

STATUTORY INSTRUMENTS

2018 No. 1244

**The Banks and Building Societies
(Priorities on Insolvency) Order 2018**

PART 7

Further Amendments relating to Parts 2 to 6

Housing and Regeneration Act 2008

40.—(1) The Housing and Regeneration Act 2008(1) is amended as follows.

(2) In section 152 (proposals)(2), in subsection (4)—

(a) in paragraph (b), omit the final “or”;

(b) after paragraph (c), insert—

“or

(d) if the registered provider is a relevant financial institution—

(i) an ordinary non-preferential debt being paid otherwise than in priority to a secondary non-preferential debt,

(ii) a secondary non-preferential debt being paid otherwise than in priority to a tertiary non-preferential debt, or

(iii) a secondary non-preferential creditor (Creditor 1) being paid a smaller proportion of a secondary non-preferential debt than another secondary non-preferential creditor (Creditor 2) (unless Creditor 1 consents).”.

(3) In section 275 (general)(3), for “and “secondary preferential debt”” substitute “, “ordinary non-preferential debt”, “secondary preferential debt”, “secondary non-preferential debt”, “tertiary non-preferential debt” and “relevant financial institution””.

(4) In section 276 (index of defined terms)(4), in the table, insert the following entries at the appropriate places—

“Ordinary non-preferential debt	Section 275”
“Relevant financial institution	Section 275”

(1) 2008 c. 17.

(2) Section 152 was amended by S.I. 2014/3486.

(3) Section 275 was amended by the Charities Act 2011 c. 25 Schedule 7(2) paragraph 135, the Co-operative and Community Benefit Societies Act 2014 c. 14 Schedule 4(2) paragraphs 122 and 136, the Housing and Planning Act 2016 c. 22 Schedule 4(4) paragraph 38 and Schedule 6 paragraph 9 and S.I. 2014/2486.

(4) Section 276 was amended by the Localism Act 2011 c. 20 Schedule 16(1) paragraph 53 and Schedule 25(26) paragraph 1, the Co-operative and Community Benefit Societies Act 2014 c. 14 Schedule 4(2) paragraph 123 and paragraph 137, the Housing and Planning Act 2016 c. 22 Schedule 6 paragraph 10, S.I. 2010/844 and S.I. 2018/1040.

Status: This is the original version (as it was originally made).

“Secondary non-preferential debt	Section 275”
“Tertiary non-preferential debt	Section 275”