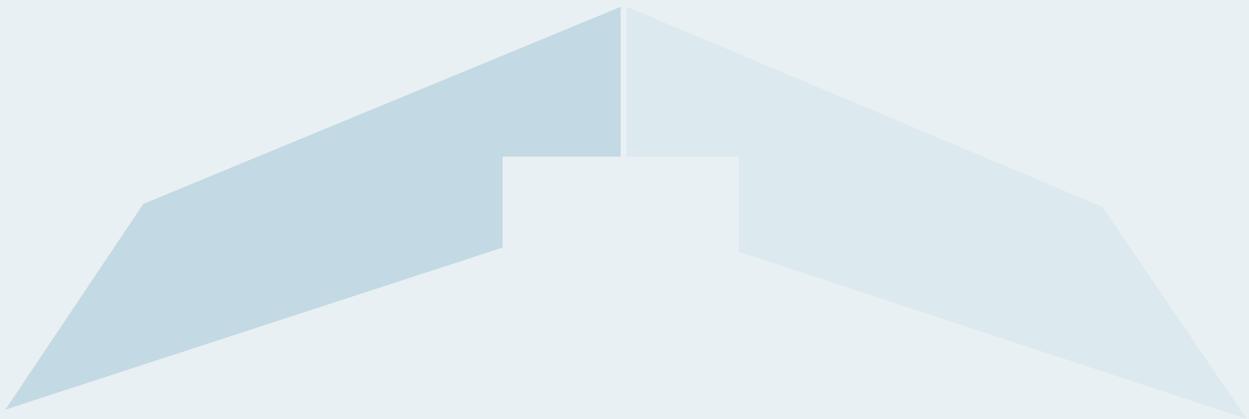


Housing(Scotland)Act  
Housing Lists and Allocations **2001**





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## INTRODUCTION

1. The purpose of this guidance is to set out the statutory provisions governing admission to housing lists and the allocation of housing by local authorities and registered social landlords (RSLs) as amended by the Housing (Scotland) Act 2001 ("the 2001 Act"). It has been prepared by the Scottish Executive in consultation with the Working Group on Housing Act Implementation, which includes a range of practitioners.
2. The legislation governing these matters is to be found in sections 19 and 20 of the Housing (Scotland) Act 1987 ("the 1987 Act"), as amended by sections 9 and 10 of the 2001 Act. For ease of reference, the relevant provisions are shown in a consolidated manner at Annex A.
3. The provisions of sections 9 and 10 of the 2001 Act are expected to be commenced on 1 April 2002. This guidance is issued in terms of section 79 of the 2001 Act and will be taken into account by the Regulation and Inspection Division within Communities Scotland, in due course, when monitoring the performance of local authorities and registered social landlords.
4. The guidance has been prepared primarily to assist housing staff working in local authorities and registered social landlords who will need to implement the new legislation within their organisations. We also hope that the guidance will be of interest to tenant organisations and others advising tenants who wish to know about the implications of the new housing list and allocations provisions.

### Policy Background

5. The current legislation in sections 19 and 20 of the 1987 Act extends only to local authorities. The 2001 Act both amends these provisions and extends them to RSLs to create a common legislative framework for all social landlords. These provisions, therefore, complement the new Scottish secure tenancy and single regulatory framework (established by Parts 2 and 3 of the 2001 Act) which will apply equally to local authorities and registered social landlords.
6. Even with the changes introduced by the 2001 Act, the statutory provisions relating to allocations and lettings by social landlords are relatively limited. The view of the Scottish Executive is that within these legislative constraints and the requirements of the homelessness provisions set out in Part II of the 1987 Act (as amended by the 2001 Act), landlords should have discretion to develop allocation and lettings policies in line with local priorities.
7. In developing their allocation and lettings policies, the Scottish Executive will expect local authorities and RSLs to take account of both the legislation described below and also the Performance Standards for Social Landlords and Homelessness Functions jointly published by Communities Scotland, SFHA and CoSLA. The relevant performance standards are as follows:

**“Access to housing** We ensure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.”

**“Lettings** We let houses in a way that gives reasonable preference to those in housing need, makes best use of available stock, maximises choice, and helps to sustain communities.”

Communities Scotland will be disseminating further guidance on meeting Performance Standards, in due course, for all its performance standards.

8. The Scottish Executive also expects local authorities and RSLs to develop their allocations and lettings policies in consultation with their tenants. Chapter 3 of Part 2 of the 2001 Act, when commenced, will require all local authorities and RSLs to produce a tenant participation strategy and to consult tenants on significant changes in housing management policy.
9. In addition, the Scottish Executive would expect local authorities and RSLs to take account of relevant good practice guidance when developing and implementing allocations and lettings policies. Specifically, in this context, the Scottish Executive has commissioned guidance on Exclusions and Suspensions from Waiting Lists from the Chartered Institute of Housing to complement the new statutory provisions. This guidance has been prepared by the Chartered Institute of Housing in consultation with other interested organisations and will be circulated shortly.

## Equal Opportunities

10. Landlords should bear in mind in the management of the housing list and allocation of housing, the requirements under section 106 of the 2001 Act that:
  - (1) Scottish Ministers and local authorities must exercise their functions under the Act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.
  - (2) In providing housing accommodation and related services, registered social landlords must act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunities requirements.

In particular, landlords will wish to ensure that they take into account the needs and circumstances of all relevant groups, including, for example, information for disabled people on the availability of suitable houses and adaptations.

## Housing Lists

11. Section 19(1) of the 1987 Act (as amended by section 9 of the 2001 Act) sets out the entitlement for anyone aged 16 or over to be admitted to a housing list.

*This is intended to ensure that no one in housing need can be excluded from a housing list, and, therefore, will not be 'lost from the system' as a result. Although it is recognised that, once admitted to a housing list, the landlord will continue to determine the priority of the application, section 20 of the 1987 Act (as amended by section 10 of the 2001 Act) sets out some broad criteria that should be taken into account by local authorities and RSLs together with more specific requirements relating to factors which should not be taken into account.*

### Definition of Housing List

12. Section 19(2) of the 1987 Act, (as amended) allows for housing lists to be kept by any housing provider or jointly by or on behalf of any two or more housing providers in connection with the allocation of housing held by it or them for housing purposes.

*This is intended to provide for circumstances where, for example, a common housing register (CHR) is in operation, including where a CHR is operated by a third party established by housing providers to administer the CHR on their behalf.*

### Definition of Housing Provider

13. Section 19(3) explains that "housing provider" means any local authority or any registered social landlord.

### Admission to the Housing List

14. It is good practice for landlords to provide general information to prospective applicants on the housing options available from their own housing stock and, where appropriate, information on how to contact other housing providers. In particular, it is likely to be helpful to give persons who may be thinking of applying indicative information on average waiting times for different parts of the stock.
15. Landlords need to be clear what admission to a housing list means. When a prospective applicant for social housing applies to be put on a housing list that person is indicating his or her need or desire to be housed by a social landlord. At that point the landlord need only establish that the person is aged 16 or over. Once this is established, the applicant should be added to the list.
16. In this way, the application for housing is logged. However, this is only the beginning of the process. The landlord has then to assess that person's need and to prioritise their need in accordance with the legislative framework and the published rules of the landlord. The right to be admitted to the housing list is not the same as the right to be allocated a house.
17. It is important that it is made clear in landlords' published rules and on application forms what is meant by admission to a list and that landlords take time to explain this to applicants and to make clear to them at the admission stage that an assessment and prioritisation of their application will follow.

18. Landlords will wish to give careful consideration to the level of assessment to be carried out, particularly where it may appear that an applicant would have little or no chance of being housed. Clearly there is little point in committing disproportionate resources to assessing such cases, but there is a clear duty to carry out sufficient assessment to establish need and other relevant factors. In such circumstances, landlords may choose to introduce an element of initial assessment as a prelude to a fuller assessment. They will have to satisfy themselves, and Communities Scotland, that this initial stage is both fair and effective.

## Allocation of Housing

### Reasonable Preference

19. Section 20(1) of the 1987 Act as amended requires that in selecting tenants for their houses, all local authorities and RSLs must give reasonable preference –

- a) to persons who
  - (i) are occupying houses which do not meet the tolerable standard; or
  - (ii) are occupying overcrowded houses; or
  - (iii) have large families; or
  - (iv) are living under unsatisfactory housing conditions; and
- b) to homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 Act).

– *“Overcrowding” is defined in Part VII of the 1987 Act*

– *“Tolerable Standard” is as defined by section 86 of the 1987 Act and amended by section 102 of the 2001 Act.*

– *“Large families” is not defined. Landlords have discretion to exercise their own judgement on what constitutes a large family, taking account of local conditions. A judgement as to what counts as “reasonable preference” in this context will also need to take account of the stock of housing available to the landlord. For example the re-housing of large families may not be a practical proposition for certain Registered Social Landlords who specialise in providing housing for the elderly or for persons in need of care in the community.*

– *“Unsatisfactory housing conditions” is not defined in statute and is sufficiently wide to cover the physical condition of the house and the more subjective aspects of an applicant’s circumstances, such as unsatisfactory living arrangements, problems with neighbours, etc.*

What does “reasonable preference” mean?

20. Reasonable preference refers to the priority given to applicants for housing. It means that local authorities and RSLs should give due weight to the factors listed above, but it does not restrict authorities to taking only such factors into account. Landlords could add other factors of their own, such as housing key workers coming into the area, whose presence is essential for economic growth. Medical priority is another factor to be taken into account (detailed guidance can be found in The Scottish Office Good Practice Note 7, “Medical Priority in Housing Allocations”). However, an authority or RSL should not allow its own secondary criteria to dominate its allocation scheme at the expense of factors in the statutory list.

### Factors not to be taken into consideration in allocation of housing

21. Section 20 (2) of the 1987 Act (as amended by section 10 (3) of the 2001 Act) details those factors which local authorities and registered social landlords must not take into account in the allocation of houses held by them for housing purposes.
22. The factors that should not be taken account of are:
- (i) the length of time for which an applicant has resided in its area.

*“area” means the local authority’s administrative area or, in the case of RSLs, the local authority area or areas or parts of such areas in which they operate.*

*This provision is intended to ensure that decisions on priority for housing are not influenced by length of residence. It prevents, for example, the award of points purely for residence in the landlord’s area where the authority or RSL bases its allocations on a points scheme. Its effect is to put applicants who have moved into the area from outside on the same footing as those already living in the area but it does not give incomers any advantage over local residents. It does not prevent landlords from operating separate allocation systems for different parts of their areas or from giving people living in specific neighbourhoods or communities or with past residence there, priority for housing in that neighbourhood or community, providing the assessment of local connection is not determined by length of residence. An example might be where an applicant wishes to return to an area where he or she was born and where family members live. In determining that applicant’s priority for housing, the landlord might wish to award points for local connection with that area. Similarly, landlords are not prevented from giving points for the length of time an applicant has been on the housing list (or time spent in a particular house), provided such points are available to anyone on the list, i.e. whether within or outwith the landlord’s area. For example, landlords may wish to use waiting time to determine priority in allocation between two households with similar levels of need.*

***Landlords must ensure, whatever system they operate, that they give reasonable preference to the categories of applicant specified in section 20 of the 1987 Act as amended.***

(ii) any outstanding liability (such as rent arrears) attributable to a house of which the applicant was not the tenant;

(iii) any rent or other arrears accrued by the applicant on a previous tenancy which are no longer outstanding;

(iv) any such liability which is outstanding but where:

(a) the amount outstanding is not more than 1/12th of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy; or

(b) the applicant:

has agreed arrangements with the landlord for paying the outstanding liability;

has made payments in accordance with that arrangement for at least 3 months; and

is continuing to make such payments.

(v) any outstanding debts (including council tax arrears) of the applicant or anyone who it is proposed will reside with the applicant which do not relate to the tenancy of a house (this would include a previous tenancy), i.e. which are not rent arrears or service charges. This means that any outstanding debts which do relate to the tenancy of a house – i.e. rent or service charges – can be taken into account.

*The provisions at (ii) to (v) above seek to limit the circumstances in which landlords refuse to house an applicant because of their or others' previous debts. It is clearly reasonable for landlords to refuse to house an applicant if he or she has significant outstanding rent arrears or service charges and these provisions do not prevent landlords from doing this. However, it is important to strike a reasonable balance between the interests of applicants and landlords and these provisions prevent landlords from refusing to house an applicant:*

- *because of non-housing debts; or*
- *if they have had arrears of rent or service charges which have since been paid; or*
- *where the rent or service charges arrears amount to no more than a month's charges, (to avoid penalising applicants for purely technical arrears); or*
- *where the applicant has come to an arrangement for paying arrears, has kept to the arrangement for at least three months and is continuing to make the payments. This is designed to help applicants who are making a genuine effort to pay off arrears.*

(vi) the age of the applicant provided that the applicant is 16 years of age or over

except in the allocation of (a) houses which have been designed or substantially adapted for occupation by persons of a particular age group; (b) houses to persons who are, or are to be, in receipt of housing support services (within the meaning of section 91 of the 2001 Act) for persons of a particular age group.

*These exceptions are brought in under section 20 (2A) of the 1987 Act as inserted by section 10 (4) of the 2001 Act. They reflect that whilst age should not be a barrier to getting houses, in some cases, certain housing will be particularly or only suitable for certain age groups, e.g. sheltered housing for older people and, supported housing, such as foyers, for young people.*

(vii) the income of the applicant and his family.

*Income in this context refers to any source of income including benefits.*

(viii) whether or to what value the applicant or any of the applicant's family owns or has owned (or any of them own or have owned) heritable or moveable property.

*The rationale for not taking account of any history of home ownership is that owners can find themselves in necessitous circumstances and require social housing. Such circumstances might include mortgage repossessions, relationship breakdown, loss of employment or other income required to sustain ownership, age, infirmity or the need to be near a relative or carer. As with all allocation decisions, the overriding criterion is that allocations should be made on an objective assessment of need and other relevant factors.*

## Residency

22. In allocating houses held by them for housing purposes, local authorities and RSLs shall take no account of whether an applicant is resident in their area if the applicant:

- i) is employed, or has been offered employment, in the area; or
- ii) wishes to move into the area to seek employment and the landlord is satisfied that this is the applicant's intention; or
- iii) wishes to move into the area to be near a relative or carer; or
- iv) has special social or medical reasons for requiring to be housed within the area; or
- v) wishes to move into the area because of harassment; or
- vi) wishes to move into the area because he or she runs the risk of domestic violence.

- "area" means the local authority's administrative area or, in the case of RSLs, the local authority area or areas or parts of such areas in which they operate.

- *“Harassment” is as defined in section 8 of the Protection from Harassment Act 1997 (c40) as causing a person alarm or distress.*

23. The rationale behind these categories is to remove obstacles within the social sector to the mobility of households between areas where applicants need to move for employment, social or medical reasons or because it has become untenable for them, because of the behaviour of others, to remain in their area.

### **Other Factors**

24. Section 20 (2) (b) of the 1987 Act has not been amended but it now applies to allocations by local authorities and RSLs. It prevents a landlord from imposing a requirement that an application must have remained in force for a minimum period; or that a divorce or judicial separation be obtained; or that the applicant no longer be living with, or in the same house as, some other person, before the applicant is eligible for the allocation of housing.

### **Local Connection**

25. Applicants for housing should not be debarred because they have no local connection with an area, although clearly local connection might be a factor in determining priority. Local connection is a more significant factor in determining which authority has a duty towards homeless applicants.

### **Action for Landlords**

26. Landlords need to review their policies in relation to allocations of houses, waiting lists, published rules and application forms, to ensure that they comply with the new statutory requirements. They must make their tenants aware of any changes. They also need to ensure that housing staff and elected committee members receive appropriate training in the statutory provisions and in the exercise of discretion over those areas such as “reasonable preference” and “unsatisfactory housing conditions” which do not have a statutory definition but decisions on which require to be open and accountable and able to withstand any judicial challenge.

27. Landlords will need to have clear policies on admission to the housing list; the reasonable preference categories; the factors not to be taken into account in allocation of housing; and on residency requirement and to publish these as part of their rules.

28. In relation to persons entitled to move into an area for employment, medical or social reasons or by virtue of harassment or risk of domestic abuse, landlords will require to put in place mechanisms for checking the validity of the reason for the move, such as employment offers, medical certificates, references from a previous landlord, confirmation from a Family Practitioner, Social Worker or Police. In any event, seeking confirmation should be carried out in a sensitive manner.

29. In all cases, a declaration from the tenant on the application form should be sought which, if false or misleading, could lead to a Notice of Proceedings for possession. Staff will require appropriate instructions and training in both the nature of information required and how best to obtain it.

### Publication of Rules

30. The 2001 Act did not change the existing duty on local authorities and RSLs to make rules covering admissions, priority of allocation of houses, transfers and exchanges and to publish these rules (section 21 of the 1987 Act, as amended by section 155 of the Leasehold Reform, Housing and Urban Development Act 1993). Local authorities and RSLs should make sure that the full set of rules is in plain English and is available to all for scrutiny at their offices. In addition, a free summary of the rules must be available to all members of the public on request.
31. In publishing their rules, landlords will need to make arrangements to ensure that they can, as appropriate, give information in different languages, Braille, large print, etc. and that all existing tenants have access to information which tells them of the changes to their statutory rights and responsibilities. This does not necessarily mean the production of information in different formats but it does mean that landlords should build in some assessment of the needs of different tenants and how these needs can be met. Landlords with significant numbers of tenants from a particular ethnic minority or disabled group should consider producing information in a suitable format for each group.

### Role of Councillors

32. Similarly, the 2001 Act did not amend the existing provision which requires Councillors to be excluded from decisions on certain allocations by virtue of section 20 (3) of the 1987 Act as inserted by section 154 of the Leasehold Reform, Housing and Urban Development Act 1993. Section 20 (3) of the 1987 Act excludes the local councillor from a decision on allocating a council house where the house in question is situated, or the applicant for the house in question resides, in the electoral division or ward for which that member is elected. This does not prevent councillors from making factual information known to the Council or from making representations to the Council on behalf of a constituent.

### Implications for Other Allocations and Lettings Initiatives

33. Local authorities and RSLs may currently be involved in other allocations and lettings initiatives and have queries about the possible implications of the new provisions in the 2001 Act.

## Common Housing Registers (CHRs)

34. The Scottish Executive's view is that the practical implementation of the new section 19 of the 1987 Act would be facilitated by common housing registers although they are not, in any sense, a pre-requisite. CHRs do, however, offer a range of advantages to both landlords and tenants and the Scottish Executive has appointed a CHR co-ordinator linked to a Modernising Government initiative which has been developed in association with a number of partner organisations. Section 8 of the 2001 Act also gives Scottish Ministers powers to require local authorities to prepare and submit proposals for implementing CHRs in their area in consultation with RSLs and this is intended as a fallback provision if sufficient progress is not made on a voluntary basis. Further information on CHRs and the Modernising Government Initiative (including a number of factsheets on setting up a CHR which are available free of charge) can be obtained from:

Ms Hilary Third  
CHR Co-ordinator  
Scottish Executive Development Department  
Housing Division 2  
Area 1-G  
Victoria Quay  
Edinburgh  
EH6 6QQ  
(e-mail: [CHRS@scotland.gsi.gov.uk](mailto:CHRS@scotland.gsi.gov.uk))

## Choice Based Letting Schemes

35. There is currently some piloting of choice based letting schemes underway in England and a few local authorities in Scotland have expressed an interest in conducting pilots. There is no single model, but all schemes should have in common a means of giving applicants a degree of choice in selecting a house. When designing a choice based scheme, it is accepted that social landlords must have mechanisms to ensure that sufficient priority is given to homeless and other applicants in housing need. A typical way to address this issue would be to offer applicants a priority card or ticket, often time limited, which would give them a preference for allocation of a house over other applicants.
36. Within the Scottish context, the legislation described above should not act as a significant constraint on the development of choice based letting systems, if landlords wish to go down this route. Landlords must ensure, however, that in designing such a system that they give due weight to offering reasonable preference to applicants in the relevant categories set out in section 20 (1) of the 1987 Act.
37. The Chartered Institute of Housing, on behalf of the Scottish Executive, has commissioned a "thinkpiece" on choice based lettings from the School of Planning and Housing at Heriot Watt University and this should be available in the spring of 2002.

### Local Lettings Initiatives

38. If landlords are currently operating or considering whether to introduce local lettings initiatives in their areas, they will need to take into account the restrictions on residency requirements and the reasonable preference provisions of the legislation. Specifically, landlords will need to test the operation of any existing schemes and any new proposals against the following provisions:
- that in allocating housing no account is taken of whether an applicant is resident in their area in the circumstances specified in paragraph 23 above;
  - that in the selection of their tenants reasonable preference is given to certain categories of households (see paragraph 19 above);
  - that in allocating its housing no account is taken of the length of time that an applicant has resided in its area.

### Contact

39. Any queries on this subject should be addressed, in the first instance, to:

Ms Pat Tracey  
Housing Policy Officer  
Scottish Executive Development Department  
Housing Division 2  
Area 1-G  
Victoria Quay  
Edinburgh  
EH6 6QQ  
(Tel: 0131 244 2023)  
(e-mail: [pat.tracey@scotland.gsi.gov.uk](mailto:pat.tracey@scotland.gsi.gov.uk))

# ANNEX A

## SECTION 19-21 OF THE HOUSING (SCOTLAND) ACT 1987: AS AMENDED BY THE HOUSING (SCOTLAND) ACT 2001

### 19 Admission to housing list.

- (1) An applicant for housing held by a local authority or a registered social landlord is entitled to be admitted to a housing list unless the applicant is under 16 years of age.
- (2) In this section, “housing list” means a list of applicants for housing which is kept by any housing provider or jointly by or on behalf of any two or more housing providers in connection with the allocation of housing held by it or them for housing purposes.
- (3) In subsection (2), “housing provider” means any local authority or any registered social landlord.

### 20 Persons to have priority on housing list and allocation of housing.<sup>1</sup>

- (1) A local authority and a registered social landlord shall, in relation to all houses held by them for housing purposes, secure that in the selection of their tenants a reasonable preference is given –
  - (a) to persons who –
    - (i) are occupying houses which do not meet the tolerable standard; or
    - (ii) are occupying overcrowded houses; or
    - (iii) have large families; or
    - (iv) are living under unsatisfactory housing conditions; and
  - (b) to homeless persons and persons threatened with homelessness (within the meaning of Part II).
- (2) In the allocation of such housing a local authority and a registered social landlord –
  - (a) shall take no account of –
    - (i) the length of time for which an applicant has resided in its area; or
    - (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not, when the liability accrued, a tenant; or
    - (iii) any liability (for payment of rent or otherwise) of the applicant which is attributable to the applicant’s tenancy of a house but which is no longer outstanding; or
    - (iv) any such liability which is outstanding but in respect of which subsection (2A) is satisfied; or
    - (v) any outstanding liability of the applicant or any person who it is proposed will reside with the applicant which is not attributable to the tenancy of a house; or

- (vi) except to the extent permitted by subsection (2B), the age of the applicant provided that he has attained the age of 16 years; or
  - (vii) the income of the applicant and his family; or
  - (viii) whether, or to what value, the applicant or any of his family owns or has owned (or any of them own or have owned) heritable or moveable property;
- (aa) shall take no account of whether an applicant is resident in their area if the applicant –
- (i) is employed, or has been offered employment, in the area; or
  - (ii) wishes to move into the area and they are satisfied that his purpose in doing so is to seek employment; or
  - (iii) wishes to move into the area to be near a relative or carer; or
  - (iv) has special social or medical reasons for requiring to be housed within the area; or
  - (v) is subject to conduct amounting to harassment (“conduct” and “harassment” being construed in accordance with section 8 of the Protection from Harassment Act 1997 (c40)) and wishes to move into the area; or
  - (vi) runs the risk of domestic violence (within the meaning of section 33(3)) and wishes to move into the area; and
- (b) shall not impose a requirement –
- (i) that an application must have remained in force for a minimum period; or
  - (ii) that a divorce or judicial separation be obtained; or
  - (iii) that the applicant no longer be living with, or in the same house as, some other person, before the applicant is eligible for the allocation of housing.
- (2A) This subsection is satisfied in respect of an outstanding liability where:
- (a) the amount of the outstanding liability is not more than one twelfth of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy in question; or
  - (b) the applicant –
    - (i) has agreed with the landlord an arrangement for paying the outstanding liability;
    - (ii) has made payments in accordance with that arrangement for at least three months; and
    - (iii) is continuing to make such payments.
- (2B) A local authority and a registered social landlord may take into account the age of applicants in the allocation of –
- (a) houses which have been designed or substantially adapted for occupation by persons of a particular age group;

- (b) houses to persons who are, or are to be, in receipt of housing support services (within the meaning of section 91 of the Housing (Scotland) Act 2001 (asp 10)) for persons of a particular age group.
- (3) A member of a local authority shall be excluded from a decision on the allocation of local authority housing, or of housing in respect of which the local authority may nominate the tenant, where –
- (a) the house in question is situated; or
  - (b) the applicant for the house in question resides,
- in the electoral division or ward for which that member is elected.
- (4) In the application of this section to registered social landlords, any reference to their area means the local authority area or areas, or the part of that area or those areas, in which the registered social landlord holds houses for housing purposes.

## **21 Publication of rules relating to the housing list and to transfer of tenants.<sup>2</sup>**

- (1) It shall be the duty –
- (a) of every local authority to make and to publish in accordance with subsection (4), and again within 6 months of any alteration thereof, rules governing –
    - (i) the priority of allocation of houses;
    - (ii) the transfer of tenants from houses owned by the landlord to houses owned by other bodies;
    - (iii) exchanges of houses.
- (2) It shall be the duty of every registered social landlord –
- (a) to make rules governing the matters mentioned in subsection (1) (a) (ii) to (iv);
  - (b) within 6 months of the making of rules under paragraph (a), and within 6 months of any alteration of such rules (whether or not made under that paragraph) –
    - (i) to send a copy of them to each of the bodies mentioned in subsection (3); and
    - (ii) to publish them in accordance with subsections (4) and (5).
- (3) The bodies referred to in subsection (2) (b) (i) are –
- (i) the Scottish Ministers;
  - (ii) every local authority within whose area there is a house let, or to be let, by a registered social landlord under a Scottish secure tenancy.

- (4) The rules to be published by a body in accordance with subsection (1) or (2) shall be –
- (a) available for perusal; and
  - (b) on sale at a reasonable price; and
  - (c) available in summary form on request to members of the public, at all reasonable times –
    - (i) in a case where the body is a local authority or a development corporation, at its principal offices and its housing department offices; and
    - (ii) in any other case, at its principal and other offices.
- (5) Rules sent to a local authority in accordance with subsection 2 (b) shall be available for perusal at all reasonable times at its principal offices.
- (6) An applicant for housing provided by a body mentioned in subsection (1) or (2) shall be entitled on request to inspect any record kept by that body of information furnished by him to it in connection with his application.

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**<sup>1</sup>NOTES to s20**

**Amendment**

Sub-s (3): added by the Leasehold Reform, Housing and Urban Development Act 1993, s154.

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**<sup>2</sup>NOTES to s21**

**Amendment**

Sub-s (1): substituted by the Leasehold Reform, Housing and Urban Development Act 1993, s155(1).

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