

Changes to legislation: Housing and Planning Act 2016, PART 2 is up to date with all changes known to be in force on or before 04 September 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

SCHEDULES

SCHEDULE 4

REDUCING SOCIAL HOUSING REGULATION

PART 2

RESTRUCTURING AND DISSOLUTION: REMOVAL OF CONSENT REQUIREMENTS ETC

22 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

II Sch. 4 para. 22 in force at 6.4.2017 by S.I. 2017/75, reg. 4

23 In section 115 (profit-making and non-profit organisations), in subsection (9), after “non-profit organisation” insert “ or vice versa ”.

Commencement Information

I2 Sch. 4 para. 23 in force at 6.4.2017 by S.I. 2017/75, reg. 4

24 For section 160 substitute—

“160 Company: arrangements and reconstructions

- (1) This section applies to a non-profit registered provider which is a registered company.
- (2) The registered provider must notify the regulator of any voluntary arrangement under Part 1 of the Insolvency Act 1986.
- (3) The registered provider must notify the regulator of any order under section 899 of the Companies Act 2006 (court sanction for compromise or arrangement).
- (4) An order under section 899 of Companies Act 2006 does not take effect until the registered provider has confirmed to the registrar of companies that the regulator has been notified.
- (5) The registered provider must notify the regulator of any order under section 900 of the Companies Act 2006 (powers of court to facilitate reconstruction or amalgamation).
- (6) The requirement in section 900(6) of the Companies Act 2006 (sending copy of order to registrar) is satisfied only if the copy is accompanied by confirmation that the regulator has been notified.”

Changes to legislation: Housing and Planning Act 2016, PART 2 is up to date with all changes known to be in force on or before 04 September 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

Commencement Information

I3 [Sch. 4 para. 24](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

25 For section 161 substitute—

“161 Company: conversion into registered society

- (1) This section applies to a non-profit registered provider which is a registered company.
- (2) The registered provider must notify the regulator of any resolution under section 115 of the Co-operative and Community Benefit Societies Act 2014 for converting the registered provider into a registered society.
- (3) The registrar of companies may register a resolution under that section only if the registered provider has confirmed to the registrar that the regulator has been notified.
- (4) The regulator must decide whether the new body is eligible for registration under section 112.
- (5) If the new body is eligible for registration, the regulator must register it and designate it as a non-profit organisation.
- (6) If the new body is not eligible for registration, the regulator must notify it of that fact.
- (7) Pending registration, or notification that it is not eligible for registration, the new body is to be treated as if it were registered and designated as a non-profit organisation.”

Commencement Information

I4 [Sch. 4 para. 25](#) in force at 6.4.2017 by [S.I. 2017/75](#), [reg. 4](#)

26 For section 163 substitute—

“163 Registered society: restructuring

- (1) This section applies to a non-profit registered provider which is a registered society.
- (2) The registered provider must notify the regulator of any resolution passed by the society for the purposes of the restructuring provisions listed in subsection (4).
- (3) The Financial Conduct Authority may register the resolution only if the registered provider has confirmed to the Financial Conduct Authority that the regulator has been notified.
- (4) The following provisions of the Co-operative and Community Benefit Societies Act 2014 are the restructuring provisions—
 - (a) section 109 (amalgamation of societies);

Changes to legislation: Housing and Planning Act 2016, PART 2 is up to date with all changes known to be in force on or before 04 September 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

- (b) section 110 (transfer of engagements between societies);
 - (c) section 112 (conversion of society into a company etc).
- (5) The regulator must decide whether the body created or to whom engagements are transferred (“the new body”) is eligible for registration under section 112.
- (6) If the new body is eligible for registration, the regulator must register it and designate it as a non-profit organisation.
- (7) If the new body is not eligible for registration, the regulator must notify it of that fact.
- (8) Pending registration, or notification that it is not eligible for registration, the new body is to be treated as if it were registered and designated as a non-profit organisation.”

Commencement Information

I5 Sch. 4 para. 26 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 27 In section 165 (registered society: dissolution), for subsection (2) substitute—
- “(2) The registered provider must notify the regulator.
- (3) The Financial Conduct Authority may register the instrument under section 121 of that Act, or cause notice of the dissolution to be advertised under section 122 of that Act, only if the registered provider has confirmed to the Financial Conduct Authority that the regulator has been notified.”

Commencement Information

I6 Sch. 4 para. 27 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 28 Omit section 166 (winding up petition by regulator).

Commencement Information

I7 Sch. 4 para. 28 in force at 6.4.2017 by S.I. 2017/75, reg. 4

- 29 After section 169 insert—

“Notification of constitutional changes

169A Registered societies: change of rules

A non-profit registered provider that is a registered society must notify the regulator of any change to the society's rules.

169B Charity: change of objects

The trustees of a registered charity that is a non-profit registered provider must notify the regulator of any amendment to the charity's objects.

Changes to legislation: Housing and Planning Act 2016, PART 2 is up to date with all changes known to be in force on or before 04 September 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

169C Companies: change of articles etc

A non-profit registered provider that is a registered company must notify the regulator of—

- (a) any amendment of the company's articles of association,
- (b) any change to its name or registered office.”

Directions about notifications

169D Directions about notifications

- (1) The regulator may give directions about—
 - (a) the period within which notifications under sections 160 to 165 or 169A to 169C must be given by private registered providers;
 - (b) the content of those notifications.
- (2) The regulator may give directions dispensing with notification requirements imposed by sections 160 to 165 or 169A to 169C.
- (3) A direction under this section may be—
 - (a) general, or
 - (b) specific (whether as to particular registered providers, particular kinds of notification requirement or in any other way).
- (4) A direction dispensing with a notification requirement may include conditions.
- (5) The regulator must make arrangements for bringing a direction under this section to the attention of every registered provider to which it applies.”

Commencement Information

I8 Sch. 4 para. 29 in force at 6.4.2017 by S.I. 2017/75, reg. 4

30 In section 192 (overview), omit paragraph (c).

Commencement Information

I9 Sch. 4 para. 30 in force at 6.4.2017 by S.I. 2017/75, reg. 4

31 Omit sections 211 to 214 and the italic heading before section 211 (constitutional changes to non-profit providers).

Commencement Information

I10 Sch. 4 para. 31 in force at 6.4.2017 by S.I. 2017/75, reg. 4

Changes to legislation:

Housing and Planning Act 2016, PART 2 is up to date with all changes known to be in force on or before 04 September 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.

[View outstanding changes](#)

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\(8\)\(a\)\(ii\)](#)