

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Government Finance Act 1988, Cross Heading: Attachment of earnings is up to date with all changes known to be in force on or before 15 August 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)

SCHEDULES

^{F1}SCHEDULE 4

Textual Amendments

- F1** Sch. 4 repealed (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), 117(2), Sch.14 (with s. 118(1)-(4) and subject to saving in relation to Sch. 4 para. 6 by [S.I. 1993/1780, art.2](#)); Sch. 4 further amended: (6.3.1992) by [1992 c. 14, s. 102](#) (with s. 118(1)(2)(4)); (1.7.1992) by [1992 c. 6, ss. 3, 4, Sch. 1, Sch. 2 paras. 100, 101](#); Sch. 4 para. 6 amended (11.6.1996) by [Jobseekers Act 1995 c. 18, s. 41\(4\), Sch. 2 para. 18](#); [S.I. 1996/1509, art. 2, Sch.](#); Sch. 4 para. 6 amended (18.10.1999) by [Social Security Act 1998 c. 14, ss. 86\(1\), Sch. 7 para. 17; S.I. 1999/2860, art. 2\(c\) Sch. 1](#) (subject to transitional provisions in [Schs. 16-18](#)); Sch. 4 para. 6 amended (so far as it continues to have effect) (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 c. 16, s. 22\(3\), Sch. 2 para. 29; S.I. 2002/1691, art. 2\(I\); S.I. 2003/1776, art. 2\(a\)](#)

PART II

CHARGES: SOLE LIABILITY

Attachment of earnings

- 5 (1) Regulations under this Schedule may provide that where a magistrates' court has made a liability order against a person (the debtor) and the debtor is an individual—
- the authority concerned may make an order (an attachment of earnings order) to secure the payment of any outstanding sum which is or forms part of the amount in respect of which the liability order was made,
 - such an order shall be expressed to be directed to a person who has the debtor in his employment, and shall operate as an instruction to such a person to make deductions from the debtor's earnings and to pay the amounts deducted to the authority,
 - the authority may serve a copy of the order on a person who appears to the authority to have the debtor in his employment, and
 - a person who has the debtor in his employment shall comply with the order if a copy of it is served on him.
- (2) The regulations may include—
- provision allowing an attachment of earnings order to be varied;
 - provision requiring a person who has the debtor in his employment to comply with the order as varied if a copy of the order as varied is served on him;
 - provision requiring an order to be in a prescribed form;

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- (d) provision requiring an order to specify the sum to which the order relates, the rate at which the debtor's earnings are to be applied to meet the sum, and such other particulars as may be prescribed;
 - (e) rules about the rate which may be so specified;
 - (f) provision allowing the person who deducts and pays amounts under the order to deduct from the debtor's earnings prescribed sums towards his administrative costs;
 - (g) provision requiring the person who deducts and pays amounts under the order to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums (including sums towards administrative costs) deducted up to the time of the notification;
 - (h) provision requiring any person on whom a copy of the order is served to notify the authority in a prescribed manner and within a prescribed period if he does not have the debtor in his employment or the debtor subsequently ceases to be in his employment;
 - (i) provision that, where the whole amount to which the order relates has been paid, the authority shall give notice of that fact to any person who appears to it to have the debtor in his employment and who has been served with a copy of the order;
 - (j) provision allowing or requiring an order to be discharged.
- (3) The regulations may include provision that while an attachment of earnings order is in force—
- (a) the debtor shall from time to time notify the authority concerned, in a prescribed manner and within a prescribed period, of each occasion when he leaves any employment or becomes employed or re-employed, and shall include in such a notification a statement of his earnings and expected earnings from the employment concerned and of such other matters as may be prescribed;
 - (b) any person who becomes the debtor's employer and knows that the order is in force and by what authority it was made shall notify the authority concerned, in a prescribed manner and within a prescribed period, that he is the debtor's employer, and shall include in such a notification a statement of the debtor's earnings and expected earnings from the employment concerned and of such other matters as may be prescribed.
- (4) The regulations may include provision with respect to the priority to be accorded as between—
- (a) two or more orders made under the regulations;
 - (b) orders made under the regulations and orders made under the ^{M1}Attachment of Earnings Act 1971.
- (5) The regulations may include provision that a person may appeal to a magistrates' court if he is aggrieved by the making or the terms of an attachment of earnings order, or there is a dispute whether payments constitute earnings or as to any other prescribed matter relating to the order.
- (6) The regulations may include—
- (a) provision prescribing the procedure to be followed for initiating an appeal;
 - (b) provision prescribing the procedure to be followed in dealing with an appeal;

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- (c) provision as to the powers of the court (which may include provision as to the quashing of an attachment of earnings order or the variation of the terms of such an order).

Marginal Citations

M1 1971 c. 32.

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