

**Changes to legislation:** Attachment of Earnings Act 1971, SCHEDULE 3 is up to date with all changes known to be in force on or before 16 July 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

## SCHEDULES

### SCHEDULE 3

Sections 6 and 7.

#### 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)  
**C2** 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;
  - [<sup>F1</sup>(b) ..... <sup>F2</sup>
  - (bb) primary class 1 contributions under Part I of the <sup>M1</sup>Social Security Act 1975]
  - [<sup>F3</sup>(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  
**F2** Para. 3(b) repealed by Social Security Pensions Act 1975 (c. 60), Sch. 5

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**F3** Para. 3(c) substituted by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(1), **Sch. 4 para. 4** (which substitution fell (22.8.1996) by reason of the repeal of s. 32(1), Sch. 4 para. 4 of the 1986 substituting Act by [1996 c. 18, ss. 242, 243, Sch. 3 Pt. I](#)) and substitution of para. 3(c) continued (22.8.1996) by [1996 c. 18, ss. 240, 243, Sch. 1 para. 3](#) (with ss. 191-195, 202)

#### Marginal Citations

**M1** [1975 c. 60.](#)

- [<sup>F4</sup> (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 [<sup>F5</sup>and paragraph 6A below do] 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.

#### Textual Amendments

**F5** Words in Sch. 3 para. 6(1) substituted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 45\(a\)](#)

[<sup>F6</sup>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

**F6** Sch. 3 para. 6A inserted (3.7.2006) by [The Collection of Fines \(Final Scheme\) Order 2006 \(S.I. 2006/1737\)](#), [art. 45\(b\)](#)

## PART II

### PRIORITY AS BETWEEN ORDERS

- 7 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 orders are made to secure either the payment of judgment debts or payments under an administration order, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule,—
- (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.
- 8 Where the employer is required to comply with two or more attachment of earnings orders, and one or more (but not all) of those orders are made to secure either the payment of judgment debts or payments under an administration order, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule—
- (a) deal first with any order which is not made to secure the payment of a judgment debt or payments under an administration order (complying with paragraph 7 above if there are two or more such orders); and
  - (b) deal thereafter with any order which is made to secure the payment of a judgment debt or payments under an administration order as if the earnings

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- 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) above; and
- (c) if there are two or more orders to which sub-paragraph (b) above applies, comply with paragraph 7 above in respect of those orders.

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[View outstanding changes](#)

**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))