SCOTTISH STATUTORY INSTRUMENTS

2002 No. 414

HOUSING

The Homeless Persons Advice and Assistance (Scotland) Regulations 2002

Made - - - -	*5th September 2002*
Laid before the Scottish Parliament - - - -	*9th September 2002*
Coming into force - -	*30th September 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, commencement, effect and interpretation

1.—(1) These Regulations may be cited as the Homeless Persons Advice and Assistance (Scotland) Regulations 2002 and shall come into force on 30th September 2002.

(2) These Regulations shall have effect only in relation to an applicant where the local authority have, on or after the date on which these Regulations come into force, decided that they are satisfied that the applicant is homeless or threatened with homelessness.

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

Type of advice to be provided by local authorities

3. The types of advice set out in article 4 below are hereby prescribed for the purposes of section 31(3)(b) and 32(3) of the 1987 Act.

4. The types of advice referred to in article 3 above are–

(a) housing advice appropriate to local housing conditions and the applicant's circumstances which may include–

(i) advice on the availability of permanent accommodation provided by local authorities or registered social landlords;

(**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 32(6) was inserted by section 3(4)(c) of that Act. See section 338 of the Housing (Scotland) Act 1987 for the definition of "prescribed". The function of the Secretary of State to prescribe by Regulations was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(ii) advice on the availability of 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

(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, which may include–

(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; and

(d) legal advice appropriate on 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

5. The types of assistance set out in article 6 below are hereby prescribed for the purposes of section 31(3)(b) and 32(3) of the 1987 Act.

6. The types of assistance referred to in article 5 above are–

(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 independent providers of housing financial or legal services; and

(f) providing access to mediation services for family and neighbour disputes and harassment.