
Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ATTACHMENT OF DEBTS

PART I

SECTION INSERTED IN [F1SENIOR COURTS ACT 1981]

Textual Amendments

- F1** Sch. 4 Pt. I Heading for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

Modifications etc. (not altering text)

- C1** The text of s. 4, 6(1)(2), 14(1)(2)(4), 15(1)(3)(6), 16–19, 28(7), 34, 35, 49–54, 56–59, 61, 63–67, 69(1)(2), 70, 72(1), 75, Sch. 1 Pts. I, III, IV, Sch. 3 Pt. III para. 7, Sch. 4 Pt. I, Sch. 6 paras. 2–9, Sch. 7 Pts. I, II, Sch. 7 Pt. III paras 2, 3, Sch. 8, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Administrative and clerical expenses of garnishees.

- 40A (1) A sum may be prescribed which, before complying with an order made in the exercise of the jurisdiction mentioned in section 40(2)—
- any deposit-taking institution; or
 - any such institution of a prescribed description,
- may deduct, subject to subsection (2) below, towards the clerical and administrative expenses of complying with the order, from any money which, but for the deduction, would be attached by the order.
- (2) The prescribed sum may not be deducted or, as the case may be, retained in a case where, by virtue of section 40 of the ^{M1}Bankruptcy Act 1914 or section 325 of the ^{M2}Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.
- (3) In this section—
- “deposit-taking institution” has the meaning assigned to it by section 40(6); and
 - “prescribed” means prescribed by an order made by the Lord Chancellor.
- (4) An order under this section—
- may make different provision for different cases; and

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(b) without prejudice to the generality of paragraph (a) of this subsection, may prescribe sums differing according to the amount due under the judgment or order to be satisfied.

(5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M1 1914 c. 59.

M2 1948 c. 38.

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