



Social Housing (Regulation) Act 2023

2023 CHAPTER 36

Registered providers: insolvency, restructuring etc

PROSPECTIVE

12 Moratorium on disposal of land

- (1) The Housing and Regeneration Act 2008 is amended as follows.
- (2) For section 145 substitute—

“145 Moratorium

- (1) A moratorium on the disposal of land by a private registered provider begins when any of the events mentioned in subsection (2) occur in relation to the provider.
- (2) The events are—
 - (a) a petition is presented under section 124 of the Insolvency Act 1986, by a person other than the Secretary of State, for the winding up of the provider;
 - (b) an application is made by the provider under section 105(3) of the Housing and Planning Act 2016 for permission to pass a resolution for voluntary winding up;
 - (c) an application is made in accordance with paragraph 12 of Schedule B1 to the Insolvency Act 1986, by a person other than the Secretary of State, for an administration order in respect of the provider;
 - (d) a notice of the appointment of an administrator of the provider under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 is filed with the court under paragraph 18 or 29 of that Schedule;
 - (e) notice of intention to enforce a security over property of the provider is given under section 108(2)(a) of the Housing and Planning

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Act 2016 or the requirement to give such notice is waived under section 108(2)(b) of that Act.”

- (3) In section 146 (duration of moratorium)—
- (a) in the heading, for “Duration” substitute “Ending”;
 - (b) omit subsection (1);
 - (c) in subsection (2), in the words before paragraph (a), after “moratorium” insert “mentioned in section 145”;
 - (d) in subsection (2A), in paragraph (a), for “day on which the notice mentioned in section 145 is given” substitute “relevant day”;
 - (e) after subsection (2A) insert—
 - “(2B) The “relevant day” is—
 - (a) in the case of an event mentioned in section 145(2)(a), the day on which notice under section 104(2)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 104(2)(b) of that Act;
 - (b) in the case of an event mentioned in section 145(2)(b), the day on which notice under section 105(4)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 105(4)(b) of that Act;
 - (c) in the case of an event mentioned in section 145(2)(c), the day on which notice under section 106(3)(a)(i) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 106(3)(a)(ii) of that Act;
 - (d) in the case of an event mentioned in section 145(2)(d), the day on which notice under section 107(4)(a)(i) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 107(4)(a)(ii) of that Act;
 - (e) in the case of an event mentioned in section 145(2)(e), the day of that event.”;
 - (f) in subsection (3), for the words from “period,” to the end substitute “period if—
 - (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
 - (b) where the regulator located one or more such creditors, each of them has consented to the extension.”;
 - (g) in subsection (5), omit the words from “if” to the end;
 - (h) in subsection (9), for “a notice mentioned in section 145 is given” substitute “an event mentioned in section 145(2) occurs”.
- (4) In section 147 (further moratorium), in subsection (3), for the words from “period,” to the end substitute “period if—
- (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
 - (b) where the regulator located one or more such creditors, each of them has consented to the further moratorium.”

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- (5) In section 151 (appointment of interim manager during moratorium), in subsection (4), for paragraph (b) (but not the “or” following it) substitute—
- “(b) when the regulator notifies the interim manager that there are proposals under section 152 which are agreed proposals.”.
- (6) In section 153 (procedure for proposals made during moratorium)—
- (a) in subsection (1), after paragraph (b) insert—
- “(ba) if the regulator is able to locate any secured creditors of the registered provider after making reasonable enquiries, those creditors.”;
- (b) after subsection (1) insert—
- “(1A) If no secured creditors are located for the purposes of subsection (1), the proposals made by the regulator following the consultation required by that subsection are agreed proposals for the purposes of this group of sections.”;
- (c) in subsection (2)—
- (i) for the words before paragraph (a) substitute “Where the regulator locates one or more secured creditors of the registered provider for the purposes of subsection (1), the regulator must, before making proposals, send a copy of draft proposals to—”;
- (ii) for paragraph (b) (but not the “and” following it) substitute—
- “(b) the secured creditors located for the purposes of subsection (1),”;
- (d) in subsection (3), in the words before paragraph (a), for the words from “The regulator” to “bringing” substitute “If the regulator sends draft proposals under subsection (2), the regulator must also make arrangements for bringing those”;
- (e) for subsection (4) substitute—
- “(4) If each secured creditor to whom draft proposals were required to be sent agrees to them by notice to the regulator, the draft proposals become agreed proposals for the purposes of this group of sections.”;
- (f) in subsection (5)—
- (i) in the words before paragraph (a) for “Proposals” substitute “Draft proposals”;
- (ii) in paragraph (a), for “proposals were sent” substitute “draft proposals were required to be sent”;
- (g) in subsection (6)(b)—
- (i) for “its” substitute “any”;
- (ii) for “the original” substitute “draft”;
- (h) for subsection (8) substitute—
- “(8) The regulator may make proposals amending agreed proposals; and this section and section 152 apply to such proposals.”
- (7) In section 158 (assistance by regulator in connection with proposals), in subsection (1), for “the agreement of proposals” substitute “the regulator deciding whether to exercise the power under section 152 to make proposals and (if proposals are made) the proposals becoming agreed proposals”.

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Commencement Information

II S. 12 not in force at Royal Assent, see [s. 46\(3\)](#)

Status:

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Changes to legislation:

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