

Administration of Justice Act 1970

1970 CHAPTER 31

PART II

ENFORCEMENT OF DEBT

Provisions restricting sanction of imprisonment

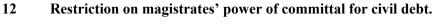
11 Restriction on power of committal under Debtors Act 1869 (c. 62).

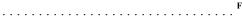
The jurisdiction given by section 5 of the Debtors Act 1869 to commit to prison a person who makes default in payment of a debt, or instalment of a debt, due from him in pursuance of an order or judgment shall be exercisable only—

- (a) by the High Court in respect of a High Court maintenance order; and
- (b) by a county court in respect of—
 - (i) a High Court or a county court maintenance order; or
 - (ii) 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 [F1premiums] or liabilities specified in Schedule 4 to this Act.

Textual Amendments

Word inserted by Social Security Act 1973 (c. 38, SIF 113: 1), Sch. 27 para. 85





Textual Amendments

F2 S. 12 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 9

Status: Point in time view as at 01/04/2007.

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)

| Text | tual Amendments |
|-----------|---|
| F3 | Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), Sch. 6 |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 |
| 7 | (1) |
| | (3) In section 1 of the Act of 1958 (introductory provisions setting out the scheme of Par 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." |
| Text | tual Amendments Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), Sch. 6 |
| Mod C1 | lifications etc. (not altering text) 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. |
| 8 | Other provisions for interpretation of Part II. |
| | (1) In this Part of this Act, except where the context otherwise requires— |
| | F6 |
| | "High Court maintenance order", "county court maintenance order" and I mean respectively a maintenance order enforceable by the High Court, a count court F5; |
| | "maintenance order" means any order specified in Schedule 8 to this Act an includes such an order which has been discharged, if any arrears are recoverable thereunder; |
| | F6 |
| | (2) |

Definitions repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 9

Status: Point in time view as at 01/04/2007.

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- F6 Definitions repealed by Attachment of Earnings Act 1971 (c. 32), Sch. 6
 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
 - Supplementary

| 29 | (1) |
|----|--|
| | (5) In Part VII of the said Act of 1959 (administration orders)— |
| | (a) F9 |
| | (b) F10 |

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
- F9 S.29(5)(a) repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4
- **F10** S. 29(5)(*b*) repealed by Insolvency Act 1976 (c.60, SIF 66), s. 14(4), **Sch. 3**

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^{F1}

Textual Amendments

F11 S. 30 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I Gp. 5

Status:

Point in time view as at 01/04/2007.

Changes to legislation:

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