



Attachment of Earnings Act 1971

1971 CHAPTER 32

Subsequent proceedings

10 Normal deduction rate to be reduced in certain cases

- (1) The following provisions shall have effect, in the ease of an attachment of earnings order made to secure maintenance payments, where it appears to the collecting officer of the court that—
 - (a) the aggregate of the payments made for the purposes of the related maintenance order by the debtor (whether under the attachment of earnings order or otherwise) exceeds the aggregate of the payments required up to that time by the maintenance order; and
 - (b) the normal deduction rate specified by the attachment of earnings order (or, where two or more such orders are in force in relation to the maintenance order, the aggregate of the normal deduction rates specified by those orders) exceeds the rate of payments required by the maintenance order; and
 - (c) no proceedings for the variation or discharge of the attachment of earnings order are pending.
- (2) In the case of an order made by the High Court or a county court, the collecting officer shall give the prescribed notice to the person to whom he is required to pay sums received under the attachment of earnings order, and to the debtor; and the court shall make the appropriate variation order, unless the debtor requests it to discharge the attachment of earnings order, or to vary it in some other way, and the court thinks fit to comply with the request.
- (3) In the case of an order made by a magistrates' court, the collecting officer shall apply to the court for the appropriate variation order; and the court shall grant the application unless the debtor appears at the hearing and requests the court to discharge the attachment of earnings order, or to vary it in some other way, and the court thinks fit to comply with the request.
- (4) In this section, " the appropriate variation order " means an order varying the attachment of earnings order in question by reducing the normal deduction rate

Status: This is the original version (as it was originally enacted).

specified thereby so as to secure that that rate (or, in the case mentioned in subsection (1)(b) above, the aggregate of the rates therein mentioned)—

- (a) is the same as the rate of payments required by the maintenance order; or
- (b) is such lower rate as the court thinks fit having regard to the amount of the excess mentioned in subsection (1)(a).