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Changes to legislation: Attachment of Earnings Act 1971, Part I is up to date with all changes known to be in force on or before 09 May 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

SCHEDULE 3

DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

Modifications etc. (not altering text)

- C1 Sch. 3 modified by S.I. 1989/438, reg. 37(2)
- C1 Sch. 3 modified (1.4.1992) by S.I. 1992/613, reg. 42(2)(b).

PART I

SCHEME OF DEDUCTIONS

Preliminary definitions

- 1 The following three paragraphs have effect for defining and explaining, for purposes of this Schedule, expressions used therein.
- 2 “Pay-day”, in relation to earnings paid to a debtor, means an occasion on which they are paid.
- 3 “Attachable earnings”, in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—
- (a) income tax;
 - [^{F1}(b) ^{F2}
 - (bb) primary class 1 contributions under Part I of the ^{M1}Social Security Act 1975]
 - [^{F3}(c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—
 - (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
 - (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,whether with or without any further or other benefits.]

Textual Amendments

- F1 Paras. 3(b)(bb) substituted for para. 3(b) by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 2 Pt. 1 para. 43

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- F2** Para. 3(b) repealed by [Social Security Pensions Act 1975 \(c. 60\), Sch. 5](#)
F3 Para. 3(c) substituted by [Wages Act 1986 \(c. 48, SIF 43:2\), s. 32\(1\), Sch. 4 para. 4](#)

Marginal Citations

- M1** 1975 c. 60.

- [^{F4} (1) On any pay-day—
- (a) “the normal deduction” is arrived at by applying the normal deduction rate (as specified in the relevant attachment of earnings order) with respect to the relevant period; and
 - (b) “the protected earnings” are arrived at by applying the protected earnings rate (as so specified) with respect to the relevant period.
- (2) For the purposes of this paragraph the relevant period in relation to any pay-day is the period beginning—
- (a) if it is the first pay-day of the debtor’s employment with the employer, with the first pay day of the employment; or
 - (b) if on the last pay-day earnings were paid in respect of a period falling wholly or partly after that pay-day, with the first day after the end of that period; or
 - (c) in any other case, with the first day after the last pay-day, and ending—
 - (i) where earnings are paid in respect of a period falling wholly or partly after the pay-day, with the last day of that period; or
 - (ii) in any other case, with the pay-day.]

Textual Amendments

- F4** Para. 4 substituted by [Administration of Justice Act 1982 \(c. 53, SIF 37\), s. 54](#)

Employer’s deduction (judgment debts and administration orders)

- 5 In the case of an attachment of earnings order made to secure the payment of a judgment debt or payments under an administration order, the employer shall on any pay-day—
- (a) if the attachable earnings exceed the protected earnings, deduct from the attachable earnings the amount of the excess or the normal deduction, whichever is the less;
 - (b) make no deduction if the attachable earnings are equal to, or less than, the protected earnings.

Employer’s deduction (other cases)

- 6 (1) The following provision shall have effect in the case of an attachment of earnings order to which paragraph 5 above does not apply.
- (2) If on a pay-day the attachable earnings exceed the sum of—
- (a) the protected earnings; and
 - (b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this sub-paragraph on another previous pay-day,

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then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in the following sub-paragraph.

- (3) The said amount is the sum of—
- (a) the normal deduction; and
 - (b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this sub-paragraph on any other previous pay-day.
- (4) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.

VALID FROM 03/07/2006

[^{F5}6A In the case of an attachment of earnings order made under Schedule 5 to the Courts Act 2003, the employer shall make deductions from the debtor's earnings in accordance with fines collection regulations made under that Schedule.]

Textual Amendments

- F5** Sch. 3 para. 6A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 45\(b\)](#)

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