



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 8

REGISTERED SOCIAL LANDLORDS: ORGANISATIONAL CHANGE ETC.

*Registered societies: restructuring, winding up and dissolution*

#### [<sup>F1</sup>98 Voluntary winding up of society

- (1) This section applies in relation to the voluntary winding up of the society under the Insolvency Act 1986.
- (2) The society must consult its tenants in relation to the proposed voluntary winding up before passing a resolution for the winding up of the society.
- (3) Such a resolution is valid only if—
  - (a) the society confirms that it consulted its tenants as mentioned in subsection (2), and
  - (b) a copy of the confirmation accompanies the copy resolution sent to the Financial Conduct Authority for the purposes of section 30 of the Companies Act 2006 (as applied by virtue of section 123 of the Co-operative and Community Benefit Societies Act 2014 and section 84(3) of the Insolvency Act 1986).
- (4) The society must, as soon as reasonably practicable after sending the copy resolution to the Financial Conduct Authority, give notice of the voluntary winding up to the Regulator.
- (5) The Regulator must issue guidance in relation to consultation for the purpose of subsection (2).
- (6) A society must, in consulting tenants for that purpose, have regard to guidance issued under subsection (5).]

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 98. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 98 substituted (8.3.2019) by [Housing \(Amendment\) \(Scotland\) Act 2018 \(asp 13\)](#), [ss. 6\(5\)](#), [11\(2\)](#); [S.S.I. 2018/253](#), [reg. 2\(2\)](#) (with [reg. 8](#))
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#### **Commencement Information**

- I1** S. 98 in force at 1.4.2012 by [S.S.I. 2012/39](#), [art. 2](#), [Sch. 1](#) (with [Sch. 2](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2010, Section 98.