



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 2 **E+W**

#### REGULATION OF SOCIAL HOUSING

### CHAPTER 4 **E+W**

#### REGISTERED PROVIDERS

*Insolvency etc.*

#### [<sup>F1</sup>143A Application of rules about insolvency **E+W**

This group of sections does not apply to local authorities.]

#### Textual Amendments

- F1** S. 143A inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 1 para. 27](#)

#### <sup>F2</sup>144 Preparatory steps: notice **E+W**

#### Textual Amendments

- F2** S. 144 omitted (5.7.2018) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 6 para. 2](#); [S.I. 2018/805](#), reg. 3(c)

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**[<sup>F3</sup>145 Moratorium E+W**

- (1) A moratorium on the disposal of land by a private registered provider begins when any of the events mentioned in subsection (2) occur in relation to the provider.
- (2) The events are—
  - (a) a petition is presented under section 124 of the Insolvency Act 1986, by a person other than the Secretary of State, for the winding up of the provider;
  - (b) an application is made by the provider under section 105(3) of the Housing and Planning Act 2016 for permission to pass a resolution for voluntary winding up;
  - (c) an application is made in accordance with paragraph 12 of Schedule B1 to the Insolvency Act 1986, by a person other than the Secretary of State, for an administration order in respect of the provider;
  - (d) a notice of the appointment of an administrator of the provider under paragraph 14 or 22 of Schedule B1 to the Insolvency Act 1986 is filed with the court under paragraph 18 or 29 of that Schedule;
  - (e) notice of intention to enforce a security over property of the provider is given under section 108(2)(a) of the Housing and Planning Act 2016 or the requirement to give such notice is waived under section 108(2)(b) of that Act.]

**Textual Amendments**

**F3** S. 145 substituted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), ss. 12\(2\), 46\(3\)](#); S.I. 2024/437, reg. 2(e) (with reg. 4(1))

**146 [<sup>F4</sup>Ending] of moratorium E+W**

<sup>F5</sup>(1) .....

- [<sup>F6</sup>(2) The moratorium [<sup>F7</sup>mentioned in section 145] ends when one of the following occurs—
  - (a) the expiry of the relevant period,
  - (b) the making of a housing administration order under Chapter 5 of Part 4 of the Housing and Planning Act 2016 in relation to the registered provider, or
  - (c) the cancellation of the moratorium (see subsection (5)).]

[<sup>F6</sup>(2A) The “relevant period” is—

- (a) the period of 28 days beginning with the [<sup>F8</sup>relevant day], plus
- (b) any period by which that period is extended under subsection (3).]

[<sup>F9</sup>(2B) The “relevant day” is—

- (a) in the case of an event mentioned in section 145(2)(a), the day on which notice under section 104(2)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 104(2)(b) of that Act;
- (b) in the case of an event mentioned in section 145(2)(b), the day on which notice under section 105(4)(a) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 105(4)(b) of that Act;
- (c) in the case of an event mentioned in section 145(2)(c), the day on which notice under section 106(3)(a)(i) of the Housing and Planning Act 2016 is given or

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- on which the requirement to give such notice is waived under section 106(3)(a)(ii) of that Act;
  - (d) in the case of an event mentioned in section 145(2)(d), the day on which notice under section 107(4)(a)(i) of the Housing and Planning Act 2016 is given or on which the requirement to give such notice is waived under section 107(4)(a)(ii) of that Act;
  - (e) in the case of an event mentioned in section 145(2)(e), the day of that event.]
- (3) During a moratorium the regulator may extend it (or further extend it) for a specified <sup>F10</sup>period if—
- (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
  - (b) where the regulator located one or more such creditors, each of them has consented to the extension.]
- (4) If the regulator extends a moratorium it shall notify—
- (a) the registered provider, <sup>F11</sup>and]
  - (b) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or its land, <sup>F12</sup>...
  - <sup>F13</sup>(c) .....
- <sup>F14</sup>(4A) If the regulator extends a moratorium in respect of a private registered provider who owns land in Greater London, the regulator shall also notify the Greater London Authority.]
- (5) During a moratorium the regulator may cancel it <sup>F15</sup>....
- <sup>F16</sup>(6) .....
- (7) When a moratorium ends the regulator shall give notice, and (except in the case of cancellation) an explanation of section 147, to—
- (a) the registered provider, and
  - (b) such of its secured creditors as the regulator is able to locate after making reasonable enquiries.
- <sup>F17</sup>(7A) The regulator shall also notify the HCA as follows—
- (a) if it extends a moratorium, and
  - (b) when a moratorium ends.]
- <sup>F18</sup>(8) .....
- <sup>F19</sup>(8A) When a moratorium in respect of a private registered provider who owns land in Greater London ends, the regulator shall also give notice to the Greater London Authority.]
- <sup>F20</sup>(9) If <sup>F21</sup>an event mentioned in section 145(2) occurs] during a moratorium, that does not—
- (a) start a new moratorium, or
  - (b) alter the existing moratorium's duration.]

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**Textual Amendments**

**F4** Word in s. 146 heading substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), ss. 12(3)(a), 46(3); S.I. 2024/437, reg. 2(e)

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- F5** S. 146(1) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(b)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(1))
- F6** S. 146(1)-(2A) substituted for s. 146(1) (5.7.2018) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 6 para. 4(2)**; S.I. 2018/805, reg. 3(c) (with reg. 4)
- F7** Words in s. 146(2) inserted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(c)**, 46(3); S.I. 2024/437, reg. 2(e)
- F8** Words in s. 146(2A)(a) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(d)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(1))
- F9** S. 146(2B) inserted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(e)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(1))
- F10** Words in s. 146(3) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(f)**, 46(3); S.I. 2024/437, reg. 2(e)
- F11** Word in s. 146(4)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 39(2)(a)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F12** Word in s. 146(4)(b) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(j) (with arts. 911141517)
- F13** S. 146(4)(c) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 39(2)(b), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F14** S. 146(4A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 50(2)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F15** Words in s. 146(5) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(g)**, 46(3); S.I. 2024/437, reg. 2(e)
- F16** S. 146(6) omitted (5.7.2018) by virtue of Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 6 para. 4(3)**; S.I. 2018/805, reg. 3(c) (with reg. 4)
- F17** S. 146(7A) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 23** (with Pt. 4)
- F18** S. 146(8) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 39(3), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F19** S. 146(8A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 50(3)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F20** S. 146(9) substituted (5.7.2018) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 6 para. 4(4)**; S.I. 2018/805, reg. 3(c) (with reg. 4)
- F21** Words in s. 146(9) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(3)(h)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(1))

#### Commencement Information

- I1** S. 146 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

## 147 Further moratorium **E+W**

- (1) This section applies if—
- (a) a moratorium in respect of a [<sup>F22</sup>private registered provider] ends otherwise than by cancellation, and
  - (b) a further [<sup>F23</sup>event mentioned in section 145(2) occurs] in relation to the provider within the period of 3 years beginning with the end of the moratorium.
- (2) The further [<sup>F24</sup>event mentioned in section 145(2)] does not automatically trigger a further moratorium.
- (3) But the regulator may impose a further moratorium for a specified [<sup>F25</sup>period] if—

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- (a) the regulator has made reasonable enquiries with a view to locating secured creditors of the registered provider, and
  - (b) where the regulator located one or more such creditors, each of them has consented to the further moratorium.]
- (4) If the regulator imposes a new moratorium it shall notify—
- <sup>F26</sup>(za) the HCA,]
    - (a) the registered provider,]<sup>F27</sup>and]
    - (b) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or any of its land, <sup>F28</sup>...
  - <sup>F29</sup>(c) .....
- <sup>F30</sup>(4A) If the regulator imposes a new moratorium in respect of a private registered provider who owns land in Greater London, the regulator shall also notify the Greater London Authority.]
- (5) This group of sections applies to a further moratorium as to a first moratorium (except for section 146(2)).

#### Textual Amendments

- F22** Words in s. 147(1)(a) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), **Sch. 1 para. 30**
- F23** Words in s. 147(1)(b) substituted (1.4.2024) by The Social Housing (Regulation) Act 2023 (Consequential and Miscellaneous Amendments) Regulations 2024 (S.I. 2024/399), reg. 1(3), **Sch. 1 para. 1(4)(a)**; S.I. 2024/437, **reg. 2(e)**
- F24** Words in s. 147(2) substituted (1.4.2024) by The Social Housing (Regulation) Act 2023 (Consequential and Miscellaneous Amendments) Regulations 2024 (S.I. 2024/399), reg. 1(3), **Sch. 1 para. 1(4)(b)**; S.I. 2024/437, **reg. 2(e)**
- F25** Words in s. 147(3) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(4), 46(3)**; S.I. 2024/437, **reg. 2(e)**
- F26** S. 147(4)(za) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040), art. 1(2), **Sch. para. 24** (with Pt. 4)
- F27** Word in s. 147(4)(a) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 16 para. 40(a)**; S.I. 2012/628, art. 6(i) (with arts. 911141517)
- F28** Word in s. 147(4)(b) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(j) (with arts. 911141517)
- F29** S. 147(4)(c) repealed (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), Sch. 16 para. 40(b), **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
- F30** S. 147(4A) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 51**; S.I. 2012/628, art. 6(i) (with arts. 911141517)

#### Commencement Information

- I2** S. 147 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

## 148 Effect of moratorium **E+W**

- (1) During a moratorium [<sup>F31</sup>neither] the HCA [<sup>F32</sup>, nor the Greater London Authority, may]—
- (a) <sup>F33</sup>... give the registered provider a direction under section 32(4), [<sup>F34</sup>or]
  - (b) <sup>F35</sup>... take steps to enforce such a direction against the registered provider.

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- (2) During a moratorium a disposal of the registered provider's land requires the regulator's prior consent.
- (3) Section 149 sets out exceptions to subsection (2).
- (4) Consent—
  - (a) may be given before the moratorium begins, and
  - (b) may be subject to conditions.
- (5) This section does not prevent a liquidator from disclaiming land as onerous property during a moratorium.
- (6) In this section “land” includes a present or future interest in rent or other receipts arising from land.

#### Textual Amendments

- F31** Word in s. 148(1) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 52\(a\)](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))
- F32** Words in s. 148(1) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 52\(b\)](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))
- F33** Words in s. 148(1)(a) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 52\(c\)](#), [Sch. 25 Pt. 31](#); [S.I. 2012/628](#), [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))
- F34** Word in s. 148(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 52\(d\)](#); [S.I. 2012/628](#), [art. 6\(i\)](#) (with [arts. 911141517](#))
- F35** Words in s. 148(1)(b) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 52\(c\)](#), [Sch. 25 Pt. 31](#); [S.I. 2012/628](#), [art. 6\(i\)\(j\)](#) (with [arts. 911141517](#))

#### Commencement Information

- I3** S. 148 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 149 Exempted disposals **E+W**

- (1) The regulator's consent is not required under section 148 for the following exceptions.
- (2) Exception 1 is a letting under—
  - (a) an assured tenancy, or
  - (b) an assured agricultural occupancy.
- (3) Exception 2 is a letting under what would be an assured tenancy or an assured agricultural occupancy but for any of paragraphs 4 to 8, 12(1)(h) and 12ZA to 12B of Schedule 1 to the Housing Act 1988 (c. 50) (tenancies which cannot be assured tenancies).
- (4) Exception 3 is a letting under a secure tenancy.
- (5) Exception 4 is a letting under what would be a secure tenancy but for any of paragraphs 2 to 12 of Schedule 1 to the Housing Act 1985 (c. 68) (tenancies which are not secure tenancies).
- <sup>F36</sup>(6) .....
- (7) Exception [<sup>F37</sup>5] is a disposal under Part V of the Housing Act 1985 (right to buy).

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(8) Exception [F38]6] is a disposal under the right conferred by—

- (a) section 180, F39 ...
- F39(b) .....

[F40]9) Exception 7 is a letting under an occupation contract (within the meaning of section 7 of the Renting Homes (Wales) Act 2016 (anaw 1)) in respect of a dwelling in Wales.]

#### Textual Amendments

- F36** S. 149(6) omitted (6.4.2017) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 4 para. 12\(a\)](#); S.I. 2017/75, reg. 4
- F37** Word in s. 149(7) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 4 para. 12\(b\)](#); S.I. 2017/75, reg. 4
- F38** Word in s. 149(8) substituted (6.4.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 4 para. 12\(c\)](#); S.I. 2017/75, reg. 4
- F39** S. 149(8)(b) and preceding word omitted (26.1.2019) by virtue of [Abolition of the Right to Buy and Associated Rights \(Wales\) Act 2018 \(anaw 1\)](#), s. 11(3)(4), [Sch. 1 para. 6\(4\)](#); S.I. 2018/100, art. 2(b) (with art. 3) (with savings in S.I. 2019/110, reg. 5)
- F40** S. 149(9) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), [29\(2\)](#)

#### Commencement Information

- I4** S. 149 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 150 Disposals without consent **E+W**

- (1) A purported disposal by a registered provider is void if—
  - (a) it requires the regulator's consent under section 148, and
  - (b) the regulator has not given consent.
- (2) But subsection (1) does not apply to a disposal by a non-profit registered provider to one or more individuals (“the buyer”) if—
  - (a) the disposal is of a single dwelling, and
  - (b) the registered provider reasonably believes at the time of the disposal that the buyer intends to use the property as the buyer's principal residence.

#### Commencement Information

- I5** S. 150 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 151 Interim manager **E+W**

- (1) During a moratorium the regulator may appoint an interim manager of the registered provider.
- (2) An appointment may relate to the registered provider's affairs generally or to affairs specified in the appointment.
- (3) Appointment shall be on terms and conditions (including as to remuneration) specified in, or determined in accordance with, the appointment.



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- (4) An appointment under this section shall come to an end with the earliest of the following—
- (a) the end of the moratorium,
  - [<sup>F41</sup>(b) when the regulator notifies the interim manager that there are proposals under section 152 which are agreed proposals,] or
  - (c) a date specified in the appointment.
- (5) An interim manager shall have—
- (a) any power specified in the appointment, and
  - (b) any other power in relation to the registered provider's affairs required by the manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the registered provider).
- (6) But an interim manager may not—
- (a) dispose of land, or
  - (b) grant security over land.

#### Textual Amendments

- F41** S. 151(4)(b) substituted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\), ss. 12\(5\), 46\(3\); S.I. 2024/437, reg. 2\(e\)](#)

#### Commencement Information

- I6** S. 151 in force at 1.4.2010 by [S.I. 2010/862, art. 2](#) (with [Sch.](#))

## 152 Proposals **E+W**

- (1) During a moratorium the regulator may make proposals about the future ownership and management of the registered provider's land, with a view to ensuring that the property will be properly managed by a registered provider.
- (2) In making proposals the regulator shall—
- (a) have regard to the interests of the registered provider's creditors as a whole, and
  - (b) so far as is reasonably practicable avoid worsening the position of unsecured creditors.
- (3) Proposals may provide for the appointment of a manager in accordance with section 155 to implement all or part of the proposals.
- (4) Proposals may not include anything which would result in—
- (a) a preferential debt being paid otherwise than in priority to a non-preferential debt, <sup>F42</sup>...
  - [<sup>F43</sup>(aa) an ordinary preferential debt being paid otherwise than in priority to a secondary preferential debt,]
  - (b) a preferential creditor (PC1) being paid a smaller proportion of [<sup>F44</sup>an ordinary preferential debt] than another preferential creditor (PC2) (unless PC1 consents) <sup>F45</sup>...



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- [<sup>F46</sup>(c) a preferential creditor (PC1) being paid a smaller proportion of a secondary preferential debt than another preferential creditor (PC2) (unless PC2 consents)] [<sup>F47</sup>or]
- [<sup>F47</sup>(d) if the registered provider is a relevant financial institution—
- (i) an ordinary non-preferential debt being paid otherwise than in priority to a secondary non-preferential debt,
  - (ii) a secondary non-preferential debt being paid otherwise than in priority to a tertiary non-preferential debt, or
  - (iii) a secondary non-preferential creditor (Creditor 1) being paid a smaller proportion of a secondary non-preferential debt than another secondary non-preferential creditor (Creditor 2) (unless Creditor 1 consents).]
- (5) Proposals relating to a registered provider which is a charity (C1)—
- (a) may not require it to act outside the terms of its trusts, and
  - (b) may provide for the disposal of accommodation only to another charity whose objects the regulator thinks are similar to those of C1.

#### Textual Amendments

- F42** Word in s. 152(4)(a) omitted (1.1.2015) by virtue of [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(a)** (with art. 3)
- F43** S. 152(4)(aa) inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(b)** (with art. 3)
- F44** Words in s. 152(4)(b) substituted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(c)** (with art. 3)
- F45** Word in s. 152(4)(b) omitted (19.12.2018) by virtue of [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **40(2)(a)** (with art. 3)
- F46** S. 152(4)(c) and preceding word inserted (1.1.2015) by [The Banks and Building Societies \(Depositor Preference and Priorities\) Order 2014 \(S.I. 2014/3486\)](#), arts. 1(2), **30(2)(d)** (with art. 3)
- F47** S. 152(4)(d) and preceding word inserted (19.12.2018) by [The Banks and Building Societies \(Priorities on Insolvency\) Order 2018 \(S.I. 2018/1244\)](#), arts. 1(2), **40(2)(b)** (with art. 3)

#### Modifications etc. (not altering text)

- C1** [S. 152](#) modified (28.12.2020 until IP completion day when the amending provision ceases to have effect in accordance with reg. 1(4) of the amending S.I.) by [The Bank Recovery and Resolution \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1350\)](#), regs. 1(4), **124(a)** (with reg. 108)

#### Commencement Information

- I7** [S. 152](#) in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

## 153 Proposals: procedure **E+W**

- (1) Before making proposals the regulator shall consult—
- (a) the registered provider,
  - (b) its tenants (so far as is reasonably practicable) [<sup>F48</sup>or its contract-holders (so far as is reasonably practicable),]
- [<sup>F49</sup>(ba) if the regulator is able to locate any secured creditors of the registered provider after making reasonable enquiries, those creditors,]

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- (c) if the registered provider is [<sup>F50</sup>a registered society], the [<sup>F51</sup>Financial Conduct Authority], and
  - (d) if the registered provider is a registered charity, the Charity Commission.
- [<sup>F52</sup>(1A) If no secured creditors are located for the purposes of subsection (1), the proposals made by the regulator following the consultation required by that subsection are agreed proposals for the purposes of this group of sections.]
- (2) [<sup>F53</sup>Where the regulator locates one or more secured creditors of the registered provider for the purposes of subsection (1), the regulator must, before making proposals, send a copy of draft proposals to—]
- (a) the registered provider <sup>F54</sup> ...,
  - [<sup>F55</sup>(b) the secured creditors located for the purposes of subsection (1),] and
  - (c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or any of its land.
- (3) [<sup>F56</sup>If the regulator sends draft proposals under subsection (2), the regulator must also make arrangements for bringing those] proposals to the attention of—
- (a) the registered provider's members,
  - (b) its tenants [<sup>F57</sup>or contract-holders] and
  - (c) its unsecured creditors.
- [<sup>F58</sup>(4) If each secured creditor to whom draft proposals were required to be sent agrees to them by notice to the regulator, the draft proposals become agreed proposals for the purposes of this group of sections.]
- (5) [<sup>F59</sup>Draft proposals] may be agreed with modifications if—
- (a) each secured creditor to whom the [<sup>F60</sup>draft proposals were required to be sent] consents by notice to the regulator, and
  - (b) the regulator consents.
- (6) The regulator shall send a copy of agreed proposals to—
- (a) the registered provider <sup>F61</sup> ...,
  - (b) [<sup>F62</sup>any] secured creditors to whom [<sup>F63</sup>draft] proposals were sent,
  - (c) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or any of its land,
  - (d) if the registered provider is [<sup>F50</sup>a registered society], the [<sup>F64</sup>Financial Conduct Authority], and
  - (e) if the registered provider is a registered charity, the Charity Commission.
- (7) The regulator shall also make arrangements for bringing agreed proposals to the attention of—
- (a) the registered provider's members,
  - (b) its tenants [<sup>F65</sup>or contract-holders] and
  - (c) its unsecured creditors.
- [<sup>F66</sup>(8) The regulator may make proposals amending agreed proposals; and this section and section 152 apply to such proposals.]

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### Textual Amendments

- F48** Words in s. 153(1)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **29(3)(a)**
- F49** S. 153(1)(ba) inserted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(a)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F50** Words in Act substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 122** (with Sch. 5)
- F51** Words in s. 153(1)(c) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 8(2), **(3)(b)** (with Sch. 12)
- F52** S. 153(1A) inserted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(b)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F53** Words in s. 153(2) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(c)(i)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F54** Words in s. 153(2)(a) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 13(a)**; S.I. 2024/437, reg. 2(z)
- F55** S. 153(2)(b) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(c)(ii)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F56** Words in s. 153(3) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(d)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F57** Words in s. 153(3)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **29(3)(b)**
- F58** S. 153(4) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(e)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F59** Words in s. 153(5) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(f)(i)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F60** Words in s. 153(5)(a) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(f)(ii)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F61** Words in s. 153(6)(a) omitted (1.4.2024) by virtue of Social Housing (Regulation) Act 2023 (c. 36), s. 46(3), **Sch. 5 para. 13(b)**; S.I. 2024/437, reg. 2(z)
- F62** Word in s. 153(6)(b) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(g)(i)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F63** Word in s. 153(6)(b) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(g)(ii)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(2))
- F64** Words in s. 153(6)(d) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 11 para. 8(2), **(3)(b)** (with Sch. 12)
- F65** Words in s. 153(7)(b) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **29(3)(c)**
- F66** S. 153(8) substituted (1.4.2024) by Social Housing (Regulation) Act 2023 (c. 36), **ss. 12(6)(h)**, 46(3); S.I. 2024/437, reg. 2(e) (with reg. 4(3))

### Commencement Information

- I8** S. 153 in force at 1.4.2010 by S.I. 2010/862, **art. 2** (with Sch.)

## 154 Proposals: effect **E+W**

- (1) The following are obliged to implement agreed proposals—
- the regulator,
  - the registered provider,
  - its creditors, and

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- (d) any liquidator, administrator, administrative receiver or receiver appointed in respect of the registered provider or any of its land.
- (2) The following shall co-operate with implementation of agreed proposals—
- (a) in the case of a charitable trust, its trustees,
  - [<sup>F67</sup>(aa) in the case of a charitable incorporated organisation, its charity trustees (as defined by section 177 of the Charities Act 2011),]
  - [<sup>F68</sup>(ab) in the case of a limited liability partnership, its members,]
  - (b) in the case of [<sup>F50</sup>a registered society], its committee members, and
  - (c) in the case of a registered company, its directors.
- (3) Subsection (2) does not require or permit a breach of a fiduciary or other duty.

#### Textual Amendments

- F50** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014](#) (c. 14), s. 154, [Sch. 4 para. 122](#) (with [Sch. 5](#))
- F67** [S. 154\(2\)\(aa\)](#) inserted (5.7.2018) by [Housing and Planning Act 2016](#) (c. 22), s. 216(3), [Sch. 6 para. 6](#); [S.I. 2018/805](#), reg. 3(c)
- F68** [S. 154\(2\)\(ab\)](#) inserted (1.4.2024) by [Social Housing \(Regulation\) Act 2023](#) (c. 36), s. 46(3), [Sch. 1 para. 18](#); [S.I. 2024/437](#), reg. 2(w)(iii)

#### Commencement Information

- I9** [S. 154](#) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

### 155 **Manager: appointment** E+W

- (1) This section applies where agreed proposals provide for the appointment of a manager.
- (2) The proposals must provide for the manager to be paid reasonable remuneration and expenses.
- (3) The regulator shall appoint a manager.
- (4) The regulator may give the manager directions (general or specific).
- (5) The manager may apply to the High Court for directions (and directions of the regulator are subject to directions of the High Court).
- (6) If the registered provider is a charity, the regulator must notify the Charity Commission that a manager has been appointed.
- (7) The regulator may appoint a new manager in place of a person who ceases to be manager (in accordance with terms of appointment specified in the proposals or determined by the regulator).

#### Commencement Information

- I10** [S. 155](#) in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

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## 156 Manager: powers **E+W**

- (1) A manager—
- (a) may do anything necessary for the purpose of the appointment,
  - (b) acts as the registered provider's agent (and is not personally liable on a contract), and
  - (c) has ostensible authority to act for the registered provider (so that a person dealing with the manager in good faith and for value need not inquire into the manager's powers).
- (2) In particular, the terms of a manager's appointment may confer power—
- (a) to sell or otherwise dispose of land by public auction or private contract;
  - (b) to raise or borrow money;
  - (c) to grant security over land;
  - (d) to grant or accept surrender of a lease;
  - (e) to take a lease;
  - (f) to take possession of property;
  - (g) to appoint a solicitor, accountant or other professional to assist the manager;
  - (h) to appoint agents and staff (and to dismiss them);
  - (i) to make payments;
  - (j) to bring or defend legal proceedings;
  - (k) to refer a question to arbitration;
  - (l) to make any arrangement or compromise;
  - (m) to carry on the business of the registered provider;
  - (n) to carry out works and do other things in connection with the management or transfer of land;
  - (o) to take out insurance;
  - (p) to use the registered body's seal;
  - (q) to execute in the name and on behalf of the registered provider any deed, receipt or other document;
  - (r) to do anything incidental to a power in paragraphs (a) to (q).
- (3) A manager shall so far as is reasonably practicable consult and inform the registered provider's tenants about an exercise of powers likely to affect them.

### Commencement Information

**III** S. 156 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

## 157 Manager of [<sup>F69</sup>registered society]: extra powers **E+W**

- (1) This section applies to a manager appointed to implement proposals relating to [<sup>F50</sup>a registered society].
- (2) The appointment may confer on the manager power to make and execute on behalf of the society—
- (a) an instrument providing for the amalgamation of the society with another [<sup>F69</sup>registered society], or
  - (b) an instrument transferring its engagements.

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- (3) An instrument providing for the amalgamation of a society (“S1”) with another has the same effect as a resolution by S1 under [F70section 109 of the Co-operative and Community Benefit Societies Act 2014] (amalgamation of societies by special resolution).
- (4) An instrument transferring engagements has the same effect as a transfer of engagements under [F71section 110 or 112 of the Co-operative and Community Benefit Societies Act 2014] (transfer by special resolution to another society or company).
- (5) A copy of the instrument shall be sent to and registered by the [F72Financial Conduct Authority].
- (6) An instrument does not take effect until the copy is registered.
- (7) The copy must be sent for registration during the period of 14 days beginning with the date of execution; but a copy registered after that period is valid.

#### Textual Amendments

- F50** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 122](#) (with Sch. 5)
- F69** Words in Act substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 123](#) (with Sch. 5)
- F70** Words in s. 157(3) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 126\(2\)](#) (with Sch. 5)
- F71** Words in s. 157(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 126\(3\)](#) (with Sch. 5)
- F72** Words in s. 157(5) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), Sch. 11 para. 8(2), [\(3\)\(c\)](#) (with Sch. 12)

#### Commencement Information

- I12** S. 157 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with Sch.)

## 158 Assistance by regulator E+W

- (1) The regulator may give financial or other assistance to [F73the registered provider] for the purpose of preserving its position pending [F74the regulator deciding whether to exercise the power under section 152 to make proposals and (if proposals are made) the proposals becoming agreed proposals].
- (2) The regulator may give financial or other assistance to [F75the registered provider], or a manager appointed under section 155, to facilitate the implementation of agreed proposals.
- (3) In particular, the regulator may—
  - (a) lend staff;
  - (b) arrange payment of the manager's remuneration and expenses.
- (4) The regulator may do the following only with the Secretary of State's consent—
  - (a) make grants,
  - (b) make loans,
  - (c) indemnify a manager,

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- (d) make payments in connection with secured loans, and
- (e) guarantee payments in connection with secured loans.

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#### Textual Amendments

- F73** Words in s. 158(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 31**
- F74** Words in s. 158(1) substituted (1.4.2024) by [Social Housing \(Regulation\) Act 2023 \(c. 36\)](#), **ss. 12(7), 46(3)**; [S.I. 2024/437](#), reg. 2(e)
- F75** Words in s. 158(2) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 31**

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#### Commencement Information

- I13** S. 158 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

### 159 Applications to court **E+W**

- (1) [<sup>F76</sup>A private registered provider] may apply to the High Court where the registered provider thinks that action taken by a manager is not in accordance with the agreed proposals.
- (2) A creditor of [<sup>F77</sup>a private registered provider] may apply to the High Court where the creditor thinks that action taken by a manager is not in accordance with the agreed proposals.
- (3) The High Court may—
  - (a) confirm, annul or modify an act of the manager;
  - (b) give the manager directions;
  - (c) make any other order.
- (4) If a person bound by agreed proposals (P1) thinks that action by another person (P2) breaches section 154, P1 may apply to the High Court.
- (5) The High Court may—
  - (a) confirm, annul or modify the action;
  - (b) grant relief by way of injunction, damages or otherwise.

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#### Textual Amendments

- F76** Words in s. 159(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 32(a)**
- F77** Words in s. 159(2) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 32(b)**

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#### Commencement Information

- I14** S. 159 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)



**Changes to legislation:**

Housing and Regeneration Act 2008, Cross Heading: Insolvency etc. is up to date with all changes known to be in force on or before 19 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.

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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. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)