
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 3

PROCESS OF EDUCATION ADMINISTRATION

CHAPTER 4

Education Administrator's reports

Reporting by the education administrator

3.12. The education administrator must prepare and deliver reports in accordance with this Chapter.

Progress reports

3.13.—(1) The education administrator must prepare a progress report covering the periods of—

- (a) six months starting on the date the further education body entered education administration; and
- (b) thereafter each subsequent period of six months.

(2) The periods for which progress reports are required under paragraph (1) are unaffected by any change in the education administrator.

(3) However where an education administrator ceases to act, the succeeding education administrator must, as soon as reasonably practicable after being appointed, deliver a notice to the creditors of any matters about which the succeeding education administrator thinks the creditors should be informed.

(4) The education administrator must deliver a copy of each progress report to the registrar of companies and the creditors within one month of the end of the period covered by the report unless the report is a final progress report under rule 3.15.

(5) An education administrator who makes default in delivering a progress report within the time limit in paragraph (4) is guilty of an offence and liable to a fine and, for continued contravention, to a daily default fine as set out in Schedule 1.

Contents of progress reports

3.14.—(1) The education administrator's progress reports must contain the following—

- (a) identification details for the proceedings;
- (b) identification details for the further education body;
- (c) identification and contact details for the education administrator;
- (d) the date of appointment of the education administrator and any changes in the education administrator in accordance with paragraphs (2) and (3);

- (e) details of progress during the period of the report, including a summary account of receipts and payments during the period of the report;
 - (f) the information relating to distributions required by rule 5.43, if there has been a distribution;
 - (g) details of what remains to be done to bring the education administration to an end; and
 - (h) any other information of relevance to the creditors.
- (2) A change in the education administrator is only required to be shown in the next report after the change.
- (3) However if the current education administrator is seeking the repayment of pre-administration expenses from a former education administrator the change in the education administrator must continue to be shown until the next report after the claim is settled.

Final progress report

3.15. “Final progress report” means a progress report which must contain an account of the education administrator’s administration including—

- (a) a summary of the education administrator’s proposals;
- (b) any major amendments to, or deviations from, those proposals;
- (c) the steps taken during the education administration;
- (d) a statement as to the amount paid to unsecured creditors by virtue of section 176A of the Act; and
- (e) the outcome of the education administration.

Information about pre-administration costs

3.16.—(1) Where the education administrator has made a statement of pre-administration costs under rule 3.8(10)(a)—

- (a) if they are approved under rule 6.11, the first progress report after the approval must include a statement setting out the date of approval and the amounts approved;
- (b) while any of the costs remain unapproved each successive report must include a statement of any steps taken to obtain approval.

(2) However if either the education administrator has decided not to seek approval under rule 6.11, or another insolvency practitioner entitled to seek approval has told the education administrator of that practitioner’s decision not to seek approval under that rule then—

- (a) the report next due after the decision or notification must include a statement that the education administrator or insolvency practitioner (as the case may be) has decided not to seek approval to pay those costs; and
- (b) no statement under paragraph (1)(b) is required in subsequent reports.