
STATUTORY INSTRUMENTS

2018 No. 719

The Housing Administration (England and Wales) Rules 2018

PART 6

THE HOUSING ADMINISTRATOR

CHAPTER 2

Remuneration and expenses

Basis of remuneration

6.10.—(1) A housing administrator is entitled to receive remuneration for services provided as housing administrator.

(2) The basis of such remuneration is to be fixed by reference to the time properly given by the housing administrator and the housing administrator's staff in attending to matters arising in the housing administration.

(3) The housing administrator's remuneration must, on the housing administrator's application, be fixed by the court.

(4) The housing administrator must give at least 14 days' notice of the application made under paragraph (3) to the following who may appear or be represented—

- (a) the Secretary of State;
- (b) the Regulator of Social Housing; and
- (c) the creditors of the registered provider.

(5) In fixing the remuneration, the court must have regard to the following matters—

- (a) the complexity (or otherwise) of the case;
- (b) any respects in which, in connection with a registered provider's affairs, there falls on the housing administrator any responsibility of an exceptional kind or degree;
- (c) the effectiveness with which the housing administrator appears to be carrying out, or to have carried out, the housing administrator's duties as such; and
- (d) the value and nature of the property with which the housing administrator has had to deal.

(6) Where there are joint housing administrators, it is for them to agree between themselves as to how the remuneration payable should be apportioned and any dispute arising between them may be referred to the court, for settlement by order.

(7) If the housing administrator is a solicitor and employs the housing administrator's own firm, or any partner in it, to act on behalf of the registered provider, profit costs must not be paid unless this is authorised by the court.

Pre-administration costs

6.11. Where the housing administrator has made a statement of pre-administration costs under rule 3.8(10)(a), the housing administrator (where the costs consist of fees charged or expenses incurred by the housing administrator) or other insolvency practitioner (where the costs consist of fees charged or expenses incurred by that practitioner) must, before paying such costs, apply to the court for a determination of whether and to what extent the unpaid pre-administration costs are approved for payment.

Remuneration of former housing administrator

6.12. If a housing administrator has ceased to act as such for any reason, the housing administrator (or the housing administrator's estate, as the case may be) is to be entitled to any amounts outstanding on the basis of the services which that housing administrator provided in accordance with rule 6.10.

Remuneration of new housing administrator

6.13. If a new housing administrator is appointed in place of another housing administrator, any court order in effect under Rule 6.10 immediately before the former housing administrator ceased to hold office continues to apply in respect of the remuneration of the new housing administrator until a further court order is made in accordance with those provisions.