

Status: Point in time view as at 01/10/2012.

Changes to legislation: Housing Act 1996, Part II is up to date with all changes known to be in force on or before 13 April 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)

SCHEDULES

SCHEDULE 1

REGISTERED SOCIAL LANDLORDS: REGULATION

PART II

CONSTITUTION, CHANGE OF RULES, AMALGAMATION AND DISSOLUTION

General power to remove [F1 officer]

Textual Amendments

- F1** Words in Sch. 1 para. 4 heading substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. **84(2)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

- 4 (1) The [F2 Relevant Authority] may, in accordance with the following provisions, by order remove [F3 an officer of a registered social landlord] —
- F4(a)
 - F4(b)
 - F4(c)
- (2) The [F2 Relevant Authority] may make an order removing any such person if—
- (a) he has been adjudged bankrupt or [F5 a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of him, or he] has made an arrangement with his creditors;
 - [F6(b)] he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002;]
 - (c) he is subject to an order under section 429(2) of the M1 Insolvency Act 1986 (failure to pay under county court administration order);
 - (d) he is disqualified under [F7 section 178 of the Charities Act 2011] from being a charity trustee;
 - (e) he is incapable of acting by reason of mental disorder;
 - (f) he has not acted; or
 - (g) he cannot be found or does not act and his absence or failure to act is impeding the proper management of the registered social landlord's affairs.
- (3) Before making an order the [F2 Relevant Authority] shall give at least 14 days' notice of its intention to do so to the person whom it intends to remove, and to the registered social landlord.

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- (4) That notice may be given by post, and if so given to the person whom the [F2 Relevant Authority] intend to remove may be addressed to his last known address in the United Kingdom.
- (5) A person who is ordered to be removed under this paragraph may appeal against the order to the High Court.

Textual Amendments

- F2** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F3** Words in Sch. 1 para. 4(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 84(3)(a), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F4** Sch. 1 para. 4(1)(a)-(c) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), **ss. 84(3)(b), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F5** Words in Sch. 1 para. 4(2)(a) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 36** (with art. 5)
- F6** Sch. 1 para. 4(2)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(b)** (with art. 10)
- F7** Words in Sch. 1 para. 4(2)(d) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 72(2)** (with s. 20(2), Sch. 8)

Marginal Citations

- M1** 1986 c. 45.

Restriction on power of removal in case of registered charity

- 5 (1) The [F8 Relevant Authority] may make an order under paragraph 4 removing [F9 an officer] of a registered charity only if the charity has [F10 received public assistance]^{F11}...

^{F12}(2)

Textual Amendments

- F8** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F9** Words in Sch. 1 para. 5(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 84(4), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F10** Words in Sch. 1 para. 5(1) inserted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(a)(i)**; S.I. 2011/2475, arts. 1(2), 2(v)
- F11** Words in Sch. 1 para. 5(1) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(a)(ii)**; S.I. 2011/2475, arts. 1(2), 2(v)
- F12** Sch. 1 para. 5(2) omitted (18.10.2011) by virtue of Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 13(b)**; S.I. 2011/2475, arts. 1(2), 2(v)

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Registered charity: power to appoint new ^{F13}officer]

Textual Amendments

F13 Words in Sch. 1 para. 6 cross-heading substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), [ss. 85\(2\), 90\(2\)](#); [S.I. 2011/2475](#), [arts. 1\(2\), 2\(s\)](#)

- 6 (1) The ^{F14}Relevant Authority] may by order appoint a person to be a ^{F15}officer] of a registered social landlord which is a registered charity—
- in place of a person removed by the ^{F14}Relevant Authority],
 - where there are ^{F16}no officers] , or
 - where the ^{F14}Relevant Authority] is of the opinion that it is necessary for the proper management of the charity’s affairs to have an additional ^{F17}officer] .

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of ^{F18}officers] permissible under the charity’s constitution to be exceeded.

- (2) The ^{F14}Relevant Authority] shall only exercise its power under sub-paragraph (1) if—
- the charity has, at any time before the power is exercised, received ^{F19}public assistance] , and
 - the ^{F14}Relevant Authority] has consulted the ^{F20}Charity Commission] .
- (3) A person may be so appointed notwithstanding any restrictions on appointment in the charity’s constitution or rules.
- (4) A person appointed under this paragraph shall hold office for such period and on such terms as the ^{F14}Relevant Authority] may specify; and on the expiry of the appointment the ^{F14}Relevant Authority] may renew the appointment for such period as it may specify.

This does not prevent a person appointed under this paragraph from retiring in accordance with the charity’s constitution or rules.

- (5) A person appointed under this paragraph as ^{F21}an officer] of a registered charity is entitled—
- to attend, speak and vote at any general meeting of the charity and to receive all notices of and other communications relating to any such meeting which a member is entitled to receive,
 - to move a resolution at any general meeting of the charity, and
 - to require a general meeting of the charity to be convened within 21 days of a request to that effect made in writing to the directors or trustees.

Textual Amendments

F14 Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140](#), [Sch. 16 para. 82\(1\)\(2\)](#) (with [ss. 139\(2\), 141\(1\), 143\(2\)](#)); [S.I. 1998/2244](#), [art.5](#).

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- F15** Words in Sch. 1 para. 6(1) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(3\)\(a\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)
- F16** Words in Sch. 1 para. 6(1)(b) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(3\)\(b\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)
- F17** Words in Sch. 1 para. 6(1)(c) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(3\)\(c\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)
- F18** Words in Sch. 1 para. 6(1) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(3\)\(d\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)
- F19** Words in Sch. 1 para. 6(2)(a) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), s. 90\(2\), **Sch. para. 14**; S.I. 2011/2475, arts. 1\(2\), 2\(v\)](#)
- F20** Words in Sch. 1 para. 6(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), **Sch. 8 para. 192\(2\)**; S.I. 2007/309, art. 2, Sch.](#)
- F21** Words in Sch. 1 para. 6(5) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(3\)\(e\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)

Company: power to appoint new ^[F22]officer

Textual Amendments

- F22** Word in Sch. 1 para. 7 cross-heading substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 85\(4\), 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(s\)](#)

- 7 (1) The ^[F23]Relevant Authority] may by order appoint a person to be ^[F24]an officer] of a registered social landlord which is ^[F25]a company] —
- (a) in place of ^[F24]an officer] removed by the ^[F23]Relevant Authority],
 - (b) where there are ^[F26]no officers] , or
 - (c) where the ^[F23]Relevant Authority] is of the opinion that it is necessary for the proper management of the company’s affairs to have an additional ^[F27]officer] .
- (2) A person may be so appointed whether or not he is a member of the company and notwithstanding anything in the company’s articles of association.
- (3) Where a person is appointed under this paragraph—
- (a) he shall hold office for such period and on such terms as the ^[F23]Relevant Authority] may specify, and
 - (b) on the expiry of the appointment the ^[F23]Relevant Authority] may renew the appointment for such period as it may specify.

This does not prevent a person from retiring in accordance with the company’s articles of association.

- ^[F28](4) A person appointed under this paragraph is entitled—
- (a) to receive all such communications relating to a written resolution proposed to be agreed to by the company as are required to be supplied to a member of the company;
 - (b) to receive all notices of, and other communications relating to, any general meeting which a member of the company is entitled to receive, and to attend, speak and vote at any such meeting;

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- (c) to move a resolution at any general meeting of the company; and
- (d) to require a general meeting of the company to be convened within 21 days of a request to that effect made in writing to the directors of the company.]

Textual Amendments

- F23** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F24** Words in Sch. 1 para. 7(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(5)(a), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F25** Words in Sch. 1 para. 7(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)
- F26** Words in Sch. 1 para. 7(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(5)(b), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F27** Word in Sch. 1 para. 7(1)(c) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(5)(c), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F28** Sch. 1 para. 7(4) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3) (a), **Sch. 4 para. 88(2)** (with art. 12)

Industrial and provident society: power to appoint [F29 officer]

Textual Amendments

- F29** Words in Sch. 1 para. 8 cross-heading substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(6), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)

- 8 (1) The [F30 Relevant Authority] may by order appoint a person to be [F31 an officer] of a registered social landlord which is an industrial and provident society—
- (a) in place of a person removed by the [F30 Relevant Authority],
 - (b) where there are [F32 no officers], or
 - (c) where the [F30 Relevant Authority] is of the opinion that it is necessary for the proper management of the society's affairs to have an additional [F33 officer].

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of [F34 officers] permissible under the society's constitution to be exceeded.

- (2) A person may be so appointed whether or not he is a member of the society and, if he is not, notwithstanding that the rules of the society restrict appointment to members.
- (3) A person appointed under this paragraph shall hold office for such period and on such terms as the [F30 Relevant Authority] may specify; and on the expiry of the appointment the [F30 Relevant Authority] may renew the appointment for such period as it may specify.

This does not prevent a person appointed under this paragraph from retiring in accordance with the rules of the society.

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- (4) A person appointed under this paragraph is entitled—
- (a) to attend, speak and vote at any general meeting of the society and to receive all notices of and other communications relating to any general meeting which a member of the society is entitled to receive,
 - (b) to move a resolution at any general meeting of the society, and
 - (c) to require a general meeting of the society to be convened within 21 days of a request to that effect made in writing to the committee of the society.

Textual Amendments

- F30** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F31** Words in Sch. 1 para. 8(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(a), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F32** Words in Sch. 1 para. 8(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(d), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F33** Words in Sch. 1 para. 8(1)(c) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(c), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)
- F34** Words in Sch. 1 para. 8(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(7)(b), 90(2)**; S.I. 2011/2475, arts. 1(2), 2(s)

Change of rules, &c. by industrial and provident society

- 9 (1) This paragraph applies to an industrial and provident society whose registration as a social landlord has been recorded by the [^{F35}Financial Services Authority].
- (2) Notice shall be sent to the [^{F36}Relevant Authority] of any change of the society's name or of the situation of its registered office.
- (3) Any other amendment of the society's rules is not valid without the Corporation's consent ^{F37}...
- [^{F38}(3A) Consent under sub-paragraph (3)—
- (a) if given by the Housing Corporation, shall be given by order under its seal, and
 - (b) [^{F39}Consent given by] the [^{F40}Welsh Ministers][^{F41}under sub-paragraph (3)], shall be given by order in writing.]
- (4) A copy of that consent shall be sent with the copies of the amendment required by section 10(1) of the ^{M2}Industrial and Provident Societies Act 1965 to be sent to the [^{F35}Financial Services Authority].
- (5) The Industrial and Provident Societies Act 1965 applies in relation to the provisions of this paragraph as if they were contained in section 10 of that Act (amendment of registered rules).

Textual Amendments

- F35** Words in Sch. 1 para. 9(1)(4) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(2)**
- F36** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.

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- F37** Words in Sch. 1 para. 9(3) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 96(2)(a), **Sch. 18 Pt. VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F38** Sch. 1 para. 9(3A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(2)(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5**.
- F39** Words in Sch. 1 para. 9(3A)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(2)(a)** (with art. 6, Sch. 3)
- F40** Words in Sch. 1 para. 9(3A)(b) substituted (1.4.2010) by Housing and Regeneration Act 2008 (c. 17), **ss. 62(a), 325(1)**; S.I. 2010/862, art. 2 (with Sch.)
- F41** Words in Sch. 1 para. 9(3A)(b) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(2)(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 9(3A) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Marginal Citations

- M2** 1965 c. 12.

Change of objects by certain charities

- 10 (1) This paragraph applies to a registered social landlord—
- which is a registered charity and is not ^[F42]a company, and
 - whose registration under this Part of this Act has been recorded by the ^[F43]Charity Commission in accordance with section 3(3).
- (2) No power contained in the provisions establishing the registered social landlord as a charity, or regulating its purposes or administration, to vary or add to its objects may be exercised without the consent of the ^[F43]Charity Commission .
- Before giving ^[F44]its consent the ^[F43]Charity Commission shall consult the ^[F45]Relevant Authority].

Textual Amendments

- F42** Words in Sch. 1 para. 10(1)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(c)** (with art. 10)
- F43** Words in Sch. 1 para. 10(1)(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(3)(a)**; S.I. 2007/309, art. 2, Sch.
- F44** Word in Sch. 1 para. 10(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(3)(b)**; S.I. 2007/309, art. 2, Sch.
- F45** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

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Change of [^{F46}articles] of company

Textual Amendments

F46 Word in Sch. 1 para. 11 heading substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(d)(i)** (with art. 10)

- 11 (1) This paragraph applies to [^{F47}a company (including a company that is a registered charity)] whose registration as a social landlord has been recorded by the registrar of companies.
- (2) Notice shall be sent to the [^{F48}Relevant Authority] of any change of the company's name or of the address of its registered office.
- (3) Any other alteration of the company's [^{F49}articles] of which notice is required to be given to the registrar of companies is not valid without the Corporation's consent ^{F50}...
- [^{F51}(3A) Consent under sub-paragraph (3)—
- (a) if given by the Housing Corporation, shall be given by order under its seal, and
- (b) [^{F52}Consent given by] the [^{F53}Welsh Ministers][^{F54}under sub-paragraph (3)] , shall be given by order in writing.]
- (4) A copy of that consent shall be sent [^{F55}with the copy of the resolution making the alterations that is required to be sent to the registrar of companies under section 30 of the Companies Act 2006] .

Textual Amendments

- F47** Words in Sch. 1 para. 11(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(d)(ii)** (with art. 10)
- F48** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F49** Word in Sch. 1 para. 11(3) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(d)(iii)** (with art. 10)
- F50** Words in Sch. 1 para. 11(3) repealed (1.11.1998) by 1998 c. 38, ss. 140, 152, Sch. 16 para. 96(2)(a), **Sch. 18 Pt.VI** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F51** Sch. 1 para. 11(3A) inserted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(2)(b)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F52** Words in Sch. 1 para. 11(3A)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 106(3)(a)** (with art. 6, Sch. 3)
- F53** Words in Sch. 1 para. 11(3A)(b) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 62(a)**, 325(1); S.I. 2010/862, **art. 2** (with Sch.)
- F54** Words in Sch. 1 para. 11(3A)(b) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 106(3)(b)** (with art. 6, Sch. 3)

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F55 Words in Sch. 1 para. 11(4) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3) (a), [Sch. 4 para. 88\(3\)](#) (with art. 12)

Modifications etc. (not altering text)

C2 Sch. 1 para. 11(3A) modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, [Sch. para. 5](#) (with art. 6)

Amalgamation and dissolution &c. of industrial and provident society

- 12 (1) This paragraph applies to an industrial and provident society whose registration as a social landlord has been recorded by the [^{F56}Financial Services Authority].
- (2) The [^{F57}Financial Services Authority] shall not register a special resolution which is passed for the purposes of—
- (a) section 50 of the ^{M3}Industrial and Provident Societies Act 1965 (amalgamation of societies),
 - (b) section 51 of that Act (transfer of engagements between societies), or
 - (c) section 52 of that Act (power of a society to convert itself into, amalgamate with or transfer its engagements to [^{F58}a company]),
- unless, together with the copy of the resolution, there is sent to [^{F59}it] a copy of the [^{F60}Relevant Authority's] consent to the amalgamation, transfer or conversion.
- (3) Any new body created by the amalgamation or conversion or, in the case of a transfer of engagements, the transferee, shall be deemed to be registered as a social landlord forthwith upon the amalgamation, conversion or transfer taking effect.
- (4) If the society resolves by special resolution that it be wound up voluntarily under the ^{M4}Insolvency Act 1986, the resolution has no effect unless—
- (a) before the resolution was passed the [^{F60}Relevant Authority] gave its consent to its passing, and
 - (b) a copy of the consent is forwarded to the [^{F61}Financial Services Authority] together with a copy of the resolution required to be so forwarded in accordance with [^{F62}section 55(3) of the Industrial and Provident Societies Act 1965].
- (5) If the society is to be dissolved by instrument of dissolution, the [^{F63}Financial Services Authority] shall not—
- (a) register the instrument in accordance with section 58(5) of the ^{M5}Industrial and Provident Societies Act 1965, or
 - (b) cause notice of the dissolution to be advertised in accordance with section 58(6) of that Act,
- unless together with the instrument there is sent to [^{F64}it] a copy of the [^{F60}Relevant Authority's] consent to its making.
- (6) The references in this paragraph to the [^{F60}Relevant Authority's] consent [^{F65}are—
- (a) if it is given by the Housing Corporation, to consent given by order under its seal, and

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- (b) [^{F66}Consent given by] the [^{F67}Welsh Ministers][^{F68}under this paragraph shall be] given by order in writing.]

Textual Amendments

- F56** Words in Sch. 1 para. 12(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(a)**
- F57** Words in Sch. 1 para. 12(2) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(b)(i)**
- F58** Words in Sch. 1 para. 12(2)(c) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)
- F59** Word in Sch. 1 para. 12(2) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(b)(ii)**
- F60** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5.**
- F61** Words in Sch. 1 para. 12(4)(b) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(c)**
- F62** Words in Sch. 1 para. 12(4)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(10)(e)** (with art. 10)
- F63** Words in Sch. 1 para. 12(5) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(d)(i)**
- F64** Word in Sch. 1 para. 12(5) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 357(3)(d)(ii)**
- F65** Sch. 1 para. 12(6)(a)(b) and the word “are” immediately preceding substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 5.**
- F66** Words in Sch. 1 para. 12(6)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(4)(a)** (with art. 6, Sch. 3)
- F67** Words in Sch. 1 para. 12(6) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 15**; S.I. 2011/2475, arts. 1(2), 2(v)
- F68** Words in Sch. 1 para. 12(6)(b) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 1(2), **Sch. 2 para. 106(4)(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C3** Sch. 1 para. 12(6)(a) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Marginal Citations

- M3** 1965 c. 12.
M4 1986 c. 45.
M5 1965 c. 12.

Arrangement, reconstruction, &c. of company

- 13 (1) This paragraph applies to [^{F69}a company] whose registration as a social landlord has been recorded by the registrar of companies.
- (2) An order of the court given for the purposes of [^{F70}section 899 of the Companies Act 2006] (compromise or arrangement with creditors or members) is not effective unless the [^{F71}Relevant Authority] has given its consent.

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A copy of the consent shall be sent to the registrar of companies along with the office copy of the order delivered to him under that section.

- (3) An order of the court given for the purposes of [F72section 900 of the Companies Act 2006] (transfer of undertaking or property for purposes of reconstruction or amalgamation) is not effective unless the [F71Relevant Authority] has given its consent.

A copy of the consent shall be sent to the registrar of companies along with the office copy of the order delivered to him under that section.

- (4) The registrar of companies shall not register any resolution under section 53 of the Industrial and Provident Societies Act 1965 (conversion of company into industrial and provident society), unless, together with the copy of the resolution, there is sent to him a copy of the [F71Relevant Authority's] consent to the conversion.
- (5) Where a director, administrator or liquidator of the company proposes to make a voluntary arrangement with the company's creditors under section 1 of the M6Insolvency Act 1986, the arrangement shall not take effect under section 5 (effect of approval by members and creditors) of that Act unless the [F71Relevant Authority] has given its consent to the voluntary arrangement.
- (6) If the company resolves by special resolution that it be wound up voluntarily under the Insolvency Act 1986, the resolution has no effect unless—
- before the resolution was passed the [F71Relevant Authority] gave its consent to its passing, and
 - a copy of the consent is forwarded to the registrar of companies together with a copy of the resolution required to be so forwarded in accordance with [F73section 30 of the Companies Act 2006] .
- (7) The references in this paragraph to the [F71Relevant Authority's] consent [F74are—
- if it is given by the Housing Corporation, to consent given by order under its seal, and
 - [F75Consent given by] the [F76Welsh Ministers][F77under this paragraph shall be] given by order in writing.]
- (8) Where sub-paragraph (3) or (4) applies, the transferee or, as the case may be, any new body created by the conversion shall be deemed to be registered as a social landlord forthwith upon the transfer or conversion taking effect.

Textual Amendments

- F69** Words in Sch. 1 para. 13(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(a)** (with art. 10)
- F70** Words in Sch. 1 para. 13(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 202(2)(a)** (with arts. 6, 11, 12)
- F71** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140](#), **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art.5**.
- F72** Words in Sch. 1 para. 13(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 202(2)(b)** (with arts. 6, 11, 12)

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- F73** Words in Sch. 1 para. 13(6)(b) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3)(a), **Sch. 4 para. 88(5)** (with art. 12)
- F74** Sch. 1 para. 13(7)(a)(b) and the word “are” immediately preceding substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 96(3)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F75** Words in Sch. 1 para. 13(7)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 106(5)(a)** (with art. 6, Sch. 3)
- F76** Words in Sch. 1 para. 13(7)(b) substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), s. 90(2), **Sch. para. 16**; S.I. 2011/2475, arts. 1(2), 2(v)
- F77** Words in Sch. 1 para. 13(7)(b) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 106(5)(b)** (with art. 6, Sch. 3)

Modifications etc. (not altering text)

- C4** Sch. 1 para. 13(7)(a) modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), arts. 1(1), 3, **Sch. para. 5** (with art. 6)

Marginal Citations

- M6** 1986 c. 45.

[^{F78}Relevant Authority’s] power to petition for winding up

Textual Amendments

- F78** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.

- 14 (1) The [^{F79}Relevant Authority] may present a petition for the winding up under the Insolvency Act 1986 of a registered social landlord which is—
- [^{F80}(a)** a company (including a company that is a registered charity), or]
- (b)** an industrial and provident society (to which the winding up provisions of the ^{M7}Insolvency Act 1986 apply in accordance with [^{F81}section 55(1)(a)] of the ^{M8}Industrial and Provident Societies Act 1965),
- on either of the following grounds.
- (2) The grounds are—
- (a)** that the landlord is failing properly to carry out its purposes or objects, or
- (b)** that the landlord is unable to pay its debts within the meaning of section 123 of the Insolvency Act 1986.

Textual Amendments

- F79** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F80** Sch. 1 para. 14(1)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(f)(i)** (with art. 10)

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F81 Words in Sch. 1 para. 14(1)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(f)(ii)** (with art. 10)

Marginal Citations

M7 1986 c. 45.

M8 1965 c. 12.

Transfer of net assets on dissolution or winding up

- 15 (1) This paragraph applies—
- (a) where a registered social landlord which is an industrial and provident society is dissolved as mentioned in [F82section 55(1)(a) or (b)] of the Industrial and Provident Societies Act 1965 (winding-up under the Insolvency Act 1986 or by instrument of dissolution), and
 - (b) where a registered social landlord which is [F83a company (including a company that is a registered charity)] is wound up under the Insolvency Act 1986.

- (2) On such a dissolution or winding-up, so much of the property of the society or company as remains after meeting the claims of its creditors and any other liabilities arising on or before the dissolution or winding-up shall be transferred to the [F84Relevant Authority] or, if the [F84Relevant Authority] so directs, to a specified registered social landlord.

The above provision has effect notwithstanding anything in the Industrial and Provident Societies Act 1965, [F85the Companies Act 2006] or the Insolvency Act 1986, or in the rules of the society or, as the case may be, in the [F85articles] of the company.

- (3) In order to avoid the necessity for the sale of land belonging to the registered social landlord and thereby secure the transfer of the land under this paragraph, the [F84Relevant Authority] may, if it appears to it appropriate to do so, make payments to discharge such claims or liabilities as are referred to in sub-paragraph (2).
- (4) Where the registered social landlord which is dissolved or wound up is a charity, the [F84Relevant Authority] may dispose of property transferred to it by virtue of this paragraph only to another registered social landlord—
- (a) which is also a charity, and
 - (b) the objects of which appear to the [F84Relevant Authority] to be, as nearly as practicable, akin to those of the body which is dissolved or wound up.
- [F86(5) In any other case the Welsh Ministers may dispose of property transferred to them by virtue of this paragraph to a registered social landlord.]
- (6) Where property transferred to the [F84Relevant Authority] by virtue of this paragraph includes land subject to an existing mortgage or charge (whether in favour of the [F84Relevant Authority] or not), the [F84Relevant Authority] may, in exercise of its powers under Part III of the ^{M9}Housing Associations Act 1985, dispose of the land either—
- (a) subject to that mortgage or charge, or

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- (b) subject to a new mortgage or charge in favour of the [^{F84}Relevant Authority] securing such amount as appears to the [^{F84}Relevant Authority] to be appropriate in the circumstances.

Textual Amendments

- F82** Words in Sch. 1 para. 15(1)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(g)(i)** (with art. 10)
- F83** Words in Sch. 1 para. 15(1)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(g)(ii)** (with art. 10)
- F84** Words in Pt. I substituted (1.11.1998) by [1998 c. 38, s. 140](#), **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); [S.I. 1998/2244](#), **art.5**.
- F85** Word in Sch. 1 para. 15(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 161(10)(g)(iii)** (with art. 10)
- F86** Sch. 1 para. 15(5) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 106(6)** (with art. 6, Sch. 3)

Marginal Citations

- M9** [1985 c. 69](#).

[^{F87}Transfer of net assets on termination of charity not within paragraph 15(1)

Textual Amendments

- F87** Sch. 1 para. 15A and preceding cross-heading inserted (18.11.2004 for specified purposes) by [Housing Act 2004 \(c. 34\)](#), s. 270(2)(b), **Sch. 11 para. 16**

- 15A (1) The [^{F88}Welsh Ministers] may by regulations provide for any provisions of paragraph 15(2) to (6) to apply in relation to a registered social landlord within sub-paragraph (2)—
- (a) in such circumstances, and
 - (b) with such modifications,
- as may be specified in the regulations.
- (2) A registered social landlord is within this sub-paragraph if—
- (a) it is a registered charity, and
 - (b) it does not fall within sub-paragraph (1) of paragraph 15.
- (3) Regulations under this paragraph may in particular provide that any provision of the regulations requiring the transfer of any property of the charity is to have effect notwithstanding—
- (a) anything in the terms of its trusts, or
 - (b) any resolution, order or other thing done for the purposes of, or in connection with, the termination of the charity in any manner specified in the regulations.

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- (4) Any regulations under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of [^{F89}the National Assembly for Wales] .]

Textual Amendments

- F88** Words in Sch. 1 para. 15A(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 62\(a\), 325\(1\)](#); [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))
- F89** Words in Sch. 1 para. 15A(4) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 63, 325\(1\)](#); [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

[^{F90}Management etc

Textual Amendments

- F90** Sch. 1 para. 15B and cross-heading inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), [ss. 72, 90\(2\)](#); [S.I. 2011/2475](#), [arts. 1\(2\), 2\(o\), 3\(h\)](#)

Management tender

- 15B (1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or
 - (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to implement a process specified by them for the purpose of—
- (a) inviting persons to apply to undertake management functions of the registered social landlord, and
 - (b) selecting from the applications and making an appointment.
- (4) A requirement may relate to—
- (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) A requirement must include—
- (a) provision about the constitution of a selection panel (which must include provision for ensuring representation of tenants' interests),
 - (b) provision for ensuring best procurement practice (and consistent with any applicable procurement law), and
 - (c) provision about the terms and conditions on which the manager is to be appointed (including provision about—
 - (i) setting, monitoring and enforcing performance standards, and
 - (ii) resources).]

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Management tender: supplemental

- [^{F91}15C(1) Before acting under paragraph 15B(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must—
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) must—
- (a) refer to section 6A, and
 - (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15B(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—
- (a) sections 50K and 50S,
 - (b) paragraphs 15E and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of—
- (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15B(3).]

Textual Amendments

F91 Sch. 1 para. 15C inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 73, 90(2); S.I. 2011/2475, arts. 1(2), 2(p)

Management transfer

- [^{F92}15D(1) This paragraph applies if, as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that—
- (a) there has been misconduct or mismanagement in the affairs of the registered social landlord, or

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- (b) a transfer of certain of a registered social landlord's management functions would be likely to improve the management of some or all of its affairs.
- (2) But this paragraph does not apply where—
 - (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the transfer would be likely to improve the registered social landlord's management of its affairs only in relation to the provision of housing in England.
- (3) The Welsh Ministers may require the registered social landlord to transfer management functions to a specified person.
- (4) A requirement may relate to—
 - (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Transfer is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the requirement.
- (6) A transferee manager is to have—
 - (a) any power specified in the requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the requirement (including the power to enter into agreements and take other action on behalf of the registered social landlord).]

Textual Amendments

F92 Sch. 1 para. 15D inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 74, 90(2); S.I. 2011/2475, arts. 1(2), 2(p)

Management transfer: supplemental

- [^{F93}15H(1) Before acting under paragraph 15D(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
 - (3) The period must—
 - (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
 - (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).

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- (5) A notice under sub-paragraph (1) must—
 - (a) refer to section 6A, and
 - (b) indicate whether or to what extent the social landlord would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15D(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—
 - (a) sections 50K and 50S,
 - (b) paragraphs 15C and 15G.
- (7) In imposing a requirement the Welsh Ministers must have regard to views of—
 - (a) relevant tenants,
 - (b) the registered social landlord, and
 - (c) if they think it appropriate, any relevant local housing authority.
- (8) A registered social landlord may appeal to the High Court against a requirement under paragraph 15D(3).]

Textual Amendments

F93 Sch. 1 para. 15E inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\), ss. 75, 90\(2\); S.I. 2011/2475, arts. 1\(2\), 2\(p\)](#)

Appointment of manager of registered social landlord

- [^{F94}15F(1) This paragraph applies if the Welsh Ministers are satisfied that—
- (a) a registered social landlord has failed to meet a standard under section 33A, or
 - (b) there has been misconduct or mismanagement in the affairs of the registered social landlord.
- (2) But this paragraph does not apply where the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England.
- (3) The Welsh Ministers may—
- (a) appoint an individual as a manager of the registered social landlord, or
 - (b) require the registered social landlord to appoint an individual as a manager.
- (4) An appointment or requirement may relate to the management of —
- (a) the registered social landlord's affairs generally, or
 - (b) specified affairs.
- (5) Appointment is to be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment or requirement.
- (6) A manager is to have—
- (a) any power specified in the appointment or requirement, and
 - (b) any other power in relation to the registered social landlord's affairs required by the manager for the purposes specified in the appointment or requirement

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(including the power to enter into agreements and take other action on behalf of the registered social landlord).]

Textual Amendments

F94 Sch. 1 para. 15F inserted (18.10.2011 for specified purposes, 2.12.2011 in so far as not already in force) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 76, 90(2)**; [S.I. 2011/2475](#), **arts. 1(2), 2(q), 3(i)**

Appointment of manager: supplemental

- [^{F95}15G(1) Before acting under paragraph 15F(3) the Welsh Ministers must give the registered social landlord a notice—
- (a) specifying grounds on which action might be taken under that paragraph,
 - (b) warning the landlord that the Welsh Ministers are considering action under that paragraph, and
 - (c) explaining the effect of this paragraph.
- (2) The notice must specify a period during which the registered social landlord may make representations to the Welsh Ministers.
- (3) The period must—
- (a) be a period of at least 28 days, and
 - (b) begin with the date on which the registered social landlord receives the notice.
- (4) The Welsh Ministers must send a copy of a notice under sub-paragraph (1) to any person they think appropriate (having regard, in particular, to any person who provided information as a result of which the notice is given).
- (5) A notice under sub-paragraph (1) must—
- (a) refer to section 6A, and
 - (b) indicate whether or to what extent the Welsh Ministers would accept a voluntary undertaking instead of, or in mitigation of, action under paragraph 15F(3).
- (6) Notice under sub-paragraph (1) may be combined with notice under one or more of the following—
- (a) sections 50K and 50S,
 - (b) paragraphs 15C and 15E.
- (7) The Welsh Ministers may require a manager to report to them on the affairs specified in the appointment or requirement under paragraph 15F(3).
- (8) A registered social landlord may appeal to the High Court against an appointment or requirement under paragraph 15F(3).]

Textual Amendments

F95 Sch. 1 para. 15G inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 77, 90(2)**; [S.I. 2011/2475](#), **arts. 1(2), 2(r)**

Status: Point in time view as at 01/10/2012.

Changes to legislation: Housing Act 1996, Part II is up to date with all changes known to be in force on or before 13 April 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)

Amalgamation

- [^{F96}15H(1) This paragraph applies if as a result of an inquiry under paragraph 20 or an audit under paragraph 22, the Welsh Ministers are satisfied that—
- (a) there has been misconduct or mismanagement in the affairs of a registered social landlord which is an industrial and provident society, or
 - (b) the management of the affairs of a registered social landlord which is an industrial and provident society would be improved if the landlord were amalgamated with another industrial and provident society.
- (2) But this paragraph does not apply where—
- (a) the misconduct or mismanagement relates only to the registered social landlord's provision of housing in England, or
 - (b) the amalgamation would improve the management of the registered social landlord's affairs only in relation to the provision of housing in England.
- (3) The Welsh Ministers may make and execute on behalf of the society an instrument providing for the amalgamation of the society with another industrial and provident society.
- (4) An instrument providing for the amalgamation of a society (“S1”) with another has the same effect as a special resolution by S1 under section 50 of the Industrial and Provident Societies Act 1965 (amalgamation of societies by special resolution).
- (5) A copy of an instrument must be sent to and registered by the Financial Services Authority.
- (6) An instrument does not take effect until the copy is registered.
- (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution, but a copy registered after that period is valid.
- (8) Any body created by virtue of an amalgamation must be registered as a social landlord by the Welsh Ministers, and pending registration is to be treated as registered.]

Textual Amendments

F96 Sch. 1 para. 15H inserted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), **ss. 78, 90(2)**; [S.I. 2011/2475](#), arts. 1(2), 2(r)

Status:

Point in time view as at 01/10/2012.

Changes to legislation:

Housing Act 1996, Part II is up to date with all changes known to be in force on or before 13 April 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.