

## SCHEDULE 1

### CONSEQUENTIAL AMENDMENTS

#### Housing Act 1996 (c. 52)

**161.**—(1) Part 1 of the Housing Act 1996 (registered social landlords) is amended as follows.

(2) In the following provisions for “a company registered under the Companies Act 1985” substitute “a company”

- (a) section 2(1)(c) (eligibility for registration);
- (b) sections 40(3) and (4) and 41(3) and (4) (notices to be given of steps to enforce security, winding up etc);
- (c) section 58(2) (definitions relating to charities: references to company not to include registered charity);
- (d) section 59(1)(a) (meaning of “officer”: registered charity that is not a company).

(3) In the following provisions for “a company registered under the Companies Act 1985 (including such a company which is also a registered charity)” substitute “a company (including a company that is a registered charity)”

- (a) section 3(3)(c) (registration);
- (b) section 4(6)(c) (removal from register);
- (c) section 6(3)(c) (appeal against decision on removal).

(4) In section 45(3)(b) (duty of directors to co-operate in implementation of proposals), for “a company registered under the Companies Act 1985 (including a company which is a registered charity)” substitute “a company (including a company that is a registered charity)”.

(5) In section 56(2)(c) (meaning of “the Relevant Authority”), for “the Companies Act 1985” substitute “the Companies Act 2006”.

(6) In section 59(1)(c) (meaning of “officer”: company)—

- (a) for “a company registered under the Companies Act 1985 (including such a company which is also a registered charity)” substitute “a company (including a company that is a registered charity)”, and
- (b) for “that Act” substitute “the Companies Acts (see sections 250 and 1173(1) of the Companies Act 2006)”.

(7) In sections 60(1)(c) and 61(2) (meaning of “subsidiary”), for “the Companies Act 1985” substitute “the Companies Acts (see section 1159 of the Companies Act 2006)”.

(8) In section 63(1) (minor definitions)—

- (a) at the appropriate place insert—  
““company” means a company registered under the Companies Act 2006;”;
- (b) in the definition of “registrar of companies” for “the Companies Act 1985” substitute “the Companies Acts (see section 1060 of the Companies Act 2006)”.

(9) In section 64 (index of defined expressions)—

- (a) at the appropriate place insert—

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“company” section 63 (and see section 58(2));

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- (b) omit the entry for “company registered under the Companies Act 1985”.

(10) In Schedule 1 (regulation of registered social landlords)—

**Changes to legislation:** There are currently no known outstanding effects for the *The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 161*. (See end of Document for details)

- (a) in paragraphs 1(3)<sup>M1</sup>, 2(1), 3(1)<sup>M2</sup>, 4(1)(c), 7(1)<sup>M3</sup>, 12(2)(c) and 13(1), for “a company registered under the Companies Act 1985” substitute “a company”;
- (b) in paragraph 4(2)<sup>M4</sup>, for paragraph (b) substitute—
  - “(b) he is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002;”;
- (c) in paragraph 10(1)(a) for “a company incorporated under the Companies Act 1985” substitute “a company”;
- (d) in paragraph 11—
  - (i) in the heading, for “memorandum or articles of association” substitute “articles”;
  - (ii) in sub-paragraph (1) for “a company registered under the Companies Act 1985 (including such a company which is also a registered charity)” substitute “a company (including a company that is a registered charity)”, and
  - (iii) in sub-paragraph (3)<sup>M5</sup>, for “memorandum or articles” substitute “articles”;
- (e) in paragraph 12(4)(b)<sup>M6</sup> (amalgamation or dissolution), for the words from “section 30” to “1965” substitute “section 55(3) of the Industrial and Provident Societies Act 1965”;
- (f) in paragraph 14(1) (winding up)—
  - (i) for paragraph (a) substitute—
    - “(a) a company (including a company that is a registered charity), or”, and
  - (ii) in paragraph (b) for “section 55(a)” substitute “section 55(1)(a)”;
- (g) in paragraph 15 (transfer of assets on dissolution or winding up)—
  - (i) in sub-paragraph (1)(a), for “section 55(a) or (b)” substitute “section 55(1)(a) or (b)”;
  - (ii) in sub-paragraph (1)(b)<sup>M7</sup>, for “a company registered under the Companies Act 1985 (including such a company which is also a registered charity)” substitute “a company (including a company that is a registered charity)”, and
  - (iii) in sub-paragraph (2)<sup>M8</sup>, in the second sentence for “the Companies Act 1985” substitute “the Companies Act 2006” and for “memorandum or articles of association” substitute “articles”.

#### Marginal Citations

- M1** Paragraph 1(3) was amended by the [Housing and Regeneration Act 2008 \(c.17\)](#), [section 61\(1\)](#) and (7).
- M2** Paragraph 3(1) was amended by the [Housing and Regeneration Act 2008 \(c.17\)](#), [section 61\(1\)](#) and (7).
- M3** Paragraph 7(1) was amended by the [Housing and Regeneration Act 2008 \(c.17\)](#), [section 61\(1\)](#) and (7).
- M4** Paragraph 4(2) was amended by the [Insolvency Act 2000 \(c.39\)](#), [Schedule 4](#), paragraph 21(b).
- M5** Paragraph 11(3) was amended by the [Government of Wales Act 1998 \(c.30\)](#), [Schedule 16](#), paragraph 82(1)(b).
- M6** Paragraph 12(4)(b) was amended by [S.I. 2007/2194 \(C.84\)](#), [Schedule 4](#), paragraph 88(1) and (4).
- M7** Paragraph 15(1)(b) was amended by the [Housing Act 2004 \(c.34\)](#), [Schedule 11](#), paragraphs 7 and 15(1) and (2).
- M8** Paragraph 15(2) was amended by the [Housing and Regeneration Act 2008 \(c.17\)](#), [section 61\(1\)](#) and (7) and the [Government of Wales Act 1998 \(c.30\)](#), [Schedule 16](#), paragraph 82(1)(a).

**Changes to legislation:**

There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 161.