

Technical and Further Education

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 6

LORD NASH

Insert the following new Clause—

“Records etc

- (1) The Secretary of State may by regulations make provision for or in connection with—
 - (a) the delivery to the registrar of companies of documents that relate to the insolvency of further education bodies;
 - (b) the registrar’s function of keeping records of information contained in such documents under section 1080(1) of the Companies Act 2006;
 - (c) the publication of, or access to, those records or related information.
- (2) The regulations may, in particular, provide for any provision made by or under the following sections of the Companies Act 2006 to apply (with or without modifications) in relation to those documents or records.

Provision of Companies Act 2006	Description
sections 29 and 30	copies of resolutions etc to be forwarded to the registrar
section 859K sections 1077 and 1079	registration of enforcement of security public notice of receipt of certain documents
sections 1081, 1084 and 1085 to 1091	keeping and inspection of register of companies
sections 1093 to 1097	correction or removal of material on companies register
section 1104 sections 1112 to 1113	documents relating to Welsh companies supplementary provisions

- (3) The power under subsection (1) includes power—

After Clause 6 - continued

- (a) to impose requirements on a person who delivers a document to the registrar in relation to the insolvency of a further education body to provide supplementary information;
 - (b) to confer power on the registrar to make rules in accordance with section 1117 of the Companies Act 2016 imposing such requirements.
- (4) Provision made under this section is in addition to any applicable provision made by Part 35 of the Companies Act 2006 or elsewhere.
 - (5) Regulations under this section are subject to the affirmative resolution procedure.
 - (6) Section 1114(1) of the Companies Act 2006 (meaning of document etc) applies for the purposes of this section.”

Clause 37

LORD NASH

Leave out Clause 37 and insert the following new Clause –

“Disqualification of officers

In the Company Directors Disqualification Act 1986, after section 22F insert –

“22G Application of Act to further education bodies

- (1) This Act applies to further education bodies as it applies to companies.
- (2) Accordingly, in this Act –
 - (a) references to a company are to be read as including references to a further education body;
 - (b) references to a director or an officer of a company are to be read as including references to a member of a further education body;
 - (c) any reference to the Insolvency Act 1986 is to be read as including a reference to that Act as it applies to further education bodies.
- (3) As they apply in relation to further education bodies, the provisions of this Act have effect with the following modifications –
 - (a) in section 2(1), the reference to striking off is to be read as including a reference to dissolution;
 - (b) sections 9A to 9E are to be disregarded;
 - (c) references to any of sections 9A to 9E are to be disregarded.
- (4) In this section –
 - “further education body” means –
 - (a) a further education corporation, or
 - (b) a sixth form college corporation;
 - “further education corporation” means a body corporate that –
 - (a) is established under section 15 or 16 of the Further and Higher Education Act 1992, or
 - (b) has become a further education corporation by virtue of section 33D or 47 of that Act;
 - “sixth form college corporation” means a body corporate –

Clause 37 - continued

- (a) designated as a sixth form college corporation under section 33A or 33B of the Further and Higher Education Act 1992, or
- (b) established under section 33C of that Act.”

Clause 43

LORD NASH

Page 20, line 4, leave out “extends” and insert “and section 5 so far as it relates to section 426 of the Insolvency Act 1986 extend”

Schedule 1

LORD NASH

Page 28, line 37, leave out from beginning to end of line 13 on page 29 and insert –

“40AA Sharing of information by or with the Institute

- (1) The Institute for Apprenticeships and Technical Education may disclose information to a relevant person for the purpose of a relevant function of that person.
- (2) For disclosure of information by the Institute for the purposes of its own functions, see paragraph 10 of Schedule A1.
- (3) A relevant person may disclose information to the Institute for the purpose of –
 - (a) a function of the Institute, or
 - (b) a relevant function of that person.
- (4) In this section “relevant person” means –
 - (a) Ofqual,
 - (b) the OfS,
 - (c) Ofsted, or
 - (d) a prescribed person.
- (5) In this section “relevant function” means –
 - (a) in relation to Ofqual, the OfS or Ofsted, a function of that body, so far as the function relates to England;
 - (b) in relation to a prescribed person, a prescribed function of that person, so far as the function relates to England.
- (6) In this section –
 - “Ofqual” means the Office of Qualifications and Examinations Regulation;
 - “OfS” means the Office for Students;
 - “Ofsted” means –
 - (a) the Office for Standards in Education, Children’s Services and Skills, and
 - (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.
- (7) Regulations under this section prescribing functions of a person may prescribe all of the person’s functions.”

Schedule 1 - continued

Page 29, line 13, at end insert –

“27A In section 40D(3)(interpretation of Part 1A) –

(a) the words from “affects” to the end become paragraph (a);

(b) after that paragraph insert –

“(b) authorises the disclosure of any information in contravention of any provision made by or under any Act which prevents disclosure of the information.””

Page 29, line 33, at end insert –

“29A In section 262(6)(orders and regulations subject to affirmative procedure), after paragraph (aa) insert –

“(aza) regulations under section 40AA;”.”

Schedule 3

LORD NASH

Page 34, line 34, after “authority,” insert –

“() to the director of children’s services at the local authority or combined authority in whose area the relevant institution is based, and to any other director of children’s services that the education administrator thinks appropriate,”

Page 34, line 44, at end insert –

“() to any director of children’s services to whom the statement of proposals was sent under paragraph 49,”

Page 39, line 38, at end insert –

“““combined authority” means an authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;”;

““director of children’s services” means –

(a) in respect of a local authority, a person appointed under section 18 of the Children Act 2004;

(b) in respect of a combined authority, a person appointed to discharge functions corresponding to those of a person appointed under section 18 of the Children Act 2004;”;

Page 40, line 12, at end insert –

“““local authority” has the meaning given in section 65 of the Children Act 2004;”;

Schedule 4

LORD NASH

Page 42, line 28, after “authority,” insert –

“() to the director of children’s services at the local authority or combined authority in whose area the relevant institution is based, and to any other director of children’s services that the education administrator thinks appropriate,”

Page 42, line 38, at end insert –

“() to any director of children’s services to whom the statement of proposals was sent under paragraph 49,”

Page 47, line 33, at end insert –

“““combined authority” means an authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;”,

““director of children’s services” means –

- (a) in respect of a local authority, a person appointed under section 18 of the Children Act 2004;
- (b) in respect of a combined authority, a person appointed to discharge functions corresponding to those of a person appointed under section 18 of the Children Act 2004;”,

Page 47, line 45, at end insert –

“““local authority” has the meaning given in section 65 of the Children Act 2004;”,

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15 February 2017
