



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART II

HOMELESS PERSONS

Duties of local authorities with respect to homelessness and threatened homelessness

30 Notification of decision and reasons.

(1) On completing their inquiries under section 28, the local authority shall notify the applicant of their decision on the question whether he is homeless or threatened with homelessness.

^{F1}(2)

(3) If they notify him that their decision is that he [^{F2}is homeless or threatened with homelessness], they shall at the same time notify him—

- (a) [^{F3}where they have made inquiries under section 28(2)(b),] of their decision on the question whether he became homeless or threatened with homelessness intentionally, and
- (b) whether they have notified or propose to notify any other local authority under section 33 that his application has been made.

[^{F4}(3A) If they decide that he is homeless [^{F5}or threatened with homelessness,] but would not have done so without having had regard to a restricted person, they shall also notify him of—

- (a) the fact that their decision was reached on that basis,
- (b) the name of the restricted person,
- (c) the reason why the person is a restricted person, and
- (d) the effect of section 31(2G) or (as the case may be) 32(2A) and (2B).]

(4) If they notify him—

- (a) that they are not satisfied—
 - (i) that he is homeless or threatened with homelessness, ^{F6} . . .

Status: Point in time view as at 07/11/2019.

Changes to legislation: Housing (Scotland) Act 1987, Section 30 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F6}(ii)

- (b) that they are satisfied that he became homeless or threatened with homelessness intentionally, or
 - (c) that they have notified or propose to notify another local authority under section 33 that his application has been made,
- they shall at the same time notify him of their reasons.

[^{F7}(4A) They shall also notify him—

- (a) that he may request a review of the decision and of the time within which such a request must be made, and
- (b) of the advice and assistance that is available to him in connection with any such review.]

- (5) The notice required to be given to a person under this section shall be given in writing and shall, if not received by him, be treated as having been given to him only if it is made available at the authority’s office for a reasonable period for collection by him or on his behalf.

[^{F8}(6) In this Part “a restricted person” means a person—

- (a) who is not eligible for assistance under this Part,
- (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
- (c) either—
 - (i) who does not have leave to enter or remain in the United Kingdom, or
 - (ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.]

Textual Amendments

- F1** S. 30(2) omitted (31.12.2012) by virtue of [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, [7\(a\)](#)
- F2** Words in s. 30(3) substituted (31.12.2012) by [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, [7\(b\)](#)
- F3** Words in s. 30(3)(a) inserted (7.11.2019) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), [ss. 4\(2\)](#), [14\(1\)](#); [S.S.I. 2019/316](#), art. 2
- F4** S. 30(3A) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. [325\(1\)](#), [Sch. 15 para. 11\(2\)](#); [S.I. 2009/415](#), art. 3
- F5** Words in s. 30(3A) substituted (31.12.2012) by [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, [7\(c\)](#)
- F6** S. 30(4)(a)(ii) and word omitted (31.12.2012) by virtue of [The Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012 \(S.S.I. 2012/330\)](#), arts. 2, [7\(d\)](#)
- F7** S. 30(4A) inserted (1.4.2002) by [2001 asp 10](#), [s. 4\(2\)](#); [S.S.I. 2002/168](#), art. 2, [Sch.](#) (with transitional provisions and savings in art. 3)
- F8** S. 30(6) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. [325\(1\)](#), [Sch. 15 para. 11\(3\)](#); [S.I. 2009/415](#), art. 3

Modifications etc. (not altering text)

- C1** S. 30 modified (26.7.1993) by [1993 c. 23](#), s. 4(5), [Sch. 1 para. 3\(4\)](#) (with [Sch. 1 para. 8](#)); [S.I. 1993/1655](#), [art. 2](#).

Status:

Point in time view as at 07/11/2019.

Changes to legislation:

Housing (Scotland) Act 1987, Section 30 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.