



# Homelessness etc. (Scotland) Act 2003

## 2003 asp 10

### *Homeless persons: accommodation*

#### **9 Suitability of accommodation for homeless persons**

- (1) In section 29 (interim duty to accommodate) of the 1987 Act—
- (a) in subsection (1), after paragraph (b) insert—
    - “(c) where, by virtue of a decision referred to in paragraph (a) or (b), the authority have a duty under section 31 to secure that accommodation of a particular description becomes available for the applicant’s occupation, until such accommodation becomes available.”,
  - (b) after subsection (2) insert—
    - “(3) In subsection (1), “accommodation”, in the first place where the expression occurs, does not include accommodation of such description as the Scottish Ministers may, by order made by statutory instrument, specify.
    - (4) Such an order may—
      - (a) specify any description of accommodation subject to conditions or exceptions,
      - (b) make different provision for different purposes and different areas.
    - (5) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the Scottish Parliament.”
- (2) In section 32(8) (duty to have regard to best interests of dependent children) of the 1987 Act, at the end insert “and shall, without prejudice to subsection (5) above and section 41, ensure that accommodation provided for such a person’s occupation is suitable for occupation by such children, so far as consistent with their best interests”.