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STATUTORY INSTRUMENTS

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**2019 No. 138**

**The Further Education Bodies (Insolvency) Regulations 2019**

**PART 5**

**Modifications of the Companies Act 2006**

**General modifications of the Companies Act 2006**

**39.** The modifications made to relevant insolvency legislation by regulation 4(1) apply to the following provisions of the 2006 Act in relation to the documents and records mentioned in section 8(1) of the Technical and Further Education Act 2017—

- (a) section 29;
- (b) section 30;
- (c) section 859K(1);
- (d) section 1066;
- (e) section 1081(2);
- (f) section 1084;
- (g) section 1085;
- (h) section 1086;
- (i) section 1087(1)(g), (i) and (k), (2) and (3);
- (j) sections 1089 to 1091;
- (k) section 1096(3);
- (l) section 1097;
- (m) section 1104;
- (n) section 1112.

**Section 1117 of the Companies Act 2006 (Registrar's rules)**

**40.** In the application of section 1117 of the 2006 Act the registrar may make rules, in accordance with that section, requiring a further education body to provide supplementary information in relation to the insolvency of that further education body which, for the purposes of those rules, includes education administration.

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(1) Section 859K was inserted by regulation 2 of, and Schedule 1 to, [S.I. 2013/600](#).  
(2) Section 1081 was amended by section 94 of, and paragraphs 11, 31(1) to (3) of Part 2 of Schedule 5 to, the Small Business, Enterprise and Employment Act 2015 (c. 26) and regulation 5 of, and paragraph 3(1) and (4) of Schedule 2 to, [S.I. 2013/600](#).  
(3) Section 1096 was amended by regulation 5 of, and paragraph 3(1) and (6) of Schedule 2 to, [S.I. 2013/600](#).

**Modification of section 29 of the Companies Act 2006 (resolutions and agreements affecting a company's constitution)**

41. In section 29(1) of the 2006 Act a reference to a special resolution is to be read in accordance with the statutory corporation's instrument of government and articles of government, or, if the instrument and articles do not contain provisions relating to special resolutions, in accordance with regulation 5(14).

**Modification of Section 1066 of the Companies Act 2006 (company's registered numbers)**

42. Section 1066 of the 2006 Act is to be read as if for subsection (1) there were substituted—
- “(1) Where the registrar first receives the name and address of a statutory corporation—
    - (a) pursuant to a procedure brought under the relevant insolvency legislation in relation to the statutory corporation; or
    - (b) on the granting of an application for an education administration order,
- the registrar shall allocate to that statutory corporation a number, which shall be known as the statutory corporation's registered number.”.