



# Technical and Further Education Act 2017

## 2017 CHAPTER 19

### PART 2

#### FURTHER EDUCATION BODIES: INSOLVENCY ETC

### CHAPTER 2

#### APPLICATION OF NORMAL INSOLVENCY TO STATUTORY CORPORATIONS

## **6 Application of normal insolvency procedures**

- (1) The purpose of this section is to make the following insolvency procedures available in relation to further education bodies that are statutory corporations—
  - (a) voluntary arrangements,
  - (b) administration,
  - (c) creditors' voluntary winding up, and
  - (d) winding up by the court,and to make provision about receivers and managers of property.
- (2) For that purpose, the relevant insolvency legislation applies in relation to further education bodies that are statutory corporations as it applies in relation to companies, subject to—
  - (a) any modifications or omissions specified in regulations made by the Secretary of State, and
  - (b) sections 9 to 12 (restrictions on normal insolvency procedures to facilitate special administration).
- (3) The “relevant insolvency legislation” means any provision made by or under the following provisions of the Insolvency Act 1986—
  - (a) Part 1 (company voluntary arrangements);
  - (b) Part 2 (administration);
  - (c) Part 3 (receivership);

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*Changes to legislation: There are currently no known outstanding effects for the Technical and Further Education Act 2017, CHAPTER 2. (See end of Document for details)*

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- (d) Part 4 (winding up);
  - (e) Parts 6, 7 and 12 to 18 (supplementary provision).
- (4) The modifications or omissions that may be made under subsection (2)(a) include modifications or omissions in connection with the interaction between the insolvency procedures made available in relation to further education bodies by this section and education administration under Chapter 4 of this Part.
- (5) Regulations under this section that modify or omit a provision of an Act as it applies by virtue of this section are subject to the affirmative resolution procedure.
- (6) Any other regulations under this section are subject to the negative resolution procedure.

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**Commencement Information**

**I1** S. 6 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

## 7 Application of other insolvency law

- (1) The Secretary of State may make regulations, in consequence of section 6 or regulations made under it—
- (a) providing for any legislation about insolvency to apply in relation to a further education body that is a statutory corporation (with or without modifications);
  - (b) amending, or modifying, any legislation about insolvency as it applies in relation to a further education body that is a statutory corporation.
- (2) In subsection (1) “legislation about insolvency” includes any legislation that makes provision by reference to anything that is or may be done under any provision of the Insolvency Act 1986, or under any provision of subordinate legislation made under that Act, as applied by section 6.
- (3) Regulations under this section that apply, amend or modify a provision of an Act are subject to the affirmative resolution procedure.
- (4) Any other regulations under this section are subject to the negative resolution procedure.
- (5) In this section “legislation” means provision made by Schedule 3 to this Act or provision made by or under any other Act passed before or in the same session as this Act.

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**Commencement Information**

**I2** S. 7 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

## 8 Records etc

- (1) The Secretary of State may by regulations make provision for or in connection with—
- (a) the delivery to the registrar of companies of documents that relate to the insolvency of further education bodies;

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- (b) the registrar's function of keeping records of information contained in such documents under section 1080(1) of the Companies Act 2006;
  - (c) the publication of, or access to, those records or related information.
- (2) The regulations may, in particular, provide for any provision made by or under the following sections of the Companies Act 2006 to apply (with or without modifications) in relation to those documents or records.

<b>Provision of Companies Act 2006</b>	<b>Description</b>
sections 29 and 30	copies of resolutions etc to be forwarded to the registrar
section 859K	registration of enforcement of security
sections 1077 and 1079	public notice of receipt of certain documents
sections 1081, 1084 and 1085 to 1091	keeping and inspection of register of companies
sections 1093 to 1097	correction or removal of material on companies register
section 1104	documents relating to Welsh companies
sections 1112 to 1113	supplementary provisions

- (3) The power under subsection (1) includes power—
- (a) to impose requirements on a person who delivers a document to the registrar in relation to the insolvency of a further education body to provide supplementary information;
  - (b) to confer power on the registrar to make rules in accordance with section 1117 of the Companies Act 2006 imposing such requirements.
- (4) Provision made under this section is in addition to any applicable provision made by Part 35 of the Companies Act 2006 or elsewhere.
- (5) Regulations under this section are subject to the affirmative resolution procedure.
- (6) Section 1114(1) of the Companies Act 2006 (meaning of document etc) applies for the purposes of this section.

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**Commencement Information**

**I3** S. 8 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, CHAPTER 2.