

## SCHEDULES

### SCHEDULE 1

Articles 73(2)(a), 74(3), 75(2), 99(3)(a),  
100(3), 101(2).

#### DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

### PART I

#### DEDUCTIONS

##### Preliminary definitions

1. Subject to paragraph 9, paragraphs 2 to 6 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;
  - (b) primary Class 1 contributions under Part I of the Social Security (Northern Ireland) Act 1975 ;
  - [<sup>F1</sup>(c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any statutory provision, 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 [<sup>F2</sup>surviving spouses, surviving civil partners,] relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits.]

**F1** 1988 NI 7

**F2** Words in Sch. 1 para. 3(c)(ii) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 139 (with regs. 6-9)

4. “Debtor” includes, in relation to the attachment of earnings to enforce a maintenance order, the person liable to make payments under the order.
5. “Maintenance order” means an order such as is mentioned in Article 98( a).
6. 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 period since the last pay-

day or, if it is the first pay-day of the debtor's employment with the employer, since the employment began; and

- (b) “the protected earnings” are arrived at by applying the protected earnings rate (as so specified) with respect to the said period.

#### Employer's deduction

7.—(1) This paragraph applies where the attachment of earnings order has been made—

- (a) by the Office, or
- (b) by a court otherwise than to secure payments under a maintenance order.

(2) 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.

8.—(1) This paragraph applies where the attachment of earnings order has been made by the High Court to secure payments under a maintenance order.

(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,

then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in sub-paragraph (3).

(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.

## PART II

### PRIORITY AS BETWEEN ORDERS

9. For the purposes of this Part—

“attachment of earnings order” includes such an order made by a court of summary jurisdiction under<sup>[F3]</sup> Article <sup>[F4]</sup>100(1) of the Magistrates' Courts (Northern Ireland) Order 1981 <sup>[F5]</sup>and such an order under section 18 of the Justice Act (Northern Ireland) 2016 <sup>]</sup>;

<sup>[F6]</sup>“collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016<sup>;</sup>

“maintenance order” includes an order which is to be enforced as mentioned in <sup>[F7]</sup>Article 100(1) of the Magistrates' Courts (Northern Ireland) Order 1981<sup>]</sup>.

- F4** Word in Sch. 1 para. 9 substituted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(2)(a)(i)**; S.R. 2018/99, art. 2(b)
- F5** Words in Sch. 1 para. 9 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(2)(a)(ii)**; S.R. 2018/99, art. 2(b)
- F6** Words in Sch. 1 para. 9 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(2)(b)**; S.R. 2018/99, art. 2(b)
- F7** Words in Sch. 1 para. 9 substituted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(2)(c)**; S.R. 2018/99, art. 2(b)

**10.** Where the employer is required to comply with two or more attachment of earnings orders in respect of the same debtor, all or none of which have been made <sup>F8</sup>... to secure payments under maintenance orders [<sup>F9</sup>or collection orders] , then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule or, in the case of an attachment of earnings order made by a court of summary jurisdiction, with<sup>F10</sup> paragraphs (2) to (4) of Article 102 of the Magistrates' Courts (Northern Ireland) Order 1981]

- (a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;
- (b) deal with any later order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with any earlier order.

- F8** Words in Sch. 1 para. 10 omitted (1.6.2018) by virtue of Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(3)(a)**; S.R. 2018/99, art. 2(b)
- F9** Words in Sch. 1 para. 10 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(3)(b)**; S.R. 2018/99, art. 2(b)
- F10** 1981 NI 26

**11.** Where the employer is required to comply with two or more attachment of earnings orders, and one or more (but not all) of those are orders made <sup>F11</sup>... to secure payments under maintenance orders [<sup>F12</sup>or collection orders] , then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule, or, in the case of an attachment of earnings order made by a court of summary jurisdiction, with<sup>F13</sup> paragraphs (2) to (4) of Article 102 of the Magistrates' Courts (Northern Ireland) Order 1981]

- (a) deal first with any order or orders made <sup>F11</sup>...to secure payments under a maintenance order [<sup>F14</sup>or a collection order] (complying with paragraph 10 if there are two or more such orders); and
- (b) deal thereafter with any order other than one made <sup>F11</sup>... to secure payments under a maintenance order [<sup>F15</sup>or a collection order] as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with an order having priority by virtue of sub-paragraph ( a ); and
- (c) if there are two or more orders to which sub-paragraph ( b ) applies, comply with paragraph 10 in respect of those orders.

- F11** Words in Sch. 1 para. 11 omitted (1.6.2018) by virtue of Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(4)(a)**; S.R. 2018/99, art. 2(b)
- F12** Words in Sch. 1 para. 11 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(4)(b)**; S.R. 2018/99, art. 2(b)
- F13** 1981 NI 26
- F14** Words in Sch. 1 para. 11(a) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), **Sch. 1 para. 8(4)(c)**; S.R. 2018/99, art. 2(b)

**Changes to legislation:** There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, SCHEDULE 1. (See end of Document for details)

**F15** Words in Sch. 1 para. 11(b) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), Sch. 1 para. 8(4)(c); S.R. 2018/99, art. 2(b)

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There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, SCHEDULE 1.