

Annex E - The Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 10

HOUSING

The Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021

Made - - - - *13th January 2021*
Laid before the Scottish Parliament *13th January 2021*
Coming into force - - *31st January 2021*

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 29(3) and (4) of the Housing (Scotland) Act 1987⁽¹²⁾ and all other powers enabling them to do so.

Citation and commencement

1.—(1) This Order may be cited as the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2021 and comes into force on 31 January 2021.

(2) Article 2 expires on 30 June 2021.

Modification of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014

2.—(1) The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014⁽¹³⁾ applies, in relation to accommodation provided to an applicant under section 29 of the Housing (Scotland) Act 1987 while this article is in force, in accordance with the modifications in paragraphs (2) and (3).

(2) Article 2 (interpretation) has effect as if—

(a) after the definition of “community hosting”, there were inserted—
““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);”, and

(b) after the definition of “household”, there were inserted—
““isolate” in relation to a person means separation of that person from any other person in such manner as to prevent infection or contamination with coronavirus;”.

(3) Article 6 has effect as if—

(a) in paragraph (d), “or” were omitted,
(b) in paragraph (e), for “.” there were substituted “;”, and

⁽¹²⁾ 1987 c.26. Subsections (3) and (4) of section 29 were inserted by section 9(1)(b) of the Homelessness etc. (Scotland) Act 2003 (asp 10). There are amendments to section 29 that are not relevant to this Order.

⁽¹³⁾ S.S.I. 2014/243.

- (c) after paragraph (e) there were inserted—
- “(f) a person in the household has symptoms of coronavirus and the household requires to isolate;
 - (g) the accommodation is required to provide temporary accommodation to ensure that a distance of 2 metres can be maintained between a member of the household and a person who is not a member of the household in order to prevent the spread of coronavirus;
 - (h) the following conditions are both satisfied—
 - (i) the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area; and
 - (ii) the household does not include a dependent child or a pregnant woman; or
 - (i) the following conditions are all satisfied—
 - (i) the local authority is unable to place the household in suitable accommodation as a result of the impacts of coronavirus on temporary accommodation supply in the area;
 - (ii) the household includes either, or both, a dependent child or pregnant woman; and
 - (iii) the local authority provides the household with accommodation which does not meet the requirements of article 5 for no longer than 7 days in total in respect of that household’s application.”.

Revocation

—(4) The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020(14) is revoked.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020(15) is revoked.

A member of the Scottish Government

St Andrew’s House,
Edinburgh
2021

(14) S.S.I. 2020/139.

(15) S.S.I. 2020/268.