
Changes to legislation: Local Government Finance Act 1992, Cross Heading: Attachment of earnings etc. is up to date with all changes known to be in force on or before 24 April 2024. 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 4

ENFORCEMENT: ENGLAND AND WALES

Attachment of earnings etc.

- 5 (1) Regulations under paragraph 1(1) above may provide that where a magistrates' court has made a liability order against a person ("the debtor") and the debtor is an individual—
- (a) the authority concerned may make an order (an "attachment of earnings order") to secure the payment of [^{F1}the appropriate amount] ;
 - (b) such an order shall be expressed to be directed to a person who has the debtor in his employment, and shall operate as an instruction to such a person to make deductions from the debtor's earnings and to pay the amounts deducted to the authority;
 - (c) the authority may serve a copy of the order on a person who appears to the authority to have the debtor in his employment; and
 - (d) a person who has the debtor in his employment shall comply with the order if a copy of it is served on him.
- [^{F2}(1A) For the purposes of this paragraph the appropriate amount is the aggregate of—
- (a) any outstanding sum which is or forms part of the amount in respect of which the liability order was made [^{F3}(unless paragraph (b) applies);]
 - [^{F4}(b) where a person authorised to act under the power conferred by section 14(4) (power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007) has reported to the authority concerned that he was unable (for whatever reason) to find sufficient goods of the debtor to pay the amount outstanding—
 - (i) the amount outstanding at the time when the attachment of earnings order is made, and]
 - (ii) if the authority has applied for the issue of a warrant committing the debtor to prison under provision included by virtue of paragraph 8 below, a sum (of a prescribed amount or an amount determined in accordance with prescribed rules) in respect of the costs of the application.
- (2) The regulations may include—
- (a) provision allowing an attachment of earnings order to be varied;
 - (b) provision requiring a person who has the debtor in his employment to comply with the order as varied if a copy of the order as varied is served on him;
 - (c) provision requiring an order to be in a prescribed form;
 - (d) provision requiring an order to specify the sum to which the order relates, the rate at which the debtor's earnings are to be applied to meet the sum, and such other particulars as may be prescribed;

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- (e) rules about the rate which may be so specified;
 - (f) provision allowing the person who deducts and pays amounts under the order to deduct from the debtor's earnings prescribed sums, or sums determined in accordance with prescribed rules, towards his administrative costs;
 - (g) provision requiring the person who deducts and pays amounts under the order to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums (including sums towards administrative costs) deducted up to the time of the notification or of the total amount of sums (including sums towards such costs) that will fall to be deducted after that time;
 - (h) provision requiring any person on whom a copy of the order is served to notify the authority in a prescribed manner and within a prescribed period if he does not have, or subsequently ceases to have, the debtor in his employment;
 - (i) provision that, where the whole amount to which the order relates has been paid, the authority shall give notice of that fact to any person who appears to it to have the debtor in his employment and who has been served with a copy of the order;
 - (j) provision allowing or requiring an order to be discharged.
- (3) The regulations may include provision that while an attachment of earnings order is in force—
- (a) the debtor shall from time to time notify the authority concerned, in a prescribed manner and within a prescribed period, of each occasion when he leaves any employment or becomes employed or re-employed, and shall include in such a notification a statement of his earnings and expected earnings from the employment concerned and of such other matters as may be prescribed;
 - (b) any person who becomes the debtor's employer and knows that the order is in force and by what authority it was made shall notify the authority concerned, in a prescribed manner and within a prescribed period, that he is the debtor's employer, and shall include in such a notification a statement of the debtor's earnings and expected earnings from the employment concerned and of such other matters as may be prescribed.
- (4) The regulations may include provision with respect to the priority to be accorded as between—
- (a) two or more orders made under the regulations;
 - (b) orders made under the regulations and orders made under the ^{M1}Attachment of Earnings Act 1971 or the ^{M2}Child Support Act 1991.
- (5) The regulations may include provision that a person may appeal to a magistrates' court if he is aggrieved by the making or the terms of an attachment of earnings order, or there is a dispute whether payments constitute earnings or as to any other prescribed matter relating to the order.
- (6) The regulations may include—
- (a) provision prescribing the procedure to be followed for initiating an appeal;
 - (b) provision prescribing the procedure to be followed in dealing with an appeal;
 - (c) provision as to the powers of the court (which may include provision as to the quashing of an attachment of earnings order or the variation of the terms of such an order).

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- (7) The provisions of this paragraph (except sub-paragraphs (3) and (4)(b) above) shall apply to elected members of billing authorities or relevant precepting authorities as they apply to persons in employment; and for the purposes of the application of those provisions in relation to any such members—
- (a) any reference to a person having the debtor in his employment shall be construed as a reference to such an authority having the debtor as an elected member; and
 - (b) any reference to the debtor’s earnings shall be construed as a reference to allowances payable to the debtor by such an authority.
- (8) For the purposes of sub-paragraph (7) above—
- (a) a relevant precepting authority is a major precepting authority other than the Receiver for the Metropolitan Police District; and
 - (b) a person is an elected member of a relevant precepting authority other than a county council if he is appointed to the authority by a constituent council of which he is an elected member.

[In this paragraph “the amount outstanding” has the meaning given by paragraph ^{F5}(9) 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]]

Textual Amendments

- F1** Words in Sch. 4 para. 5(1)(a) substituted (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 80\(2\)](#)
- F2** Sch. 4 para. 5(1A) inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 80\(3\)](#)
- F3** Words in Sch. 4 para. 5(1A)(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 107\(3\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Words in Sch. 4 para. 5(1A)(b) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 107\(3\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Sch. 4 para. 5(9) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 107\(3\)\(c\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Marginal Citations

- M1** 1971 c. 32.
- M2** 1991 c. 48.

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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. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

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

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)