

HOMELESSNESS ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

INTENTIONAL HOMELESSNESS

Section 4: Inquiries as to intentional homelessness

7. Section 28(2) of the 1987 Act currently requires local authorities to investigate whether a person applying to them for accommodation has a priority need and whether the person became homeless or threatened with homelessness intentionally. Section 24 of the 1987 Act defines when a person is homeless or threatened with homelessness, and section 26 defines when a person becomes homeless or threatened with homelessness intentionally. *Subsection (1)* of this section gives local authorities a discretion as to whether to investigate intentionality, in place of the current duty under section 28(2)(b).
8. *Subsection (2)* makes a consequential change to section 30(3)(a) of the 1987 Act, in order to ensure that the local authority is not under a duty to notify the applicant of their findings as to intentionality where they have not carried out an investigation.