



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 ^{F1}...
- (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).

[^{F2}(2A) A notice under subsection (2) must—

- (a) be given in writing, and
- (b) be signed by, or on behalf of, the person intending to enforce the security.

(2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirement of paragraph (b) of subsection (2A).

(2C) The Regulator of Social Housing may, by notice in writing to the person intending to enforce the security, treat the purported notice as 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 29 May 2024. 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*

(and a purported notice so treated will be taken as having been given at the time the purported notice was given).]

^{F3}(3)

[^{F4}(3A) In the case of a registered provider that is a charity registered under the Charities Act 2011 which is not a body corporate, the reference to the property of the registered provider is to the property held on the trusts of the charity (and for this purpose “trusts” has the same meaning as in the Charities Act 2011, see section 353 of that Act).]

(4) The Regulator of Social Housing must give the Secretary of State a copy of any notice given under subsection (2)(a).

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

Textual Amendments

F1 Words in s. 108(1) omitted (1.4.2024) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 2 para. 6\(a\)](#); S.I. 2024/437, reg. 2(x)

F2 S. 108(2A)-(2C) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 2 para. 6\(b\)](#); S.I. 2024/437, reg. 2(x)

F3 S. 108(3) omitted (1.4.2024) by virtue of [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 2 para. 6\(c\)](#); S.I. 2024/437, reg. 2(x)

F4 S. 108(3A) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), s. 46(3), [Sch. 2 para. 6\(d\)](#); S.I. 2024/437, reg. 2(x)

Commencement Information

I1 S. 108 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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- 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\(8\)\(a\)\(ii\)](#)