
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 2

APPLICATION FOR AN EDUCATION ADMINISTRATION ORDER

Contents of application and witness statement

2.3.—(1) The education administration application must be headed “Education Administration application” and must identify the further education body to which it relates immediately below the heading.

(2) The application must state the applicant’s belief that the further education body is unable, or is likely to be unable, to pay its debts.

(3) The application must also—

(a) if the further education body is a company registered under the Companies Act—

(i) contain details of any issued and called-up capital, the number of shares into which the capital is divided, the nominal value of each share and the amount of capital paid up or treated as paid up, or

(ii) state that it is a company limited by guarantee; and

(b) contain a witness statement that the applicant requests the court—

(i) to make an education administration order in relation to the further education body,

(ii) to appoint the proposed person or persons to be education administrator, and

(iii) to make such ancillary order or orders as the applicant may request, and such other order or orders as the court thinks appropriate.

(4) The witness statement required by rule (3)(b) must state the nature of the authority of the person making it and the means of that person’s knowledge of the matters to which the witness statement relates.

(5) The witness statement must also contain—

(a) a statement of the further education body’s financial position, specifying (to the best of the applicant’s knowledge and belief) the further education body’s assets and liabilities, including contingent and prospective liabilities;

(b) details of any security known or believed to be held by creditors of the further education body, and whether in any case the security is such as to confer power on the holder to appoint an administrative receiver or to appoint an administrator under paragraph 14 of Schedule B1;

(c) a statement that an administrative receiver has been appointed if that is the case;

(d) details of any insolvency proceedings in relation to the further education body, including any petition that has been presented for the winding up of the further education body, so far as known to the applicant;

Status: This is the original version (as it was originally made).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

- (e) where it is intended to appoint a number of persons as education administrators, a proposed order relating to their functions pursuant to section 21 of the Technical and Further Education Act; and
- (f) any other matters which, in the applicant's opinion, will assist the court in deciding whether to make an education administration order.