
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 419

**The Homeless Persons (Unsuitable Accommodation)
(Scotland) Amendment (No. 2) Order 2020**

Amendment of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

2.—(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014⁽¹⁾ is amended in accordance with paragraphs (2) to (6).

(2) In article 2—

(a) for the definition of “rapid access accommodation”, substitute—

““rapid access accommodation” means emergency temporary accommodation for rough sleepers, or those at risk of rough sleeping, which—

(a) contains a bedroom which is—

- (i) safe, private and lockable;
- (ii) furnished; and
- (iii) of a good standard; and

(b) provides support to a person using that accommodation to—

- (i) access benefits or other services through provision of on-site homelessness and support assessments; and
- (ii) access ongoing support services, including specialist support services; and”

(b) for the definition of “shared tenancy accommodation”, substitute—

““shared tenancy accommodation” means accommodation which—

- (a) is shared by no more than 5 people;
- (b) is of a good standard;
- (c) is provided to residents who agree to share accommodation on a temporary basis pending placement in settled accommodation; and
- (d) in which each resident has a private and lockable bedroom.”

(3) In article 4(b), after “household” insert “, taking into account the needs of the household”.

(4) In article 5—

(a) for paragraph (a) substitute—

“(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) in paragraph (c), after “household” insert “which meet the accessibility needs of the household”,
 - (c) in paragraph (d), after “adequate” insert “and accessible”, and
 - (d) in paragraph (e), after “adequate” insert “and accessible”.
- (5) In article 6—
- (a) in paragraph (c)(ii), after “profit,” insert “or”,
 - (b) omit paragraph (e)(2).
- (6) After article 7, insert—

“Additional exemptions from Article 5

7A.—(1) Where paragraph (4) applies, accommodation in the form of community hosting is not unsuitable by virtue of article 5 despite that accommodation—

- (a) lacking adequate toilet and personal washing facilities for the exclusive use of the household; or
- (b) not being usable by the household for 24 hours a day.

(2) Where paragraph (4) applies, rapid access accommodation is not unsuitable by virtue of article 5 despite lacking adequate toilet and personal washing facilities for the exclusive use of the household.

(3) Where paragraph (4) applies, accommodation which is shared tenancy accommodation is not unsuitable by virtue of article 5 despite lacking adequate toilet and personal washing facilities for the exclusive use of the household.

(4) This paragraph applies where—

- (a) a household does not include either—
 - (i) a pregnant woman;
 - (ii) a dependent child; or
 - (iii) a person who exercises parental rights in respect of a dependent child who is not part of the household; and
- (b) the household has agreed to be placed in the accommodation referred to in paragraph (1), (2) or (3).”.