



Technical and Further Education Act 2017

2017 CHAPTER 19

PART 2

FURTHER EDUCATION BODIES: INSOLVENCY ETC

CHAPTER 4

FURTHER EDUCATION BODIES: SPECIAL ADMINISTRATION

Process

17 Education administration order

- (1) An education administration order is an order of the court appointing a person as the education administrator of a further education body.
- (2) A person is eligible for appointment as an education administrator only if the person would be qualified to act as an insolvency practitioner in relation to the further education body.
- (3) While an education administration order is in force the further education body may be described as being “in education administration”.

Commencement Information

- II** [S. 17](#) in force at 31.1.2019 by [S.I. 2018/1161](#), [reg. 3\(a\)](#)

18 Application for education administration order

- (1) An education administration order may be made only on an application by the appropriate national authority.

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

- (2) The appropriate national authority must give notice of an application—
 - (a) to the further education body to which the application relates, and
 - (b) to any person specified in education administration rules (for those rules, see section 32).
- (3) An application for an education administration order is referred to in this Chapter as an “education administration application”.

Commencement Information

I2 S. 18 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

19 Grounds for making an education administration order

- (1) The court may make an education administration order on an application only if satisfied that the further education body—
 - (a) is unable to pay its debts, or
 - (b) is likely to become unable to pay its debts.
- (2) The court has no power to make an education administration order in relation to a further education body which—
 - (a) is in administration under Schedule B1 to the Insolvency Act 1986, or
 - (b) has gone into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- (3) For the purposes of this section a further education body is unable to pay its debts if it is deemed to be unable to pay its debts under section 123 of the Insolvency Act 1986.

Commencement Information

I3 S. 19 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

20 Powers of the court on hearing an application

- (1) On hearing an education administration application the court may—
 - (a) grant the application,
 - (b) adjourn the application conditionally or unconditionally,
 - (c) dismiss the application,
 - (d) make an interim order,
 - (e) treat that application as a winding-up petition and make any order the court could make under section 125 of the Insolvency Act 1986 (power of court on hearing winding-up petition), or
 - (f) make any other order that it thinks appropriate.
- (2) An interim order under subsection (1)(d) may, in particular—
 - (a) restrict the exercise of a power of the further education body,
 - (b) in the case of a further education body that is a statutory corporation, restrict the exercise of a power of its members,

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- (c) in the case of a further education body that is a company, restrict the exercise of a power of its directors, and
 - (d) make provision conferring a discretion on a person who would be qualified to act as an insolvency practitioner in relation to the further education body.
- (3) An education administration order comes into force—
- (a) at the time appointed by the court, or
 - (b) if no time is appointed by the court, when the order is made.

Commencement Information

I4 S. 20 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

21 Appointment of two or more education administrators

If an education administration order appoints two or more persons as the education administrator of a further education body, the order must set out—

- (a) which (if any) of the functions of the education administrator are to be carried out only by the appointees acting jointly,
- (b) the circumstances (if any) in which the functions of an education administrator are to be carried out by one of the appointees, or by particular appointees, acting alone, and
- (c) the circumstances (if any) in which things done in relation to one of the appointees, or in relation to particular appointees, are to be treated as done in relation to all of them.

Commencement Information

I5 S. 21 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

22 Duty to dismiss ordinary administration application

- (1) On the making of an education administration order in relation to a further education body, the court must dismiss any ordinary administration application made in relation to the body which is outstanding.
- (2) In this section “ordinary administration application” means an application in accordance with paragraph 12 of Schedule B1 to the Insolvency Act 1986.
- (3) Subsections (2) to (4) of section 14 (meaning of “outstanding”) apply for the purposes of this section.

Commencement Information

I6 S. 22 in force at 31.1.2019 by S.I. 2018/1161, reg. 3(a)

23 Status of education administrator

- (1) An education administrator is an officer of the court.

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

- (2) In carrying out functions in relation to a further education body an education administrator acts as its agent.

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Commencement Information

I7 [S. 23](#) 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, Cross Heading: Process.