



# Administration of Justice Act 1965

## 1965 CHAPTER 2

### PART II

#### MISCELLANEOUS AMENDMENTS OF LAW RELATING TO ENGLAND AND WALES

<sup>F1</sup>19 .....

#### Textual Amendments

<sup>F1</sup> S. 19 repealed by [Law Reform \(Miscellaneous Provisions\) Act 1971 \(c. 43\), s. 5\(1\)](#)

**20 Increase of amount determining county court jurisdiction to make administration orders, restriction on presentation of bankruptcy petitions and minor amendments about such orders.**

<sup>F2</sup>(1) .....

<sup>F3</sup>(2) .....

<sup>F4</sup>(3) Before an administration order is made by a court, the registrar of the court shall, in accordance with rules made under [<sup>F5</sup>section 102] of the <sup>M1</sup>County Courts Act 1959, send to every person whose name the debtor has notified to the appropriate county court as being a creditor of his notice that that person's name has been so notified; and so long as the order is in force, a creditor whose name is included in the schedule to the order shall not, without the leave of that court, be entitled to present, or join in, a bankruptcy petition against the debtor unless—]

- (a) his name was so notified; and
- (b) the debt by virtue of which he presents, or joins in, the petition exceeds [<sup>F6</sup>£1,500]; and
- (c) the notice given to the creditor by the registrar in accordance with this subsection was received by the creditor within twenty-eight days immediately preceding the day on which the petition is presented.

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1965, Part II. (See end of Document for details)*

- [<sup>F7</sup>(4) In section 150 of the <sup>M2</sup>County Courts Act 1959 (which, when an administration order is made, bars a creditor from remedies in respect of a debt which has been notified to a county court or is scheduled to the order, and requires a stay of proceedings in a county court or other inferior court in respect of such a debt)—
  - (a) the requirement to stay proceedings shall not operate as a requirement that a county court in which proceedings in bankruptcy against the debtor are pending shall stay those proceedings; and
  - (b) the reference to notification to a county court shall be construed as a reference to notification to the appropriate county court.
- (5) In section 149(a) of the <sup>M3</sup>County Courts Act 1959, the requirement that notice of an administration order shall be sent to every creditor notified by the debtor shall be construed as a requirement that notice shall be sent to every person whose name a debtor has notified to the appropriate county court as being a creditor of his.
- (6) In this section any reference to notification to the appropriate county court shall, in relation to an administration order, be construed as a reference to the giving, before the making of the order, of notice, in accordance with rules made under the said [<sup>F5</sup>section 102], to the court which, at the time when the notification is given, has the power to make the order.
- (7) The power conferred by subsection (2) above to make an Order in Council shall include power to vary the Order; <sup>F8</sup> . . .]

**Textual Amendments**

**F2** S. 20(1) repealed by [Administration of Justice Act 1982 \(c. 53, SIF37\)](#), s.75(1), [Sch. 9 Pt. I](#)

**F3** Ss. 18, 20(2) repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 75(1), [Sch. 9 Pt. I](#)

**F4** S.20(3) repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**F5** Words substituted by [Insolvency Act 1976 \(c. 60\)](#), [s. 12\(2\)](#)

**F6** S. 20(3)(b): sum substituted by [S.I. 1984/1199](#), [reg. 2\(e\)](#)

**F7** Ss. 20(4)–(7), 23 repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**F8** Words repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 75(1), [Sch. 9 Pt. I](#)

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**Marginal Citations**

**M1** 1959 c. 22.

**M2** 1959 c. 22.

**M3** 1959 c. 22.

<sup>F9</sup>21 .....

**Textual Amendments**

**F9** S. 21 repealed by [Insolvency Act 1976 \(c. 60\)](#), s. 13(1), [Sch. 3](#)

<sup>F10</sup>22 .....

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1965, Part II. (See end of Document for details)*

**Textual Amendments**

**F10** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**[<sup>F11</sup>23 Power of county court to extend period for giving possession of land in proceedings for enforcement of right of re-entry or forfeiture.**

- (1) Where a lessor is proceeding by action in a county court in England or Wales to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, and the court by order made in pursuance of section 191(1)(b) of the <sup>M4</sup>County Courts Act 1959 orders possession of the land to be given to the lessor at the expiration of a period fixed by the court unless within that period the lessee pays into court all the rent in arrear and the costs of the action, the court may extend that period at any time before possession of the land is recovered in pursuance of the order.
- (2) Where, under the foregoing subsection, a court extends a period at a time when that period has expired and a warrant has been issued for the possession of the land, the court shall suspend the warrant for the period of the extension and, if, before the expiration of the last-mentioned period, the lessee pays into court all the rent in arrear and the costs of the action, shall cancel the warrant.
- (3) The extension under subsection (1) above of a period fixed by a court shall not be treated as relief from which the lessee, if he fails within that period to pay into court all the rent in arrear and the costs of the action, is barred by virtue of section 191(1)(c) of the <sup>M5</sup>County Courts Act 1959.
- (4) Where, under subsection (1) above, a court extends a period, any reference in the said section 191(1)(c) (which, as well as barring a lessor from relief as mentioned in the last foregoing subsection, provides that if, within the period specified in the order, the lessee pays into court the rent in arrear and costs he shall continue to hold the land) to the period specified in the order shall be construed as reference to that period as so extended.]

**Textual Amendments**

**F11** Ss. 20(4)–(7), 23 repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**Marginal Citations**

**M4** 1959 c. 22.

**M5** 1959 c. 22.

**[<sup>F12</sup>24 .....**

**Textual Amendments**

**F12** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**[<sup>F13</sup>25 .....**

*Changes to legislation: There are currently no known outstanding effects for the  
Administration of Justice Act 1965, Part II. (See end of Document for details)*

**Textual Amendments**

**F13** S. 25 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71\)](#), [s. 36 \(2\)](#), Sch. 4

<sup>F14</sup>**26** .....

**Textual Amendments**

**F14** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

<sup>F15</sup>**27** .....

**Textual Amendments**

**F15** S. 27 repealed (E.W.) by [Prosecution of Offences Act 1979 \(c. 31\)](#), s. 11(2), [Sch. 2 Pt. II](#)

<sup>F16</sup>**28** .....

**Textual Amendments**

**F16** S. 28 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XVI](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1965, Part II.