



Housing (Scotland) Act 2001

2001 asp 10

PART 1

HOMELESSNESS AND ALLOCATION OF HOUSING

10 Allocation of housing

- (1) Section 20 (persons to have priority on housing list and allocation of housing) of the 1987 Act is amended as follows.
- (2) In subsection (1)—
 - (a) after “authority” insert “ and a registered social landlord ”,
 - (b) for paragraph (b) substitute—
 - “(b) to homeless persons and persons threatened with homelessness (within the meaning of Part II).”
- (3) In subsection (2)—
 - (a) for “local authority” in the first place where it occurs substitute “ such ”,
 - (b) after “authority” in the second place where it occurs insert “ and a registered social landlord ”,
 - (c) in paragraph (a), for sub-paragraph (iii) substitute—
 - “(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

Changes to legislation: Housing (Scotland) Act 2001, Section 10 is up to date with all changes known to be in force on or before 13 April 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) View outstanding changes

(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;”,

(d) after paragraph (a) insert—

“(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

(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”.

(4) After subsection (2) insert—

“(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.”

(5) After subsection (3) insert—

“(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.”

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Commencement Information

- II** [S. 10](#) wholly in force at 1.4.2002, see [s. 113\(1\)\(2\)](#) and [S.S.I. 2002/168](#), [art. 2](#), [Sch.](#) (subject to transitional provisions and savings in [art. 3](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)