



Press Summary

THE COURT ORDERED that no one shall publish or reveal the name or address of the Appellant or reveal any information which would be likely to lead to the identification of the Appellant or of any member her family in connection with these proceedings.

9 April 2025

Glasgow City Council (Respondent) v X (Appellant)

[2025] UKSC 13

On appeal from [2023] CSIH 7

Justices: Lord Reed (President), Lord Hodge (Deputy President), Lord Sales, Lord Hamblen and Lady Simler

Background to the Appeal

This appeal concerns the scope of the interim duty imposed on local authorities to secure temporary accommodation for qualifying homeless people in Scotland.

Following a grant of asylum and refugee status, the appellant and her family were no longer entitled to Home Office accommodation. They became homeless persons and the obligation to house them passed to the respondent as the relevant local authority. The appellant's household consists of the appellant, her husband, and four children including a son with autism and special needs.

In February 2021 the respondent local authority secured temporary accommodation for the family in accordance with the mandatory duty to secure interim accommodation under section 29(1) of the Housing (Scotland) Act 1987 (“**the 1987 Act**”). The accommodation was a four-apartment property (three bedrooms and a living room). The household's permanent accommodation needs were later assessed as a five-apartment property to accommodate their son's additional support needs. The difficulty facing the respondent local authority was that five-apartment properties were in short supply which meant that larger households had to wait longer for an offer of settled housing than smaller households.

The appellant challenged the four-apartment accommodation provided as unsuitable and contended that the respondent acted unlawfully in securing it on her behalf. She relied on article 4(b) of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (“**the 2014 Order**”) which sets out what is “unsuitable” accommodation in all circumstances where the interim duty applies. The question on appeal is whether interim accommodation is unsuitable

within the meaning of the 2014 Order unless it meets all the needs of a homeless applicant and each member of the applicant's household. The answer to that question depends on the meaning and effect of the phrase "taking into account the needs of the household" as it appears in article 4(b) of the 2014 Order.

The Outer House of the Court of Session decided the question in favour of the appellant, holding that the respondent local authority had acted unlawfully by providing the appellant with unsuitable temporary accommodation. This decision was overturned on appeal by the Inner House of the Court of Session. The appellant now appeals to the Supreme Court.

Judgment

The Supreme Court unanimously dismisses the appeal. Lady Simler gives the only judgment, with which the other justices agree.

Reasons for the Judgment

The starting point is the words of article 4(b) read with section 29 of the 1987 Act in the wider legislative context. Part II of the 1987 Act deals with the imposition of duties on local housing authorities to people facing the immediate problem of homelessness. There are two separate duties: an interim duty to secure temporary accommodation imposed by section 29 and a duty to secure permanent accommodation imposed by section 31 [39].

Article 4 of the 2014 Order applies "in all circumstances" where the interim duty applies. It describes accommodation that is, in all circumstances, unsuitable [41]. Accommodation is unsuitable if the accommodation is "not suitable for occupation by a homeless household, taking into account the needs of the household" (article 4(b)). The concept of the "needs of the household" is also relevant at the section 31 (permanent accommodation duty) stage. At this stage accommodation must both meet any special needs of the homeless applicant or her household (section 32(5)(b)) and be "reasonable for the applicant to occupy" (section 32(5)(c)) [42] – [43].

There is a fundamental distinction drawn by the legislation between the duty to *meet needs* imposed in relation to permanent accommodation and the duty to *take account of needs* imposed in relation to interim accommodation. The first is a results or outcome driven duty and the second is a process duty requiring needs to be considered but not requiring them to be met [44].

This distinction is unsurprising. The statutory scheme envisages that a local authority will come under a duty to secure temporary accommodation under section 29 before a full needs assessment can take place. It is therefore understandable that no obligation to achieve a particular outcome (by providing accommodation that meets needs) is imposed at the interim duty stage. On the other hand, the strikingly different language in sections 31 and 32(5) reflects the fact that the obligation to secure permanent accommodation is more demanding [45]. That difference is important. Accommodation provided under section 29 is a staging post along the way to permanent accommodation under section 31. As a matter of practical reality, there are likely to be cases where what is suitable for a homeless person to occupy on an interim basis while the authority completes its inquiries or looks for permanent accommodation, will be different to what is suitable in the longer term [46].

The distinction between meeting needs and taking needs into account is supported by the language in other provisions of the 2014 Order. First, where the legislature intends the 2014 Order to provide that accommodation will be unsuitable unless it meets a certain requirement or need, it says so. For example, other subparagraphs in articles 4 and 5 use the language of 'meeting' certain standards [47]. Secondly, article 5 specifies certain additional suitability

factors and by article 6, these can be derogated from in an emergency or other specified circumstances. But article 4 cannot be disapplied. If article 4(b) meant that a local authority had to meet all the needs of an applicant and her household, this would create an incoherent scheme whereby the local authority could derogate from various requirements in an emergency but would remain under a duty to meet all the needs of a household [48].

Applying the scheme (properly understood) to the facts of this case, the accommodation secured for the appellant by the respondent authority did not *meet* the needs of her household as permanent accommodation would have to do. It was not required to do so. The respondent was required to *take account the needs* of the appellant's household in deciding what accommodation would be suitable and the evidence shows that the respondent did so [55] – [56]. The respondent's decision had proper regard for articles 4 and 5 of the 2014 Order and took into account the household's needs (including those of the appellant's son). It was well within the range of reasonable decisions open to the authority. It was accordingly a lawful decision [57].

References in square brackets are to paragraphs in the judgment.

NOTE:

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [Decided cases - The Supreme Court](#)