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STATUTORY INSTRUMENTS

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**2018 No. 719**

**The Housing Administration (England and Wales) Rules 2018**

**PART 2**

**APPLICATION FOR AN HOUSING ADMINISTRATION ORDER**

**Contents of application and witness statement**

**2.3.**—(1) The housing administration application must be headed “Housing Administration application” and must identify the registered provider to which it relates immediately below the heading.

- (2) The application must state one or both of the following—
  - (a) the applicant’s belief that the registered provider is unable, or is likely to be unable, to pay its debts;
  - (b) that the Secretary of State has certified that section 100(2)(b) of the Housing and Planning Act applies, in the case of a registered provider which is a company.
- (3) The application must also contain—
  - (a) if the registered provider is a company registered under the Companies Act—
    - (i) details of any issued and called-up capital, the number of shares into which the capital is divided, the nominal value of each share and the amount of capital paid up or treated as paid up, or
    - (ii) that it is a company limited by guarantee; and
  - (b) a statement that the applicant requests the court—
    - (i) to make a housing administration order in relation to the registered provider,
    - (ii) to appoint the proposed person to be housing administrator, and
    - (iii) to make such ancillary order or orders as the applicant may request, and such other order or orders as the court thinks appropriate.
- (4) The witness statement required by rule 2.2(3) must state the nature of the authority of the person making it and the means of that person’s knowledge of the matters to which the witness statement relates.
- (5) The witness statement must also contain—
  - (a) a statement of the registered provider’s financial position, specifying (to the best of the applicant’s knowledge and belief) the registered provider’s assets and liabilities, including contingent and prospective liabilities;
  - (b) details of any security known or believed to be held by creditors of the registered provider, and whether in any case the security is such as to confer power on the holder to appoint an administrative receiver or to appoint an administrator under paragraph 14 of Schedule B1;
  - (c) a statement that an administrative receiver has been appointed if that is the case;

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- (d) details of any insolvency proceedings in relation to the registered provider, including any petition that has been presented for the winding up of the registered provider, so far as known to the applicant;
- (e) where it is intended to appoint a number of persons as housing administrators, a statement of the matters relating to their functions as set out in section 101(4) of the Housing and Planning Act; and
- (f) any other matters which, in the applicant's opinion, will assist the court in deciding whether to make a housing administration order.