
EXPLANATORY NOTE

(This note is not part of the Order)

Section 29(1) of the Housing (Scotland) Act 1987 places a duty upon local authorities to provide interim accommodation in specified circumstances where an applicant presents as homeless.

Section 29(3) of the Housing (Scotland) Act 1987 (as inserted by section 9 of the Homelessness etc. (Scotland) Act 2003) gives the Scottish Ministers the power to make an order describing accommodation that may not be used to fulfil this duty.

Article 2 of this Order provides that, subject to the exceptions contained in article 3, “accommodation” for the purposes of section 29(1) does not include unsuitable accommodation where an applicant is an applicant with family commitments. Unsuitable accommodation is defined at article 2(2)(b) as accommodation which does not meet the descriptions specified in paragraphs (3)(a) to (c).

Article 3 specifies exceptions to the description of unsuitable accommodation.