
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 6

THE EDUCATION ADMINISTRATOR

CHAPTER 2

Remuneration and expenses

Basis of remuneration

6.10.—(1) An education administrator is entitled to receive remuneration for services provided as education administrator.

(2) The basis of such remuneration is to be fixed by reference to the time properly spent by the education administrator and the education administrator's staff in attending to matters arising in the education administration.

(3) The education administrator's remuneration must, on the education administrator's application, be fixed by the court.

(4) The education administrator must give at least 14 days' notice of the application made under paragraph (3) to the following who may appear or be represented—

- (a) the appropriate national authority; and
- (b) the creditors of the further education body.

(5) In fixing the remuneration, the court must have regard to the following matters—

- (a) the complexity (or otherwise) of the case;
- (b) any respects in which, in connection with a further education body's affairs, there falls on the education administrator any responsibility of an exceptional kind or degree;
- (c) the effectiveness with which the education administrator appears to be carrying out, or to have carried out, the education administrator's duties as such; and
- (d) the value and nature of the property with which the education administrator has had to deal.

(6) Where there are joint education administrators, it is for them to agree between themselves as to how the remuneration payable should be apportioned and any dispute arising between them may be referred to the court, for settlement by order.

(7) If the education administrator is a solicitor and employs the education administrator's own firm, or any partner in it, to act on behalf of the further education body, profit costs must not be paid unless this is authorised by the court.

Pre-administration costs

6.11. Where the education administrator has made a statement of pre-administration costs under rule 3.8(10)(a), the education administrator (where the costs consist of fees charged or expenses

incurred by the education administrator) or other insolvency practitioner (where the costs consist of fees charged or expenses incurred by that practitioner) must, before paying such costs, apply to the court for a determination of whether and to what extent the unpaid pre-administration costs are approved for payment.

Remuneration of former education administrator

6.12. If an education administrator has ceased to act as such for any reason, the education administrator (or the education administrator’s estate, as the case may be) is to be entitled to any amounts outstanding on the basis of the services which that education administrator provided in accordance with rule 6.10.

Remuneration of new education administrator

6.13. If a new education administrator is appointed in place of another education administrator, any court order in effect under rule 6.10 immediately before the former education administrator ceased to hold office continues to apply in respect of the remuneration of the new education administrator until a further court order is made in accordance with those provisions.