

Status: Point in time view as at 26/06/2020.

Changes to legislation: There are currently no known outstanding effects for the Corporate Insolvency and Governance Act 2020, Cross Heading: Housing (Scotland) Act 2010 (asp 17). (See end of Document for details)

SCHEDULES

SCHEDULE 9

ARRANGEMENTS AND RECONSTRUCTIONS FOR COMPANIES IN FINANCIAL DIFFICULTY

PART 2

CONSEQUENTIAL AMENDMENTS

Housing (Scotland) Act 2010 (asp 17)

- 46 Part 8 of the Housing (Scotland) Act 2010 (registered social landlords: organisational change etc) is amended as follows.
- 47 (1) Section 100A (restructuring by company: proposed restructuring) is amended as follows.
- (2) In subsection (1)—
- (a) for “This section applies” substitute “ Subsections (2) and (3) apply ”;
 - (b) omit the “and” after paragraph (b);
 - (c) for paragraph (c) substitute—
 - “(c) the restructuring will result in a tenant under a Scottish secure tenancy ceasing to be a tenant of the company in respect of which the order is made, and
 - (d) the company is not being wound up and is not in administration.”
- (3) In subsection (3), for “this section” substitute “ this subsection ”.
- (4) After subsection (3) insert—
- “(4) Subsections (5) and (6) apply where—
- (a) a court order is made in respect of the company under section 901C(1) of the Companies Act 2006,
 - (b) the meeting summoned by the court order is to agree a restructuring of a type mentioned in section 901J(1) of that Act,
 - (c) the restructuring will result in a tenant under a Scottish secure tenancy ceasing to be a tenant of the company in respect of which the order is made, and
 - (d) the company is not being wound up and is not in administration.
- (5) The company must comply with sections 115 to 120 (as applied by subsection (6)) in relation to the proposed restructuring.
- (6) Sections 115 to 120 apply in relation to a proposed restructuring to which this subsection applies as they apply in relation to a proposed disposal to which

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section 107(4) applies, subject to the modification that section 115A(2) has effect as if, for paragraph (b), there were substituted—

“(b) before the meeting summoned by the court order under section 901C of the Companies Act 2006 takes place,””

48 (1) Section 101 (restructuring of company) is amended as follows.

(2) After subsection (1) insert—

“(1A) This section also applies where—

- (a) a court order is made in respect of a company under section 901F or 901J of the Companies Act 2006, and
- (b) the restructuring to which the order relates is of a type mentioned in section 901J(1) of that Act.”

(3) In subsection (2)—

- (a) after “subsection (1)” insert “ or (1A) ”;
- (b) in paragraph (b), after “section 900(6)” insert “ or (as the case may be) section 901J(6) ”.

(4) In subsection (3)(a), after “section 100A(3)” insert “ or (6) (as the case may be) ”.

(5) In subsection (5), after “section 900” insert “ or 901J ”.

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