



# Technical and Further Education Act 2017

## CHAPTER 19

### TECHNICAL AND FURTHER EDUCATION ACT 2017

#### PART 1

##### TECHNICAL EDUCATION

- 1 The Institute for Apprenticeships and Technical Education
- 2 Information about technical education: access to English schools

#### PART 2

##### FURTHER EDUCATION BODIES: INSOLVENCY ETC

#### CHAPTER 1

##### INTRODUCTION

- 3 Overview
- 4 “Further education body”
- 5 Other key definitions

#### CHAPTER 2

##### APPLICATION OF NORMAL INSOLVENCY TO STATUTORY CORPORATIONS

- 6 Application of normal insolvency procedures
- 7 Application of other insolvency law
- 8 Records etc

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### CHAPTER 3

#### RESTRICTIONS ON USE OF NORMAL INSOLVENCY PROCEDURES

- 9 Making of ordinary administration orders
- 10 Administrator appointments by creditors etc
- 11 Winding-up order
- 12 Voluntary winding up
- 13 Enforcement of security
- 14 Interpretation of Chapter

### CHAPTER 4

#### FURTHER EDUCATION BODIES: SPECIAL ADMINISTRATION

##### *Introduction to education administration*

- 15 Overview of Chapter
- 16 Objective of education administration

##### *Process*

- 17 Education administration order
- 18 Application for education administration order
- 19 Grounds for making an education administration order
- 20 Powers of the court on hearing an application
- 21 Appointment of two or more education administrators
- 22 Duty to dismiss ordinary administration application
- 23 Status of education administrator

##### *Functions of administrator and conduct of administration*

- 24 General functions of education administrator
- 25 Transfer schemes
- 26 Conduct of administration

##### *Financial support for bodies in education administration*

- 27 Grants and loans where education administration order is made
- 28 Indemnities where education administration order is made
- 29 Indemnities: repayment by further education bodies etc
- 30 Guarantees where education administration order is made
- 31 Guarantees: repayment by further education body etc

##### *Supplementary*

- 32 Education administration rules
- 33 Application of other insolvency law
- 34 Modification of this Chapter under the Enterprise Act 2002
- 35 Interpretation of Chapter

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## CHAPTER 5

### TRUST PROPERTY HELD BY SIXTH FORM COLLEGE CORPORATIONS

- 36 Trust property held by sixth form college corporations

## CHAPTER 6

### RESTRICTIONS ON OTHER DISSOLUTION PROCEDURES

- 37 Restrictions on dissolution of further education corporation  
38 Restrictions on dissolution of sixth form college corporation

## CHAPTER 7

### DISQUALIFICATION OF OFFICERS

- 39 Disqualification of officers

## PART 3

### OTHER PROVISION TO DO WITH FURTHER EDUCATION

- 40 Information for Secretary of State about further education  
41 Careers advice in further education institutions: Ofsted inspection

## PART 4

### GENERAL

- 42 Power to make transitional provision  
43 Power to make consequential provision  
44 Regulations: general  
45 Affirmative and negative resolution procedures  
46 Extent  
47 Commencement  
48 Short title

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## SCHEDULES

### SCHEDULE 1 — The Institute for Apprenticeships and Technical Education

- 1 The Apprenticeships, Skills, Children and Learning Act 2009 is amended...
- 2 (1) Section ZA2 (general duties) is amended as follows.
- 3 (1) Section ZA3 (provision of advice and assistance to the...
- 4 (1) Section ZA4 (delegation of functions of Secretary of State)...
- 5 In section ZA5(1) (conferral of new functions by regulations) for...
- 6 In the heading for Chapter A1, after “Apprenticeships” insert “...
- 7 In Chapter A1, before section A1 (and the italic heading...
- 8 For the italic heading before section A1 substitute “ Meaning...
- 9 In section A1 (meaning of “approved English apprenticeship”)—
- 10 For the italic heading before section A2 substitute “ Apprenticeship...
- 11 (1) Section A2 (apprenticeship standards and assessment plans) is amended...

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- 12 Omit section A2A (preparation of apprenticeship standards and plans).
- 13 In the italic heading before section A2B, at the end...
- 14 (1) Section A2B (evaluation of quality of apprenticeship assessments) is...
- 15 After section A2D insert— Technical education qualifications Approved technical education...
- 16 For the italic heading before section A2E substitute “ Other...
- 17 In section A2E (regular reviews of published standards and assessment...
- 18 (1) Section A2F (revision or withdrawal of published standards and...
- 19 Omit the italic heading before section A2G.
- 20 In section A2G— (a) after “standard or”, in each place...
- 21 After section A2H insert— List of technical education qualifications (1) The Institute must maintain a list of approved technical...
- 22 (1) Section A2I (transfer of copyright in standards and assessment...
- 23 After section A2I insert— Transfer of copyright relating to technical...
- 24 After section A3 insert— Power to issue technical education certificate...
- 25 Part 1A (apprenticeships: information sharing) is amended as follows.
- 26 In the Part heading, after “Apprenticeships” insert “ and other...
- 27 After section 40A insert— Sharing of information by or with...
- 28 In section 40D(3) (interpretation of Part 1A)—
- 29 (1) Section 100 (funding) is amended as follows.
- 30 In section 121(1) (interpretation of Part 1), at the appropriate...
- 31 In section 262(6) (orders and regulations subject to affirmative procedure),...
- 32 (1) Schedule A1 (the Institute) is amended as follows.
- 33 (1) This paragraph applies to a standard published by the...
- 34 (1) This paragraph applies to an assessment plan published by...
- 35 (1) The Secretary of State may by regulations provide for...

## SCHEDULE 2 — Education administration: transfer schemes

### *Power to make a transfer scheme*

- 1 The education administrator of a further education body may make...
- 2 A transfer scheme takes effect at the time specified in...

### *Procedural requirements: consent and approval*

- 3 The education administrator may make a transfer scheme only if—...
- 4 The appropriate national authority may modify a transfer scheme before...

### *Modifying a scheme after it takes effect*

- 5 (1) The appropriate national authority may modify a transfer scheme...

### *Property, rights and liabilities that may be transferred*

- 6 A transfer scheme may transfer— (a) property, rights and liabilities...
- 7 (1) A transfer scheme may make consequential, supplementary, incidental or...

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*Proof of title by certificate*

- 8 A certificate by the appropriate national authority that anything specified...

*Interpretation*

- 9 In this Schedule— (a) references to rights and liabilities include...

SCHEDULE 3 — Conduct of education administration: statutory corporations

*Introductory*

- 1 (1) The provisions of the Insolvency Act 1986 mentioned in...

*General modifications*

- 2 The provisions of the Insolvency Act 1986 applied by paragraph...

*Specific modifications to Schedule B1 to the Insolvency Act 1986*

- 3 Paragraphs 4 to 37 set out modifications to the applicable...  
4 Paragraph 1 (administration) is to have effect as if—  
5 Paragraph 40 (dismissal of pending winding-up petition) is to have...  
6 Paragraph 41 (dismissal of administrative or other receiver) is to...  
7 Paragraph 42 (moratorium on insolvency proceedings) is to have effect...  
8 Paragraph 43 (moratorium on other legal process) is to have...  
9 Paragraph 44 (interim moratorium) is to have effect as if...  
10 Paragraph 45(2) (publicity) is to have effect as if for...  
11 Paragraph 46(6) (date for notifying administrator's appointment) is to have...  
12 Paragraph 47 (statement of affairs) is to have effect as...  
13 Paragraph 49 (administrator's proposals) is to have effect as if—...  
14 Paragraph 54 is to have effect as if the following...  
15 Paragraph 60 is to have effect as if the following...  
16 Paragraph 61 is to have effect as if the following...  
17 Paragraph 64 (management powers may not be exercised without consent...  
18 Paragraph 68 (management duties of an administrator) is to have...  
19 Paragraph 71 (charged property: non-floating charge), is to have effect...  
20 Paragraph 73 (protection for secured or preferential creditor) is to...  
21 Paragraph 74 (challenge to administrator's conduct) is to have effect...  
22 Paragraph 75(2) (misfeasance) is to have effect as if—  
23 Paragraph 79 (end of administration) is to have effect as...  
24 Paragraph 83 (notice to registrar when moving to voluntary liquidation)...  
25 Paragraph 84 (notice to registrar when moving to dissolution) is...  
26 Paragraph 87(2) (resignation of administrator) is to have effect as...  
27 Paragraph 89(2) (administrator ceasing to be qualified) is to have...  
28 Paragraph 90 (filling vacancy in office of administrator) is to...  
29 Paragraph 91 (vacancies in court appointments) is to have effect...  
30 Paragraph 98 (discharge from liability on vacation of office) is...  
31 Paragraph 99 (charges and liabilities upon vacation of office by...  
32 Paragraph 100 (joint and concurrent administrators) is to have effect...

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- 33 Paragraph 101(3) (joint administrators) is to have effect as if...
- 34 Paragraph 103 (appointment of additional administrators) is to have effect...
- 35 Paragraph 106(2) (penalties) is to have effect as if paragraphs...
- 36 Paragraph 109 (references to extended periods) is to have effect...
- 37 Paragraph 111 (interpretation) is to have effect as if the...

*Specific modifications to section 251 of the Insolvency Act 1986*

- 38 Section 251 of the Insolvency Act 1986 (definitions) as applied...

*Power to add modifications*

- 39 (1) The Secretary of State may by regulations—

SCHEDULE 4 — Conduct of education administration: companies

*Introductory*

- 1 (1) The provisions of the Insolvency Act 1986 mentioned in...

*General modifications*

- 2 The provisions of the Insolvency Act 1986 applied by paragraph...

*Specific modifications to Schedule B1 to the Insolvency Act 1986*

- 3 Paragraphs 4 to 35 set out modifications to the applicable...
- 4 Paragraph 1 (administration) is to have effect as if—
- 5 Paragraph 40 (dismissal of pending winding-up petition) is to have...
- 6 Paragraph 42 (moratorium on insolvency proceedings) is to have effect...
- 7 Paragraph 43 (moratorium on other legal process) is to have...
- 8 Paragraph 44 (interim moratorium) is to have effect as if...
- 9 Paragraph 45(2) (publicity) is to have effect as if after...
- 10 Paragraph 46(6) (date for notifying administrator's appointment) is to have...
- 11 Paragraph 47 (statement of affairs) is to have effect as...
- 12 Paragraph 49 (administrator's proposals) is to have effect as if—...
- 13 Paragraph 54 is to have effect as if the following...
- 14 Paragraph 60 (powers of an administrator) is to have effect...
- 15 Paragraph 61 is to have effect as if the following...
- 16 Paragraph 64 (management powers may not be exercised without consent...
- 17 Paragraph 68 (management duties of an administrator) is to have...
- 18 Paragraph 73 (protection for secured or preferential creditor) is to...
- 19 Paragraph 74 (challenge to administrator's conduct) is to have effect...
- 20 Paragraph 75(2) (misfeasance) is to have effect as if after...
- 21 Paragraph 79 (end of administration) is to have effect as...
- 22 Paragraph 83 (notice to registrar when moving to voluntary liquidation)...
- 23 Paragraph 84 (notice to registrar when moving to dissolution) is...
- 24 Paragraph 87(2) (resignation of administrator) is to have effect as...
- 25 Paragraph 89(2) (administrator ceasing to be qualified) is to have...
- 26 Paragraph 90 (filling vacancy in office of administrator) is to...

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- 27 Paragraph 91 (vacancies in court appointments) is to have effect...
- 28 Paragraph 98 (discharge from liability on vacation of office) is...
- 29 Paragraph 99 (charges and liabilities upon vacation of office by...
- 30 Paragraph 100 (joint and concurrent administrators) is to have effect...
- 31 Paragraph 101(3) (joint administrators) is to have effect as if...
- 32 Paragraph 103 (appointment of additional administrators) is to have effect...
- 34 Paragraph 109 (references to extended periods) is to have effect...
- 35 Paragraph 111 (interpretation) is to have effect as if the...

*Specific modifications to section 251 of the Insolvency Act 1986*

- 36 Section 251 of the Insolvency Act 1986 (definitions) as applied...

*Power to add modifications*

- 37 (1) The Secretary of State may by regulations—

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