



Housing Act 1996

1996 CHAPTER 52

PART I

SOCIAL RENTED SECTOR

CHAPTER IV

GENERAL POWERS OF THE [F¹RELEVANT AUTHORITY]

Insolvency, &c. of registered social landlord

40 Initial notice to be given to the [F¹Relevant Authority].

- (1) Notice must be given to the [F¹Relevant Authority] before any of the steps mentioned below is taken in relation to a registered social landlord.

The person by whom the notice must be given is indicated in the second column.

- (2) Where the registered social landlord is an industrial and provident society, the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Presenting a petition for the winding up of the landlord.	The petitioner.
Passing a resolution for the winding up of the landlord.	The landlord.

- (3) Where the registered social landlord is [F²a company] (including a registered charity), the steps and the person by whom notice must be given are—

Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.

Changes to legislation: Housing Act 1996, Section 40 is up to date with all changes known to be in force on or before 12 June 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)

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
Applying for an administration order.	The applicant.
Presenting a petition for the winding up of the landlord.	The petitioner.
Passing a resolution for the winding up of the landlord.	The landlord.

- (4) Where the registered social landlord is a registered charity (other than [F²a company]), the steps and the person by whom notice must be given are—

Any step to enforce any security over land held by the landlord.	The person proposing to take the step.
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- (5) Notice need not be given under this section in relation to a resolution for voluntary winding up where the consent of the [F¹Relevant Authority] is required (see paragraphs 12(4) and 13(6) of Schedule 1).

- (6) Any step purportedly taken without the requisite notice being given under this section is ineffective.

- [F³(7) Subsections (8) and (9) apply in relation to the reference in subsection (3) to applying for an administration order.

- (8) In a case where an administrator is appointed under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 (appointment by floating charge holder, company or directors)—

- (a) the reference includes a reference to appointing an administrator under that paragraph, and
- (b) in respect of an appointment under either of those paragraphs the reference to the applicant shall be taken as a reference to the person making the appointment.

- (9) In a case where a copy of a notice of intention to appoint an administrator under either of those paragraphs is filed with the court—

- (a) the reference shall be taken to include a reference to the filing of the copy of the notice, and
- (b) in respect of the filing of a copy of a notice of intention to appoint under either of those paragraphs the reference to the applicant shall be taken as a reference to the person giving the notice.]

Textual Amendments

- F1** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F2** Words in s. 40(3)(4) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 161(2)(b)** (with art. 10)
- F3** S. 40(7)-(9) added (15.9.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 17 para. 51** (with s. 249(1)-(3)); S.I. 2003/2093, art. 2(1), Sch. 1 (with art. 3)

Status:

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