
STATUTORY INSTRUMENTS

2019 No. 138

The Further Education Bodies (Insolvency) Regulations 2019

PART 2

General modifications to relevant insolvency legislation

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4.—(1) Relevant insolvency legislation is to be read, in relation to statutory corporations, as if, for the terms appearing in the first column of the table there were substituted the corresponding terms in the second column—

Provision	Modification
company, including company registered under the Companies Act 2006 in England and Wales	statutory corporation
subject to (2), director	(i) member of the statutory corporation, (ii) principal of the statutory corporation, or (iii) if the context requires, both of the above
subject to (2), officer (in relation to a company)	(i) member of the statutory corporation, (ii) clerk to the statutory corporation, (iii) chief executive of the statutory corporation, (iv) senior post holder or principal of the statutory corporation, or (v) if the context requires, all of the above
registered office	address of the statutory corporation given in the UK Register of Learning Providers
Memorandum and Articles of Association, including where separately referred to as memorandum or articles	instrument of government and articles of government of the statutory corporation
Member, except in Part 17 of the Rules	member of a statutory corporation as set out in that statutory corporation's instrument of government and articles of government
Secretary	clerk to the statutory corporation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision	Modification
a reference to a company being wound up by a court in England and Wales	a reference to the statutory corporation being wound up by the court
a reference to a winding up	a reference to the winding up of a statutory corporation.

(2) But, in sections 85, 99, 131, 188, 210 of the Act and paragraphs 6, 9, 16, 20 and 42 of Schedule A1 and paragraphs 22, 45, 47 and 48 of Schedule B1, “officer” or “director” do not include a student member.

(3) The relevant insolvency legislation is also to be read as if—

- (a) any reference to contributories or to the liability of contributories is omitted;
- (b) any reference to shares or shareholdings is omitted;
- (c) any reference to a special resolution is to be read in accordance with the statutory corporation’s instrument of government and articles of government, or, if the instrument and articles do not contain such provision, in accordance with regulation 5(14).