



# Co-operative and Community Benefit Societies Act 2014

## 2014 CHAPTER 14

### PART 9

#### AMALGAMATIONS, CONVERSIONS, DISSOLUTION ETC

##### *Voluntary arrangements and administration*

#### **118 Power to apply provisions about company arrangements and administration** [<sup>F1</sup>etc]

- (1) The Treasury may with the concurrence of the Secretary of State by order [<sup>F2</sup>—
- (a) provide for Part A1 of the Insolvency Act 1986 (moratorium) to apply (with or without modifications) in relation to registered societies;
  - (b)] provide for a company arrangement or administration provision to apply (with or without modifications) in relation to registered societies.
- (2) “Company arrangement or administration provision” means—
- (a) a provision of Part 1 of the Insolvency Act 1986 (company voluntary arrangements);
  - (b) a provision of Part 2 of that Act (administration);
  - (c) Part 26 of the Companies Act 2006 (compromise or arrangement with creditors).
  - [<sup>F3</sup>(d) Part 26A of that Act (compromise or arrangement with creditors where company in financial difficulty).]
- (3) The order may not provide for a company arrangement or administration provision to apply in relation to a society that is—
- (a) a private registered provider of social housing, or
  - (b) registered as a social landlord under Part 1 of the Housing Act 1996 or Part 2 of the Housing (Scotland) Act 2010 (asp 17).

*Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Section 118. (See end of Document for details)*

- [<sup>F4</sup>(3A) The order may not make any provision that could be made under subsection (3B) or (3C).
- (3B) The Welsh Ministers may by regulations made by statutory instrument make provision under the law of England and Wales for Part A1 of the Insolvency Act 1986 to apply (with or without modifications) in relation to a society that is registered as a social landlord under Part 1 of the Housing Act 1996.
- (3C) The Scottish Ministers may by regulations make provision under the law of Scotland for Part A1 of the Insolvency Act 1986 to apply (with or without modifications) in relation to a society that is registered as a social landlord under Part 2 of the Housing (Scotland) Act 2010 (asp 17).]
- (4) [<sup>F5</sup>An order or regulations under this section] may—
- (a) make provision generally or for a specified purpose only;
  - (b) make different provision for different purposes;
  - (c) make transitional, consequential or incidental provision.
- (5) Provision made by virtue of subsection (4)(c) may, in particular—
- (a) apply an enactment (with or without modifications);
  - (b) amend an enactment (including any provision of this Act except this section).
- [<sup>F6</sup>(5A) A statutory instrument containing regulations under subsection (3B) is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (5B) Regulations made by the Scottish Ministers under subsection (3C) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).]
- (6) Section 277 of the Enterprise Act 2002 (power of Secretary of State to make supplementary, consequential or incidental provision) has effect as if this section were part of that Act.

#### Textual Amendments

- F1** Word in s. 118 heading inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 52\(2\)](#) (with ss. 2(2), 5(2))
- F2** Word in s. 118(1) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 52\(3\)](#) (with ss. 2(2), 5(2))
- F3** S. 118(2)(d) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 9 para. 50](#) (with ss. 2(2), 5(2))
- F4** S. 118(3A)-(3C) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 52\(4\)](#) (with ss. 2(2), 5(2))
- F5** Words in s. 118(4) substituted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 52\(5\)](#) (with ss. 2(2), 5(2))
- F6** S. 118(5A)(5B) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 52\(6\)](#) (with ss. 2(2), 5(2))

#### Modifications etc. (not altering text)

- C1** S. 118(1)(a)(3B)(3C) extended (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 4 para. 92](#) (with ss. 2(2), 5(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Section 118.