



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 4

#### SOCIAL HOUSING IN ENGLAND

### CHAPTER 5

#### INSOLVENCY OF REGISTERED PROVIDERS OF SOCIAL HOUSING

##### *Financial support for registered providers in housing administration*

#### **109 Grants and loans where housing administration order is made**

- (1) If a housing administration order has been made in relation to a registered provider, the Secretary of State may make grants or loans to the registered provider of such amounts as appear to the Secretary of State appropriate for achieving the objectives of the housing administration.
- (2) A grant under this section may be made on any terms and conditions the Secretary of State considers appropriate (including provision for repayment, with or without interest).

#### **Commencement Information**

**II** [S. 109](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

#### **110 Indemnities where housing administration order is made**

- (1) If a housing administration order has been made in relation to a registered provider, the Secretary of State may agree to indemnify persons in respect of one or both of the following—

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*Changes to legislation: Housing and Planning Act 2016, Cross Heading: Financial support for registered providers in housing administration is up to date with all changes known to be in force on or before 03 August 2023. 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) View outstanding changes*

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- (a) liabilities incurred in connection with the carrying out of functions by the housing administrator, and
  - (b) loss or damage sustained in that connection.
- (2) The agreement may be made in whatever manner, and on whatever terms, the Secretary of State considers appropriate.
- (3) As soon as practicable after agreeing to indemnify persons under this section, the Secretary of State must lay a statement of the agreement before Parliament.
- (4) For repayment of sums paid by the Secretary of State in consequence of an indemnity agreed to under this section, see section 111.
- (5) The power of the Secretary of State to agree to indemnify persons—
  - (a) is confined to a power to agree to indemnify persons in respect of liabilities, loss and damage incurred or sustained by them as relevant persons, but
  - (b) includes power to agree to indemnify persons (whether or not they are identified or identifiable at the time of the agreement) who subsequently become relevant persons.
- (6) The following are relevant persons for the purposes of this section—
  - (a) the housing administrator,
  - (b) an employee of the housing administrator,
  - (c) a partner or employee of a firm of which the housing administrator is a partner,
  - (d) a partner or employee of a firm of which the housing administrator is an employee,
  - (e) a partner of a firm of which the housing administrator was an employee or partner at a time when the order was in force,
  - (f) a body corporate which is the employer of the housing administrator,
  - (g) an officer, employee or member of such a body corporate, and
  - (h) a Scottish firm which is the employer of the housing administrator or of which the housing administrator is a partner.
- (7) For the purposes of subsection (6)—
  - (a) references to the housing administrator are to be read, where two or more persons are appointed as the housing administrator, as references to any one or more of them, and
  - (b) references to a firm of which a person was a partner or employee at a particular time include a firm which holds itself out to be the successor of a firm of which the person was a partner or employee at that time.

#### Commencement Information

**I2** [S. 110](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

### 111 Indemnities: repayment by registered provider etc

- (1) This section applies where a sum is paid out by the Secretary of State in consequence of an indemnity agreed to under section 110 in relation to the housing administrator of a registered provider.
- (2) The registered provider must pay the Secretary of State—

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- (a) such amounts in or towards the repayment to the Secretary of State of that sum as the Secretary of State may direct, and
  - (b) interest on amounts outstanding under this subsection at such rates as the Secretary of State may direct.
- (3) The payments must be made by the registered provider at such times and in such manner as the Secretary of State may determine.
- (4) Subsection (2) does not apply in the case of a sum paid by the Secretary of State for indemnifying a person in respect of a liability to the registered provider.
- (5) The Secretary of State must lay before Parliament a statement, relating to the sum paid out in consequence of the indemnity—
  - (a) as soon as practicable after the end of the financial year in which the sum is paid out, and
  - (b) if subsection (2) applies to the sum, as soon as practicable after the end of each subsequent financial year in relation to which the repayment condition has not been met.
- (6) The repayment condition is met in relation to a financial year if—
  - (a) the whole of the sum has been repaid to the Secretary of State before the beginning of the year, and
  - (b) the registered provider was not at any time during the year liable to pay interest on amounts that became due in respect of the sum.

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**Commencement Information**

**I3** [S. 111](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

## **112 Guarantees where housing administration order is made**

- (1) If a housing administration order has been made in relation to a registered provider the Secretary of State may guarantee—
  - (a) the repayment of any sum borrowed by the registered provider while that order is in force,
  - (b) the payment of interest on any sum borrowed by the registered provider while that order is in force, and
  - (c) the discharge of any other financial obligation of the registered provider in connection with the borrowing of any sum while that order is in force.
- (2) The Secretary of State may give the guarantees in whatever manner, and on whatever terms, the Secretary of State considers appropriate.
- (3) As soon as practicable after giving a guarantee under this section, the Secretary of State must lay a statement of the guarantee before Parliament.
- (4) For repayment of sums paid by the Secretary of State under a guarantee given under this section, see section 113.

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**Commencement Information**

**I4** [S. 112](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

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### **113 Guarantees: repayment by registered provider etc**

- (1) This section applies where a sum is paid out by the Secretary of State under a guarantee given by the Secretary of State under section 112 in relation to a registered provider.
- (2) The registered provider must pay the Secretary of State—
  - (a) such amounts in or towards the repayment to the Secretary of State of that sum as the Secretary of State may direct, and
  - (b) interest on amounts outstanding under this subsection at such rates as the Secretary of State may direct.
- (3) The payments must be made by the registered provider at such times, and in such manner, as the Secretary of State may from time to time direct.
- (4) The Secretary of State must lay before Parliament a statement, relating to the sum paid out under the guarantee—
  - (a) as soon as practicable after the end of the financial year in which the sum is paid out, and
  - (b) as soon as practicable after the end of each subsequent financial year in relation to which the repayment condition has not been met.
- (5) The repayment condition is met in relation to a financial year if—
  - (a) the whole of the sum has been repaid to the Secretary of State before the beginning of the year, and
  - (b) the registered provider was not at any time during the year liable to pay interest on amounts that became due in respect of the sum.

#### **Commencement Information**

**I5** [S. 113](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)