



Attachment of Earnings Act 1971

1971 CHAPTER 32

Administration orders in the county court

4 Extension of power to make administration order.

- (1) Where, on an application to [^{F1}the county court] for an attachment of earnings order to secure the payment of a judgment debt, it appears to the court that the debtor also has other debts, the court—
 - (a) shall consider whether the case may be one in which all the debtor's liabilities should be dealt with together and that for that purpose [^{F2}an administration order should be made]; and
 - (b) if of opinion that it may be such a case, shall have power (whether or not it makes the attachment of earnings order applied for), with a view to making an administration order, to order the debtor to furnish to the court a list of all his creditors and the amounts which he owes to them respectively.
- (2) If, on receipt of the list referred to in subsection (1)(b) above, it appears to the court that the debtor's whole indebtedness amounts to not more than the amount [^{F3}which for the time being is the county court limit for the purposes of section 112 of the County Courts Act 1984] (limit of total indebtedness governing county court's power to make administration order on application of debtor), the court may make such an order in respect of the debtor's estate.
- [^{F4}(2A) Subsection (2) above is subject to section 112(3) and (4) of the County Courts Act 1984 (which require that, before an administration order is made, notice is to be given to all the creditors and thereafter restricts the right of any creditor to institute bankruptcy proceedings).]
- (3)^{F5}
- (4) Nothing in this section is to be taken as prejudicing any right of a debtor to apply, under [^{F6}section 112 of the County Courts Act 1984] for an administration order.

Status: Point in time view as at 22/04/2014.

Changes to legislation: Attachment of Earnings Act 1971, Section 4 is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 25(3)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words substituted by [Insolvency Act 1976 \(c. 60\)](#), s. 13(2) (and that amendment continued by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 2 para. 10**)
- F3** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), **Sch. 2 para. 40(a)**
- F4** S. 4(2A) substituted for the second paragraph of subsection (2) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), **Sch. 2 para. 40(b)**
- F5** S. 4(3) repealed by [Insolvency Act 1976 \(c. 60\)](#), s. 13(1), **Sch. 3**
- F6** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), **Sch. 2 para. 40(c)**

Status:

Point in time view as at 22/04/2014.

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