



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 2

REGULATION OF SOCIAL HOUSING

CHAPTER 4

REGISTERED PROVIDERS

Insolvency etc.

152 Proposals

- (1) During a moratorium the regulator may make proposals about the future ownership and management of the registered provider's land, with a view to ensuring that the property will be properly managed by a registered provider.
- (2) In making proposals the regulator shall—
 - (a) have regard to the interests of the registered provider's creditors as a whole, and
 - (b) so far as is reasonably practicable avoid worsening the position of unsecured creditors.
- (3) Proposals may provide for the appointment of a manager in accordance with section 155 to implement all or part of the proposals.
- (4) Proposals may not include anything which would result in—
 - (a) a preferential debt being paid otherwise than in priority to a non-preferential debt,^{F1}...
 - [^{F2}(aa) an ordinary preferential debt being paid otherwise than in priority to a secondary preferential debt,]

Status: Point in time view as at 09/02/2017. This version of this provision has been superseded.

Changes to legislation: Housing and Regeneration Act 2008, Section 152 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a preferential creditor (PC1) being paid a smaller proportion of [^{F3}an ordinary preferential debt] than another preferential creditor (PC2) (unless PC1 consents) [^{F4}or
 - (c) a preferential creditor (PC1) being paid a smaller proportion of a secondary preferential debt than another preferential creditor (PC2) (unless PC2 consents).]
- (5) Proposals relating to a registered provider which is a charity (C1)—
- (a) may not require it to act outside the terms of its trusts, and
 - (b) may provide for the disposal of accommodation only to another charity whose objects the regulator thinks are similar to those of C1.

Textual Amendments

- F1** Word in s. 152(4)(a) omitted (1.1.2015) by virtue of [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(a)** (with art. 3)
- F2** S. 152(4)(aa) inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(b)** (with art. 3)
- F3** Words in s. 152(4)(b) substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(c)** (with art. 3)
- F4** S. 152(4)(c) and preceding word inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(d)** (with art. 3)
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Commencement Information

- I1** S. 152 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

Status:

Point in time view as at 09/02/2017. This version of this provision has been superseded.

Changes to legislation:

Housing and Regeneration Act 2008, Section 152 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.