



# 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 or liabilities specified in Schedule 4 to this Act.

#### **12 Restriction on magistrates' power of committal for civil debt**

- (1) The power of a magistrates' court under section 64 of the Act of 1952 to issue a warrant to commit to prison a person who makes default in paying a sum adjudged to be paid by such a court shall be restricted in accordance with this section.
- (2) This section does not affect the court's power to issue such a warrant in the case of default in paying a sum adjudged to be paid by a conviction, or treated (by any enactment relating to the collection or enforcement of fines, costs, compensation or forfeited recognizances) as so adjudged to be paid; but in the case of a sum adjudged to be paid by an order the power shall be exercisable only in respect of default under—
  - (a) a magistrates' court maintenance order;
  - (b) an order for the payment of any of the taxes, contributions or liabilities specified in Schedule 4 to this Act; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) an order (in this Act referred to as a " legal aid contribution order") under section 76 of the Criminal Justice Act 1967 (contribution by legally assisted person to cost of his defence in a criminal case).