



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 5

#### STRATEGIC HOUSING FUNCTIONS

##### *The Scottish Ministers*

#### **88 Statement on fuel poverty**

- (1) The Scottish Ministers must, within 12 months of the coming into force of this section, prepare and publish a statement setting out the measures which they and local authorities have taken, are taking and intend to take for the purpose of ensuring, so far as reasonably practicable, that persons do not live in fuel poverty.
- (2) The measures to be set out in the statement must include measures for ensuring the efficient use of energy (for example, by installation of appropriate equipment or insulation).
- (3) The statement must specify—
  - (a) a target date (which must be within 15 years of the date of publication of the statement) for achieving the purpose mentioned in subsection (1), and
  - (b) interim objectives towards the achievement of that purpose.
- (4) The Scottish Ministers—
  - (a) must keep the statement under review,
  - (b) may from time to time modify the statement, and
  - (c) must publish any modified statement.
- (5) Before preparing or modifying the statement the Scottish Ministers must consult—
  - (a) such persons as appear to them to represent the interests of those living in fuel poverty, and
  - (b) such other persons,  
as they think fit.
- (6) The Scottish Ministers must, within 4 years of the date of publication of the statement and at least once every 4 years thereafter, prepare and publish a report on the measures

referred to in the statement which have been taken since the date of its publication or, as the case may be, the date of the last such report.

### *Local authorities*

## **89 Local housing strategies**

- (1) A local authority must, when required to do so by the Scottish Ministers—
  - (a) carry out an assessment in accordance with subsection (2), and
  - (b) prepare, in accordance with subsection (4), and submit to the Scottish Ministers, a strategy (a “local housing strategy”).
- (2) The assessment referred to in subsection (1) must, in relation to the period specified in the requirement, assess housing provision and the provision of related services in the authority’s area, including in particular—
  - (a) the nature and condition of the housing stock,
  - (b) the needs of persons in the area for housing accommodation,
  - (c) the demand for, and availability of, housing accommodation,
  - (d) the needs of persons in the area for, and the availability of, housing accommodation designed or adapted for persons with special needs, and
  - (e) any other matter specified in the requirement.
- (3) In carrying out the assessment, the authority must have regard to the long-term supply of appropriately trained construction and maintenance labour within its area.
- (4) The local housing strategy must set out the authority’s policy for—
  - (a) exercising its functions, and
  - (b) co-ordinating the exercise of those functions and the functions and activities of registered social landlords and other persons concerned (in whatever way) with housing provision and the provision of related services,
 with a view to accomplishing the purpose set out in subsection (5).
- (5) That purpose is the provision, in the period specified in the requirement, of housing and related services in a manner which—
  - (a) is economic, efficient and effective, and
  - (b) ensures, so far as reasonably practicable, that persons do not live in fuel poverty.
- (6) A requirement under subsection (1)—
  - (a) must specify the period in relation to which the assessment is to be carried out and the strategy prepared and submitted,
  - (b) may make provision as to—
    - (i) the procedure to be followed in carrying out the assessment and preparing the strategy,
    - (ii) the time by which the strategy is to be submitted to the Scottish Ministers,
    - (iii) the form of the strategy and the matters which it is to include,
    - (iv) the consultation to be carried out by the local authority on its proposed strategy,
    - (v) the documents and information relating to the strategy and its preparation which are to be submitted to the Scottish Ministers.

- (7) Without prejudice to subsection (6)(b), the strategy must state how the local authority is to comply with its duty under section 106 so far as relating to the matters included in the strategy.
- (8) A local authority must provide a copy of its local housing strategy to any person who requests it.
- (9) Two or more local authorities subject to a requirement under subsection (1) may, with the consent of the Scottish Ministers, exercise their functions under this section jointly in relation to their combined areas.
- (10) The Scottish Ministers must exercise their power under subsection (1) so as to ensure that every local government area is included in a local housing strategy.
- (11) A local authority—
  - (a) must provide the Scottish Ministers with such information as they may require, in such form and at such times as they may require, about the authority's implementation of its local housing strategy,
  - (b) must keep its strategy under review,
  - (c) may from time to time, after consultation with such persons as it thinks fit, modify its strategy, and
  - (d) must submit any such modified strategy to the Scottish Ministers.

## **90 Grants for housing purposes**

- (1) The Scottish Ministers may make grants to a local authority for the purposes of—
  - (a) the authority's functions in connection with—
    - (i) providing, improving, adapting, repairing, maintaining and managing housing,
    - (ii) undertaking, and assisting the undertaking of, the development, redevelopment and improvement of the physical, social, economic and recreational environment related to housing,
    - (iii) preventing or alleviating homelessness,and related matters,
  - (b) relevant housing-related debt of the authority.
- (2) The functions mentioned in subsection (1)(a)(i) and (ii) do not include expenditure in relation to any house, building or land to which the housing revenue account kept by the authority under section 203 of the 1987 Act relates.
- (3) In subsection (1)(b), "relevant housing-related debt" means such liabilities of the authority as the Scottish Ministers, after consultation with the authority, may specify, being liabilities—
  - (a) in respect of loan charges within the meaning of paragraph 3(a) of Schedule 15 to the 1987 Act which—
    - (i) are required by that paragraph to be debited to the authority's housing revenue account, or
    - (ii) would, but for an order under section 94(2) of this Act, have been required to be so debited, or
  - (b) otherwise arising in connection with the loan to which such loan charges relate.

- (4) A grant under subsection (1) is to be—
  - (a) of such amount, and
  - (b) subject to such terms and conditions,as the Scottish Ministers think fit.
- (5) A local authority may arrange for any of its functions in relation to sums, or descriptions of sum, received by it under subsection (1) to be exercised on its behalf by the Scottish Ministers on such terms (including financial ones) as the authority and the Scottish Ministers may agree; and the Scottish Ministers may exercise those functions accordingly.
- (6) An arrangement under subsection (5) does not affect the responsibility of the authority for the exercise of its functions.

## **91 Grants for housing support services**

- (1) The Scottish Ministers may pay grants to local authorities towards expenditure incurred by them in providing, or contributing to the provision of, prescribed housing support services.
- (2) Grants under this section may be paid—
  - (a) to all local authorities,
  - (b) to particular local authorities, or
  - (c) to particular descriptions of local authority.
- (3) A grant under subsection (1) is to be—
  - (a) of such amount, and
  - (b) subject to such terms and conditions,as the Scottish Ministers think fit.
- (4) The Scottish Ministers may by order make provision as to the terms and conditions on which local authorities may make payments out of sums, or descriptions of sum, received by them under subsection (1) (including conditions for repayment in specified circumstances).
- (5) An order under subsection (4) has effect in relation to any sum subject to any terms and conditions imposed under subsection (3).
- (6) The Scottish Ministers may issue guidance to local authorities generally or to any description of local authority in relation to the matter mentioned in subsection (4).
- (7) Before making an order under subsection (4), issuing guidance under subsection (6) or making regulations under subsection (8) or (9) the Scottish Ministers must consult—
  - (a) such bodies representing local authorities, and
  - (b) such other persons,as they think fit.
- (8) In this Act—
  - “housing support services” includes any service which provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling that individual to occupy, or to continue to occupy, as the person’s sole or main residence, residential accommodation other than excepted accommodation,

“prescribed housing support services” means housing support services prescribed, or of a type prescribed, by regulations made by the Scottish Ministers.

- (9) For the purposes of subsection (8) “excepted accommodation” means accommodation, or accommodation of a type, specified as such in regulations made by the Scottish Ministers.

## **92 Assistance for housing purposes**

- (1) A local authority may promote—
- (a) the formation of bodies to act as registered social landlords,
  - (b) the development of registered social landlords.
- (2) A local authority may provide assistance to a registered social landlord or to any other person concerned with—
- (a) providing, improving, adapting, repairing, maintaining and managing housing,
  - (b) undertaking, and assisting the undertaking of, the development, redevelopment and improvement of the physical, social, economic and recreational environment related to housing,
  - (c) preventing or alleviating homelessness,
- or related matters.
- (3) A local authority may provide assistance to an individual in connection with the acquisition, construction, improvement, repair or maintenance of housing accommodation by that individual.
- (4) Assistance under subsection (2) may, in particular, be in the form of—
- (a) grants or loans to the landlord or person,
  - (b) subscribing for share or loan capital of the landlord or person,
  - (c) guaranteeing or joining in guaranteeing the payment of the principal of, and interest on, money borrowed by the landlord or person (including money borrowed by the issue of loan capital) or of interest on share capital issued by the landlord or person,
  - (d) granting indemnities,
  - (e) acquiring, holding, managing and disposing of land,
  - (f) providing or arranging for the provision of advice, training or other services and facilities,
  - (g) making available the services of staff of the local authority,
  - (h) carrying out or commissioning research and related activities,
  - (i) providing or arranging for the provision of information relating to housing.
- (5) Assistance under subsection (2)—
- (a) of a kind mentioned in subsection (4)(c) or (d), or
  - (b) which the authority proposes to carry to the debit of its housing revenue account kept under section 203 of the 1987 Act,
- may be provided only with the consent of the Scottish Ministers.
- (6) Assistance under subsection (3) may, in particular, be of a kind mentioned in subsection (4)(a), (c), (e) to (g) or (i).

### **93 Assistance for housing purposes: further provision**

- (1) Assistance under subsection (2) or (3) of section 92 may, subject to subsection (2) of this section, be provided on such terms and conditions (including conditions for repayment of financial assistance in specified circumstances) as the local authority may specify.
- (2) The Scottish Ministers may by regulations make provision as to—
  - (a) the purposes for which, and the classes of persons to whom, local authorities may provide assistance under those subsections of a kind referred to in subsection (4)(a) to (d) of that section,
  - (b) the procedure to be followed by local authorities in considering whether to provide such assistance,
  - (c) the terms and conditions on which such assistance is to be provided (including conditions for repayment in specified circumstances).
- (3) The Scottish Ministers may issue guidance to local authorities generally or to any description of local authority in relation to the provision of assistance under section 92(2) or (3).
- (4) Before making regulations under subsection (2) or issuing guidance under subsection (3) of this section the Scottish Ministers must consult—
  - (a) such bodies representing local authorities,
  - (b) such bodies representing registered social landlords, and
  - (c) such other persons,as they think fit.
- (5) The Scottish Ministers may by order modify any enactment passed or made before the coming into force of section 92 under which a local authority may provide assistance to a landlord or other person of a kind which the authority may provide under that section.

### **94 Alteration of housing finance arrangements**

- (1) The Scottish Ministers may by order provide that, on a date specified in the order, sections 191 to 193 (housing support grants) of the 1987 Act cease to apply in relation to a local authority so specified.
- (2) The Scottish Ministers may by order provide that, on a date specified in the order, section 203(1) (duty to keep housing revenue account) of that Act ceases to apply in relation to a local authority so specified.
- (3) An order under subsection (2) may provide for any land held in the housing revenue account of the local authority on the specified date to be held, and accounted for, by the authority in such manner as the order may specify.
- (4) Except with the consent of the Scottish Ministers, which may be given subject to conditions, a local authority must not dispose of such land for a consideration less than the best that can reasonably be obtained.
- (5) Subsection (6) applies to any sum which is received by a local authority in connection with the disposal of any land held in the housing revenue account of the authority or in respect of which provision has been made by virtue of subsection (3).

- (6) The Scottish Ministers may, after consultation with a local authority, direct the authority that any such sum, or any such sum of any description, specified in the direction is, to such extent as the direction may specify, to be applied by the authority for the purposes of—
- (a) the functions of the authority relating to housing under this Act or any other enactment, or
  - (b) the relevant housing-related debt of the authority (within the meaning of section 90(3));
- and the authority must comply with the direction.

*Meaning of “fuel poverty”*

**95      Meaning of “fuel poverty”**

- (1) For the purposes of this Part, a person lives in fuel poverty if that person is a member of a household with a low income living in a home which cannot be kept warm at a reasonable cost.
- (2) The Scottish Ministers may by regulations make provision, for the purposes of subsection (1), as to—
- (a) what is—
    - (i) a household,
    - (ii) a low income,
    - (iii) a reasonable cost,
  - (b) the circumstances in which a home is to be regarded for those purposes as being warm.
- (3) Before making any such regulations, the Scottish Ministers must consult—
- (a) such persons as appear to them to represent the interests of persons living in fuel poverty, and
  - (b) such other persons,
- as they think fit.