local authority making the payment out of grant.

Conditions for payments in respect of housing support services

3. The payer may make payments out of grant only if one of the conditions specified in Part I of the Schedule to this Order is satisfied.

(a) 2001 asp 10.

(b) 2001 asp.8.

Conditions for repayment

4. The payer shall impose a condition for repayment of any payment out of grant in any of the circumstances specified in Part II of the Schedule to this Order.

St Andrew's House
Edinburgh
6th March 2003

MARGARET CURRAN
A member of the Scottish Executive

SCHEDULE

PART I

CONDITIONS FOR MAKING PAYMENTS OUT OF GRANT

1. During the period beginning with 1st April 2003 and ending with 30th September 2003, the payee has entered into a contract with the payer for the provision of housing support services by the payee and the service is deemed to be registered under Part 1 of the 2001 Act.
2. The payee has entered into a contract with the payer for the provision of housing support services by the payee and—
 - (a) the payee has, before the beginning of the period beginning with 1st October 2003 and ending with 31st March 2004, made an application for registration of the service under section 7(1) of the 2001 Act; and
 - (b) the service is, during that period, deemed to be registered under Part 1 of that Act.
3. The payee has entered into a contract with the payer for the provision of housing support services by the payee and the service is, on or after 1st April 2004, fully registered under the 2001 Act.
4. The payee is a provider of accommodation provided as part of a care home service where grant under the Special Needs Allowance Package was paid by Scottish Ministers under section 2(2) of the Housing (Scotland) Act 1988(a) during the financial year ending on 31st March 2003.
5. The payee is an individual owner occupier of sheltered housing who at 31st March 2003 was in receipt of income-based jobseekers allowance under the Jobseekers Act 1995(b), income support under Part VII of the Social Security Contributions and Benefits Act 1992(c) or minimum income guarantee under the Income Support (General) Regulations 1987(d) and a proportion of such benefit was paid for the purpose of funding the cost of housing support services to that individual.
6. The payee is an individual who has been assessed by the payer as requiring housing support services and the payment out of grant by the payer is to be used by that individual for the purposes of purchasing those services.

PART II

CIRCUMSTANCES IN WHICH REPAYMENT MUST BE MADE

1. Where the payee is a person or body providing prescribed housing support services and—
 - (a) the payee ceases to be registered or deemed to be registered as described in paragraph 1 of Part I of this Schedule;
 - (b) the payee ceases to provide the service for which the payment has been made;
 - (c) the performance of the payee in delivering the service is unsatisfactory;
 - (d) the number of users receiving the service from the payee is reduced; or
 - (e) the payee has acted fraudulently.
2. Where the payee is not a person or body providing prescribed housing support services and—
 - (a) the payer is not satisfied that the payment has been used to secure the provision of the housing support services to which it relates; or
 - (b) the payee has acted fraudulently.

(a) 1988 c.43.
(b) 1995 c.18.
(c) 1992 c.4.
(d) S.I. 1987/1967.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision as to the terms and conditions on which local authorities may make payment out of sums paid to them by Scottish Ministers as grant towards expenditure incurred by the local authorities in providing or contributing to the provision of prescribed housing support services.

Article 3 provides that the local authority may make payments only if the payee falls into one of the categories described in Part I of the Schedule.

Article 4 requires the local authority to impose a condition that the payment out of grant will fall to be repaid, in whole or in part, in any of the circumstances described in Part II of the Schedule.

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