



Housing (Scotland) Act 2010

2010 asp 17

PART 8

REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

Companies: restructuring and winding up

[^{F1}100A Restructuring by company: proposed restructuring

- (1) [^{F2}Subsections (2) and (3) apply] where—
 - (a) a court order is made in respect of the company under section 896 of the Companies Act 2006,
 - (b) the meeting summoned by the court order is to agree a restructuring of a type mentioned in section 900(1) of that Act, ^{F3}...
 - [^{F4}(c) the restructuring will result in a tenant under a Scottish secure tenancy ceasing to be a tenant of the company in respect of which the order is made, and
 - (d) the company is not being wound up and is not in administration.]
 - (2) The company must comply with sections 115 to 120 (as applied by subsection (3)) in relation to the proposed restructuring.
 - (3) Sections 115 to 120 apply in relation to a proposed restructuring to which [^{F5}this subsection] applies as they apply in relation to a proposed disposal to which section 107(4) applies, subject to the modification that section 115A(2) has effect as if, for paragraph (b), there were substituted—
 - “(b) before the meeting summoned by the court order under section 896 of the Companies Act 2006 takes place.”.]
- [^{F6}(4) Subsections (5) and (6) apply where—
- (a) a court order is made in respect of the company under section 901C(1) of the Companies Act 2006,
 - (b) the meeting summoned by the court order is to agree a restructuring of a type mentioned in section 901J(1) of that Act,
 - (c) the restructuring will result in a tenant under a Scottish secure tenancy ceasing to be a tenant of the company in respect of which the order is made, and
 - (d) the company is not being wound up and is not in administration.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 100A. (See end of Document for details)

- (5) The company must comply with sections 115 to 120 (as applied by subsection (6)) in relation to the proposed restructuring.
- (6) Sections 115 to 120 apply in relation to a proposed restructuring to which this subsection applies as they apply in relation to a proposed disposal to which section 107(4) applies, subject to the modification that section 115A(2) has effect as if, for paragraph (b), there were substituted—
- “(b) before the meeting summoned by the court order under section 901C of the Companies Act 2006 takes place,”]

Textual Amendments

- F1** S. 100A inserted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\), ss. 6\(8\), 11\(2\); S.S.I. 2018/253, reg. 2\(2\)](#)
- F2** Words in s. 100A(1) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 47\(2\)\(a\)](#) (with ss. 2(2), 5(2))
- F3** Word in s. 100A(1) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 47\(2\)\(b\)](#) (with ss. 2(2), 5(2))
- F4** S. 100A(1)(c)(d) substituted (26.6.2020) for s. 100A(1)(c) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 47\(2\)\(c\)](#) (with ss. 2(2), 5(2))
- F5** Words in s. 100A(3) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 47\(3\)](#) (with ss. 2(2), 5(2))
- F6** S. 100A(4)-(6) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 47\(4\)](#) (with ss. 2(2), 5(2))

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There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 100A.