

SCHEDULE 2

Modifications etc. (not altering text)

- C1 Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)
- C1 Sch. 2 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.1\(2\)](#) (with [rules 2.1](#), [33.1\(1\)](#))
- C1 Sch. 2 CCR Order 27 applied (with modifications) (22.4.2014) by [S.I. 2010/2955](#), [rules 33.19](#), [33.19A](#) (as substituted by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1](#), [37](#) (with [rule 45](#)))

Commencement Information

- I1 Sch. 2 in force at 26.4.1999, see [Signature](#)

CCR ORDER 27

ATTACHMENT OF EARNINGS

Part I—General

Interpretation

Rule 1.—(1) In this Order—

“the Act of 1971” means the Attachment of Earnings Act 1971⁽¹⁾ and, unless the context otherwise requires, expressions used in that Act have the same meanings as in that Act;

[^{F1}“judgment creditor” means the person who has obtained or is entitled to enforce a judgment or order;

“debtor” means the person against whom a judgment or order was given or made.]

Textual Amendments

- F1 Words in [Sch. 2 CCR Order 27 rule 1\(1\)](#) inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), [rules 2\(3\)](#), [39\(b\)](#) (with [rule 41](#))

Index of orders

Rule 2.—(1) The court ^{F2}... shall keep a nominal index of the debtors ^{F3}... within the district of his court in respect of whom there are in force attachment of earnings orders which have been made by [^{F4}the court].

^{F5}(2)

(3) [^{F6A}] court officer shall, on the request of any person having a judgment or order against a person ^{F7}... , cause a search to be made in the index of the court and issue a certificate of the result of the search.

(1) 1971 c. 32.

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 27. (See end of Document for details)

Textual Amendments

- F2** Words in Sch. 2 CCR Order 27 rule 2(1) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(i)(aa)**; S.I. 2014/954, art. 2(a)
- F3** Word in Sch. 2 CCR Order 27 rule 2(1) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(i)(bb)**; S.I. 2014/954, art. 2(a)
- F4** Words in Sch. 2 CCR Order 27 rule 2(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(i)(cc)**; S.I. 2014/954, art. 2(a)
- F5** Sch. 2 CCR Order 27 rule 2(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(ii)**; S.I. 2014/954, art. 2(a)
- F6** Word in Sch. 2 CCR Order 27 rule 2(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(iii)(aa)**; S.I. 2014/954, art. 2(a)
- F7** Words in Sch. 2 CCR Order 27 rule 2(3) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(c)(iii)(bb)**; S.I. 2014/954, art. 2(a)

Appropriate court

Rule 3.—(1) Subject to paragraphs [^{F8}(2), (3) and (4)], an application for an attachment of earnings order [^{F9}must be made at the County Court hearing centre which serves the address where] the debtor resides.

(2) [^{F10}Subject to paragraph (4), if] the debtor does not reside within England or Wales, or the creditor does not know where [^{F11}the debtor] resides, the application may be made to the [^{F12}County Court hearing centre] in which^{F13}... the judgment or order sought to be enforced was obtained.

(3) [^{F14}Subject to paragraph (4), where] the creditor applies for attachment of earnings orders in respect of two or more debtors jointly liable under a judgment or order, the application may be made to the [^{F15}County Court hearing centre which serves the address at] which any of the debtors resides^{F16}. However,] if the judgment or order was given or made [^{F17}at any other hearing centre], the application shall be made [^{F18}there].

[^{F19}(4) Where the judgment was made in [^{F20}the County Court Money Claims Centre] and the proceedings have not [^{F21}or sent] to a ^{F22}... court, the application must be made in accordance with section 2 of Practice Direction 70.]

Textual Amendments

- F8** Words in Sch. 2 CCR Order 27 rule 3(1) substituted (19.3.2012) by The Civil Procedure (Amendment) Rules 2012 (S.I. 2012/505), rules 1, **6(a)**
- F9** Words in Sch. 2 CCR Order 27 rule 3(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(i)**; S.I. 2014/954, art. 2(a)
- F10** Words in Sch. 2 CCR Order 27 rule 3(2) substituted (19.3.2012) by The Civil Procedure (Amendment) Rules 2012 (S.I. 2012/505), rules 1, **6(b)(i)**
- F11** Words in Sch. 2 CCR Order 27 rule 3(2) substituted (19.3.2012) by The Civil Procedure (Amendment) Rules 2012 (S.I. 2012/505), rules 1, **6(b)(ii)**
- F12** Words in Sch. 2 CCR Order 27 rule 3(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(ii)(aa)**; S.I. 2014/954, art. 2(a)
- F13** Words in Sch. 2 CCR Order 27 rule 3(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(ii)(bb)**; S.I. 2014/954, art. 2(a)
- F14** Words in Sch. 2 CCR Order 27 rule 3(3) substituted (19.3.2012) by The Civil Procedure (Amendment) Rules 2012 (S.I. 2012/505), rules 1, **6(c)**

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- F15** Words in Sch. 2 CCR Order 27 rule 3(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iii)(aa)**; S.I. 2014/954, art. 2(a)
- F16** Word in Sch. 2 CCR Order 27 rule 3(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iii)(bb)**; S.I. 2014/954, art. 2(a)
- F17** Words in Sch. 2 CCR Order 27 rule 3(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iii)(cc)**; S.I. 2014/954, art. 2(a)
- F18** Word in Sch. 2 CCR Order 27 rule 3(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iii)(dd)**; S.I. 2014/954, art. 2(a)
- F19** Sch. 2 CCR Order 27 rule 3(4) inserted (19.3.2012) by The Civil Procedure (Amendment) Rules 2012 (S.I. 2012/505), rules 1, **6(d)**
- F20** Words in Sch. 2 CCR Order 27 rule 3(4) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iv)(aa)**; S.I. 2014/954, art. 2(a)
- F21** Words in Sch. 2 CCR Order 27 rule 3(4) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iv)(bb)**; S.I. 2014/954, art. 2(a)
- F22** Word in Sch. 2 CCR Order 27 rule 3(4) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(d)(iv)(cc)**; S.I. 2014/954, art. 2(a)

Mode of applying

Rule 4.—(1) A judgment creditor who desires to apply for an attachment of earnings order shall file [^{F23}the] application certifying the amount of money remaining due under the judgment or order and that the whole or part of any instalment due remains unpaid and, where it is sought to enforce an order of a magistrates' court—

- (a) a certified copy of the order; and
- (b) a witness statement or affidavit verifying the amount due under the order or, if payments under the order are required to be made to the [^{F24}[^{F25}designated officer] for] the magistrates' court, a certificate by that [^{F25}designated officer] to the same effect.

^{F26}(2)

- Textual Amendments**
- F23** Word in Sch. 2 CCR Order 27 rule 4(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(e)(i)**; S.I. 2014/954, art. 2(a)
 - F24** Words in Sch. 2 CCR Order 27 rule 4(1)(b) substituted (1.4.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rules 1(b), **28(a)**
 - F25** Words in Sch. 2 CCR Order 27 rule 4(1)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) (No. 2) Order 2005 (S.I. 2005/617), art. 1, **Sch. para. 176(a)**
 - F26** Sch. 2 CCR Order 27 rule 4(2) omitted (22.4.2014) by virtue of The Crime and Courts Act 2013 (Family Court: Consequential Provision) (No.2) Order 2014 (S.I. 2014/879), arts. 1(1), **77**

Service and reply

Rule 5.—[^{F27}(1) Notice of the application together with a form of reply in the appropriate form, shall be served on the debtor in the manner [^{F28}set out in CPR rule [^{F29}6.20]].]

(2) The debtor shall, within 8 days after service ^{F30}... of the documents mentioned in paragraph (1), file a reply in the form provided, and the instruction to that effect in the notice to the debtor shall constitute a requirement imposed by virtue of section 14 (4) of the Act of 1971:

Provided that no proceedings shall be taken for an offence alleged to have been committed under section 23 (2)(c) or (f) of the Act of 1971 in relation to the requirement unless the said documents

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have been served on the debtor personally or the court is satisfied that they came to [^{F31}the debtor's knowledge] in sufficient time ^{F32}... to comply with the requirement.

(2A) Nothing in paragraph (2) shall require a [^{F33}debtor] to file a reply if, within the period of time mentioned in that paragraph, [^{F34}the debtor pays] to the judgment creditor the money remaining due under the judgment or order and, where such payment is made, the judgment creditor shall so inform the court officer.

(3) On receipt of a reply the court officer shall send a copy to the applicant.

Textual Amendments

- F27** Sch. 2 CCR Order 27 rule 5(1) substituted (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rules 1(b), **33(a)**
- F28** Words in Sch. 2 CCR Order 27 rule 5(1) substituted (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rules 1(c), **16** (with rule 24)
- F29** Word in Sch. 2 CCR Order 27 rule 5(1) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **40(a)**
- F30** Words in Sch. 2 CCR Order 27 rule 5(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(f)(i)(aa)**; S.I. 2014/954, art. 2(a)
- F31** Words in Sch. 2 CCR Order 27 rule 5(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(f)(i)(cc)**; S.I. 2014/954, art. 2(a)
- F32** Words in Sch. 2 CCR Order 27 rule 5(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(f)(i)(bb)**; S.I. 2014/954, art. 2(a)
- F33** Word in Sch. 2 CCR Order 27 rule 5(2A) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(f)(ii)(aa)**; S.I. 2014/954, art. 2(a)
- F34** Words in Sch. 2 CCR Order 27 rule 5(2A) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(f)(ii)(bb)**; S.I. 2014/954, art. 2(a)

Notice to employer

Rule 6 Without prejudice to the powers conferred by section 14 (1) of the Act of 1971, the court officer may, at any stage of the proceedings, send to any person appearing to have the debtor in [^{F35}their] employment a notice requesting [^{F36}them] to give to the court, within such period as may be specified in the notice, a statement of the debtor's earnings and anticipated earnings with such particulars as may be so specified.

Textual Amendments

- F35** Word in Sch. 2 CCR Order 27 rule 6 substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(g)(i)**; S.I. 2014/954, art. 2(a)
- F36** Word in Sch. 2 CCR Order 27 rule 6 substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(g)(ii)**; S.I. 2014/954, art. 2(a)

Attachment of earnings order

Rule 7.—(1) On receipt of the debtor's reply, the court officer may, if [^{F37}there is] sufficient information to do so, make an attachment of earnings order and a copy of the order shall be sent to the parties and to the debtor's employer.

(2) Where an order is made under paragraph (1), the judgment creditor or the debtor may, within 14 days of service of the order on [^{F38}them and giving their] reasons, apply on notice for the order

to be re-considered and the court officer shall fix a day for the hearing of the application and give to the judgment creditor and the debtor not less than 2 days' notice of the day so fixed.

(3) On hearing an application under paragraph (2), the [F39District Judge] may confirm the order or set it aside and make such new order as [F40the District Judge] thinks fit and the order so made shall be entered in the records of the court.

(4) Where an order is not made under paragraph (1), the court officer shall refer the application to the [F39District Judge] who shall, if [F41the District Judge] considers that [F42there is] sufficient information to do so without the attendance of the parties, determine the application.

(5) Where the [F39District Judge] does not determine the application under paragraph (4), [F43they] shall direct that a day be fixed for the hearing of the application whereupon the court officer shall fix such a day and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed.

(6) Where an order is made under paragraph (4), the judgment creditor or the debtor may, within 14 days of service of the order on [F44them] and giving F45... reasons, apply on notice for the order to be re-considered; and the court officer shall fix a day for the hearing of the application and give to the judgment creditor and the debtor not less than 2 days' notice of the day so fixed.

(7) On hearing an application under paragraph (6), the [F39District Judge] may confirm the order or set it aside and make such new order as [F46the District Judge] thinks fit and the order so made shall be entered in the records of the court.

(8) If the creditor does not appear at the hearing of the application under paragraph (5) but—

- (a) the court has received a witness statement or affidavit of evidence from [F47the creditor]; or
- (b) the creditor requests the court in writing to proceed in [F48the creditor's] absence,

the court may proceed to hear the application and to make an order thereon.

(9) An attachment of earnings order may be made to secure the payment of a judgment debt if the debt is—

- (a) of not less than £50; or
- (b) for the amount remaining payable under a judgment for a sum of not less than £50.

Textual Amendments

F37 Words in Sch. 2 CCR Order 27 rule 7(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(i)**; S.I. 2014/954, art. 2(a)

F38 Words in Sch. 2 CCR Order 27 rule 7(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), art. 2(1), **rule 39(h)(ii)**; S.I. 2014/954, art. 2(a)

F39 Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **4(a)(iv)**; S.I. 2014/954, **art. 2(a)**

F40 Words in Sch. 2 CCR Order 27 rule 7(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(iii)**; S.I. 2014/954, art. 2(a)

F41 Words in Sch. 2 CCR Order 27 rule 7(4) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(iv)(aa)**; S.I. 2014/954, art. 2(a)

F42 Words in Sch. 2 CCR Order 27 rule 7(4) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(iv)(bb)**; S.I. 2014/954, art. 2(a)

F43 Word in Sch. 2 CCR Order 27 rule 7(5) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(v)**; S.I. 2014/954, art. 2(a)

F44 Word in Sch. 2 CCR Order 27 rule 7(6) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(vi)(aa)**; S.I. 2014/954, art. 2(a)

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 27. (See end of Document for details)

- F45** Word in Sch. 2 CCR Order 27 rule 7(6) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(vi)(bb)**; S.I. 2014/954, art. 2(a)
- F46** Words in Sch. 2 CCR Order 27 rule 7(7) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(vii)**; S.I. 2014/954, art. 2(a)
- F47** Word in Sch. 2 CCR Order 27 rule 7(8)(a) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(viii)(aa)**; S.I. 2014/954, art. 2(a)
- F48** Word in Sch. 2 CCR Order 27 rule 7(8)(b) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(h)(viii)(bb)**; S.I. 2014/954, art. 2(a)

Failure by debtor

Rule 7A.—(1) If the debtor has failed to comply with rule 5 (2) or to make payment to the judgment creditor, the court officer may issue an order under section 14 (1) of the Act of 1971 which shall—

- (a) be indorsed with or incorporate a notice warning the debtor of the consequences of disobedience to the order;
- (b) be served on the debtor personally; and
- (c) direct that any payments made thereafter shall be paid into the court and not direct to the judgment creditor.

(2) Without prejudice to rule 16, if the person served with an order made pursuant to paragraph (1) fails to obey it or to file a statement of ^{F49}... means or to make payment, the court officer shall issue a notice calling on that person to show good reason why [^{F50}they] should not be imprisoned and any such notice shall be served on the debtor personally not less than 5 days before the hearing.

^{F51}(3)

(4) In this rule “statement of means” means a statement given under section 14 (1) of the Act of 1971.

- Textual Amendments**
- F49** Word in Sch. 2 CCR Order 27 rule 7A(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(i)(i)**; S.I. 2014/954, art. 2(a)
 - F50** Word in Sch. 2 CCR Order 27 rule 7A(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(i)(ii)(ii)**; S.I. 2014/954, art. 2(a)
 - F51** Sch. 2 CCR Order 27 rule 7A(3) omitted (1.4.2013) by virtue of The Civil Procedure (Amendment) Rules 2013 (S.I. 2013/262), rules 2, **20** (with rule 22)

Suspended committal order

Rule 7B.—(1) If the debtor fails to attend at an adjourned hearing of an application for an attachment of earnings order and a committal order is made, the judge or [^{F39}District Judge] may direct that the committal order shall be suspended so long as the debtor attends at the time and place specified in the committal order and paragraphs (2), (4) and (5) of Order 28, rule 7 shall apply, with the necessary modifications, where such a direction is given as they apply where a direction is given under paragraph (1) of that rule.

(2) Where a committal order is suspended under paragraph (1) and the debtor fails to attend at the time and place specified under paragraph (1), a certificate to that effect given by the court officer shall be sufficient authority for the issue of a warrant of committal.

Textual Amendments

F39 Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(iv)**; S.I. 2014/954, **art. 2(a)**

Failure by debtor—maintenance orders

^{F52}**Rule 8**

Textual Amendments

F52 Sch. 2 CCR Order 27 rule 8 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **39(j)**; S.I. 2014/954, art. 2(a)

Costs

Rule 9.—(1) Where costs are allowed to the judgment creditor on an application for an attachment of earnings order, there may be allowed—

- (a) a charge of a solicitor for attending the hearing and, if the court so directs, for serving the application;
- (b) if the court certifies that the case is fit for counsel, a fee to counsel; and
- (c) the court fee on the issue of the application.

(2) For the purpose of paragraph (1)(a) a solicitor who has prepared on behalf of the judgment creditor a witness statement or affidavit or request under rule 7 (8) shall be treated as having attended the hearing.

(3) The costs may be fixed and allowed without detailed assessment under CPR Part 47.

Modifications etc. (not altering text)

C2 Sch. 2 CCR Order 27 rule 9 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), arts. 1(2), 8(1)(2), **Sch. 2**

Contents and service of order

Rule 10.—(1) An attachment of earnings order shall contain such of the following particulars relating to the debtor as are known to the court, namely—

- (a) [^{F53}the debtor’s] full name and address;
- (b) [^{F53}the debtor’s] place of work; and
- (c) the nature of [^{F53}the debtor’s] work and ^{F54}... works number, if any,

[^{F55}which] shall be the prescribed particulars for the purposes of section 6 (3) of the Act of 1971.

(2) An attachment of earnings order and any order varying or discharging such an order shall be served on the debtor and on the person to whom the order is directed, and CPR Part 6 and CPR rules 40.4 and 40.5 shall apply with the further modification that where the order is directed to a corporation which has requested the court that any communication relating to the debtor or to the class of persons to whom [^{F56}the debtor] belongs shall be directed to the corporation at a particular address, service may, if the [^{F39}District Judge] thinks fit, be effected on the corporation at that address.

Status: Point in time view as at 22/04/2014.

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(3) Where an attachment of earnings order is made to enforce a judgment or order of the High Court or a magistrates' court, a copy of the attachment of earnings order and of any order discharging it shall be sent by the court officer of the [^{F57}County Court] to the court officer of the High Court, or, as the case may be, the [^{F58}[^{F59}designated officer] for] the magistrates' court.

Textual Amendments

- F39** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(iv\)](#); S.I. 2014/954, [art. 2\(a\)](#)
- F53** Words in Sch. 2 CCR Order 27 rule 10(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(k\)\(i\)\(aa\)](#); S.I. 2014/954, art. 2(a)
- F54** Word in Sch. 2 CCR Order 27 rule 10(1) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(k\)\(i\)\(bb\)](#); S.I. 2014/954, art. 2(a)
- F55** Words in Sch. 2 CCR Order 27 rule 10(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(k\)\(i\)\(cc\)](#); S.I. 2014/954, art. 2(a)
- F56** Word in Sch. 2 CCR Order 27 rule 10(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(k\)\(ii\)](#); S.I. 2014/954, art. 2(a)
- F57** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(ii\)](#); S.I. 2014/954, art. 2(a)
- F58** Words in Sch. 2 CCR Order 27 rule 10(3) substituted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), [27\(b\)](#)
- F59** Words in Sch. 2 CCR Order 27 rule 10(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, [Sch. para. 176\(b\)](#)

Application to determine whether particular payments are earnings

Rule 11 An application to the court under section 16 of the Act of 1971 to determine whether payments to the debtor of a particular class or description are earnings for the purpose of an attachment of earnings order may be made to the [^{F39}District Judge] in writing and the court officer shall thereupon fix a date and time for the hearing of the application by the court and give notice thereof to the persons mentioned in the said section 16 (2)(a), (b) and (c).

Textual Amendments

- F39** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(iv\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Notice of cesser

Rule 12 Where an attachment of earnings order ceases to have effect under section 8 (4) of the Act of 1971, the court officer of the court in which the matter is proceeding shall give notice of the cesser to the person to whom the order was directed.

Variation and discharge by court of own [^{F60}initiative]

Rule 13.—(1) Subject to paragraph (9), the powers conferred by section 9 (1) of the Act of 1971 may be exercised by the court of its own [^{F61}initiative] in the circumstances mentioned in the following paragraphs.

(2) Where it appears to the court that a person served with an attachment of earnings order [^{F62}does not employ the debtor], the court may discharge the order.

(3) Where an attachment of earnings order which has lapsed under section 9 (4) of the Act of 1971 is again directed to a person who appears to the court to [^{F63}employ the debtor], the court may make such consequential variations in the order as it thinks fit.

(4) Where, after making an attachment of earnings order, the court makes or is notified of the making of another such order in respect of the same debtor which is not to secure the payment of a judgment debt or payments under an administration order, the court may discharge or vary the first-mentioned order having regard to the priority accorded to the other order by paragraph 8 of Schedule 3 to the Act of 1971.

(5) Where, after making an attachment of earnings order, the court makes an order under section 4 (1)(b) of the Act of 1971 (2) or makes an administration order, the court may discharge the attachment of earnings order or, if it exercises the power conferred by section 5 (3) of the said Act, may vary the order in such manner as it thinks fit.

(6) On making a consolidated attachment of earnings order the court may discharge any earlier attachment of earnings order made to secure the payment of a judgment debt by the same debtor.

(7) Where it appears to the court that a bankruptcy order has been made against a person in respect of whom an attachment of earnings order is in force to secure the payment of a judgment debt, the court may discharge the attachment of earnings order.

(8) Where an attachment of earnings order has been made to secure the payment of a judgment debt and the court grants permission to issue execution for the recovery of the debt, the court may discharge the order.

(9) Before varying or discharging an attachment of earnings order of its own [^{F64}initiative] under any of the foregoing paragraphs of this rule, the court shall, unless it thinks it unnecessary in the circumstances to do so, give the debtor and the person on whose application the order was made an opportunity of being heard on the question whether the order should be varied or discharged, and for that purpose the court officer may give them notice of a date, time and place at which the question will be considered.

Textual Amendments

- F60** Word in Sch. 2 CCR Order 27 rule 13 heading substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(I)(i)**; S.I. 2014/954, art. 2(a)
- F61** Word in Sch. 2 CCR Order 27 rule 13(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(I)(ii)**; S.I. 2014/954, art. 2(a)
- F62** Words in Sch. 2 CCR Order 27 rule 13(2) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(I)(iii)**; S.I. 2014/954, art. 2(a)
- F63** Words in Sch. 2 CCR Order 27 rule 13(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(I)(iv)**; S.I. 2014/954, art. 2(a)
- F64** Word in Sch. 2 CCR Order 27 rule 13(9) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **39(I)(v)**; S.I. 2014/954, art. 2(a)

Transfer of attachment order

Rule 14.—(1) Where the court by which the question of making a consolidated attachment order falls to be considered is not the court by which any attachment of earnings order has been made to secure the payment of a judgment debt by the debtor, the [^{F39}District Judge] of the last-mentioned court shall, at the request of the [^{F39}District Judge] of the first-mentioned court, transfer to that court the matter in which the attachment of earnings order was made.

(2) 1971 c. 32; section 4 was amended by the Insolvency Act 1976 (c. 60), section 13(2); and by the County Courts Act 1984 (c. 28), section 148(1), schedule 2, Part V, paragraph 40.

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(2) Without prejudice to paragraph (1), if in the opinion of the judge or [^{F39}District Judge] of any court by which an attachment of earnings order has been made, the matter could more conveniently proceed in some other court, whether by reason of the debtor having become resident in the district of that court or otherwise, [^{F65}the District Judge] may order the matter to be transferred to that court.

(3) The court to which proceedings arising out of an attachment of earnings are transferred under this rule shall have the same jurisdiction in relation to the order as if it has been made by that court.

Textual Amendments

- F39** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(iv\)](#); S.I. 2014/954, [art. 2\(a\)](#)
- F65** Words in Sch. 2 CCR Order 27 rule 14(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(m\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Exercise of power to obtain statement of earnings etc.

Rule 15.—(1) An order under section 14 (1) of the Act of 1971 shall be indorsed with or incorporate a notice warning the person to whom it is directed of the consequences of disobedience to the order and shall be served on [^{F66}them] personally.

(2) Order 34, rule 2, shall apply, with the necessary modifications, in relation to any penalty for failure to comply with an order under the said section 14 (1) or, subject to the proviso to rule 5 (2), any penalty for failure to comply with a requirement mentioned in that rule, as it applies in relation to a fine under section 55 of the County Courts Act 1984(3).

Textual Amendments

- F66** Word in Sch. 2 CCR Order 27 rule 15(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(n\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Offences

Rule 16.—(1) Where it is alleged that a person has committed any offence mentioned in section 23 (2)(a), (b), (d), (e) or (f) of the Act of 1971 in relation to proceedings in, or to an attachment of earnings order made by, [^{F67}the County Court], the [^{F39}District Judge] shall, unless it is decided to proceed against the alleged offender summarily, issue a summons calling upon [^{F68}the alleged offender] to show cause why [^{F69}the alleged offender] should not be punished for the alleged offence.

The summons shall be served on the alleged offender personally not less than 14 days before the return day.

(2) Order 34, rules 3 and 4, shall apply, with the necessary modifications, to proceedings for an offence under section 23 (2) of the Act of 1971 as they apply to proceedings for offences under the County Courts Act 1984(4).

Textual Amendments

- F39** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(iv\)](#); S.I. 2014/954, [art. 2\(a\)](#)

(3) 1984 c. 28.

(4) 1984 c. 28.

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- F67** Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(i)**; S.I. 2014/954, art. 2(a)
- F68** Words in Sch. 2 CCR Order 27 rule 16(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), art. 2(1), **rule 39(o)(i)**; S.I. 2014/954, art. 2(a)
- F69** Words in Sch. 2 CCR Order 27 rule 16(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **39(o)(ii)**; S.I. 2014/954, art. 2(a)

Maintenance orders

^{F70}**Rule 17**

- Textual Amendments**
- F70** Sch. 2 CCR Order 27 rule 17 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **39(p)**; S.I. 2014/954, art. 2(a)

Part II—Consolidated Attachment of Earnings Orders

Cases in which consolidated order may be made

Rule 18 Subject to the provisions of rules 19 to 21, the court may make a consolidated attachment order where—

- (a) two or more attachment of earnings orders are in force to secure the payment of judgment debts by the same debtor; or
- (b) on an application for an attachment of earnings order to secure the payment of a judgment debt, or for a consolidated attachment order to secure the payment of two or more judgment debts, it appears to the court that an attachment of earnings order is already in force to secure the payment of a judgment debt by the same debtor.

Application for consolidated order

Rule 19.—(1) An application for a consolidated attachment order may be made—

- (a) by the debtor in respect of whom the order is sought; or
- (b) by any person who has obtained or is entitled to apply for an attachment of earnings order to secure the payment of a judgment debt by that debtor.

(2) An application under paragraph (1) may be made in the proceedings in which any attachment of earnings order (other than a priority order) is in force and rules 3, 4 and 5 of this Order shall not apply.

(3) Where the judgment which it is sought to enforce was not given by the court which made the attachment of earnings order, the judgment shall be automatically transferred to the court which made the attachment of earnings order.

(3A) An application under paragraph (1)(b) shall certify the amount of money remaining due under the judgment or order and that the whole or part of any instalment due remains unpaid.

(3B) Where an application for a consolidated attachment of earnings order is made, the court officer shall—

- (a) notify any party who may be affected by the application of its terms; and

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(b) require [^{F71}that party] to notify the court in writing, within 14 days of service of notification [^{F72}, giving reasons for any objection] to the granting of the application.

(3C) If notice of any objection is not given within the time stated, the court officer shall make a consolidated attachment of earnings order.

(3D) If any party objects to the making of a consolidated attachment of earnings order, the court officer shall refer the application to the [^{F39}District Judge] who may grant the application after considering the objection made and the reasons given.

(3E) In the foregoing paragraphs of this rule, a party affected by the application means—

- (a) where the application is made by the debtor, the creditor in the proceedings in which the application is made and any other creditor who has obtained an attachment of earnings order which is in force to secure the payment of a judgment debt by the debtor;
- (b) where the application is made by the judgment creditor, the debtor and every person who, to the knowledge of the applicant, has obtained an attachment of earnings order which is in force to secure the payment of a judgment debt by the debtor.

(4) A person to whom two or more attachment of earnings orders are directed to secure the payment of judgment debts by the same debtor may request the court in writing to make a consolidated attachment order to secure the payment of those debts, and on receipt of such a request paragraphs (3B) to (3E) shall apply, with the necessary modifications, as if the request were an application by the judgment creditor.

Textual Amendments

F39 Words in Sch. 2 CCR Order 27 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(iv\)](#); S.I. 2014/954, [art. 2\(a\)](#)

F71 Words in Sch. 2 CCR Order 27 rule 19 (3B)(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(q\)\(i\)](#); S.I. 2014/954, [art. 2\(a\)](#)

F72 Words in Sch. 2 CCR Order 27 rule 19 (3B)(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(q\)\(ii\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Making of consolidated order by court of its own [^{F73}initiative]

Rule 20 Where an application is made for an attachment of earnings order to secure the payment of a judgment debt by a debtor in respect of whom an attachment of earnings order is already in force to secure the payment of another judgment debt and no application is made for a consolidated attachment order, the court officer may make such an order of [^{F74}their own initiative] after giving all persons concerned an opportunity of submitting written objections.

Textual Amendments

F73 Word in Sch. 2 CCR Order 27 rule 20 heading substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(r\)\(i\)](#); S.I. 2014/954, [art. 2\(a\)](#)

F74 Words in Sch. 2 CCR Order 27 rule 20 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [39\(r\)\(ii\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Extension of consolidated order

Rule 21.—(1) Where a consolidated attachment order is in force to secure the payment of two or more judgment debts, any creditor to whom another judgment debt is owed by the same judgment debtor may apply to the court by which the order was made for it to be extended so as to secure the

payment of that debt as well as the first-mentioned debts and, if the application is granted, the court may either vary the order accordingly or may discharge it and make a new consolidated attachment order to secure payment of all the aforesaid judgment debts.

(2) An application under this rule shall be treated for the purposes of rules 19 and 20 as an application for a consolidated attachment order.

Payments under consolidated order

Rule 22 Instead of complying with section 13 of the Act of 1971, a court officer who receives payments made ^{F75}... in compliance with a consolidated attachment order shall, after deducting such court fees, if any, in respect of proceedings for or arising out of the order as are deductible from those payments, deal with the sums paid as ^{F76}... if they had been paid by the debtor to satisfy the relevant adjudications in proportion to the amounts payable thereunder, and for that purpose dividends may from time to time be declared and distributed among the creditors entitled thereto.

Textual Amendments

F75 Words in Sch. 2 CCR Order 27 rule 22 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **39(s)(i)**; S.I. 2014/954, art. 2(a)

F76 Words in Sch. 2 CCR Order 27 rule 22 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **39(s)(ii)**; S.I. 2014/954, art. 2(a)

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There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 27.