

HOUSING (SCOTLAND) ACT 2001

EXPLANATORY NOTES

BACKGROUND AND OVERVIEW

Part 1 – Homelessness and Allocation of Housing

Section 5: Duty of registered social landlord to provide accommodation

16. *Subsection (1)* enables local authorities to request a registered social landlord (RSL) which holds accommodation in the local authority's area to provide accommodation for an unintentionally homeless person in priority need. *Subsection (2)* requires local authorities, before making such a request, to consider the availability and appropriateness of any accommodation in their area. This duty will have no effect on local authorities which hold no housing stock, but will provide a safeguard against local authorities who hold stock making inappropriate requests to registered social landlords. *Subsection (3)* requires registered social landlords to comply with a local authority request, within a reasonable period, unless there is a good reason for not complying. *Subsection (4)* sets out that compliance with a request must be through the provision of accommodation secured by a Scottish secure tenancy, but where *paragraph 1 or 2 of Schedule 6* are satisfied (that is, in relation to anti-social behaviour) a short Scottish secure tenancy is also permitted. *Subsection (5)* allows RSLs to provide other accommodation (say, temporary accommodation) in cases where that has been expressly requested by the local authority. *Subsection (6)* places a duty on RSLs to comply with reasonable requests for information relating to the local authority's functions under section 5. *Subsection (7)* enables the Scottish Ministers to give guidance on what constitutes a reasonable period for compliance; good reason for an RSL's non-compliance; and for the purposes of *subsection (6)* what is a reasonable request. *Subsection (8)* sets out the arrangements for consulting on such guidance.