

SCHEDULES

SCHEDULE 5

CONDUCT OF HOUSING ADMINISTRATION: COMPANIES

PART 3

OTHER MODIFICATIONS

General modifications

- 39 (1) References within sub-paragraph (2) which are contained—
- (a) in the Insolvency Act 1986 (other than Schedule B1 to that Act), or
 - (b) in other legislation passed or made before this Act,
- include references to whatever corresponds to them for the purposes of this paragraph.
- (2) The references are those (however expressed) which are or include references to—
- (a) an administrator appointed by an administration order,
 - (b) an administration order,
 - (c) an application for an administration order,
 - (d) a company in administration,
 - (e) entering into administration, and
 - (f) Schedule B1 to the Insolvency Act 1986 or a provision of that Schedule.
- (3) For the purposes of this paragraph—
- (a) a housing administrator of a company corresponds to an administrator appointed by an administration order,
 - (b) a housing administration order in relation to a company corresponds to an administration order,
 - (c) an application for a housing administration order in relation to a company corresponds to an application for an administration order,
 - (d) a company in housing administration corresponds to a company in administration,
 - (e) entering into housing administration in relation to a company corresponds to entering into administration, and
 - (f) what corresponds to Schedule B1 to the Insolvency Act 1986 or a provision of that Schedule is that Schedule or that provision as applied by Part 1 of this Schedule.
- 40 (1) Paragraph 39, in its application to section 1(3) of the Insolvency Act 1986, does not entitle the housing administrator of an unregistered company to make a proposal under Part 1 of the Insolvency Act 1986 (company voluntary arrangements).

Status: This is the original version (as it was originally enacted).

- (2) Paragraph 39 does not confer any right under section 7(4) of the Insolvency Act 1986 (implementation of voluntary arrangements) for a supervisor of voluntary arrangements to apply for a housing administration order in relation to a company that is a private registered provider.
- (3) Paragraph 39 does not apply to section 359 of the Financial Services and Markets Act 2000 (administration order).

Modifications of the Insolvency Act 1986

- 41 The following provisions of the Insolvency Act 1986 are to have effect in the case of any housing administration with the following modifications.
- 42 Section 5 (effect of approval of voluntary arrangements) is to have effect as if after subsection (4) there were inserted—
- “(4A) Where the company is in housing administration, the court must not make an order or give a direction under subsection (3) unless—
- (a) the court has given the Secretary of State or the Regulator of Social Housing a reasonable opportunity of making representations to it about the proposed order or direction, and
- (b) the order or direction is consistent with the objectives of the housing administration.
- (4B) In subsection (4A) “in housing administration” and “objectives of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 5 to the Housing and Planning Act 2016.”
- 43 Section 6 (challenge of decisions in relation to voluntary arrangements) is to have effect as if—
- (a) in subsection (2), for “this section” there were substituted “subsection (1)”,
- (b) after that subsection there were inserted—
- “(2AA) Subject to this section, where a voluntary arrangement in relation to a company in housing administration is approved at the meetings summoned under section 3, an application to the court may be made—
- (a) by the Secretary of State, or
- (b) with the consent of the Secretary of State, by the Regulator of Social Housing,
- on the ground that the voluntary arrangement is not consistent with the achievement of the objectives of the housing administration.”,
- (c) in subsection (4), after “subsection (1)” there were inserted “or, in the case of an application under subsection (2AA), as to the ground mentioned in that subsection”, and
- (d) after subsection (7) there were inserted—
- “(7A) In this section “in housing administration” and “objectives of the housing administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 5 to the Housing and Planning Act 2016.”

Status: This is the original version (as it was originally enacted).

- 44 In section 129(1A) (commencement of winding up), the reference to paragraph 13(1) (e) of Schedule B1 is to include section 100(1)(e) of this Act.

Power to make further modifications

- 45 (1) The Secretary of State may by regulations amend this Part of this Schedule so as to add further modifications.
- (2) The further modifications that may be made are confined to such modifications of—
- (a) the Insolvency Act 1986, or
 - (b) other legislation passed or made before this Act that relate to insolvency or make provision by reference to anything that is or may be done under the Insolvency Act 1986,
- as the Secretary of State considers appropriate in relation to any provision made by or under this Chapter.

Interpretation of Part 3 of Schedule

- 46 In this Part of this Schedule—
- “administration order”, “administrator”, “enters administration” and “in administration” are to be read in accordance with Schedule B1 to the Insolvency Act 1986 (disregarding Part 1 of this Schedule), and
- “enters housing administration” and “in housing administration” are to be read in accordance with Schedule B1 to the Insolvency Act 1986 (as applied by Part 1 of this Schedule).