



Attachment of Earnings Act 1971

1971 CHAPTER 32

Special provisions with respect to magistrates' courts

19 Procedure on applications

- (1) Subject to rules of court made by virtue of the following subsection, an application to a magistrates' court for an attachment of earnings order, or an order discharging or varying an attachment of earnings order, shall be made by complaint.
- (2) Rules of court may make provision excluding subsection (1) in the case of such an application as is referred to in section 9(3)(b) of this Act.
- (3) An application to a magistrates' court for a determination under section 16 of this Act shall be made by complaint.
- (4) For the purposes of section 43 of the Magistrates' Courts Act 1952 (which provides for the issue of a summons directed to the person against whom an order may be made in pursuance of a complaint)—
 - (a) the power to make an order in pursuance of a complaint by the debtor for an attachment of earnings order, or the discharge or variation of such an order, shall be deemed to be a power to make an order against the person to whom payment under the relevant adjudication is required to be made (whether directly or through an officer of any court); and
 - (b) the power to make an attachment of earnings order, or an order discharging or varying an attachment of earnings order, in pursuance of a complaint by any other person (including a complaint in proceedings to which section 3(4)(b) of this Act applies) shall be deemed to be a power to make an order against the debtor.
- (5) A complaint for an attachment of earnings order may be heard notwithstanding that it was not made within the six months allowed by section 104 of the Magistrates' Courts Act 1952.