



Administration of Justice Act 1970

1970 CHAPTER 31

PART II

ENFORCEMENT OF DEBT

Provisions restricting sanction of imprisonment

11 Restriction on power of committal under Debtors Act 1869 (c. 62).

The jurisdiction given by section 5 of the Debtors Act 1869 to commit to prison a person who makes default in payment of a debt, or instalment of a debt, due from him in pursuance of an order or judgment shall be exercisable only—

- (a) by the High Court in respect of a High Court maintenance order; ^{F1}...
- (b) by [^{F2}the county court][^{F3}in respect of a judgment]or order which is enforceable by a court in England and Wales and is for the payment of any of the taxes, contributions [^{F4}premiums] or liabilities specified in Schedule 4 to this Act.^[F5]; and
- (c) by the family court in respect of a High Court or family court maintenance order.]

Textual Amendments

- F1** Word in s. 11(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 18\(1\)\(a\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 11(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 11(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 18\(1\)\(b\)](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Word inserted by [Social Security Act 1973 \(c. 38, SIF 113: 1\), Sch. 27 para. 85](#)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1970, Part II. (See end of Document for details)

F5 S. 11(c) and word inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 18\(1\)\(c\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

12 Restriction on magistrates’ power of committal for civil debt.

..... **F6**

Textual Amendments

F6 S. 12 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

13— **F7**
26.

Textual Amendments

F7 Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), [Sch. 6](#)

Enforcement by attachment of earnings

27 (1) **F8**

(3) In section 1 of the Act of 1958 (introductory provisions setting out the scheme of Part I as respects registration in one court of a maintenance order made by another), after subsection (1) there shall be inserted the following subsection:—

“(1A) In the following provisions of this Act “maintenance order” means any order specified in Schedule 8 to the Administration of Justice Act 1970.”

Textual Amendments

F8 Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), [Sch. 6](#)

Modifications etc. (not altering text)

C1 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

28 Other provisions for interpretation of Part II.

(1) In this Part of this Act, except where the context otherwise requires—

..... **F9**
F10 **F10**
..... **F10**

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1970, Part II. (See end of Document for details)

“High Court maintenance order” [F11 “and family court maintenance order”] and . . . F9 mean respectively a maintenance order enforceable by the High Court [F12 and the family court] . . . F9;

F10

“maintenance order” means any order [F13, decision, settlement [F14, arrangement] or instrument] specified in Schedule 8 to this Act and includes [F15 one] which has been discharged [F16 or has otherwise ceased to operate], if any arrears are recoverable thereunder;

F10

(2) F17

Textual Amendments

- F9** Definitions repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 9**
- F10** Definitions repealed by Attachment of Earnings Act 1971 (c. 32), **Sch. 6**
- F11** Words in s. 28 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 18(2)(a)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 28 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 18(2)(b)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 28(1) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 3(2)(a)**
- F14** Word in s. 28(1) inserted (7.11.2012 coming into force in accordance with reg. 1(1)) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012 (S.I. 2012/2814), reg. 1(1), **Sch. 4 para. 2(2)**
- F15** Word in s. 28(1) substituted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 3(2)(b)**
- F16** Words in s. 28(1) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 3(2)(c)**
- F17** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), **Sch. 6**

Supplementary

29 (1) F18

(5) In Part VII of the said Act of 1959 (administration orders)—

- (a) F19
- (b) F20

Textual Amendments

- F18** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), **Sch. 6**
- F19** S.29(5)(a) repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**
- F20** S. 29(5)(b) repealed by Insolvency Act 1976 (c.60, SIF 66), s. 14(4), **Sch. 3**

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1970, Part II. (See end of Document for details)

Modifications etc. (not altering text)

C2 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

30 **F21**

Textual Amendments

F21 S. 30 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. 1 Gp. 5

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1970, Part II.