

*Status: This version of this provision is prospective.*

*Changes to legislation: Courts and Legal Services Act 1990, Section 13 is up to date with all changes known to be in force on or before 18 June 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) View outstanding changes*



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART I

#### PROCEDURE ETC. IN CIVIL COURTS

##### *Miscellaneous*

PROSPECTIVE

### **13 Administration orders.**

(1) For subsection (1) of section 112 of the County Courts Act 1984 (power to make administration orders) there shall be substituted—

“(1) Where a debtor is unable to pay forthwith the amount of any debt owed by him, a county court may make an order providing for the administration of his estate.

(1A) The order may be made—

- (a) on the application of the debtor (whether or not a judgment debt has been obtained against the debtor in respect of his debt, or any of his debts);
- (b) on the application of any creditor under a judgment obtained against the debtor; or
- (c) of the court’s own motion during the course of, or on the determination of, any enforcement or other proceedings.”

(2) In that section the following subsection shall be inserted after subsection (4)—

“(4A) Subsection (4) is subject to section 112A.”

(3) Subsection (5) of that section shall be omitted.

(4) The following subsection shall be added at the end of that section—

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- “(9) An administration order shall cease to have effect—
- (a) at the end of the period of three years beginning with the date on which it is made; or
  - (b) on such earlier date as may be specified in the order.”

(5) After that section there shall be inserted the following sections—

**“112A Further powers of the court.**

- (1) Where the court is satisfied—
  - (a) that it has power to make an administration order with respect to the debtor concerned; but
  - (b) that an order restricting enforcement would be a more satisfactory way of dealing with the case,
 it may make such an order instead of making an administration order.
- (2) Where an order restricting enforcement is made, no creditor specified in the order shall have any remedy against the person or property of the debtor in respect of any debt so specified, without the leave of the court.
- (3) Subsection (4) applies to any creditor—
  - (a) who is named in the schedule to an administration order or in an order restricting enforcement; and
  - (b) who provides the debtor with mains gas, electricity or water for the debtor’s own domestic purposes.
- (4) While the order has effect, the creditor may not stop providing the debtor with—
  - (a) mains gas, electricity or (as the case may be) water for the debtor’s own domestic purposes; or
  - (b) any associated service which it provides for its customers,
 without leave of the court unless the reason for doing so relates to the non-payment of charges incurred by the debtor after the making of the order or is unconnected with non-payment by him of any charges.
- (5) In this section “mains gas” means a supply of gas by a public gas supplier within the meaning of Part I of the Gas Act 1986.
- (6) Rules of court may make provision with respect to the period for which any order restricting enforcement is to have effect and for the circumstances in which any such order may be revoked.

**112B Administration orders with composition provisions.**

- (1) Where the court is satisfied—
  - (a) that it has power to make an administration order with respect to the debtor concerned; and
  - (b) that the addition of a composition provision would be a more satisfactory way of dealing with the case,
 it may make an administration order subject to such a provision.
- (2) Where, at any time while an administration order is in force—

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- (a) the debtor has not discharged the debts to which that order relates; and
  - (b) the court considers that he is unlikely to be able to discharge them,
- the court may add a composition provision to that order.
- (3) A composition provision shall specify an amount to which the debtor's total indebtedness in respect of debts owed to creditors scheduled to the administration order is to be reduced.
  - (4) The amount of the debt owed to each of the creditors so scheduled shall be reduced in proportion to the reduction in his total indebtedness specified by the composition provision.
  - (5) Where a composition provision is added to an administration order after the order is made, section 113(a) shall apply as if the addition of the composition provision amounted to the making of a new administration order.”

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**Changes and effects yet to be applied to :**

- s. 13 repealed by [2007 c. 15 Sch. 16 para. 6Sch. 23 Pt. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)