



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 3

PROTECTION FOR LEARNERS

CHAPTER 2

EDUCATION ADMINISTRATION AND ADMINISTRATION OF FURTHER EDUCATION BODIES

25 Further education bodies in education administration: transfer schemes

- (1) The Technical and Further Education Act 2017 is amended as follows.
- (2) In Schedule 2 (education administration: transfer schemes), after paragraph 6 insert—

“6A (1) A transfer scheme may not transfer property which is subject to a security (other than a floating charge) free of that security except—

 - (a) in accordance with an order of the court under paragraph 71 of Schedule B1 to the Insolvency Act 1986 as applied by Schedule 3 or 4, or
 - (b) where—
 - (i) an amount is attributed to the transfer of the property in the transfer scheme,
 - (ii) the secured creditor agrees with that amount, and
 - (iii) the secured creditor is paid that amount.

(2) In sub-paragraph (1), “floating charge” means a charge which is a floating charge on its creation.”
- (3) In Schedule 3 (conduct of education administration: statutory corporations), in paragraph 19—
 - (a) for “sub-paragraph (1),” substitute “sub-paragraph (1)—

Changes to legislation: There are currently no known outstanding effects for the Skills and Post-16 Education Act 2022, Section 25. (See end of Document for details)

- (a) after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”, and”;
 - (b) the text from “the words” to the end of the paragraph becomes paragraph (b).
- (4) In Schedule 4 (conduct of education administration: companies), after paragraph 17 insert—
 - “17A Paragraph 71 is to have effect as if in sub-paragraph (1), after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”.”

Commencement Information

II [S. 25](#) in force at 28.6.2022, see [s. 36\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Skills and Post-16 Education Act 2022, Section 25.