



Housing (Scotland) Act 2010

2010 asp 17

PART 8

REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

Companies: restructuring and winding up

[^{F1}101 Restructuring of company

(1) This section applies where—

- (a) a court order is made in respect of a company under section 899 or 900 of the Companies Act 2006, and
- (b) the restructuring to which the order relates is of a type mentioned in section 900(1) of that Act.

[^{F2}(1A) This section also applies where—

- (a) a court order is made in respect of a company under section 901F or 901J of the Companies Act 2006, and
- (b) the restructuring to which the order relates is of a type mentioned in section 901J(1) of that Act.]

(2) Where section 100A applies in relation to a restructuring, a court order mentioned in subsection (1) [^{F3}or (1A)] in relation to the same restructuring has effect only if—

- (a) the company confirms the matters mentioned in subsection (3), and
- (b) a copy of the confirmation accompanies the copy of the order delivered to the registrar of companies in accordance with section 900(6) [^{F4}or (as the case may be) section 901J(6)] of the Companies Act 2006.

(3) The matters are that, before the order was made—

- (a) the company complied with sections 115 and 115A(1) (as applied by section 100A(3) [^{F5}or (6) (as the case may be)]), and
- (b) a majority of tenants—
 - (i) voting in a ballot conducted under section 115A(1)(a) wish the restructuring to proceed, or, as the case may be,
 - (ii) whose written agreement to the restructuring was sought under section 115A(1)(b) have given that agreement.

*Changes to legislation: There are currently no known outstanding effects for the
 Housing (Scotland) Act 2010, Section 101. (See end of Document for details)*

- (4) The company must, as soon as reasonably practicable after the order is made (and, in a case to which subsection (2) applies, no later than 28 days after that event), give notice of the restructuring to the Regulator.
- (5) Where the whole or any part of the undertaking and property and liabilities of the company are transferred to another company in pursuance of an order under section 900 [^{F6}or 901J] of the Companies Act 2006, that other company is to be included in the register (and is to be treated as so included pending such inclusion).]

Textual Amendments

- F1** S. 101 substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\), ss. 6\(9\), 11\(2\); S.S.I. 2018/253, reg. 2\(2\)](#) (with [reg. 8](#))
- F2** S. 101(1A) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 48\(2\)](#) (with [ss. 2\(2\), 5\(2\)](#))
- F3** Words in s. 101(2) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 48\(3\)\(a\)](#) (with [ss. 2\(2\), 5\(2\)](#))
- F4** Words in s. 101(2)(b) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 48\(3\)\(b\)](#) (with [ss. 2\(2\), 5\(2\)](#))
- F5** Words in s. 101(3)(a) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 48\(4\)](#) (with [ss. 2\(2\), 5\(2\)](#))
- F6** Words in s. 101(5) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 48\(5\)](#) (with [ss. 2\(2\), 5\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 101.