

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 6 is up to date with all changes known to be in force on or before 16 May 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

Section 115

AMENDMENTS TO HOUSING MORATORIUM AND CONSEQUENTIAL AMENDMENTS

1 The Housing and Regeneration Act 2008 is amended as follows.

Commencement Information

II Sch. 6 para. 1 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c)

2 Omit section 144 (insolvency: preparatory steps notice).

Commencement Information

I2 Sch. 6 para. 2 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c)

3 For section 145 substitute—

“145 Moratorium

A moratorium on the disposal of land by a private registered provider begins if a notice is given to the regulator under any of the following provisions of the Housing and Planning Act 2016—

- (a) section 104(2)(a) (notice of winding up petition);
- (b) section 105(4)(a) (notice of application for permission to pass a resolution for voluntary winding up);
- (c) section 106(3)(a) (notice of ordinary administration application);
- (d) section 107(4)(a) (notice of appointment of ordinary administrator);
- (e) section 108(2)(a) (notice of intention to enforce security).”

Commencement Information

I3 Sch. 6 para. 3 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c) (with regs. 4, 5)

4 (1) Section 146 (duration of moratorium) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) The moratorium begins when the notice mentioned in section 145 is given.

(2) The moratorium 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

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- (c) the cancellation of the moratorium (see subsection (5)).
- (2A) The “relevant period” is—
 - (a) the period of 28 days beginning with the day on which the notice mentioned in section 145 is given, plus
 - (b) any period by which that period is extended under subsection (3).”
- (3) Omit subsection (6).
- (4) For subsection (9) substitute—
 - “(9) If a notice mentioned in section 145 is given during a moratorium, that does not—
 - (a) start a new moratorium, or
 - (b) alter the existing moratorium's duration.”

Commencement Information

I4 Sch. 6 para. 4 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c) (with reg. 4)

- 5 (1) Section 147 (further moratorium) is amended as follows.
 - (2) In subsection (1)(b), for “step specified in section 145 is taken” substitute “ notice mentioned in section 145 is given ”.
 - (3) In subsection (2), for “step” substitute “ notice ”.

Commencement Information

I5 Sch. 6 para. 5 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c) (with reg. 5)

- 6 In section 154 (proposals: effect), in subsection (2), after paragraph (a) insert—
 - “(aa) in the case of a charitable incorporated organisation, its charity trustees (as defined by section 177 of the Charities Act 2011).”.

Commencement Information

I6 Sch. 6 para. 6 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c)

- 7 Omit section 162 (consent to company winding up).

Commencement Information

I7 Sch. 6 para. 7 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c)

- 8 Omit section 164 (consent to registered society winding up).

Commencement Information

I8 Sch. 6 para. 8 in force at 5.7.2018 by S.I. 2018/805, reg. 3(c)

- 9 In section 275 (general interpretation), omit the definition of “working day”.

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I9 Sch. 6 para. 9 in force at 5.7.2018 by S.I. 2018/805, **reg. 3(c)** (with **reg. 4**)

10 In section 276 (index of defined terms), omit the entry relating to “working day”.

Commencement Information

I10 Sch. 6 para. 10 in force at 5.7.2018 by S.I. 2018/805, **reg. 3(c)**

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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. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)