

**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 27 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

#### 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;
  - [<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F2 Para. 3(b) repealed by Social Security Pensions Act 1975 (c. 60), Sch. 5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.

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**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.]

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**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\(b\)](#)

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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))