



# Administration of Justice Act 1970

## 1970 CHAPTER 31

### PART V

#### MISCELLANEOUS PROVISIONS

#### **40 Punishment for unlawful harassment of debtors.**

- (1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—
  - (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;
  - (b) falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
  - (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
  - (d) utters a document falsely represented by him to have some official character or purporting to have some official character which he knows it has not.
- (2) A person may be guilty of an offence by virtue of subsection (1)(a) above if he concert with others in the taking of such action as is described in that paragraph, notwithstanding that his own course of conduct does not by itself amount to harassment.
- (3) Subsection (1)(a) above does not apply to anything done by a person which is reasonable (and otherwise permissible in law) for the purpose—
  - (a) of securing the discharge of an obligation due, or believed by him to be due, to himself or to persons for whom he acts, or protecting himself or them from future loss; or
  - (b) of the enforcement of any liability by legal process.

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- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than £100, and on a second or subsequent conviction to a fine of not more than £400.

**Modifications etc. (not altering text)**

**C1** S. 40(4)Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**41 Recovery of costs and compensation awarded by magistrates, assizes, quarter sessions, etc.**

- (1) In the cases specified in Part I of Schedule 9 to this Act (being cases where, in criminal proceedings, a court makes an order against the accused for the payment of costs, compensation, etc.) any sum required to be paid by such an order as is there mentioned shall be treated, for the purposes of collection and enforcement, as if it had been adjudged to be paid on a conviction by a magistrates’ court, being—

- (a) where the order is made by a magistrates’ court, that court; and
- (b) in any other case, such magistrates’ court as may be specified in the order.

- (2) In the cases specified in Part II of the said Schedule (being cases where a court makes an order against the prosecutor in criminal proceedings, and certain cases where an order for costs arises out of an appeal to [<sup>F1</sup>the Crown Court] in proceedings which are not criminal) any sum required to be paid by such an order as is there mentioned shall be enforceable as if the order were for the payment of money recoverable summarily as a civil debt.

- (3) Without prejudice to the foregoing subsections, but subject to subsection (4) below, in the cases specified in Schedule 9 to this Act any sum required to be paid by such an order as is there mentioned shall be enforceable by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment or attachment of earnings) as if the sum were due in pursuance of a judgment or order of the High Court or county court as the case may be.

<sup>F2</sup>(4) .....

<sup>F2</sup>(4A) .....

(5) <sup>F3</sup> .....

<sup>F4</sup>(6) .....

- <sup>X1</sup>(7) In section 32(2) of the <sup>M1</sup>Courts-Martial (Appeals) Act 1968 (enforcement of order for costs against unsuccessful appellant or applicant for leave to appeal to that court), for paragraph (a) there shall be substituted the following:—

“(a) in the same manner as an order for costs made by the criminal division of the Court of Appeal under section 25 of the Criminal Appeal Act 1968 ; or”

- [<sup>F5</sup>(8) Subject to subsection (8A) below, where in the case specified in paragraph 10 of Schedule 9 to this Act the Crown Court thinks that the period for which the person subject to the order is liable apart from this subsection to be committed to prison for

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default under the order is insufficient, it may specify a longer period for that purpose; and then, in the case of default—

- (a) the specified period shall be substituted as the maximum for which the person may be imprisoned under section 76 of the Magistrates' Courts Act <sup>M2</sup>1980; and
- (b) paragraph 2 of Schedule 4 to that Act shall apply, with any necessary modifications, for the reduction of the specified period where, at the time of the person's imprisonment, he has made part payment under the order.

(8A) The Crown Court may not specify under subsection (8) above a period of imprisonment longer than that which it could order a person to undergo on imposing on him a fine equal in amount to the sum required to be paid by the order.]

(9) Where a magistrates' court has power to commit a person to prison for default in paying a sum due under an order enforceable as mentioned in this section, the court shall not exercise the power unless it is satisfied that all other methods of enforcing payment have been tried or considered and either have proved unsuccessful or are likely to do so.

#### Editorial Information

- X1** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F1** Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 2](#)
- F2** S. 41(4)(4A) omitted (1.7.1991) by virtue of [S.I. 1991/724](#), [art. 2\(8\)](#), [Sch. Pt. I](#) (with [art. 12](#))
- F3** S. 41(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {[Sch. 1 Pt. 1 Group 4](#)}
- F4** S. 41(6) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [s. 154](#), [Sch. 9](#)
- F5** S. 41(8)(8A): by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 106](#), (which was brought into force 12.10.1988) s. 41(8)(8A) are expressed to be substituted for s. 41(8) and by [s. 170\(2\)](#), [Sch. 16](#) of that Act (the relevant part of which was brought into force 3.4.1989) s. 41(8) is expressed to be repealed, and by [Criminal Justice Act 1991 \(c. 53, 39:1\)](#), [s. 23\(3\)](#) (with [s. 28](#)) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#) the relevant entry in [Sch. 16](#) is repealed with retrospective effect (1.10.1992); the text of s. 41(8)(8A) as so substituted is set out above

#### Modifications etc. (not altering text)

- C2** S. 41 should have effect as if a new paragraph relating to the [Isle of Wight County Council Act 1971 \(c. lxxi\)](#), [s. 5\(9\)\(e\)](#) were inserted in [Sch. 9 Pt. I](#) of this 1970 Act
- C3** S. 41 extended (1.7.1991) by [S.I. 1991/724](#), [art. 2\(1\)](#) (with [art. 12](#))  
S. 41 applied (15.8.2002) by [S.I. 2002/1998](#), [art. 17\(13\)](#) (with [art. 33](#))

#### Marginal Citations

- M1** [1968 c. 20](#)
- M2** [1980 c.43 \(82\)](#).

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**Textual Amendments**

**F6** Ss. 41(6), 42 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

**43** ..... **F7**

**Textual Amendments**

**F7** S. 43 repealed by [Legal Aid Act 1974 \(c. 4, SIF 77\)](#), s. 42(1), [Sch. 5 Pt. I](#)

**44 Interest on judgment debts.**

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury direct that section 17 of the <sup>M3</sup>Judgments Act 1838 (as that enactment has effect for the time being whether by virtue of this subsection or otherwise) shall be amended so as to substitute for the rate specified in that section as the rate at which judgment debts shall carry interest such rate as may be specified in the order.
- (2) An order under this section shall be made by statutory instrument which shall be laid before Parliament after being made.

**Marginal Citations**

**M3** 1838 c. 110.

**[44A <sup>F8</sup>Interest on judgment debts expressed in currencies other than sterling.**

- (1) Where a judgment is given for a sum expressed in a currency other than sterling and the judgment debt is one to which section 17 of the Judgments Act 1838 applies, the court may order that the interest rate applicable to the debt shall be such rate as the court thinks fit.
- (2) Where the court makes such an order, section 17 of the Judgments Act 1838 shall have effect in relation to the judgment debt as if the rate specified in the order were substituted for the rate specified in that section.]

**Textual Amendments**

**F8** S. 44A inserted (1.11.1996) by [1995 c. 42, s. 1\(1\)\(2\)](#); [S.I. 1996/2515, art. 2](#)

**45 Removal of limit on number of county court judges assignable to a district and of certain registrars appointed jointly.**

- (1) ..... **F9**
- (2) ..... **F10**
- (3) ..... **F11**

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**Textual Amendments**

- F9** S. 45(1) repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(4), **Sch. 11 Pt. IV**
- F10** Ss. 37, 38, 45(2) repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), **Sch. 4**
- F11** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

**46** ..... **F12**

**Textual Amendments**

- F12** S. 46 repealed by [Administration of Justice Act 1973 \(c. 15, SIF 37\)](#), s. 19(1), **Sch. 5 Pt. VI**

**47** ..... **F13**

**Textual Amendments**

- F13** S. 47 repealed by [Rent Act 1977 \(c. 42, SIF 75:3\)](#), s. 155(5), **Sch. 25**

**48** **Variation in rate of payments in maintenance order registered in magistrates’ court.**

- (1) Section 4 of the Maintenance Orders Act 1958 (which enables the rate of payments in a maintenance order registered in a magistrates’ court under that Act to be varied by the court of registration) shall be amended in accordance with this section.
- (2) Subsection (3) of that section (rate of payments not to be varied upwards) shall cease to have effect in relation to any maintenance order as defined by section 28(1) of this Act, whether made or registered before or after the coming into force of this section.
- (3) In subsection (4) of that section (power of magistrates’ court, on application for variation, to remit to the court which made the order), for the words “that, by reason of the limitations imposed on the court’s jurisdiction by the last foregoing subsection or for any other reason, it is” there shall be substituted the words “that it is for any reason”.

**Modifications etc. (not altering text)**

- C4** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**49** ..... **F14**

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**Textual Amendments**

**F14** S. 49 repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), s. 18(2), **Sch. 2**

**50** ..... **F15**

**Textual Amendments**

**F15** Ss. 50, 51(1) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

**51 Minor amendments of Children and Young Persons Act 1969 (c. 54).**

(1) ..... **F16**

(2) The following paragraph shall be inserted after paragraph 1 of Schedule 4 to the Act of 1969 (transitional provisions and savings)—

“1A (1) Where—

- (a) before the date when section 1 of this Act comes into force any child or young person (hereafter in this paragraph referred to as “the relevant infant”) has been brought before a juvenile court under section 62 of the Children and Young Persons Act 1933 or has been brought before such a court by virtue of a provision of section 40 or 40A of the Education Act 1944; and
- (b) immediately before that date that court has neither made any order which it had power to make in respect of the relevant infant under the said section 62 nor dismissed the case,

nothing in paragraph 13 of Schedule 5 to this Act nor in any provision of Schedule 6 thereto shall prevent the proceedings before that court in respect of the relevant infant being continued ; but the court shall in those proceedings have power to make any order which it has power to make in proceedings under section 1 of this Act and shall not have power to make any other order, and subsections (3), (4) and (5) of the said section 1 and subsections (10) and (13) of section 2 of this Act shall have effect accordingly with any necessary modifications.

(2) For the purposes of subsection (12) of the said section 2, any order made in respect of the relevant infant by virtue of sub-paragraph (1) of this paragraph shall be deemed to be made under section 1 of this Act.

(3) Any record of a finding of the fact that the relevant infant is in need of care or protection made in pursuance of section 5 of the Children and Young Persons Act 1938 in any such proceedings as are referred to in sub-paragraph (1) of this paragraph shall, notwithstanding the repeal of the said section 5 by this Act, be admissible as evidence of that fact in those proceedings.”

(3) In this section . . . <sup>F17</sup> and “the Act of 1969” mean respectively . . . <sup>F17</sup> and the <sup>M4</sup>Children and Young Persons Act 1969.

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**Textual Amendments**

**F16** Ss. 50, 51(1) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

**F17** Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

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**Modifications etc. (not altering text)**

**C5** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M4** [1969 c. 54](#).

**Status:**

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**Changes to legislation:**

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