



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 4

#### SOCIAL HOUSING IN ENGLAND

### CHAPTER 5

#### INSOLVENCY OF REGISTERED PROVIDERS OF SOCIAL HOUSING

#### *Supplementary provisions*

#### **114 Modification of this Chapter under the Enterprise Act 2002**

- (1) The power to modify or apply enactments conferred on the Secretary of State by each of the sections of the Enterprise Act 2002 mentioned in subsection (2) includes power to make such consequential modifications of this Chapter as the Secretary of State considers appropriate in connection with any other provision made under that section.
- (2) Those sections are—
  - (a) sections 248 and 277 of the Enterprise Act 2002 (amendments consequential on that Act), and
  - (b) section 254 of the Enterprise Act 2002 (power to apply insolvency law to foreign companies).

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#### **Commencement Information**

**11** S. 114 in force at 5.7.2018 by S.I. 2018/805, reg. 3(a)

#### **115 Amendments to housing moratorium and consequential amendments**

Schedule 6 contains amendments to do with this Chapter.

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**Changes to legislation:** *Housing and Planning Act 2016, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Commencement Information

**I2** S. 115 in force at 5.7.2018 by S.I. 2018/805, reg. 3(a)

## 116 Interpretation of Chapter

(1) In this Chapter—

“business”, “member”, “property” and “security” have the same meaning as in the Insolvency Act 1986;

“charitable incorporated organisation” means a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011;

“company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company;

“the court”, in relation to a company [<sup>F1</sup>, limited liability partnership] or registered society, means the court having jurisdiction to wind up the company [<sup>F1</sup>, limited liability partnership] or registered society;

“foreign company” means a company incorporated outside the United Kingdom;

“housing administration order” has the meaning given by section 95;

“housing administration rules” means rules made under section 411 of the Insolvency Act 1986 as a result of section 102 above;

“housing administrator” has the meaning given by section 95 and is to be read in accordance with subsection (2) below;

“financial year” means a period of 12 months ending with 31 March;

“legislation” includes provision made by or under—

- (a) an Act,
- (b) an Act of the Scottish Parliament,
- (c) Northern Ireland legislation, or
- (d) a Measure or Act of the National Assembly for Wales;

“objectives of the housing administration” is to be read in accordance with section 96(4);

“private registered provider” means a private registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“registered provider” means a registered provider of social housing (see section 80 of the Housing and Regeneration Act 2008);

“registered society” has the same meaning as in the Co-operative and Community Benefit Societies Act 2014;

“Regulator of Social Housing” has the meaning given by section 92A of the Housing and Regeneration Act 2008;

“Scottish firm” means a firm constituted under the law of Scotland;

“UK affairs, business and property”, in relation to a company, means—

- (a) its affairs and business so far as carried on in the United Kingdom, and
- (b) its property in the United Kingdom;

“unregistered company” means a company that is not registered under the Companies Act 2006.

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- (2) In this Chapter references to the housing administrator of a registered provider—
- (a) include a person appointed under paragraph 91 or 103 of Schedule B1 to the Insolvency Act 1986, as applied by Part 1 of Schedule 5 to this Act or regulations under section 102, to be the housing administrator of the registered provider, and
  - (b) if two or more persons are appointed as the housing administrator of the registered provider, are to be read in accordance with the provision made under section 101.
- (3) References in this Chapter to a person qualified to act as an insolvency practitioner in relation to a registered provider are to be read in accordance with Part 13 of the Insolvency Act 1986, but as if references in that Part to a company included a company registered under the Companies Act 2006 in Northern Ireland.
- (4) For the purposes of this Chapter an application made to the court is outstanding if it—
- (a) has not yet been granted or dismissed, and
  - (b) has not been withdrawn.
- (5) An application is not to be taken as having been dismissed if an appeal against the dismissal of the application, or a subsequent appeal, is pending.
- (6) An appeal is to be treated as pending for this purpose if—
- (a) an appeal has been brought and has not been determined or withdrawn,
  - (b) an application for permission to appeal has been made but has not been determined or withdrawn, or
  - (c) no appeal has been brought and the period for bringing one is still running.
- (7) References in this Chapter to a provision of the Insolvency Act 1986 (except the references in subsection (2) above)—
- (a) in relation to a company, are to that provision without the modifications made by Part 1 of Schedule 5 to this Act,
  - [<sup>F2</sup>(aa) in relation to a limited liability partnership, are to that provision as it applies to limited liability partnerships otherwise than by virtue of regulations under section 102 (if at all),]
  - (b) in relation to a registered society, are to that provision as it applies to registered societies otherwise than by virtue of regulations under section 102 (if at all), and
  - (c) in relation to a charitable incorporated organisation, are to that provision as it applies to charitable incorporated organisations otherwise than by virtue of regulations under section 102 (if at all).

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#### Textual Amendments

- F1** Words in s. 116(1) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 1 para. 9\(a\)](#); S.I. 2024/437, reg. 2(w)(ii)
- F2** S. 116(7)(aa) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), s. 46\(3\), Sch. 1 para. 9\(b\)](#); S.I. 2024/437, reg. 2(w)(ii)
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#### Commencement Information

- I3** S. 116 in force at 5.7.2018 by [S.I. 2018/805, reg. 3\(a\)](#)

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## **117 Application of Part to Northern Ireland**

- (1) This section makes provision about the application of this Chapter to Northern Ireland.
- (2) Any reference to any provision of the Insolvency Act 1986 is to have effect as a reference to the corresponding provision of the Insolvency (Northern Ireland) Order 1989.
- (3) Section 116(3) is to have effect as if the reference to Northern Ireland were to England and Wales or Scotland.

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### **Commencement Information**

**I4** S. 117 in force at 5.7.2018 by S.I. 2018/805, reg. 3(a)

**Changes to legislation:**

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**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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)