



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Miscellaneous

11 Representation in certain county court [^{F1}and family court] cases.

- (1) The Lord Chancellor may [^{F2}, with the concurrence of the Lord Chief Justice,] by order provide that there shall be no restriction on the persons who may exercise rights of audience, or rights to conduct litigation, in relation to proceedings in [^{F3}the county court] of such a kind as may be specified in the order.
- (2) The power to make an order may only be exercised in relation to proceedings—
 - (a) for the recovery of amounts due under contracts for the supply of goods or services;
 - (b) for the enforcement of any judgment or order of any court or the recovery of any sum due under any such judgment or order;
 - (c) on any application under the ^{M1}Consumer Credit Act 1974;
 - (d) in relation to domestic premises; or
 - [^{F4}(e) dealt with as a small claim in accordance with rules of court,]or any category (determined by reference to such criteria as the Lord Chancellor considers appropriate) of such proceedings.
- (3) Where an order is made under this section, section 20 of the ^{M2}Solicitors Act 1974 (unqualified person not to act as solicitor) shall cease to apply in relation to proceedings of the kind specified in the order.
- (4) Where [^{F3}the county court] is of the opinion that a person who would otherwise have a right of audience by virtue of an order under this section is behaving in an unruly manner in any proceedings, it may refuse to hear him in those proceedings.

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- (5) Where [^{F5}the county court] exercises its power under subsection (4), it shall specify the conduct which warranted its refusal.
- (6) Where, in any proceedings in [^{F3}the county court]—
- (a) a person is exercising a right of audience or a right to conduct litigation;
 - (b) he would not be entitled to do so were it not for an order under this section; and
 - (c) the judge has reason to believe that (in those or any other proceedings in which he has exercised a right of audience or a right to conduct litigation) that person has intentionally misled the court, or otherwise demonstrated that he is unsuitable to exercise that right,
- the judge may order that person’s disqualification from exercising any right of audience or any right to conduct litigation in proceedings in [^{F6}the county court].
- (7) Where a judge makes an order under subsection (6) he shall give his reasons for so doing.
- (8) Any person against whom such an order is made may appeal to the Court of Appeal.
- (9) Any such order may be revoked at any time by any judge of [^{F3}the county court].
- [^{F7}(9A) This section applies in relation to the family court as it applies in relation to the county court.]
- (10) ^{F8}
- (11) In this section “domestic premises” means any premises which are wholly or mainly used as a private dwelling.
- [^{F9}(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2).]

Textual Amendments

- F1** Words in s. 11 title inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 76\(8\)\(b\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 11(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 214\(2\)](#); [S.I. 2006/1014](#), art. 2(a), Sch. 1 para. 11
- F3** Words in s. 11 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 33\(2\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F4** S. 11(2)(e) substituted (26.4.1999) by [S.I. 1999/1217](#), art. 3
- F5** Words in s. 11(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 33\(3\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** Words in s. 11(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 33\(4\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F7** S. 11(9A) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 76\(8\)\(a\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** S. 11(10) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 146, 148, Sch. 4 para. 214(3), [Sch. 18 Pt. 2](#); [S.I. 2006/1014](#), art. 2(a), Sch. 1 paras. 11, 30

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F9 S. 11(12) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148, [Sch. 4 para. 214\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11

Modifications etc. (not altering text)

C1 S. 11 restricted (26.4.1999) by [S.I. 1998/3132](#), [rule 27.14\(4\)](#)

Marginal Citations

M1 1974 c. 39.

M2 1974 c. 47.

12 Penalty for failure to warn that hearing will not be attended.

F10

Textual Amendments

F10 S. 12 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 1 Group. 4}

PROSPECTIVE

13 Administration orders.

(1) For subsection (1) of section 112 of the County Courts Act 1984 (power to make administration orders) there shall be substituted—

“(1) Where a debtor is unable to pay forthwith the amount of any debt owed by him, a county court may make an order providing for the administration of his estate.

(1A) The order may be made—

- (a) on the application of the debtor (whether or not a judgment debt has been obtained against the debtor in respect of his debt, or any of his debts);
- (b) on the application of any creditor under a judgment obtained against the debtor; or
- (c) of the court’s own motion during the course of, or on the determination of, any enforcement or other proceedings.”

(2) In that section the following subsection shall be inserted after subsection (4)—

“(4A) Subsection (4) is subject to section 112A.”

(3) Subsection (5) of that section shall be omitted.

(4) The following subsection shall be added at the end of that section—

“(9) An administration order shall cease to have effect—

- (a) at the end of the period of three years beginning with the date on which it is made; or
- (b) on such earlier date as may be specified in the order.”

(5) After that section there shall be inserted the following sections—

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“112A Further powers of the court.

- (1) Where the court is satisfied—
 - (a) that it has power to make an administration order with respect to the debtor concerned; but
 - (b) that an order restricting enforcement would be a more satisfactory way of dealing with the case,it may make such an order instead of making an administration order.
- (2) Where an order restricting enforcement is made, no creditor specified in the order shall have any remedy against the person or property of the debtor in respect of any debt so specified, without the leave of the court.
- (3) Subsection (4) applies to any creditor—
 - (a) who is named in the schedule to an administration order or in an order restricting enforcement; and
 - (b) who provides the debtor with mains gas, electricity or water for the debtor’s own domestic purposes.
- (4) While the order has effect, the creditor may not stop providing the debtor with—
 - (a) mains gas, electricity or (as the case may be) water for the debtor’s own domestic purposes; or
 - (b) any associated service which it provides for its customers,without leave of the court unless the reason for doing so relates to the non-payment of charges incurred by the debtor after the making of the order or is unconnected with non-payment by him of any charges.
- (5) In this section “mains gas” means a supply of gas by a public gas supplier within the meaning of Part I of the Gas Act 1986.
- (6) Rules of court may make provision with respect to the period for which any order restricting enforcement is to have effect and for the circumstances in which any such order may be revoked.

112B Administration orders with composition provisions.

- (1) Where the court is satisfied—
 - (a) that it has power to make an administration order with respect to the debtor concerned; and
 - (b) that the addition of a composition provision would be a more satisfactory way of dealing with the case,it may make an administration order subject to such a provision.
- (2) Where, at any time while an administration order is in force—
 - (a) the debtor has not discharged the debts to which that order relates; and
 - (b) the court considers that he is unlikely to be able to discharge them,the court may add a composition provision to that order.

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- (3) A composition provision shall specify an amount to which the debtor's total indebtedness in respect of debts owed to creditors scheduled to the administration order is to be reduced.
- (4) The amount of the debt owed to each of the creditors so scheduled shall be reduced in proportion to the reduction in his total indebtedness specified by the composition provision.
- (5) Where a composition provision is added to an administration order after the order is made, section 113(a) shall apply as if the addition of the composition provision amounted to the making of a new administration order.”

14 Assessors.

F11

Textual Amendments

F11 S. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

15 Enforcement.

- (1) F12
- (2) In section 89(1) of the M3 County Courts Act 1984 (goods which may be seized under any warrant of execution), the following paragraph shall be substituted for paragraph (a)—
 - “(a) any of that person's goods except—
 - (i) such tools, books, vehicles and other items of equipment as are necessary to that person for use personally by him in his employment, business or vocation;
 - (ii) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of that person and his family;”
- (3) Where a person takes steps to enforce a judgment or order of the High Court [F13, the family court] or [F14, the county court] for the payment of any sum due, the costs of any previous attempt to enforce that judgment shall be recoverable to the same extent as if they had been incurred in the taking of those steps.
- (4) Subsection (3) shall not apply in respect of any costs which the court considers were unreasonably incurred (whether because the earlier attempt was unreasonable in all the circumstances of the case or for any other reason).

Textual Amendments

F12 S. 15(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

F13 Words in s. 15(3) inserted (22.4.2014) by The Crime and Courts Act 2013 (Family Court: Consequential Provision) Order 2014 (S.I. 2014/605), arts. 1, 19

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F14 Words in s. 15(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 34](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Commencement Information

I1 S. 15 wholly in force at 1.7.1991 see s. 124(3) and [S.I. 1991/1364](#), art. 2, [sch.](#)

Marginal Citations

M3 [1984 c. 28](#).

16 County court rules.

F15

Textual Amendments

F15 [S. 16](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

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