
STATUTORY INSTRUMENTS

2019 No. 138

The Further Education Bodies (Insolvency) Regulations 2019

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as the Further Education Bodies (Insolvency) Regulations 2019 and come into force on the day after the day on which they are made.

(2) These Regulations apply to statutory corporations only, except for Part 4 (but not regulation 34) and regulation 40, which apply in addition to companies conducting designated further education institutions in England and Wales⁽¹⁾.

Interpretation

2. In these Regulations—

“the Act” means the Insolvency Act 1986⁽²⁾;

“the 2006 Act” means the Companies Act 2006⁽³⁾;

“Schedule A1” means Schedule A1 to the Act⁽⁴⁾;

“Schedule B1” means Schedule B1 to the Act⁽⁵⁾;

“the Rules” means the Insolvency (England and Wales) Rules 2016⁽⁶⁾;

“education administration” means administration entered into pursuant to the making of an education administration order;

“member” means a member of a statutory corporation as set out in that statutory corporation’s instrument of government and articles of government as required by section 20 or 33I of the Further and Higher Education Act 1992⁽⁷⁾;

“statutory corporation” means a further education body as defined in sections 4(2)(a) and (b) and (3)(a) of the Technical and Further Education Act 2017; and

“student member” means a member of a statutory corporation who is or was a student at the statutory corporation at the time during which that person is or was a member.

(1) Companies conducting further education institutions are further education bodies, as defined in section 4 of the Technical and Further Education Act 2017.

(2) 1986 c. 45.

(3) 2006 c. 46.

(4) Schedule A1 was inserted by paragraph 4 of Schedule 1 to the Insolvency Act 2000 (c. 39).

(5) Schedule B1 was inserted by section 248 of the Enterprise Act 2002 (c. 40).

(6) S.I. 2016/1024. The Rules were amended by S.I. 2017/366 and 2017/1115.

(7) 1992 c. 13. Section 20 was amended by paragraph 5 of Schedule 12 to the Education Act 2011 (c. 21) and section 2 of the Further Education and Higher Education (Governance and Information) (Wales) Act 2014 (2014 anaw 1). Section 33I was inserted by paragraph 3 of Schedule 8 to the Apprenticeship, Skills, Children and Learning Act 2009 (c. 22).

Application of normal insolvency procedures to statutory corporations: modifications and omissions

3. These Regulations have effect as follows—
- (a) the relevant insolvency legislation⁽⁸⁾ which is applied to statutory corporations by section 6(2) of the Technical and Further Education Act 2017 is modified—
 - (i) generally in Part 2, and
 - (ii) specifically in Part 3;
 - (b) the provisions set out in Part 4 apply to statutory corporations and (except for the provision referred to in regulation 34) to companies conducting designated further education institutions in England and Wales with the modifications set out in that Part;
 - (c) the provisions of the 2006 Act set out in regulation 39, and section 1117 of the 2006 Act, apply to statutory corporations, with the modifications set out in regulations 39 to 42.

(8) “Relevant insolvency legislation” is defined in section 6(3) of the Technical and Further Education Act 2017.