



Housing and Planning Act 2016

2016 CHAPTER 22

PART 4

SOCIAL HOUSING IN ENGLAND

CHAPTER 5

INSOLVENCY OF REGISTERED PROVIDERS OF SOCIAL HOUSING

Restrictions on other insolvency procedures

108 Enforcement of security

- (1) This section applies in relation to a private registered provider that is—
 - (a) a company,
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
 - (c) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011
- (2) A person may not take any step to enforce a security over property of the registered provider unless—
 - (a) notice of the intention to do so has been given to the Regulator of Social Housing and a period of at least 28 days has elapsed since the notice was given, or
 - (b) the Regulator of Social Housing has waived the notice requirement in paragraph (a).
- (3) In the case of a company which is a foreign company, the reference to the property of the company is to its property in the United Kingdom.
- (4) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (2)(a).

Changes to legislation: Housing and Planning Act 2016, Section 108 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](#)

- (5) The Regulator of Social Housing may waive the notice requirement under subsection (2)(a) only with the consent of the Secretary of State.

Commencement Information

I1 [S. 108](#) in force at 5.7.2018 by [S.I. 2018/805](#), [reg. 3\(a\)](#)

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