
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 6

THE EDUCATION ADMINISTRATOR

CHAPTER 1

Replacing the Education Administrator

Grounds for resignation

- 6.1.**—(1) An education administrator may resign—
- (a) on grounds of ill health;
 - (b) because of the intention to cease to practise as an insolvency practitioner; or
 - (c) because the further discharge of the duties of education administrator is prevented or made impractical by—
 - (i) a conflict of interest; or
 - (ii) a change of personal circumstances.
- (2) The education administrator may, with the permission of the court, resign on other grounds.

Notice of intention to resign

- 6.2.**—(1) The education administrator must give at least five business days' notice of intention—
- (a) to resign in a case falling within rule 6.1(1); or
 - (b) to apply for the court's permission to resign in a case falling within rule 6.1(2).
- (2) The notice must contain—
- (a) identification details for the proceedings; and
 - (b) the date of appointment of the education administrator.
- (3) The notice must also contain—
- (a) the date with effect from which the education administrator intends to resign; or
 - (b) where permission of the court is required under rule 6.1(2), the date on which the education administrator intends to file with the court an application for permission to resign.
- (4) Notice must be delivered to—
- (a) the appropriate national authority;
 - (b) if there is a continuing education administrator of the further education body, to that continuing education administrator; and
 - (c) if there is no such continuing education administrator, to—
 - (i) the further education body, and

(ii) all the further education body's creditors, including any floating charge holders.

(5) The notice must be accompanied by a summary of the education administrator's receipts and payments.

Notice of resignation

6.3.—(1) A resigning education administrator must, within five business days of delivering the notice under paragraph 87(2) of Schedule B1, deliver a copy of the notice to—

- (a) the registrar of companies;
- (b) all persons to whom notice of intention to resign was delivered under rule 6.2.

(2) The notice must contain—

- (a) identification details for the proceedings;
- (b) the date of the appointment of the education administrator; and
- (c) the name of the person who made the education administration application.

(3) The notice must state—

- (a) the date from which the resignation is to have effect; and
- (b) where the resignation is with the permission of the court, the date on which permission was given.

(4) Notice of resignation given under paragraph 87(2) of Schedule B1 must be given by filing the notice with the court.

Application to court to remove education administrator from office

6.4.—(1) An application for an order under paragraph 88 of Schedule B1 that the education administrator be removed from office must state the grounds on which the order is requested.

(2) A copy of the application must be delivered, not less than five business days before the date fixed for the hearing—

- (a) to the education administrator;
- (b) to the appropriate national authority;
- (c) to any other education administrator appointed to act jointly or concurrently; and
- (d) where there is no other education administrator appointed to act jointly or concurrently, to the further education body and all the creditors, including any floating charge holders.

(3) The court must deliver to the applicant a copy of any order removing the education administrator.

(4) The applicant must deliver a copy of the order—

- (a) as soon as reasonably practicable, and in any event within five business days of the copy order being delivered to the applicant, to the education administrator, and
- (b) within five business days of the copy order being delivered to the applicant, to—
 - (i) all other persons to whom notice of the application was delivered; and
 - (ii) the registrar of companies.

Notice of vacation of office when education administrator ceases to be qualified to act

6.5. An education administrator who has ceased to be qualified to act as an insolvency practitioner in relation to the further education body and who gives notice in accordance with paragraph 89 of Schedule B1 must also deliver notice to—

- (a) the appropriate national authority;
- (b) the registrar of companies.

Deceased education administrator

6.6.—(1) If an education administrator dies, notice of the fact and date of death must be filed with the court.

- (2) The notice must be filed as soon as reasonably practicable by one of the following—
 - (a) a surviving joint education administrator;
 - (b) a member of the deceased education administrator’s firm (if the deceased was a member or employee of a firm);
 - (c) an officer of the deceased education administrator’s company (if the deceased was an officer or employee of a company);
 - (d) a personal representative of the deceased education administrator.

(3) If such a notice has not been filed within the 21 days following the education administrator’s death, then any other person may file the notice.

(4) The person who files the notice must also deliver a notice to the registrar of companies which contains—

- (a) identification details for the proceedings;
- (b) the name of the person who made the education administration application;
- (c) the date of the appointment of the education administrator; and
- (d) the fact and date of death.

Application to replace

6.7.—(1) Where an application to court is made under paragraph 91(1) of Schedule B1 to appoint a replacement education administrator, the application must be accompanied by the proposed replacement education administrator’s consent to act.

- (2) A copy of the application must be delivered to—
 - (a) whichever of the appropriate national authority or the education administrator is not the applicant; and
 - (b) to those persons set out at rule 2.5(3).

(3) Rules 2.9, 2.10 and 2.11 apply to an application made under paragraph 91(1) of Schedule B1 as they apply to an application for an education administration order.

Appointment of a replacement or additional education administrator

6.8. Where a replacement education administrator is appointed or an additional education administrator is appointed to act jointly or concurrently—

- (a) rule 3.1 applies;
- (b) all documents must clearly identify the appointment as of a replacement education administrator or an additional education administrator appointed to act jointly or concurrently.

Education administrator's duties on vacating office

6.9.—(1) An education administrator who ceases to be in office as a result of removal, resignation or ceasing to be qualified to act as an insolvency practitioner in relation to the further education body must as soon as reasonably practicable deliver to the person succeeding as education administrator—

- (a) the assets (after deduction of any expenses properly incurred and distributions made by the departing education administrator);
- (b) the records of the education administration, including correspondence, proofs and other documents relating to the education administration while it was within the responsibility of the departing education administrator; and
- (c) the further education body's records.

(2) An education administrator who fails to comply with this rule is guilty of an offence and liable to a fine and, for continued contravention, to a daily default fine, as set out in Schedule 1.