

---

STATUTORY INSTRUMENTS

---

**2018 No. 1135**

**EDUCATION, ENGLAND AND WALES  
INSOLVENCY, ENGLAND AND WALES**

**The Education Administration Rules 2018**

<i>Made</i>	- - - -	<i>1st November 2018</i>
<i>Laid before Parliament</i>		<i>7th November 2018</i>
<i>Coming into force</i>		<i>31st January 2019</i>

**THE EDUCATION ADMINISTRATION RULES 2018**

**PART 1**

**Introductory provisions**

- 1.1 Citation and commencement
- 1.2 Application
- 1.3 Interpretation
- 1.4 Punishment of Offences
- 1.5 Review

**PART 2**

**APPLICATION FOR AN EDUCATION ADMINISTRATION ORDER**

- 2.1 Commencement of education administration proceedings
- 2.2 Form of application
- 2.3 Contents of application and witness statement
- 2.4 Filing of application
- 2.5 Service of application
- 2.6 Notice to enforcement agents charged with distress or other legal process, etc.
- 2.7 Manner in which service to be effected
- 2.8 Proof of service
- 2.9 The hearing
- 2.10 The order
- 2.11 Notice of education administration order

*Status: This is the original version (as it was originally made).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

## PART 3

### PROCESS OF EDUCATION ADMINISTRATION

#### CHAPTER 1

##### Notice of education administrator's appointment

- 3.1 Notification and advertisement of education administrator's appointment

#### CHAPTER 2

##### Statement of affairs

- 3.2 Notice requiring statement of affairs and delivery to the education administrator
- 3.3 Content of statement of affairs
- 3.4 Statement of concurrence
- 3.5 Filing of statement of affairs
- 3.6 Release from requirement to provide statement of affairs and extension of time
- 3.7 Expenses of statement of affairs

#### CHAPTER 3

##### Education administrator's proposals

- 3.8 Education administrator's proposals - additional content
- 3.9 Statement of pre-administration costs
- 3.10 Ancillary provisions about delivery of education administrator's proposals
- 3.11 Revision of education administrator's proposals

#### CHAPTER 4

##### Education Administrator's reports

- 3.12 Reporting by the education administrator
- 3.13 Progress reports
- 3.14 Contents of progress reports
- 3.15 Final progress report
- 3.16 Information about pre-administration costs

#### CHAPTER 5

##### Further education body: meetings of members

- 3.17 Application of this Chapter
- 3.18 Meetings of the further education body
- 3.19 Nature of meetings
- 3.20 Remote attendance: notification requirements
- 3.21 Location of meetings
- 3.22 Chair of the meeting
- 3.23 Action where person is excluded

- 3.24 Indication to excluded person
- 3.25 Complaint

## CHAPTER 6

### Creditors' decisions

- 3.26 Application of this Chapter 6
- 3.27 Creditors' decisions
- 3.28 Creditors' decisions for the nomination of alternative liquidator
- 3.29 Decision making

## CHAPTER 7

### Limited disclosure of statements of affairs and proposals

- 3.30 Application of Chapter 7
- 3.31 Orders limiting disclosure of statement of affairs etc
- 3.32 Order for disclosure
- 3.33 Rescission or amendment of order for limited disclosure
- 3.34 Publication etc. of statement of affairs and statement of proposals

## CHAPTER 8

### Disposal of Charged Property

- 3.35 Disposal of charged property

## CHAPTER 9

### Expenses of the Education Administration

- 3.36 Expenses
- 3.37 Order of priority

## CHAPTER 10

### Ending of education administration

- 3.38 Application for an order ending education administration
- 3.39 Notification of application for an order ending education administration
- 3.40 Notice of court order ending education administration
- 3.41 Moving from education administration to creditors' voluntary winding up
- 3.42 Moving from education administration to dissolution

## PART 4

### COURT PROCEDURE AND PRACTICE

## CHAPTER 1

### General

- 4.1 Court rules and practice to apply

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

4.2 Performance of functions by the Court

CHAPTER 2

Making applications to court

- 4.3 Preliminary
- 4.4 Form and content of applications
- 4.5 Filing of applications
- 4.6 Fixing the venue
- 4.7 Service or delivery of an application
- 4.8 Hearing in urgent case
- 4.9 Directions
- 4.10 Hearings and determination without notice
- 4.11 Adjournment of the hearing of an application
- 4.12 Application under section 176A(5) to disapply section 176A
- 4.13 Notice of an application under section 176A(5)
- 4.14 Notice of an order under section 176A(5)
- 4.15 Contents of application to the court under section 236 of the Act
- 4.16 Order for examination etc
- 4.17 Procedure for examination
- 4.18 Record of examination
- 4.19 Costs of proceedings under section 236 of the Act
- 4.20 Further information and disclosure
- 4.21 Witness statements and reports
- 4.22 Evidence provided by the education administrator

CHAPTER 3

Transfer of Proceedings

- 4.23 Applications for transfer
- 4.24 Procedure following order for transfer

CHAPTER 4

Court file

- 4.25 Court file
- 4.26 Office copies of documents

CHAPTER 5

Costs

- 4.27 Application of Chapter and interpretation
- 4.28 Requirement to assess costs by the detailed procedure
- 4.29 Procedure where detailed assessment is required
- 4.30 Costs paid otherwise than out of the assets of the further education body
- 4.31 Award of costs against the education administrator
- 4.32 Applications for costs
- 4.33 Costs and expenses of witnesses
- 4.34 Final costs certificate

## CHAPTER 6

### Enforcement procedures

- 4.35 Orders enforcing compliance
- 4.36 Warrants under section 236

## CHAPTER 7

### Appeals in education administration

- 4.37 Application of CPR
- 4.38 Appeals and reviews of in education administration proceedings
- 4.39 Procedure on appeal

## CHAPTER 8

### Court orders, formal defects and shorthand writers

- 4.40 Court orders
- 4.41 Formal defects
- 4.42 Shorthand writers

## PART 5

### CLAIMS BY AND DISTRIBUTIONS TO CREDITORS

## CHAPTER 1

### Interpretation

- 5.1 Interpretation

## CHAPTER 2

### Creditors' claims in education administration

- 5.2 Provable debts
- 5.3 Proving a debt
- 5.4 Requirements for proof
- 5.5 Costs of proving
- 5.6 Allowing inspection of proofs
- 5.7 Admission and rejection of proofs for dividend
- 5.8 Appeal against decision on proof
- 5.9 Education administrator not liable for costs under rule 5.8
- 5.10 Withdrawal or variation of proof
- 5.11 Exclusion of proof by the court
- 5.12 Debts of further education bodies to rank equally
- 5.13 Division of unsold assets
- 5.14 Estimate of value of debt
- 5.15 Secured creditor: value of security
- 5.16 Secured creditor: surrender for non-disclosure
- 5.17 Secured creditor: redemption by education administrator
- 5.18 Secured creditor: test of security's value

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

- 5.19 Realisation or surrender of security by creditor
- 5.20 Discounts
- 5.21 Debts in foreign currency
- 5.22 Payments of a periodical nature
- 5.23 Interest
- 5.24 Mutual dealings and set-off

### CHAPTER 3

#### Distribution to creditors

- 5.25 Application of Chapter to particular class of creditors and to distributions
- 5.26 Individual notices to creditors etc of intended dividend or distribution
- 5.27 Contents of notice of intention to declare a dividend or make a distribution
- 5.28 Further contents of notice to creditors owed small debts etc.
- 5.29 Gazette notice of intended first dividend or distribution
- 5.30 Admission or rejection of proofs following last date for proving
- 5.31 Postponement or cancellation of dividend
- 5.32 Declaration of dividend
- 5.33 Notice of declaration of a dividend
- 5.34 Notice of no dividend or no further dividend
- 5.35 Sole or final dividend
- 5.36 Provisions as to dividends
- 5.37 Supplementary provisions as to dividends
- 5.38 Secured creditors
- 5.39 Disqualification from dividend
- 5.40 Assignment of right to dividend
- 5.41 Debt payable at future time
- 5.42 Non payment of dividend
- 5.43 Reporting distribution of property to creditors under rule 5.13

### PART 6

#### THE EDUCATION ADMINISTRATOR

### CHAPTER 1

#### Replacing the Education Administrator

- 6.1 Grounds for resignation
- 6.2 Notice of intention to resign
- 6.3 Notice of resignation
- 6.4 Application to court to remove education administrator from office
- 6.5 Notice of vacation of office when education administrator ceases to be qualified to act
- 6.6 Deceased education administrator
- 6.7 Application to replace
- 6.8 Appointment of a replacement or additional education administrator
- 6.9 Education administrator's duties on vacating office

## CHAPTER 2

### Remuneration and expenses

- 6.10 Basis of remuneration
- 6.11 Pre-administration costs
- 6.12 Remuneration of former education administrator
- 6.13 Remuneration of new education administrator

## PART 7

### TIME, RULES ABOUT DOCUMENTS AND INTERPRETATION

## CHAPTER 1

### Time

- 7.1 Calculation of time periods

## CHAPTER 2

### Form and content of documents

- 7.2 Notices or statements in writing
- 7.3 Authentication
- 7.4 Information required to identify persons and proceedings etc.
- 7.5 Prescribed format of documents
- 7.6 Variations from prescribed contents

## CHAPTER 3

### Standard contents of documents to be delivered to the registrar of companies

- 7.7 Standard contents for documents delivered to the registrar of companies
- 7.8 Registrar of companies: cover sheets
- 7.9 Standard contents of all documents to be delivered to the registrar of companies
- 7.10 Standard contents of documents relating to the office of education administrator
- 7.11 Standard contents of documents relating to other documents
- 7.12 Standard contents of documents relating to court orders

## CHAPTER 4

### Standard contents of notices for delivery to other persons etc.

- 7.13 Standard contents of notices to be delivered to persons other than the registrar of companies
- 7.14 Standard contents of all notices
- 7.15 Standard contents of notice relating to the office of education administrator
- 7.16 Standard contents of notices relating to documents
- 7.17 Standard contents of notices relating to court proceedings or orders
- 7.18 Standard contents of returns or reports of decisions
- 7.19 Standard contents of notices of the results of decisions

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

7.20 Standard contents of documents relating to other events

CHAPTER 5

Delivery of documents

- 7.21 Application of Chapter
- 7.22 Delivery of documents to authorised recipients
- 7.23 Delivery of documents to joint education administrators
- 7.24 Postal delivery of documents
- 7.25 Delivery by document exchange
- 7.26 Personal delivery of documents
- 7.27 Electronic delivery of documents
- 7.28 Electronic delivery of notices to enforcement officers
- 7.29 Electronic delivery of documents to the court
- 7.30 Electronic delivery by education administrator
- 7.31 Proof of delivery of documents
- 7.32 Delivery of proofs and details of claims

CHAPTER 6

Inspection of documents, copies and provision of information

- 7.33 Right to copy documents
- 7.34 Charges for copies of documents provided by the education administrator
- 7.35 Offence in relation to inspection of documents
- 7.36 Right to list of creditors
- 7.37 Confidentiality of documents – grounds for refusing inspection
- 7.38 Proposed education administrator’s statement and consent to act

CHAPTER 7

Use of websites

- 7.39 Use of website by education administrator to deliver a particular document
- 7.40 General use of website to deliver documents
- 7.41 Retention period for documents made available on websites

CHAPTER 8

Standard contents of Gazette notices

- 7.42 Contents of notices to be gazetted under the Act or Rules
- 7.43 Standard contents of all notices
- 7.44 Gazette – as evidence, variations and errors

CHAPTER 9

Standard contents of notices advertised otherwise than in the Gazette

- 7.45 Standard contents of notices advertised otherwise than in the Gazette
- 7.46 Non-Gazette notices relating to a further education body
- 7.47 Non-Gazette notices – other provisions



## CHAPTER 10

### Delivery of documents and opting out

- 7.48 Delivery to the creditors and opting out
- 7.49 Creditor's election to opt out
- 7.50 Education administrator to provide information to creditors on opting-out  
Signature

---

### SCHEDULE 1 — Punishment of offences under these Rules

### SCHEDULE 2 — Service of documents

1. (1) This Schedule sets out the requirements for service where...
2. Service of application for education administration
3. Service on joint education administrators
4. Certificate of service

### Explanatory Note