
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 3

PROCESS OF EDUCATION ADMINISTRATION

CHAPTER 10

Ending of education administration

Application for an order ending education administration

3.38. An application to the court under paragraph 79 of Schedule B1 for an order ending an education administration must be accompanied by—

- (a) a progress report for the period since—
 - (i) the last progress report (if any), or
 - (ii) if there has been no previous progress report, the date on which the further education body entered education administration; and
- (b) a statement indicating what the education administrator thinks should be the next steps for the further education body (if applicable).

Notification of application for an order ending education administration

3.39. Where an application to the court is made—

- (a) the applicant must, at least five days before the application is filed, deliver notice of the applicant's intention to apply to court to all the creditors; and
- (b) the application must be accompanied by—
 - (i) a statement that notice has been delivered to the creditors, and
 - (ii) copies of any response from the creditors to that notice.

Notice of court order ending education administration

3.40. Where the court makes an order ending the education administration, the applicant must, as soon as reasonably practicable, deliver a copy of the order and of the final progress report to—

- (a) the appropriate national authority, unless the appropriate national authority is the applicant;
- (b) the education administrator, unless the education administrator is the applicant;
- (c) the registrar of companies;
- (d) the relevant officers of the further education body; and
- (e) all other persons to whom notice of the education administrator's appointment was delivered.

Moving from education administration to creditors' voluntary winding up

3.41.—(1) This rule applies where the education administrator delivers to the registrar of companies a notice under paragraph 83(3) of Schedule B1 of moving from education administration to creditors' voluntary winding up.

(2) The notice must contain—

- (a) identification details for the proceedings;
- (b) the name of the person who made the education administration application; and
- (c) the name and IP number of the proposed liquidator.

(3) The notice to the registrar of companies must be accompanied by a copy of the education administrator's final progress report.

(4) A copy of the notice and the final progress report must be sent, as soon as reasonably practicable after delivery of the notice, to all those persons to whom notice of the education administrator's appointment was delivered in addition to the creditors (as required by paragraph 83(5)(b) of Schedule B1).

(5) The person who ceases to be education administrator on the registration of the notice must inform the person who becomes liquidator of anything which happens after the date of the final progress report and before the registration of the notice which the education administrator would have included in the final report had it happened before the date of the report.

(6) For the purposes of paragraph 83(7)(a) of Schedule B1, a person is nominated as liquidator in accordance with rule 3.8(4) or 3.11(1)(f)(iii) and that person's appointment takes effect following registration under paragraph (1) of this rule—

- (a) by virtue of the education administrator's proposals or revised proposals; or
- (b) following a decision sought by the education administrator under rule 3.28(2).

(7) Where the creditors nominate a different person in accordance with rule 3.11(1)(f)(iii), the nomination must, where applicable, include the declaration required by section 231 of the Act.

Moving from education administration to dissolution

3.42.—(1) This rule applies where the education administrator delivers to the registrar of companies a notice under paragraph 84(1) of Schedule B1 of moving from education administration to dissolution.

(2) The notice must identify the proceedings.

(3) As soon as reasonably practicable after sending the notice, the education administrator must deliver a copy of the notice to all persons to whom notice of the education administrator's appointment was delivered (in addition to the creditors mentioned in paragraph 84(5)(b)).

(4) A final progress report must accompany the notice to the registrar of companies and also every other copy of the notice which is filed or otherwise delivered.

(5) Where a court makes an order under paragraph 84(7) of Schedule B1 it must, where the applicant is not the education administrator, deliver a copy of the order to the education administrator.

(6) The education administrator must deliver a copy of the order to the registrar of companies with the notice required by paragraph 84(8).