



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2

#### REGULATION OF SOCIAL HOUSING

#### CHAPTER 4

#### REGISTERED PROVIDERS

#### *Insolvency etc.*

#### 146 Duration of moratorium

[<sup>F1</sup>(1) The moratorium begins when the notice mentioned in section 145 is given.]

[<sup>F1</sup>(2) The moratorium ends when one of the following occurs—

- (a) the expiry of the relevant period,
- (b) the making of a housing administration order under Chapter 5 of Part 4 of the Housing and Planning Act 2016 in relation to the registered provider, or
- (c) the cancellation of the moratorium (see subsection (5)).]

[<sup>F1</sup>(2A) The “relevant period” is—

- (a) the period of 28 days beginning with the day on which the notice mentioned in section 145 is given, plus
  - (b) any period by which that period is extended under subsection (3).]
- (3) During a moratorium the regulator may extend it (or further extend it) for a specified period, with the consent of each secured creditor of the registered provider whom the regulator is able to locate after making reasonable enquiries.
- (4) If the regulator extends a moratorium it shall notify—
- (a) the registered provider, [<sup>F2</sup>and]

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(b) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or its land, <sup>F3</sup>...

<sup>F4</sup>(c) .....

[<sup>F5</sup>(4A) If the regulator extends a moratorium in respect of a private registered provider who owns land in Greater London, the regulator shall also notify the Greater London Authority.]

(5) During a moratorium the regulator may cancel it if satisfied that it is unnecessary to make proposals under section 152.

<sup>F6</sup>(6) .....

(7) When a moratorium ends the regulator shall give notice, and (except in the case of cancellation) an explanation of section 147, to—

(a) the registered provider, and

(b) such of its secured creditors as the regulator is able to locate after making reasonable enquiries.

[<sup>F7</sup>(7A) The regulator shall also notify the HCA as follows—

(a) if it extends a moratorium, and

(b) when a moratorium ends.]

<sup>F8</sup>(8) .....

[<sup>F9</sup>(8A) When a moratorium in respect of a private registered provider who owns land in Greater London ends, the regulator shall also give notice to the Greater London Authority.]

[<sup>F10</sup>(9) If a notice mentioned in section 145 is given during a moratorium, that does not—

(a) start a new moratorium, or

(b) alter the existing moratorium's duration.]

#### Textual Amendments

- F1** S. 146(1)-(2A) substituted for s. 146(1) (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 6 para. 4\(2\)](#); S.I. 2018/805, [reg. 3\(c\)](#) (with [reg. 4](#))
- F2** Word in s. 146(4)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 39\(2\)\(a\)](#); S.I. 2012/628, [art. 6\(i\)](#) (with [arts. 911141517](#))
- F3** Word in s. 146(4)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 26](#); S.I. 2012/628, [art. 6\(j\)](#) (with [arts. 911141517](#))
- F4** S. 146(4)(c) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 39\(2\)\(b\)](#), [Sch. 25 Pt. 26](#); S.I. 2012/628, [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))
- F5** S. 146(4A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 50\(2\)](#); S.I. 2012/628, [art. 6\(i\)](#) (with [arts. 911141517](#))
- F6** S. 146(6) omitted (5.7.2018) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 6 para. 4\(3\)](#); S.I. 2018/805, [reg. 3\(c\)](#) (with [reg. 4](#))
- F7** S. 146(7A) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), [art. 1\(2\)](#), [Sch. para. 23](#) (with [Pt. 4](#))
- F8** S. 146(8) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 39\(3\)](#), [Sch. 25 Pt. 26](#); S.I. 2012/628, [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))
- F9** S. 146(8A) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 50\(3\)](#); S.I. 2012/628, [art. 6\(i\)](#) (with [arts. 911141517](#))

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**F10** S. 146(9) substituted (5.7.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 6 para. 4\(4\)](#); [S.I. 2018/805](#), reg. 3(c) (with reg. 4)

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**Commencement Information**

**I1** S. 146 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

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**Changes and effects yet to be applied to :**

- s. 146(1) omitted by [2023 c. 36 s. 12\(3\)\(b\)](#)
- s. 146(2) words inserted by [2023 c. 36 s. 12\(3\)\(c\)](#)
- s. 146(2A)(a) words substituted by [2023 c. 36 s. 12\(3\)\(d\)](#)
- s. 146(3) words substituted by [2023 c. 36 s. 12\(3\)\(f\)](#)
- s. 146(5) words omitted by [2023 c. 36 s. 12\(3\)\(g\)](#)
- s. 146(9) words substituted by [2023 c. 36 s. 12\(3\)\(h\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 107(2A) inserted by [2023 c. 36 s. 3\(2\)\(c\)](#)
- s. 107(4A)(4B) inserted by [2023 c. 36 s. 3\(2\)\(f\)](#)
- s. 107(6A) inserted by [2023 c. 36 s. 3\(2\)\(i\)](#)
- s. 115(6A) inserted by [2023 c. 36 s. 8\(d\)](#)
- s. 117(1A) inserted by [2023 c. 36 s. 4\(3\)](#)
- s. 117(4A) inserted by [2023 c. 36 s. 4\(5\)](#)
- s. 126A-126D inserted by [2023 c. 36 s. 10\(2\)](#)
- s. 146(2B) inserted by [2023 c. 36 s. 12\(3\)\(e\)](#)
- s. 153(1)(ba) inserted by [2023 c. 36 s. 12\(6\)\(a\)](#)
- s. 153(1A) inserted by [2023 c. 36 s. 12\(6\)\(b\)](#)
- s. 154(2)(ab) inserted by [2023 c. 36 Sch. 1 para. 18](#)
- s. 161A inserted by [2023 c. 36 s. 18\(2\)](#)
- s. 163A applied (with modifications by [S.I. 2023/1311 reg. 9](#))
- s. 163A inserted by [2023 c. 36 s. 17\(3\)](#)
- s. 163B inserted by [2023 c. 36 s. 18\(3\)](#)
- s. 169CA inserted by [2023 c. 36 s. 19\(4\)](#)
- s. 169CB-169CD and cross-heading inserted by [2023 c. 36 s. 20\(2\)](#)
- s. 169ZA inserted by [2023 c. 36 Sch. 5 para. 14](#)
- s. 199(9) inserted by [2023 c. 36 s. 28\(2\)\(c\)](#)
- s. 199A-199B inserted by [2023 c. 36 s. 28\(3\)](#)
- s. 200(4A) inserted by [2023 c. 36 s. 28\(4\)\(d\)](#)
- s. 201A inserted by [2023 c. 36 s. 29\(2\)](#)
- s. 203A inserted by [2023 c. 36 s. 30\(4\)](#)
- s. 215(1A) inserted by [2023 c. 36 s. 29\(3\)](#)
- s. 218(2)(e) inserted by [2023 c. 36 Sch. 5 para. 26\(b\)](#)
- s. 218A-218D and cross-heading inserted by [2023 c. 36 s. 31\(2\)](#)
- s. 220(11B) inserted by [2023 c. 36 s. 10\(3\)](#)
- s. 220(11D)(11E) inserted by [2023 c. 36 s. 31\(3\)](#)
- s. 225A-225H and cross-heading inserted by [2023 c. 36 s. 32](#)
- s. 227(7B) inserted by [2023 c. 36 s. 10\(4\)](#)
- s. 227(7D)(7E) inserted by [2023 c. 36 s. 31\(4\)](#)
- s. 237(5)(6) inserted by [2023 c. 36 s. 31\(5\)](#)
- s. 247(1)(c) and word inserted by [2023 c. 36 s. 31\(6\)](#)
- s. 247(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(5\)](#)
- s. 249(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)

- s. 252(2A) inserted by [2023 c. 36 Sch. 3 para. 9\(b\)](#)
- s. 252A(2)(c)(d) inserted by [2023 c. 36 s. 10\(7\)\(b\)](#)
- s. 252A(2)(e) inserted by [2023 c. 36 Sch. 3 para. 10\(b\)](#)
- s. 252A(2)(f) and word inserted by [2023 c. 36 s. 31\(8\)](#)
- s. 253(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 11\(b\)](#)
- s. 255(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 12\(b\)](#)
- s. 259(3A) inserted by [2023 c. 36 Sch. 3 para. 15\(d\)](#)
- s. 266(9) inserted by [2023 c. 36 Sch. 3 para. 17\(b\)](#)
- s. 269(1)(ba)(bb) inserted by [2023 c. 36 Sch. 3 para. 18\(c\)](#)
- s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)