

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 05 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

SCHEDULES

SCHEDULE 5

CONDUCT OF HOUSING ADMINISTRATION: COMPANIES

PART 2

FURTHER MODIFICATIONS OF SCHEDULE B1 TO INSOLVENCY ACT 1986: FOREIGN COMPANIES

Introductory

- 31 (1) This Part of this Schedule applies in the case of a housing administration order applying to a foreign company.
- (2) The provisions of Schedule B1 to the Insolvency Act 1986 mentioned in paragraph 1 above (as modified by Part 1 of this Schedule) have effect in relation to the company with the further modifications set out in this Part of this Schedule.
- (3) The Secretary of State may by regulations amend this Part of this Schedule so as to add more modifications.

Commencement Information

I1 [Sch. 5 para. 31](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

- 32 In paragraphs 33 to 38—
- (a) the provisions of Schedule B1 to the Insolvency Act 1986 that are mentioned in paragraph 1 above are referred to as the applicable provisions, and
- (b) references to those provisions, or to provisions comprised in them, are references to those provisions as modified by Part 1 of this Schedule.

Commencement Information

I2 [Sch. 5 para. 32](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

Modifications

- 33 In the case of a foreign company—
- (a) paragraphs 42(2), 83 and 84 of Schedule B1 to the Insolvency Act 1986 do not apply,
- (b) paragraphs 46(4), 49(4)(a), 54(2)(a), 71(5) and (6), 72(4) and (5) and 86 of that Schedule apply only if the company is subject to a requirement imposed by regulations under section 1043 or 1046 of the Companies Act 2006 (unregistered UK companies or overseas companies), and

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(c) paragraph 61 of that Schedule does not apply.

Commencement Information

I3 [Sch. 5 para. 33](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

- 34 (1) The applicable provisions and Schedule 1 to the Insolvency Act 1986 (as applied by paragraph 60(1) of Schedule B1 to that Act) are to be read by reference to the limitation imposed on the scope of the housing administration order in question as a result of section 95(4) above.
- (2) Sub-paragraph (1) has effect, in particular, so that—
- (a) a power conferred, or duty imposed, on the housing administrator by or under the applicable provisions or Schedule 1 to the Insolvency Act 1986 is to be read as being conferred or imposed in relation to the company's UK affairs, business and property,
 - (b) references to the company's affairs, business or property are to be read as references to its UK affairs, business and property,
 - (c) references to goods in the company's possession are to be read as references to goods in its possession in the United Kingdom,
 - (d) references to premises let to the company are to be read as references to premises let to it in the United Kingdom, and
 - (e) references to legal process instituted or continued against the company or its property are to be read as references to such legal process relating to its UK affairs, business and property.

Commencement Information

I4 [Sch. 5 para. 34](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

- 35 Paragraph 41 of Schedule B1 to the Insolvency Act 1986 (dismissal of receivers) is to have effect as if—
- (a) for sub-paragraph (1) there were substituted—
 - “(1) Where a housing administration order takes effect in respect of a company—
 - (a) a person appointed to perform functions equivalent to those of an administrative receiver, and
 - (b) if the housing administrator so requires, a person appointed to perform functions equivalent to those of a receiver,
 must refrain, during the period specified in sub-paragraph (1A), from performing those functions in the United Kingdom or in relation to any of the company's property in the United Kingdom.
 - (1A) That period is—
 - (a) in the case of a person mentioned in sub-paragraph (1)(a), the period while the company is in housing administration, and
 - (b) in the case of a person mentioned in sub-paragraph (1)(b), during so much of that period as is after the date on

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which the person is required by the housing administrator to refrain from performing functions.”, and”

(b) sub-paragraphs (2) to (4) were omitted.

Commencement Information

I5 Sch. 5 para. 35 in force at 5.7.2018 by S.I. 2018/805, reg. 3(b)

36 Paragraph 43(6A) of Schedule B1 to the Insolvency Act 1986 (moratorium on appointment to receiverships) is to have effect as if for “An administrative receiver” there were substituted “ A person with functions equivalent to those of an administrative receiver ”.

Commencement Information

I6 Sch. 5 para. 36 in force at 5.7.2018 by S.I. 2018/805, reg. 3(b)

37 Paragraph 44(7) of Schedule B1 to the Insolvency Act 1986 (proceedings to which interim moratorium does not apply) is to have effect as if for paragraph (d) there were substituted—

“(d) the carrying out of functions by a person who (whenever appointed) has functions equivalent to those of an administrative receiver of the company.”

Commencement Information

I7 Sch. 5 para. 37 in force at 5.7.2018 by S.I. 2018/805, reg. 3(b)

38 Paragraph 64 of Schedule B1 to the Insolvency Act 1986 (general powers of administrator) is to have effect as if—

- (a) in sub-paragraph (1), after “power” there were inserted “ in relation to the affairs or business of the company so far as carried on in the United Kingdom or to its property in the United Kingdom ”, and
- (b) in sub-paragraph (2)(b), after “instrument” there were inserted “ or by the law of the place where the company is incorporated ”.

Commencement Information

I8 Sch. 5 para. 38 in force at 5.7.2018 by S.I. 2018/805, reg. 3(b)

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