



# Attachment of Earnings Act 1971

## 1971 CHAPTER 32

### *Miscellaneous provisions*

#### **25 General interpretation.**

(1) In this Act, except where the context otherwise requires—

“administration order” means an order made under, and so referred to in, [<sup>F1</sup>Part VI of the County Courts Act 1984];

“the court”, in relation to an attachment of earnings order, means the court which made the order, subject to rules of court as to the venue for, and the transfer of, proceedings in [<sup>F2</sup>the county court] and magistrates’ courts;

“debtor” and “relevant adjudication” have the meanings given by section 2 of this Act;

“the employer”, in relation to an attachment of earnings order, means the person who is required by the order to make deductions from earnings paid by him to the debtor;

[<sup>F3</sup> “the fines officer”, in relation to a debtor who is subject to a collection order made under Schedule 5 to the Courts Act 2003, means any fines officer working at the fines office specified in that order;]

“judgment debt” has the meaning given by section 2 of this Act;

<sup>F4</sup> . . .

“maintenance order” has the meaning given by section 2 of this Act;

“maintenance payments” means payments required under a maintenance order;

“prescribed” means prescribed by rules of court; <sup>F5</sup> . . .

<sup>F5</sup>

<sup>F6</sup> . . .

(2) Any reference in this Act to sums payable under a judgment or order, or to the payment of such sums, includes a reference to costs and the payment of them; and the references in sections 6(4) and 12(2) to relevant costs are to any costs of the proceedings in which the attachment of earnings order in question was made, being costs which the debtor is liable to pay.

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**Changes to legislation:** Attachment of Earnings Act 1971, Section 25 is up to date with all changes known to be in force on or before 07 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

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- (3) References in sections 6(5)(b), 9(3)(b) and 14(1)(a) of this Act to the debtor's needs include references to the needs of any person<sup>F7</sup> for whom he must, or reasonably may, provide.
- (4)<sup>F7</sup> .....
- (5) Any power to make rules which is conferred by this Act is without prejudice to any other power to make rules of court.
- (6) This Act, so far as it relates to magistrates' courts, and [<sup>F8</sup>Part III of the Magistrates' Courts Act 1980] shall be construed as if this Act were contained in that Part.
- (7) References in this Act to any enactment include references to that enactment as amended by or under any other enactment, including this Act.

#### Textual Amendments

- F1** Words substituted by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), **Sch. 2 para. 42**
- F2** Words in s. 25(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 25(6)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** S. 25: definition of "the fines officer" inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 44**
- F4** Definition of "legal aid contribution order" in s. 25(1) repealed (2.4.2002) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)**
- F5** S. 25(1): definition of "rules of court" and preceding word repealed (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 145, **Sch. 10**; S.I. 2004/2066, **art. 2(c)(vii)(d)(ii)** (with art. 3)
- F6** Words in s. 25(1) repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)**
- F7** S. 25(4) repealed by Dock Work Act 1989 (c. 13, SIF 43:1), s. 7(1), **Sch. 1 Pt. I**
- F8** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 101(b)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 25(1) words inserted by [2007 c. 15 Sch. 15 para. 6](#)

**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))