



# Skills and Post-16 Education Act 2022

## 2022 CHAPTER 21

### PART 3

#### PROTECTION FOR LEARNERS

### CHAPTER 2

#### EDUCATION ADMINISTRATION AND ADMINISTRATION OF FURTHER EDUCATION BODIES

#### **24 Further education bodies in education administration: application of other insolvency procedures**

In section 33 of the Technical and Further Education Act 2017 (application of other insolvency law), after subsection (2) insert—

“(2A) Regulations under subsection (1) may in particular provide for any provision of the Insolvency Act 1986 to apply (with or without modifications) in relation to a further education body in connection with the education administration procedure created by this Chapter.

(2B) Nothing in Schedule 3 or 4 limits the provision that may be made by virtue of subsection (2A), and provision made by virtue of that subsection may amend Schedules 3 and 4.”

#### **25 Further education bodies in education administration: transfer schemes**

(1) The Technical and Further Education Act 2017 is amended as follows.

(2) In Schedule 2 (education administration: transfer schemes), after paragraph 6 insert—

“6A (1) A transfer scheme may not transfer property which is subject to a security (other than a floating charge) free of that security except—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in accordance with an order of the court under paragraph 71 of Schedule B1 to the Insolvency Act 1986 as applied by Schedule 3 or 4, or
  - (b) where—
    - (i) an amount is attributed to the transfer of the property in the transfer scheme,
    - (ii) the secured creditor agrees with that amount, and
    - (iii) the secured creditor is paid that amount.
- (2) In sub-paragraph (1), “floating charge” means a charge which is a floating charge on its creation.”
- (3) In Schedule 3 (conduct of education administration: statutory corporations), in paragraph 19—
- (a) for “sub-paragraph (1),” substitute “sub-paragraph (1)—
    - (a) after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”, and”;
    - (b) the text from “the words” to the end of the paragraph becomes paragraph (b).
- (4) In Schedule 4 (conduct of education administration: companies), after paragraph 17 insert—
- “17A Paragraph 71 is to have effect as if in sub-paragraph (1), after “dispose” there were inserted “(whether by way of a transfer scheme under Schedule 2 to the Technical and Further Education Act 2017 or otherwise)”.”