
STATUTORY INSTRUMENTS

2018 No. 719

The Housing Administration (England and Wales) Rules 2018

PART 3

PROCESS OF HOUSING ADMINISTRATION

CHAPTER 6

Creditors' decisions

Creditors' decisions for the nomination of alternative liquidator

3.28.—(1) Where, under rule 3.8(4)(c) or rule 3.11(1)(f)(iii) the housing administrator has proposed that the housing administration will end by the registered provider entering creditors' voluntary liquidation, the housing administrator must, in the circumstances detailed in paragraph (2), seek a decision from the registered provider's creditors for the purpose of nominating a person other than the person named as the proposed liquidator in the housing administrator's proposals or revised proposals.

(2) The housing administrator must seek a decision from the registered provider's creditors where such decision is requested by creditors of the relevant provider whose debts amount to at least 10 per cent of the total debts of the registered provider.

(3) The request for a decision from the registered provider's creditors for the purpose set out in paragraph (1) must be made within 8 days of the date on which the housing administrator's statement of proposals is delivered, or, where revised proposals have been sent out relating to the ending of the housing administration by a creditors' voluntary liquidation, within 8 days from the date on which the revised proposals are delivered.

(4) A request under this rule must include—

- (a) a list of the creditors concurring with the request, showing the amounts of their respective debts in the housing administration; and
- (b) from each creditor concurring, written confirmation of that creditor's concurrence,

but sub-paragraph (a) does not apply if the requesting creditor's debt is alone sufficient without the concurrence of other creditors.

(5) Where a decision has been requested under this rule, the provisions of rule 15.19, as modified by rule 3.29, of the Insolvency (England and Wales) Rules 2016 in relation to the expenses of the decision apply.

(6) A decision requested under this rule must be reached within 21 days of the housing administrator's receipt of the notice requesting the decision procedure.