

STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART VIII

POWERS OF COURTS

Attachment of earnings by order of court

Power of courts to make attachment of earnings orders

98. An attachment of earnings order may be made—

- (a) by the High Court for the enforcement of an order for the periodical payment of money—
- (i) made by the High Court in the exercise of its matrimonial^[F1] or civil partnership] jurisdiction,
 - (ii) made by a ^{F2}... county court in the exercise of its matrimonial jurisdiction^[F1] or a ^{F2}... county court in the exercise of its civil partnership jurisdiction] where, by virtue of rules of court made under^[F3] Article 12(3)(f) of the Family Law (Northern Ireland) Order 1993], the order is enforceable as if it were an order of the High Court,
 - (iii) made by a court of summary jurisdiction and registered in the High Court under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 ,
 - (iv) made in another part of the United Kingdom and registered in the High Court under Part II of the Maintenance Orders Act 1950 ,^[F4] but not subsequently registered in a court of summary jurisdiction under section 36 of the Civil Jurisdiction and Judgements Act 1982] or
 - (v) made outside the United Kingdom and registered in the High Court under the Maintenance Orders (Facilities for Enforcement) Act 1920 but not subsequently transferred to a court of summary jurisdiction under section 23 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 ,
- including such an order which has been rescinded, revoked or discharged, if any arrears are recoverable under it;
- (b) by any court in circumstances (other than any involving default in complying with orders referred to in paragraph (a)) where the court has power to commit to prison under Article 107 a person who could have paid the amount due or recoverable on foot of a judgment, or an instalment, but has refused or neglected to do so (and the court may treat an application for an order of committal under that Article as an application for an attachment of earnings order).

F1 2004 c. 33

F2 Words in art. 98(a)(ii) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 84\(6\), Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F3 1993 NI 6

Changes to legislation: There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 98. (See end of Document for details)

F4 1982 c.27

Changes to legislation:

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 98.