
STATUTORY INSTRUMENTS

2018 No. 719

The Housing Administration (England and Wales) Rules 2018

PART 5

CLAIMS BY AND DISTRIBUTIONS TO CREDITORS

CHAPTER 1

Interpretation

Interpretation

5.1.—(1) In this Part, the following definitions apply—

“Debt” means (subject to the next paragraph) any of the following—

- (a) any debt or liability to which the registered provider is subject at the relevant date;
- (b) any debt or liability to which the registered provider may become subject after the relevant date by reason of any obligation incurred before that date;
- (c) any interest provable as mentioned in rule 5.23; and

“dividend” includes a distribution;

“small debt” means a debt (being the total amount owed to a creditor) which does not exceed £1,000 (which amount is prescribed for the purposes of paragraph 13A of Schedule 8 to the Act⁽¹⁾);

“provable debt” has the meaning given in rule 5.2;

“relevant date” means the date on which the registered provider went into housing administration.

(2) Any liability in tort is a debt provable in the housing administration, if either—

- (a) the cause of action has accrued at the relevant date; or
- (b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(3) It is immaterial whether the debt or liability is present or future, whether it is certain or contingent, or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and reference to owing a debt are to be read accordingly.

(4) Except in so far as the context otherwise requires, “liability” means (subject to paragraph (2)) a liability to pay money or money’s worth, including any liability under an enactment, a liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.

(1) Paragraph 13A was inserted into Schedule 8 by section 131 of the Small Business, Enterprise and Employment Act 2015 (c. 26).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
