



County Courts Act 1984

1984 CHAPTER 28

PART VI

ADMINISTRATION ORDERS

112 Power to make administration order.

- (1) Where a debtor—
 - (a) is unable to pay forthwith the amount of a judgment obtained against him; and
 - (b) alleges that his whole indebtedness amounts to a sum not exceeding the county court limit, inclusive of the debt for which the judgment was obtained;a county court may make an order providing for the administration of his estate.
- (2) In this Part of this Act—
 - “administration order” means an order under this section; and
 - “the appropriate court”, in relation to an administration order, means the court which has the power to make the order.
- (3) Before an administration order is made, the appropriate court shall, in accordance with [F¹rules of court], send to every person whose name the debtor has notified to the appropriate court as being a creditor of his, a notice that that person’s name has been so notified.
- (4) So long as an administration order is in force, a creditor whose name is included in the schedule to the order shall not, without the leave of the appropriate court, be entitled to present, or join in, a bankruptcy petition against the debtor unless—
 - (a) his name was so notified; and
 - (b) the debt by virtue of which he presents, or joins in, the petition, exceeds [F²£1500]; and
 - (c) the notice given under subsection (3) was received by the creditor within 28 days immediately preceding the day on which the petition is presented.

Status: Point in time view as at 06/04/2014.

Changes to legislation: County Courts Act 1984, Part VI is up to date with all changes known to be in force on or before 17 May 2024. 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)

- (5) An administration order shall not be invalid by reason only that the total amount of the debts is found at any time to exceed the county court limit, but in that case the court may, if it thinks fit, set aside the order.
- (6) An administration order may provide for the payment of the debts of the debtor by instalments or otherwise, and either in full or to such extent as appears practicable to the court under the circumstances of the case, and subject to any conditions as to his future earnings or income which the court may think just.
- (7) The Secretary of State may by regulations increase or reduce the sum for the time being specified in subsection (4)(b); but no such increase in the sum so specified shall affect any case in which the bankruptcy petition was presented before the coming into force of the increase.
- (8) The power to make regulations under subsection (7) shall be exercisable by statutory instrument; and no such regulations shall be made unless a draft of them has been approved by resolution of each House of Parliament.

Textual Amendments

F1 Words in s. 112 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

F2 Amount substituted by **Insolvency Act 1985 (c. 65, SIF 66), s. 220(2)**

113 Notice of order and proof of debts.

Where an administration order has been made—

- (a) notice of the order—
 - (i) **F3**
 - (ii) shall be posted in the office of the county court for the district in which the debtor resides, and
 - (iii) shall be sent to every person whose name the debtor has notified to the appropriate court as being a creditor of his or who has proved;
- (b) any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof;
- (c) any creditor may object in the prescribed manner to any debt scheduled, or to the manner in which payment is directed to be made by instalments;
- (d) any person who, after the date of the order, becomes a creditor of the debtor shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until the creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

Textual Amendments

F3 S. 113(a)(i) repealed by **Administration of Justice Act 1985 (c. 61, SIF 34), s. 67(2), Sch. 8 Pt. II**

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114 Effect of administration order.

- (1) Subject to sections 115 and 116, when an administration order is made, no creditor shall have any remedy against the person or property of the debtor in respect of any debt—
 - (a) of which the debtor notified the appropriate court before the administration order was made; or
 - (b) which has been scheduled to the order,except with the leave of the appropriate court, and on such terms as that court may impose.
- (2) Subject to subsection (3), any county court in which proceedings are pending against the debtor in respect of any debt so notified or scheduled, shall, on receiving notice of the administration order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt.
- (3) The requirement to stay proceedings shall not operate as a requirement that a county court in which proceedings in bankruptcy against the debtor are pending shall stay those proceedings.

115 Execution by registrar.

- (1) Where it appears to the registrar of the appropriate court at any time while an administration order is in force that property of the debtor exceeds in value [^{F4}the minimum amount], he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods.

[^{F5}(1A) In subsection (1) above “the minimum amount” means £50 or such other amount as the Lord Chancellor may by order specify instead of that amount or the amount for the time being specified in such an order; and an order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

- (2) Section 89 applies on an execution under this section as it applies on an execution under Part V.

Textual Amendments

- F4** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 220(3)
F5 [S. 115\(1A\)](#) inserted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 220(4)

^{F6}116 Right of landlord to distrain notwithstanding order.

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Textual Amendments

- F6** [S. 116](#) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 14 para. 39, [Sch. 23 Pt. 4](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

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117 Appropriation of money paid under order and discharge of order.

- (1) Money paid into court under an administration order shall be appropriated—
 - (a) first in satisfaction of the costs of administration (which shall not exceed 10 pence in the pound on the total amount of the debts); and
 - (b) then in liquidation of debts in accordance with the order.
- (2) Where the amount received is sufficient to pay—
 - (a) each creditor scheduled to the order to the extent provided by the order;
 - (b) the costs of the plaintiff in the action in respect of which the order was made; and
 - (c) the cost of the administration,the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors.

Status:

Point in time view as at 06/04/2014.

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