
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 489

**The Homeless Persons (Unsuitable
Accommodation) (Scotland) Order 2004**

Unsuitable Accommodation

2.—(1) Subject to the exceptions contained in article 3, for the purposes of section 29(1) of the 1987 Act “accommodation”, in the first place where the expression occurs, does not include accommodation which is unsuitable accommodation where an applicant is an applicant with family commitments.

(2) For the purposes of paragraph (1)—

(a) “applicant with family commitments” means an applicant—

(i) who is pregnant;

(ii) with whom a pregnant woman resides or might reasonably be expected to reside; or

(iii) with whom dependent children reside or might reasonably be expected to reside; and

(b) “unsuitable accommodation” means accommodation which does not meet the descriptions specified in paragraphs (3)(a) to (c).

(3) —

(a) Accommodation—

(i) which is within the relevant local authority area;

(ii) in which there are adequate toilet and personal washing facilities for the exclusive use of the household;

(iii) in which there are adequate bedrooms for the exclusive use of the household;

(iv) in which the household has the use of adequate cooking facilities;

(v) in which the household has the use of a living room; and

(vi) which is usable by the household 24 hours a day;

(b) accommodation which has facilities and services for the purposes of health and education in the locality of the accommodation which—

(i) are being used, or might reasonably be expected to be used, by the applicant; and

(ii) are accessible from the accommodation, taking account of the distance of travel, by public transport or transport provided by a local authority; or

(c) accommodation which is suitable for occupation by children.