

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Housing (Regulation) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

PROSPECTIVE

SCHEDULE 2

Section 14

AMENDMENTS TO RESTRICTIONS ON INSOLVENCY PROCEDURES

1 The Housing and Planning Act 2016 is amended as follows.

Commencement Information

II Sch. 2 para. 1 not in force at Royal Assent, see [s. 46\(3\)](#)

2 In section 104 (winding-up orders), after subsection (2) insert—

“(2A) A notice under subsection (2) must—

- (a) be given in writing,
- (b) be signed by, or on behalf of, the petitioner,
- (c) specify the date the petition was presented, and
- (d) contain a copy of the petition.

(2B) Subsection (2C) applies if a person gives a notice purporting to be a notice under subsection (2) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (2A).

(2C) The Regulator of Social Housing may, by notice in writing to the petitioner, treat the purported notice as notice given under subsection (2)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I2 Sch. 2 para. 2 not in force at Royal Assent, see [s. 46\(3\)](#)

3 In section 105 (voluntary winding up), after subsection (4) insert—

“(4A) A notice under subsection (4) must—

- (a) be given in writing,
- (b) be signed by, or on behalf of, the registered provider,
- (c) specify the date the application was made, and
- (d) contain a copy of the application.

(4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A).

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(4C) The Regulator of Social Housing may, by notice in writing to the registered provider, treat the purported notice as notice given under subsection (4)(a) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I3 Sch. 2 para. 3 not in force at Royal Assent, see [s. 46\(3\)](#)

- 4 In section 106 (ordinary administration orders), after subsection (3) insert—
- “(3A) A notice under subsection (3) must—
- (a) be given in writing,
 - (b) be signed by, or on behalf of, the person who made the ordinary administration application,
 - (c) specify the date the application was made, and
 - (d) contain a copy of the application.
- (3B) Subsection (3C) applies if a person gives a notice purporting to be a notice under subsection (3) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (3A).
- (3C) The Regulator of Social Housing may, by notice in writing to the person who made the ordinary administration application, treat the purported notice as notice given under subsection (3)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”

Commencement Information

I4 Sch. 2 para. 4 not in force at Royal Assent, see [s. 46\(3\)](#)

- 5 In section 107 (appointment of administrator)—
- (a) in the heading, after “creditors” insert “etc”;
 - (b) in subsection (4)(a)(i) omit the words from “, accompanied” to “1986”;
 - (c) after subsection (4) insert—
- “(4A) A notice under subsection (4) must—
- (a) be given in writing,
 - (b) be signed by, or on behalf of, the person making the appointment,
 - (c) specify the date the appointment was made, and
 - (d) contain copies of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the Insolvency Act 1986.
- (4B) Subsection (4C) applies if a person gives a notice purporting to be a notice under subsection (4) but which does not meet the requirements of any (or all) of paragraphs (b), (c) or (d) of subsection (4A).

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(4C) The Regulator of Social Housing may, by notice in writing to the person making the appointment, treat the purported notice as notice given under subsection (4)(a)(i) (and a purported notice so treated will be taken as having been given at the time the purported notice was given).”;

(d) in subsection (5) omit “(and a copy of the accompanying documents)”.

Commencement Information

I5 Sch. 2 para. 5 not in force at Royal Assent, see [s. 46\(3\)](#)

6 In section 108 (enforcement of security)—

- (a) in subsection (1), omit the words from “that” to the end;
- (b) after subsection (2) insert—

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

- (c) omit subsection (3);
- (d) before subsection (4) insert—

“(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).”

Commencement Information

I6 Sch. 2 para. 6 not in force at Royal Assent, see [s. 46\(3\)](#)

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Changes and effects yet to be applied to :

- Sch. 2 para. 1 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)
- Sch. 2 para. 2 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)
- Sch. 2 para. 3 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)
- Sch. 2 para. 4 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)
- Sch. 2 para. 5 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)
- Sch. 2 para. 6 coming into force by [S.I. 2024/437 reg. 2\(x\)](#)