



SCOTTISH EXECUTIVE

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Homelessness Team

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14 May 2002

Dear Sir/Madam

HOUSING SCOTLAND ACT 2001: REGULATIONS ON ADVICE AND ASSISTANCE

As you will be aware the Housing (Scotland) Act 2001 amends the Housing (Scotland) Act 1987 so that applicants assessed as not being in priority need under the homelessness legislation are entitled to the same package of temporary accommodation and advice and assistance as currently received by priority need and intentionally homeless applicants. These changed duties are scheduled to take effect from 30 September 2002.

The 2001 Act also amends the advice and assistance duty so that Scottish Ministers may prescribe in regulations the type of advice and assistance provided both for those who are homeless and those threatened with homelessness. The Act requires the Executive to consult on the proposed regulations and my purpose in writing is to seek your views on the attached draft. It may be helpful if I clarify some of the background.

The advice and assistance duty is set out in s.31(3)(b) (for homeless applicants) and s.32(3) (for those threatened with homelessness) of the 1987 Act. The 2001 Act amends the 1987 Act so that the advice and assistance to be furnished by local authorities must be "of such type as may be prescribed" rather than "as they consider appropriate in the circumstances".

The purpose of this amendment to the 1987 Act is to ensure that appropriate and adequate advice and assistance is provided which will assist a person in temporary accommodation to secure permanent accommodation. The discharge of the duty therefore is unchanged and remains linked to any attempt made by the applicant to secure that accommodation becomes available, or does not cease to be available, for occupation.

I would be grateful if comments on the draft regulations could be sent to me by 6 August.

Yours faithfully

ISABEL DRUMMOND-MURRAY



SCOTTISH STATUTORY INSTRUMENTS

2002 No.

HOUSING

The Homeless Persons Advice and Assistance (Scotland) Regulations 2002

<i>Made</i>	2002
<i>Laid before the Scottish Parliament</i>	2002
<i>Coming into force</i>	2002

The Scottish Ministers, in exercise of the powers conferred by sections 31(3)(b), 32(3) and 32(6) of the Housing (Scotland) Act 1987⁽¹⁾ and of all other powers enabling them in that behalf and after consultation with such associations representing local authorities and such other persons as they think fit in accordance with section 32(7) of that Act, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Homeless Persons Advice and Assistance (Scotland) Regulations and shall come into force on [2002].

Interpretation

2. In these Regulations “the 1987 Act” means the Housing (Scotland) Act 1987.

Type of advice to be provided by local authorities

3. The following types of advice are hereby prescribed for the purposes of sections 31(3)(b) and 32(3) of the 1987 Act—

- (a) housing advice appropriate to local housing conditions and the applicant’s circumstances including—
 - (i) advice on the availability of permanent accommodation provided by local authorities or registered social landlords;
 - (ii) advice on the availability of the temporary accommodation provided by local authorities, registered social landlords and other private public or voluntary bodies;
 - (iii) advice on nomination procedures, waiting lists and any restrictions imposed by landlords;
 - (iv) advice on specialist, supported or furnished accommodation;
 - (v) advice on services provided by estate agents and accommodation agencies; and

⁽¹⁾ 1987 c.26; section 31(3)(b) was amended by section 3(3)(b) of the Housing (Scotland) Act 2001 (asp 10), section 32(3) was amended by section 3(4)(a) of that Act and section 36(6) was inserted by section 3(4)(c) of that Act.

- (vi) advice on owner occupation including shared ownership and the availability of grants for owner occupation, improvement, repair and adaptation;
- (b) advice on social issues appropriate to an applicant's circumstances including advice on services provided by specialist agencies or bodies dealing with health, welfare or other social issues;
- (c) financial advice appropriate to an applicant's circumstances including–
 - (i) advice on the availability of personal benefits, grants and loans directly or indirectly related to the provision of housing;
 - (ii) advice on rent and mortgage arrears and the financial implications of home ownership;
 - (iii) advice on the management of personal finance;
 - (iv) advice on rent guarantee and deposit schemes; and
 - (v) advice on specialist agencies providing financial advice to individuals.
- (d) legal advice appropriate to an applicant's circumstances which may include–
 - (i) advice on court proceedings;
 - (ii) advice on legal rights including–
 - (a) advice on the availability of legal aid; and
 - (b) advice on the availability of independent advice and advocacy.

Types of assistance to be provided by local authorities

4. The following types of assistance are hereby prescribed for the purposes of sections 31(3)(b) and 32(3) of the 1987 Act–

- (a) providing a personal interview at such time and place, and with a local authority officer of such sex, as the applicant may reasonably request;
- (b) providing an interpreter or an independent personal representative for an applicant at any interview if a request is made by the applicant to that effect;
- (c) providing a written record of any interview held under this regulation in an appropriate form for the applicant including braille, translation or large print;
- (d) providing for a follow up interview to review progress;
- (e) arranging and facilitating interviews and appointments with other agencies; and
- (f) providing access to mediation services for family and neighbour disputes and harassment.

Transitional provisions

5. These Regulations apply only in relation to advice and assistance provided by local authorities where an applicant has been assessed as homeless or threatened with homelessness on or after the date on which these Regulations come into force.

A member of the Scottish Executive

St Andrew's House,
Edinburgh
[] 2002



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the types of advice and assistance that local authorities must now provide under section 31(3)(b) and 32(3) of the Housing (Scotland) Act 1987 to homeless applicants and applicants threatened with homelessness who are either not in priority need and/or have become homeless or threatened with homelessness intentionally.

Regulation 3 sets out the types of advice to be provided by local authorities.

Regulation 4 sets out the types of assistance to be provided by local authorities.

Regulation 5 provides that the Regulations apply only to persons who are assessed as homeless or threatened with homelessness after the date on which the Regulations come into force.

