



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART I

#### PROVISION OF HOUSING

##### *[<sup>F1</sup> Standards and performance in housing management]*

#### Textual Amendments

**F1** Crossheading for ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

#### <sup>F2</sup>17A **Publication of information.**

- (1) A local authority shall, in relation to their management of the houses which they hold for housing purposes, publish each year such information as—
  - (a) may be prescribed by the Secretary of State about—
    - (i) the standard of service of management which the authority undertake to provide;
    - (ii) the authority's performance in the past in the achievement of that standard;
    - (iii) the authority's intentions for the future in relation to the achievement of that standard;
    - (iv) any other matter which he thinks should be included in the information to be published;
  - (b) the authority consider it appropriate to publish in relation to the matters mentioned in paragraph (a) above, either as a result of having consulted tenants or otherwise;
  - (c) the authority consider it appropriate to publish in relation to any other matter, either as a result of consulting tenants or otherwise.
- (2) Before publishing such information, a local authority shall consult their tenants as to the information to be published under subsection (1) and shall take account of the

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characteristics of the different parts of their districts or areas and of the difference in information which may be appropriate in relation to these parts.

- (3) The Secretary of State may direct a local authority to consult tenants or groups of tenants representing less than the whole of their district or area.

#### Textual Amendments

**F2** Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

### <sup>F3</sup>17B Power of Secretary of State to direct local authority.

At the same time as the information is published, the local authority shall send a copy of the document in which it is published to the Secretary of State who may, if he considers that the publication is unsatisfactory, direct the local authority to publish the information in such manner as he specifies in the direction.

#### Textual Amendments

**F3** Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

### [<sup>F4</sup>17C Management plan.

A local authority shall, if the Secretary of State gives them notice to do so, prepare and submit to him within 3 months after such notice, a plan for the management of the houses which they hold for housing purposes.]

#### Textual Amendments

**F4** Ss. 17A-17C inserted (1.4.1994) by 1993 c. 28, s. 153; S.I. 1993/2163, art. 2, Sch. 2.

### 18 Byelaws for regulation of local authority's houses.

A local authority may make byelaws for the management, use and regulation of houses held by them for housing purposes.

### [<sup>F5</sup>19 Admission to housing list

- (1) An applicant for housing held by a local authority or a registered social landlord is entitled to be admitted to a housing list unless the applicant is under 16 years of age.
- (2) In this section, "housing list" means a list of applicants for housing which is kept by any housing provider or jointly by or on behalf of any two or more housing providers in connection with the allocation of housing held by it or them for housing purposes.
- (3) In subsection (2), "housing provider" means any local authority or any registered social landlord.]

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### Textual Amendments

**F5** S. 19 substituted (1.4.2002) by 2001 asp 10, s. 9; S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)

## 20 Persons to have priority on housing list and allocation of housing.

- (1) A local authority [<sup>F6</sup>and a registered social landlord] shall, in relation to all houses held by them for housing purposes, secure that in the selection of their tenants a reasonable preference is given—
- (a) to persons who—
    - (i) are occupying houses which do not meet the tolerable standard; or
    - (ii) are occupying overcrowded houses; or
    - (iii) have large families; or
    - (iv) are living under unsatisfactory housing conditions; and
  - [<sup>F7</sup>(b) to homeless persons and persons threatened with homelessness (within the meaning of Part II).]
- (2) In the allocation of [<sup>F8</sup>such] housing a local authority [<sup>F9</sup>and a registered social landlord]—
- (a) shall take no account of—
    - (i) the length of time for which an applicant has resided in its area; or
    - (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant; or
    - [<sup>F10</sup>(iii) any liability (for payment of rent or otherwise) of the applicant which is attributable to the applicant's tenancy of a house but which is no longer outstanding; or
    - (iv) any such liability which is outstanding but in respect of which subsection (2A) is satisfied; or
    - (v) any outstanding liability of the applicant or of any person who it is proposed will reside with the applicant which is not attributable to the tenancy of a house; or
    - (vi) except to the extent permitted by subsection (2B), the age of the applicant provided that the applicant has attained the age of 16 years; or
    - (vii) the income of the applicant and his family; or
    - (viii) whether, or to what value, the applicant or any of his family owns or has owned (or any of them own or have owned) heritable or moveable property;]
  - [<sup>F11</sup>(aa) shall take no account of whether an applicant is resident in their area if the applicant—
    - (i) is employed, or has been offered employment, in the area; or
    - (ii) wishes to move into the area and they are satisfied that his purpose in doing so is to seek employment; or
    - (iii) wishes to move into the area to be near a relative or carer; or
    - (iv) has special social or medical reasons for requiring to be housed within the area; or

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- (v) is subject to conduct amounting to harassment (“conduct” and “harassment” being construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40)) and wishes to move into the area; or
  - (vi) runs the risk of domestic violence (within the meaning of section 33(3)) and wishes to move into the area; and]
  - (b) shall not impose a requirement—
    - (i) that an application must have remained in force for a minimum period; or
    - (ii) that a divorce or judicial separation be obtained; or
    - (iii) that the applicant no longer be living with, or in the same house as, some other person,
 before the applicant is eligible for the allocation of housing.
- [<sup>F12</sup>(2A) This subsection is satisfied in respect of an outstanding liability where—
- (a) the amount of the outstanding liability is not more than one twelfth of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy in question; or
  - (b) the applicant—
    - (i) has agreed with the landlord an arrangement for paying the outstanding liability;
    - (ii) has made payments in accordance with that arrangement for at least three months; and
    - (iii) is continuing to make such payments.
- (2B) A local authority and a registered social landlord may take into account the age of applicants in the allocation of—
- (a) houses which have been designed or substantially adapted for occupation by persons of a particular age group;
  - (b) houses to persons who are or are to be in receipt of housing support services (within the meaning of section 91 of the Housing (Scotland) Act 2001 (asp 10)) for persons of a particular age group.]
- [<sup>F13</sup>(3) A member of a local authority shall be excluded from a decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant, where—
- (a) the house in question is situated; or
  - (b) the applicant for the house in question resides,
- in the electoral division or ward for which that member is elected.]
- [<sup>F14</sup>(4) In the application of this section to registered social landlords, any reference to their area means the local authority area or areas, or the part of that area or those areas, in which the registered social landlord holds houses for housing purposes.]

#### Textual Amendments

- F6** Words in s. 20(1) inserted (1.4.2002) by 2001 asp 10, s. 10(2)(a); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F7** S. 20(1)(b) substituted (1.4.2002) by 2001 asp 10, s. 10(2)(b); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)

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- F8** Words in s. 20(2) substituted (1.4.2002) by 2001 asp 10, s. 10(3)(a); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F9** Words in s. 20(2) inserted (1.4.2002) by 2001 asp 10, s. 10(3)(b); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F10** S. 20(2)(a)(iii)-(viii) substituted for s. 20(2)(a)(iii) (1.4.2002) by 2001 asp 10, s. 10(3)(c); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F11** S. 20(2)(aa) inserted (1.4.2002) by 2001 asp 10, s. 10(3)(d); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F12** S. 20(2A)(2B) inserted (1.4.2002) by 2001 asp 10, s. 10(4); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)
- F13** S. 20(3) added (27.9.1993) by 1993 c. 28, s. 154; S.I. 1993/2163, art. 2 Sch. 1.
- F14** S. 20(4) inserted (1.4.2002) by 2001 asp 10, s. 10(5); S.S.I. 2002/168, art. 2, Sch. (subject to transitional provisions and savings in art. 3)

## 21 Publication of rules relating to the housing list and to transfer of tenants.

- [<sup>F15</sup>(1) It shall be the duty—
- (a) of every local authority to make and to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, rules governing—
    - <sup>F16</sup>(i) .....
    - (ii) the priority of allocation of houses;
    - (iii) the transfer of tenants from houses owned by the landlord to houses owned by other bodies;
    - (iv) exchanges of houses;
  - <sup>F16</sup>(b) .....]
- (2) It shall be the duty of every registered [<sup>F17</sup>social landlord—
- (a) to make rules governing the matters mentioned in subsection (1)(a)(ii) to (iv);]
  - (b) within 6 months of the making of rules under paragraph (a), and within 6 months of any alteration of such rules (whether or not made under that paragraph)—
    - (i) to send a copy of them to each of the bodies mentioned in subsection (3); and
    - (ii) to publish them in accordance with subsections (4) and (5).
- (3) The bodies referred to in subsection (2)(b)(i) are—
- <sup>F18</sup>(i) .....
  - [<sup>F19</sup>(ia) the Scottish Ministers;]
  - (ii) every local authority within whose area there is a house let, or to be let, by [<sup>F20</sup>a registered social landlord under a Scottish] secure tenancy.
- (4) The rules to be published by a body in accordance with subsection (1) or (2) shall be—
- (a) available for perusal; and
  - (b) on sale at a reasonable price; and
  - (c) available in summary form on request to members of the public, at all reasonable times—
    - (i) in a case where the body is a local authority or a development corporation, at its principal offices and its housing department offices; and
    - (ii) in any other case, at its principal and other offices.

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- (5) Rules sent to a local authority in accordance with subsection 2(b) shall be available for perusal at all reasonable times at its principal offices.
- (6) An applicant for housing provided by a body mentioned in subsection (1) or (2) shall be entitled on request to inspect any record kept by that body of information furnished by him to it in connection with his application.

#### Textual Amendments

- F15** S. 21(1) substituted (27.9.1993) by 1993 c. 28, s. 155(1); S.I. 1993/2163, art. 2, Sch. 1.
- F16** S. 21(1)(a)(i)(b) repealed (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(a); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F17** S. 21(2)(a) and words substituted (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(b); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F18** S. 21(3)(i) repealed (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(c)(i); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F19** S. 21(3)(ia) substituted (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(c)(ii); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)
- F20** Words in s. 21(3)(ii) substituted (1.4.2002) by 2001 asp 10, s. 112, Sch. 10 para. 13(3)(c)(iii); S.S.I. 2002/168, art. 2, Sch. (with transitional provisions and savings in art. 3)

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