



Homelessness etc. (Scotland) Act 2003

2003 asp 10

Restriction of power of referral

8 Power to modify section 33 of the 1987 Act

After section 33 (referral of application to another local authority) of the 1987 Act insert—

“33A Power to modify section 33

- (1) The Scottish Ministers may by order made by statutory instrument provide that, for so long as the order is in force, the power of a local authority under subsection (1) of section 33 to notify another local authority of the matters referred to in that subsection—
 - (a) shall not be exercisable by such local authorities or such descriptions of local authority as are specified in the order, or shall be exercisable by such local authorities or descriptions of local authority as are specified in the order only in such circumstances, or with such modifications, as are specified in the order;
 - (b) shall not be exercisable in relation to such local authorities or such descriptions of local authority as are specified in the order, or shall be exercisable in relation to such local authorities or descriptions of local authority as are specified in the order only in such circumstances, or with such modifications, as are specified in the order.
- (2) An order under this section may—
 - (a) provide for this Part to apply with such modifications, and
 - (b) make such transitional, transitory or saving provision,as the Scottish Ministers think necessary or expedient in consequence of the order.
- (3) A statutory instrument containing an order under this section is, if made without a draft having been laid before, and approved by a resolution of, the Scottish Parliament, subject to annulment in pursuance of a resolution of the Scottish Parliament.

33B Statement on exercise of power to modify section 33

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the coming into force of this section, prepare and publish a statement setting out the circumstances in which, and the general criteria by reference to which, the power under section 33A is to be exercised.
- (2) 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.
- (3) Before preparing or modifying the statement, the Scottish Ministers must consult—
 - (a) such associations representing local authorities; and
 - (b) such other persons,as they think fit.”