

SCHEDULES

SCHEDULE 3

CONDUCT OF EDUCATION ADMINISTRATION: STATUTORY CORPORATIONS

Specific modifications to Schedule B1 to the Insolvency Act 1986

- 21 Paragraph 74 (challenge to administrator's conduct) is to have effect as if—
- (a) sub-paragraph (1) were omitted,
 - (b) for sub-paragraph (2) there were substituted—
 - “(2) Where a further education body is in education administration the appropriate national authority or a creditor may apply to the court claiming that the education administrator is not carrying out his or her functions in accordance with section 24(2) or (4) of the Technical and Further Education Act 2017 (general functions of education administrator).”,
 - (c) in sub-paragraph (6), paragraphs (b) to (c) were omitted, and
 - (d) after that sub-paragraph there were inserted—
 - “(7) In the case of a claim made by a creditor, the court may grant a remedy or relief or make an order under this paragraph only if it has given the appropriate national authority a reasonable opportunity of making representations about the claim and the proposed remedy, relief or order.
 - (8) Before the making of an order of the kind mentioned in sub-paragraph (4)(d)—
 - (a) the court must notify the education administrator of the proposed order and of a period during which the education administrator is to have the opportunity of taking steps falling within sub-paragraph (9), and
 - (b) the period notified must have expired without the taking of such of those steps as the court thinks should have been taken,and that period must be a reasonable period.
 - (9) The steps referred to in sub-paragraph (8) are steps for—
 - (a) remedying the failure to carry out functions in accordance with section 24(2) or (4) of the Technical and Further Education Act 2017, and
 - (b) ensuring that the failure is not repeated.”