
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 3

PROCESS OF EDUCATION ADMINISTRATION

CHAPTER 7

Limited disclosure of statements of affairs and proposals

Application of Chapter 7

3.30. This Chapter applies to the disclosure of information which would be likely to prejudice the conduct of the education administration or might reasonably be expected to lead to violence against any person.

Orders limiting disclosure of statement of affairs etc

3.31.—(1) If the education administrator thinks that the circumstances in rule 3.30 apply in relation to the disclosure of—

- (a) the whole or part of the statement of the further education body's affairs;
- (b) the education administrator's statement of proposals or any of the matters specified in rule 3.8; or
- (c) a statement of concurrence provided in accordance with rule 3.4,

the education administrator may apply to the court for an order in relation to the particular document or a specified part of it.

(2) The court may order that the whole of, or a specified part of, a document referred to in paragraph (1) must not be delivered to the registrar of companies or, in the case of the statement of proposals, to creditors or members of the further education body.

(3) If the court makes an order under paragraph (2), the education administrator must as soon as reasonably practicable deliver to the registrar of companies—

- (a) a copy of the order;
- (b) the statement of affairs or the statement of proposals to the extent provided by the order;
- (c) any statement of concurrence to the extent provided by the order; and
- (d) if the order relates to the statement of proposals, an indication of the nature of the matter in relation to which the order was made.

(4) If the order relates to the statement of proposals, the education administrator must as soon as reasonably practicable also deliver to the creditors and members of the further education body—

- (a) the statement of proposals to the extent provided by the order; and
- (b) an indication of the nature of the matter in relation to which the order was made.

Order for disclosure

3.32.—(1) A creditor may apply to the court for an order that the education administrator disclose the following in relation to which an order has been made under rule 3.31(2)—

- (a) a statement of affairs;
- (b) a specified part of it; or
- (c) a part of a statement of proposals.

(2) The application must be supported by a witness statement.

(3) The applicant must deliver to the education administrator notice of the application at least three business days before the hearing.

(4) In an order for disclosure, the court may include conditions as to confidentiality, duration, and the scope of the order in the event of any change of circumstances or such other matters as it thinks just.

Rescission or amendment of order for limited disclosure

3.33.—(1) If there is a material change in circumstances rendering an order for limited disclosure under rule 3.31(2) wholly or partly unnecessary, the education administrator must, as soon as reasonably practicable after the change, apply to the court for the order to be rescinded or amended.

(2) If the court makes such an order, the education administrator must as soon as reasonably practicable deliver to the registrar of companies—

- (a) a copy of the order; and
- (b) the statement of affairs or the statement of proposals to the extent provided by the order;

(3) If the order relates to the statement of proposals, the education administrator must as soon as reasonably practicable also deliver to the creditors and members the statement of proposals to the extent allowed by the order.

Publication etc. of statement of affairs and statement of proposals

3.34.—(1) Part 31 of the CPR does not apply to an application under rule 3.31, 3.32 or 3.33.

(2) If, after the education administrator has sent a statement of proposals under paragraph 49(4) of Schedule B1, a statement of affairs is delivered to the registrar of companies in accordance with rule 3.33(2) as the result of the rescission or amendment of an order, the education administrator must deliver to the creditors a copy or summary of the statement of affairs as delivered to the registrar of companies.

(3) The education administrator is taken to comply with the requirements for delivery to members of the further education body in rule 3.31(4) or 3.33(3) if the education administrator publishes the required notice.

(4) The required notice must—

- (a) be advertised in such manner as the education administrator thinks fit;
- (b) state that members can request in writing—
 - (i) a copy of the statement of proposals to the extent provided by the order, and
 - (ii) an indication of the nature of the matter in relation to which the order was made; and
- (c) state the address to which such a written request is to be made;
- (d) be published as soon as reasonably practicable after the education administrator has delivered the statement of proposals to the extent provided by the order to the further education body's creditors.