



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART II

HOMELESS PERSONS

Duties of local authorities with respect to homelessness and threatened homelessness

33 Referral of application to another local authority

- (1) If a local authority—
 - (a) are satisfied that an applicant is homeless and has a priority need, and are not satisfied that he became homeless intentionally, but
 - (b) are of opinion that the conditions are satisfied for referral of his application to another local authority,they may notify that other local authority in Scotland, England or Wales of the fact that his application has been made and that they are of that opinion.
- (2) The conditions of referral of an application to another local authority are—
 - (a) that neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,
 - (b) that the applicant or a person who might reasonably be expected to reside with him has a local connection with that other local authority's district, and
 - (c) that neither that applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic violence in that other local authority's district.
- (3) For the purposes of this section a person runs the risk of domestic violence—
 - (a) if he runs the risk of violence from a person with whom, but for the risk of violence, he might reasonably be expected to reside, or from a person with whom he formerly resided, or
 - (b) if he runs the risk of threats of violence from such a person which are likely to be carried out.

Status: This is the original version (as it was originally enacted).

- (4) The question whether the conditions for referral of an application are satisfied shall be determined by agreement between the notifying authority and the notified authority, or in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order made by statutory instrument.
- (5) An order may direct that the arrangements shall be—
 - (a) those agreed by any relevant authorities or association of relevant authorities, or
 - (b) in default of such agreement, such arrangements as appear to the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.
- (6) No order shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.