



Further and Higher Education Act 1992

1992 CHAPTER 13

PART I

FURTHER EDUCATION

CHAPTER II

INSTITUTIONS WITHIN THE FURTHER EDUCATION SECTOR

Dissolution of further education corporations

[^{F1}27] **Proposals for dissolution of further education corporations**

- (1) This section applies if a further education corporation propose that the corporation should be dissolved.
- (2) The corporation must publish—
 - (a) details of the proposal, and
 - (b) such other information as may be prescribed by regulations made by the appropriate authority.
- (3) The publication is to be in accordance with regulations made by the appropriate authority.
- (4) The corporation must consult on the proposal, and take account of the views of those consulted, in accordance with regulations made by the appropriate authority.
- (5) In this section, “the appropriate authority” means—
 - (a) in relation to a further education corporation in England, the Secretary of State, and
 - (b) in relation to a further education corporation in Wales, the Welsh Ministers.]

Status: Point in time view as at 31/01/2019.

Changes to legislation: Further and Higher Education Act 1992, Cross Heading: Dissolution of further education corporations is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Ss. 27-27B substituted for ss. 27-27C (1.8.2014 for specified purposes; 1.9.2014 in force in so far as not already in force) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), [ss. 3, 11\(2\)](#); S.I. 2014/1706, [art. 2](#), [art. 3\(c\)](#)

Commencement Information

- I1** S. 27 wholly in force at 30.9.1992, see s. 94(3) and [S.I. 1992/831](#), [art. 2](#), [Sch. 2](#)

[^{F1}27A **Dissolution of further education corporations**

- (1) This section and section 27B apply if, after complying with section 27, a further education corporation resolve that the corporation should be dissolved on a specified date.
- (2) “The dissolution date” means the date specified in a resolution under subsection (1).
- (3) The corporation must notify the appropriate authority of the resolution and the dissolution date as soon as reasonably practicable.
- (4) The corporation are dissolved on the dissolution date.
- (5) In this section, “the appropriate authority” has the meaning given in section 27.]

[^{F2}(6) See also section 27C (restrictions on dissolution in insolvency situations).]

Textual Amendments

- F1** Ss. 27-27B substituted for ss. 27-27C (1.8.2014 for specified purposes; 1.9.2014 in force in so far as not already in force) by [Further and Higher Education \(Governance and Information\) \(Wales\) Act 2014 \(anaw 1\)](#), [ss. 3, 11\(2\)](#); S.I. 2014/1706, [art. 2](#), [art. 3\(c\)](#)
- F2** S. 27A(6) inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), [ss. 37\(2\), 47\(2\)](#); S.I. 2018/1161, [reg. 3\(a\)](#)

[^{F1}27B **Dissolution of further education corporations: transfer of property, rights and liabilities**

- (1) At any time before the dissolution date, the corporation may transfer any of their property, rights or liabilities to such person or body, or a person or body of such description, as may be prescribed by regulations made by the appropriate authority.
- (2) The corporation may do so only with the consent of the person or body concerned.
- (3) A transfer under subsection (1) has effect on the dissolution date.
- (4) Subsection (5) applies if a person or body prescribed, or of a description prescribed, under subsection (1) is not a charity established for charitable purposes which are exclusively educational purposes.
- (5) Any property transferred to the person or body must be transferred on trust to be used for charitable purposes which are exclusively educational purposes.
- (6) In this section, “the appropriate authority” has the meaning given in section 27.]

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Textual Amendments

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[^{F3}27C Restrictions on dissolution in insolvency situations

- (1) A further education corporation have no power under section 27A 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,
 - (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 further education 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 further education corporation by virtue of section 6 of the Technical and Further Education Act 2017.]

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Textual Amendments

- F3** S. 27C inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), **ss. 37(3)**, 47(2); S.I. 2018/1161, reg. 3(a)

Status:

Point in time view as at 31/01/2019.

Changes to legislation:

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