

SCOTTISH STATUTORY INSTRUMENTS

**2014 No. 243**

**The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014**

5. Unless any of the circumstances in article 6 apply, accommodation is also unsuitable if it—
- [<sup>F1</sup>(a) is both—
    - (i) outwith the area of the local authority which is subject to the duty to accommodate under section 29 of the 1987 Act; and
    - (ii) accommodation in which the household has not agreed to be placed;]
  - (b) is not in the locality of facilities and services for the purposes of health and education which are being used, or might reasonably be expected to be used, by members of the household, unless those facilities are reasonably accessible from the accommodation, taking into account the distance of travel by public transport or transport provided by a local authority;
  - (c) lacks within the accommodation adequate toilet and personal washing facilities for the exclusive use of the household [<sup>F2</sup>which meet the accessibility needs of the household];
  - (d) lacks adequate [<sup>F3</sup>and accessible] bedrooms for the exclusive use of the household;
  - (e) is accommodation within which the household does not have the use of adequate [<sup>F4</sup>and accessible] cooking facilities and the use of a living room; <sup>F5</sup>...
  - (f) is not usable by the household for 24 hours a day[<sup>F6</sup>;]
  - [<sup>F7</sup>(g) is not in the locality of the place of employment of a member of the household, taking into account the distance of travel by public transport or transport provided by a local authority; or
  - (h) is not suitable for visitation by a child who is not a member of the household and in respect of whom a member of the household has parental rights.]

**Textual Amendments**

- F1** Art. 5(a) substituted (31.1.2021) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment \(No. 2\) Order 2020 \(S.S.I. 2020/419\)](#), arts. 1, **2(4)(a)**
- F2** Words in art. 5(c) inserted (31.1.2021) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment \(No. 2\) Order 2020 \(S.S.I. 2020/419\)](#), arts. 1, **2(4)(b)**
- F3** Words in art. 5(d) inserted (31.1.2021) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment \(No. 2\) Order 2020 \(S.S.I. 2020/419\)](#), arts. 1, **2(4)(c)**
- F4** Words in art. 5(e) inserted (31.1.2021) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment \(No. 2\) Order 2020 \(S.S.I. 2020/419\)](#), arts. 1, **2(4)(d)**
- F5** Word in art. 5(e) omitted (6.5.2020) by virtue of [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment Order 2020 \(S.S.I. 2020/139\)](#), arts. 1(1), **2(5)(a)**
- F6** Semicolon in art. 5(f) substituted for full stop (6.5.2020) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment Order 2020 \(S.S.I. 2020/139\)](#), arts. 1(1), **2(5)(b)**

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**Changes to legislation:** There are currently no known outstanding effects for the *The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, Section 5. (See end of Document for details)*

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**F7** Art. 5(g)(h) inserted (6.5.2020) by [The Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment Order 2020 \(S.S.I. 2020/139\)](#), arts. 1(1), **2(5)(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, Section 5.