



Attachment of Earnings Act 1971

1971 CHAPTER 32

Consequences of attachment order

6 Effect and contents of order.

- (1) An attachment of earnings order shall be an order directed to a person who appears to the court [^{F1}, or as the case may be the fines officer, making the order] to have the debtor in his employment and shall operate as an instruction to that person—
 - (a) to make periodical deductions from the debtor's earnings in accordance with Part I of Schedule 3 to this Act; and
 - (b) at such times as the order may require, or as the court [^{F2}, or where the order is made under Schedule 5 to the Courts Act 2003, as the court or the fines officer as the case may be.] may allow, to pay the amounts deducted to the collecting officer of the court, as specified in the order.
- (2) For the purposes of this Act, the relationship of employer and employee shall be treated as subsisting between two persons if one of them as a principal and not as a servant or agent, pays to the other any sums defined as earnings by section 24 of this Act.
- (3) An attachment of earnings order shall contain prescribed particulars enabling the debtor to be identified by the employer.
- (4) Except where it is made to secure maintenance payments, the order shall specify the whole amount payable under the relevant adjudication (or so much of that amount as remains unpaid), including any relevant costs.
- (5) [^{F3}Subject to subsection (5A) below,] the order shall specify—
 - (a) the normal deduction rate, that is to say, the rate (expressed as a sum of money per week, month or other period) at which the court thinks it reasonable for the debtor's earnings to be applied to meeting his liability under the relevant adjudication; and
 - (b) the protected earnings rate, that is to say the rate (so expressed) below which, having regard to the debtor's resources and needs, the court thinks it reasonable that the earnings actually paid to him should not be reduced.

Changes to legislation: Attachment of Earnings Act 1971, Cross Heading: Consequences of attachment order is up to date with all changes known to be in force on or before 28 May 2023. 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) View outstanding changes

- [^{F4}(5A) If the order is made under Schedule 5 to the Courts Act 2003 then it shall specify the percentage deduction rate in accordance with fines collection regulations made under that Schedule.]
- (6) In the case of an order made to secure payments under a maintenance order (not being an order for the payment of a lump sum), the normal deduction rate—
- (a) shall be determined after taking account of any right or liability of the debtor to deduct income tax when making the payments; and
 - (b) shall not exceed the rate which appears to the court necessary for the purpose of—
 - (i) securing payment of the sums falling due from time to time under the maintenance order, and
 - (ii) securing payment within a reasonable period of any sums already due and unpaid under the maintenance order.
- (7) For the purposes of an attachment of earnings order, the collecting officer of the court shall be (subject to later variation of the order under section 9 of this Act)—
- (a) in the case of an order made by the High Court, either—
 - (i) the proper officer of the High Court, or
 - (ii) the [^{F5}appropriate officer] of [^{F6}the family court or][^{F7}the county court if the order so specifies];
 - [^{F8}(aa) in the case of an order made by the family court, the appropriate officer of that court;]
 - (b) in the case of an order made by [^{F9}the county court], the [^{F5}appropriate officer] of that court; and
 - (c) in the case of an order made by a magistrates' court, the [^{F10}designated officer for that court or for] another magistrates' court specified in the order.
- [^{F11}(8) In subsection (7) above “appropriate officer” means an officer designated by the Lord Chancellor.]

Textual Amendments

- F1** Words in s. 6(1) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 38\(a\)\(i\)](#)
- F2** Words in s. 6(1)(b) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 38\(a\)\(ii\)](#)
- F3** Words in s. 6(5) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 38\(b\)](#)
- F4** S. 6(5A) inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 38\(c\)](#)
- F5** Words substituted (3.7.1978) by [Administration of Justice Act 1977 \(c. 38\)](#), [s. 19\(5\)\(a\)](#)
- F6** Words in s. 6(7)(a)(ii) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 10 para. 24\(a\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words in s. 6(7)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 25\(4\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F8** S. 6(7)(aa) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 10 para. 24\(b\)](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F9** Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 25\(3\)\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F10** Words in s. 6(7)(c) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 142](#); [S.I. 2005/910, art. 3\(y\)](#)
- F11** S. 6(8) added (3.7.1978) by [Administration of Justice Act 1977 \(c. 38\), s. 19\(5\)\(b\)](#)

7 Compliance with order by employer.

- (1) Where an attachment of earnings order has been made, the employer shall, if he has been served with the order, comply with it; but he shall be under no liability for non-compliance before seven days have elapsed since the service.
- (2) Where a person is served with an attachment of earnings order directed to him and he has not the debtor in his employment, or the debtor subsequently ceases to be in his employment, he shall (in either case), within ten days from the date of service or, as the case may be, the cesser, give notice of that fact to the court.
- (3) Part II of Schedule 3 to this Act shall have effect with respect to the priority to be accorded as between two or more attachment of earnings orders directed to a person in respect of the same debtor.
- (4) On any occasion when the employer makes, in compliance with the order, a deduction from the debtor's earnings—
 - (a) he shall be entitled to deduct, in addition, five new pence, or such other sum as may be prescribed by order made by the Lord Chancellor, towards his clerical and administrative costs; and
 - (b) he shall give to the debtor a statement in writing of the total amount of the deduction.
- (5) An order of the Lord Chancellor under subsection (4)(a) above—
 - (a) may prescribe different sums in relation to different classes of cases;
 - (b) may be varied or revoked by a subsequent order made under that paragraph; and
 - (c) shall be made by statutory instrument subject to annulment by resolution of either House of Parliament.

Subordinate Legislation Made

- P1** [S. 7\(4\)\(a\)\(5\)](#): power exercised by [S.I.1991/356](#).

8 Interrelation with alternative remedies open to creditor.

- (1) Where an attachment of earnings order has been made to secure maintenance payments, no order or warrant of commitment shall be issued in consequence of any proceedings for the enforcement of the related maintenance order begun before the making of the attachment of earnings order.
- (2) Where [^{F9}the county court] has made an attachment of earnings order to secure the payment of a judgment debt—

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- (a) no order or warrant of commitment shall be issued in consequence of any proceedings for the enforcement of the debt begun before the making of the attachment of earnings order; and
 - (b) so long as the order is in force, no execution for the recovery of the debt shall issue against any property of the debtor without the leave of the county court.
- (3) An attachment of earnings order made to secure maintenance payments shall cease to have effect upon the making of an order of commitment or the issue of a warrant of commitment for the enforcement of the related maintenance order ^{F12}....
- (4) An attachment of earnings order made to secure the payment of a judgment debt shall cease to have effect on the making of an order of commitment or the issue of a warrant of commitment for the enforcement of the debt.
- [^{F13}(5) An attachment of earnings order made to secure—
- (a) any payment mentioned in section 1(3)(c) of this Act; or
 - (b) the payment of any sum mentioned in paragraph 1 of Schedule 5 to the Courts Act 2003,
- shall cease to have effect on the issue of a warrant committing the debtor to prison for default in making that payment.]

Textual Amendments

- F9** Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 25\(3\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 8(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 25](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** S. 8(5) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\), art. 39](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(1A)(1B) inserted by [2007 c. 15 Sch. 15 para. 2\(2\)](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 6A inserted by [2007 c. 15 Sch. 15 para. 3](#)
- s. 9(1A) inserted by [2007 c. 15 Sch. 15 para. 4](#)
- s. 9A inserted by [2007 c. 15 Sch. 15 para. 5](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 14(1A) inserted by [2007 c. 15 Sch. 15 para. 10](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 14(2A) inserted by [2007 c. 15 Sch. 15 para. 12](#)
- s. 14(4A)(4B) inserted by [2007 c. 15 Sch. 15 para. 14](#)
- s. 15A-15D inserted by [2007 c. 15 s. 92](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 17(4) inserted by [2007 c. 15 Sch. 15 para. 18](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 23(1ZA) inserted by [2007 c. 15 Sch. 15 para. 21](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 25(2)(c) words inserted by [2007 c. 15 Sch. 15 para. 22](#)
- s. 25(2)(f) words inserted by [2007 c. 15 Sch. 15 para. 22](#)
- Sch. 3A inserted by [2007 c. 15 Sch. 15 para. 7](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))