



# Technical and Further Education Act 2017

## 2017 CHAPTER 19

### PART 2

#### FURTHER EDUCATION BODIES: INSOLVENCY ETC

### CHAPTER 6

#### RESTRICTIONS ON OTHER DISSOLUTION PROCEDURES

#### **38 Restrictions on dissolution of sixth form college corporation**

- (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 33O (dissolution of sixth form college corporation), after subsection (4) insert—
  - “(5) See also section 33Q (restrictions on dissolution in insolvency situations).”
- (3) After section 33P insert—

#### **“33Q Restrictions on dissolution in insolvency situations**

- (1) A sixth form college corporation have no power under section 33O to resolve that the corporation should be dissolved if—
  - (a) the corporation is in education administration under Chapter 4 of Part 2 of the Technical and Further Education Act 2017,
  - (b) a voluntary arrangement in relation to the corporation has been proposed under Part 1 of the Insolvency Act 1986 and the matter has not been finally concluded,
  - (c) the corporation is in administration under Part 2 of the Insolvency Act 1986,

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*Changes to legislation: There are currently no known outstanding effects for the  
 Technical and Further Education Act 2017, Section 38. (See end of Document for details)*

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- (d) paragraph 44 of Schedule B1 to the Insolvency Act 1986 applies (interim moratorium on proceedings where application to the court for an administration order has been made), or
  - (e) the corporation is being wound up, whether voluntarily or by the court, under Part 4 of the Insolvency Act 1986 or a petition under that Part for winding up of the corporation by the court has been presented and not finally dealt with or withdrawn.
- (2) For the purposes of subsection (1)(b), the matter is finally concluded if—
- (a) no meetings are to be summoned under section 3 of the Insolvency Act 1986,
  - (b) meetings summoned under that section fail to approve the arrangement with no, or the same, modifications,
  - (c) an arrangement approved by meetings summoned under that section, or in consequence of a direction under section 6(4)(b) of that Act, has been fully implemented, or
  - (d) the court makes an order under section 6(5) of that Act revoking approval given at previous meetings and, if the court gives any directions under section 6(6) of that Act, the corporation has done whatever it is required to do under those directions.
- (3) In this section—
- (a) a reference to paragraph 44 of Schedule B1 to the Insolvency Act 1986 is to that paragraph as it applies to a sixth form college corporation by virtue of—
    - (i) section 6 of the Technical and Further Education Act 2017 (application of normal insolvency procedures), or
    - (ii) Schedule 3 to the Technical and Further Education Act 2017 (special education administration);
  - (b) any other reference to a provision of the Insolvency Act 1986 is to that provision as it applies to a sixth form college corporation by virtue of section 6 of the Technical and Further Education Act 2017.”

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**Commencement Information**

**II** S. 38 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Technical and Further Education Act 2017, Section 38.