



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

44 Proposals as to ownership and management of landlord's land.

- (1) During the moratorium (see sections 42 and 43) the [F¹Relevant Authority] may make proposals as to the future ownership and management of the land held by the registered social landlord, designed to secure the continued proper management of the landlord's land by a registered social landlord.
- (2) In drawing up its proposals the [F¹Relevant Authority]—
 - (a) shall consult the landlord and, so far as is practicable, its tenants, and
 - (b) shall have regard to the interests of all the landlord's creditors, both secured and unsecured.
- (3) The [F¹Relevant Authority] shall also consult—
 - (a) where the landlord is an industrial and provident society, the appropriate registrar, and
 - (b) where the landlord is a registered charity, the Charity Commissioners.
- (4) No proposals shall be made under which—
 - (a) a preferential debt of the landlord is to be paid otherwise than in priority to debts which are not preferential debts, or

Status: Point in time view as at 01/11/1998. This version of this provision has been superseded.

Changes to legislation: Housing Act 1996, Section 44 is up to date with all changes known to be in force on or before 06 September 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)

- (b) a preferential creditor is to be paid a smaller proportion of his preferential debt than another preferential creditor, except with the concurrence of the creditor concerned.

In this subsection references to preferential debts and preferential creditors have the same meaning as in the ^{M1}Insolvency Act 1986.

- (5) So far as practicable no proposals shall be made which have the effect that unsecured creditors of the landlord are in a worse position than they would otherwise be.
- (6) Where the landlord is a charity the proposals shall not require the landlord to act outside the terms of its trusts, and any disposal of housing accommodation occupied under a tenancy or licence from the landlord must be to another charity whose objects appear to the [^{F1}Relevant Authority] to be, as nearly as practicable, akin to those of the landlord.
- (7) The [^{F1}Relevant Authority] shall serve a copy of its proposals on—
- (a) the landlord and its officers,
 - (b) the secured creditors of the landlord, and
 - (c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the landlord or its land;

and it shall make such arrangements as it considers appropriate to see that the members, tenants and unsecured creditors of the landlord are informed of the proposals.

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**.

Marginal Citations

M1 1986 c. 45.

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