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**Changes to legislation:** *Housing and Planning Act 2016, Cross Heading: Modifications of the Insolvency Act 1986 is up to date with all changes known to be in force on or before 18 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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## SCHEDULES

### SCHEDULE 5

#### CONDUCT OF HOUSING ADMINISTRATION: COMPANIES

#### PART 3

#### OTHER MODIFICATIONS

##### *Modifications of the Insolvency Act 1986*

- 41 The following provisions of the Insolvency Act 1986 are to have effect in the case of any housing administration with the following modifications.

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**Commencement Information**

- II** [Sch. 5 para. 41](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

- 42 Section 5 (effect of approval of voluntary arrangements) is to have effect as if after subsection (4) there were inserted—

“(4A) Where the company is in housing administration, the court must not make an order or give a direction under subsection (3) unless—

- (a) the court has given the Secretary of State or the Regulator of Social Housing a reasonable opportunity of making representations to it about the proposed order or direction, and
- (b) the order or direction is consistent with the objectives of the housing administration.

(4B) In subsection (4A) “in housing administration” and “objectives of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 5 to the Housing and Planning Act 2016.”

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**Commencement Information**

- I2** [Sch. 5 para. 42](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(b\)](#)

- 43 Section 6 (challenge of decisions in relation to voluntary arrangements) is to have effect as if—

- (a) in subsection (2), for “this section” there were substituted “ subsection (1) ”,
- (b) after that subsection there were inserted—

“(2AA) Subject to this section, where a voluntary arrangement in relation to a company in housing administration is approved at the meetings

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summoned under section 3, an application to the court may be made—

- (a) by the Secretary of State, or
- (b) with the consent of the Secretary of State, by the Regulator of Social Housing,

on the ground that the voluntary arrangement is not consistent with the achievement of the objectives of the housing administration.”,

- (c) in subsection (4), after “subsection (1)” there were inserted “ or, in the case of an application under subsection (2AA), as to the ground mentioned in that subsection ”, and
- (d) after subsection (7) there were inserted—

“(7A) In this section “in housing administration” and “objectives of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 5 to the Housing and Planning Act 2016.”

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**Commencement Information**

**I3** [Sch. 5 para. 43](#) in force at 5.7.2018 by [S.I. 2018/805](#), **reg. 3(b)**

- 44 In section 129(1A) (commencement of winding up), the reference to paragraph 13(1)(e) of Schedule B1 is to include section 100(1)(e) of this Act.

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**Commencement Information**

**I4** [Sch. 5 para. 44](#) in force at 5.7.2018 by [S.I. 2018/805](#), **reg. 3(b)**

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