STATUTORY INSTRUMENTS

1965 No. 901 (L. 7)

COUNTY COURTS

The Administration Order (Amendment) Rules 1965

Made - - - -	*8th April* 1965
Laid before Parliament	*14th April* 1965
Coming into Operation	*27th April* 1965

I, Gerald Baron Gardiner, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 156 of the County Courts Act 1959(**a**), do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Administration Order (Amendment) Rules 1965 and shall come into operation on 27th April 1965.

(2) A rule referred to by number in these Rules means the rule so numbered in the Administration Order Rules 1936(**b**), as amended(**c**), and a Form referred to by number means the Form so numbered in the Appendix to those Rules.

(3) The Interpretation Act 1889(**d**) shall apply to these Rules as it applies to the interpretation of an Act of Parliament.

2. In rule 1(1) for the reference to the County Courts Act 1934 there shall be substituted a reference to the County Courts Act 1959.

3. In rule 9(8) for the words "six years" there shall be substituted the words "ten years".

4. In rule 10(2) for the words "whose debt has been admitted" there shall be substituted the words "whose name has been notified to the court by the debtor".

5. The following new rule shall be inserted after rule 14:—

Application for leave to bring or join in bankruptcy proceedings

"14A. An application by a creditor in pursuance of section 20(3) of the Administration of Justice Act 1965(**e**) for leave to present or join in a bankruptcy petition shall be made on notice to the debtor in accordance with Order 13, rule 1, of the County Court Rules and the court may, if it thinks fit, order that notice shall also be given to the other creditors."

6. In rule 16 for the words "five clear days" there shall be substituted the words "ten clear days".

7. In rule 17(1)(*c*) for the sum of "£2" there shall be substituted the sum of "£10".

8.—(1) In rule 28(1) for the words "Rule 30(1)" there shall be substituted the words "Rule 35(1)".

(2) In rule 28(2) for the words "Rule 32" there shall be substituted the words "Rule 37".

(**a**) 7 & 8 Eliz. 2. c. 22. (**b**) S.R. & O. 1936/1317 (Rev. V, p. 164: 1936 I, p. 661).
(**c**) S.I. 1949/2275 (1949 I, p. 1200). (**d**) 52 & 53 Vict. c. 63. (**e**) 1965 c. 2.

9. For the references in the Rules and Forms specified in the first column of the Schedule hereto to the sections specified in the second column of that Schedule there shall be substituted references to the sections specified in the third column of that Schedule.

10. In Forms 2, 3, 4, 5, 6 and 9 for the words " Section 149 of the County Courts Act, 1934 " there shall be substituted the words " section 148 of the County Courts Act 1959 ".

11. In Forms 2 and 14 for the words " at the Court House at " and in Form 3 for the words " at a Court to be holden at the Court House at " there shall be substituted the words " at . . . County Court ".

12. In Forms 2, 3, 10, 14 and 15 for the words " at the hour of . . . in the . . . . noon " there shall be substituted the words " at . . . o'clock ".

13. The following Form shall be substituted for Form 1:—

" 1.

Request for an Administration Order

In the County Court.

No. of Plaint.

Between *Plaintiff,*

and

Defendant.

I, , of , the above-named defendant, state that a judgment was obtained against me in this action on the day of , 19 , for the sum of £ , and that I am unable to pay the amount forthwith.

I am indebted to the several persons, including the plaintiff in this action, mentioned in the list hereto in the sums set opposite their names, not exceeding in the whole £300, and to the best of my knowledge, information and belief I am indebted to no other person whatsoever.

I hereby request than an order may be made for the administration of my estate under section 148 of the County Courts Act 1959, and the payment of my debts in full [*or* to the extent of shillings in the pound] by instalments of £ : : d. for every

LIST OF CREDITORS

Name of Creditor	Address	Description	Amount of Debt	Name and address of any other person liable for the debt	Particulars and estimated value of any security given in respect of the debt

Dated this day of , 19 .

(*Signed*) , Defendant.

Note.—The judgment debt must be inserted as well as all other debts.

Note.—If any of the above creditors, in addition to the judgment creditor, have sued the defendant in any Court the summons or order in each case must be produced to the registrar.

The following information must be given by the applicant:—

PARTICULARS

1. Age:
2. Occupation:
3. Total income from all sources:
4. Age and description of dependants:
5. Liability for rent and other regular payments:
6. Has any person who is also liable for any of the debts obtained an administration order; if so at what court?
7. What is the reason for your inability to pay your debts?
8. Value of any household or other goods owned by you:
9. Value of any other property owned by you:

I, aforesaid, make oath and say that to the best of my knowledge, information and belief the names of all my creditors and the debts due from me to them are truly set forth in the above list of my creditors, and that the particulars contained in my request and the above statements are true.

Sworn at, etc."

14. In Form 3 for the words "The debtor states that he owes you the sum of £ . The debtor states that he is and is employed at [*as set out in the request*], and that his wages are , and that his wife earns , and that he has children living with him, of whom earn wages amounting to , and that his goods are of the value of , and that he has the following other property (*here specify the other property*) of the value of [*or* no other property]," there shall be substituted the words "The debtor has notified the Court that you are a creditor of his and states that he owes you the sum of £ : : d. Particulars of the debtor's means are attached to this notice."

15. In Form 7 for the sum of "£2" there shall be substituted the sums of "£10".

16. In Form 8 for the sentence "Your claim against the debtor has been allowed and scheduled at the sum of £ " there shall be substituted the sentence "Your claim against the debtor has been [allowed and scheduled at the sum of £] [*or* disallowed]".

17. Form 9 shall be amended as follows:—

(1) For the words "(except the household goods, wearing apparel, and bedding of the debtor or his family, and the tools and implements of his trade to the value in the aggregate of twenty pounds)" there shall be substituted the words "(except the wearing apparel and bedding of the debtor or his family and the tools and implements of his trade to the value of £50)".

(2) The words, "*i.e., 2s. in the £ or the amount of debts then ascertained*" shall be deleted.

18. Form 11 shall be amended as follows:—

(1) For the words " all peace officers within the jurisdiction of the Court " there shall be substituted the words " every constable within his jurisdiction ".

(2) The words " or keeper " shall be omitted.

Dated 8th April 1965.

Gardiner, C.

SCHEDULE

Rule 9

Rule or Form	Section to be deleted	Section to be substituted
Rule 2(1)	149	148
Rule 7(1)	151	150
Rule 12	150	149
Rule 14	150	149
Rule 16	155	154
Rule 24	150	149
Rule 24	156	155
Form 9	152	151
Form 12	150(*d*)	149(*d*)
Form 21	156	155
Form 22	150(*a*)	149(*a*)

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules make amendments to the Administration Order Rules 1936 consequential on the amendment of Part VII (Administration Orders) of the County Courts Act 1959 by sections 20 and 21 of the Administration of Justice Act 1965, and bring up to date references throughout the Rules to other statutes and subordinate legislation. Amendments of substance include the following—

(i) the maximum period over which an administration order may extend is increased from six years to ten years ;

(ii) provision is made for application by a creditor for leave of the court to present or join in a bankruptcy petition whilst an administration in respect of the debtor is in force.