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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 102**

**The Enforcement of Fines and Other  
Penalties Regulations (Northern Ireland) 2018**

**PART 3**

**ATTACHMENT OF EARNINGS ORDERS**

**Compliance with attachment of earnings order**

**12.**—(1) Subject to the following provisions of this regulation, where the employer has received an attachment of earnings order from the appropriate authority, the employer shall, each pay-day, make a deduction in accordance with the order from the net earnings which the employer would otherwise pay to the debtor on that pay-day.

(2) Where any amount calculated under the order results in a fraction of a penny, that fraction is to be disregarded.

(3) Subject to paragraphs (4) to (6), where on any pay-day the employer fails to deduct an amount in accordance with the order or deducts an amount less than the amount there specified, the employer shall—

- (a) contact the collection officer to give reasons; and
- (b) on the next pay-day, first deduct the amount required to be deducted under the order for that pay-day, and then the amount which should have been deducted on the previous pay-day or the difference between that amount and the amount which was deducted.

(4) If deductions under paragraph (3)(b) would result in the employer paying the debtor an amount below the protected earnings proportion, then the employer shall deduct only such amount as will result in the debtor being paid an amount equal to the protected earnings proportion.

(5) Where paragraph (4) applies, the employer shall make further deductions which may not result in the debtor being paid an amount below the protected earnings proportion on the next following pay-days until the full amount which should have been deducted on the relevant pay-day has been deducted.

(6) Paragraph (3)(b) shall not apply on any pay-day where the amount paid to the debtor is below the protected earnings proportion by virtue of an agreement under regulation 9(c).

(7) Where, on any pay-day, the employer deducts more than the amount required to be deducted under the order, the employer shall, on the next pay-day—

- (a) deduct only the amount required to be deducted under the order for that pay-day less the difference between the amount which was previously deducted and the amount which should have been deducted; and
- (b) advise the collection officer accordingly.

(8) The employer shall continue to make deductions in accordance with the order, or any variation of it, until—

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- (a) the employer is notified by the appropriate authority that the order has been discharged; or
  - (b) as a result of deductions made under the order, the balance of the full amount to be recovered from the debtor's earnings is nil.
- (9) Amounts deducted by an employer shall be paid in accordance with the order by the 19th day of the month following the month in which the deduction is made.
- (10) Such payment may be made by—
- (a) direct credit transfer;
  - (b) debit or credit card;
  - (c) cheque; or
  - (d) cash.
- (11) The employer shall keep a record of every payment made under this regulation and of the debtor in respect of whom each such payment is made.