



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 8

#### REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

##### *Companies: restructuring and winding up*

#### **100 Restructuring and winding up of companies**

- (1) This group of sections applies to a registered social landlord which is a registered company.
- (2) Chapter 2 of Part 10 makes provision for Regulator consent for the purpose of section 101.
- (3) The Regulator must not give any other consent for the purposes of this group of sections unless satisfied that the company has consulted its tenants about the matter for which consent is needed.

#### **101 Restructuring of company**

- (1) A court order made in respect of the company under section 899 or 900 of the Companies Act 2006 (c.46) has effect only if—
  - (a) the Regulator consents to the order before it is made, and
  - (b) a copy of the consent accompanies the copy of the order delivered to the registrar of companies in accordance with section 900(6) of the Companies Act 2006 (c.46).
- (2) Where the whole or any part of the undertaking and property and liabilities of the company are transferred to another company in pursuance of an order under section 900 of the Companies Act 2006 (c.46), that other company is to be included in the register (and is to be treated as so included pending such inclusion).

#### **102 Conversion of company into a registered society**

- (1) A special resolution by the company under section 53 of the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12) has effect only if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the Regulator consents to the special resolution before it is passed, and
  - (b) a copy of the consent accompanies the resolution sent to the registrar of companies in accordance with section 53(4) of the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c.12).
- (2) The new registered society created in pursuance of that resolution is to be included in the register (and is to be treated as so included pending such inclusion).

**103 Company voluntary arrangement**

A voluntary arrangement under Part 1 of the Insolvency Act 1986 (c.45) in relation to the company does not take effect under section 5 of that Act unless the Regulator consents to the voluntary arrangement.

**104 Voluntary winding up of company**

A special resolution for the voluntary winding up of the company under the Insolvency Act 1986 (c.45) is valid only if—

- (a) the Regulator consents to the special resolution before it is passed, and
- (b) a copy of the consent accompanies the copy resolution sent to the registrar of companies in accordance with section 30 of the Companies Act 2006 (c.46).