

## SCHEDULES

### SCHEDULE 1

Sections 46, 79.

#### APPLICATION OF THE MAINTENANCE ORDERS ACT 1958 TO ATTACHMENT OF EARNINGS ORDERS UNDER SECTION 46 OR 79.

- 1 The provisions of Part II of the Maintenance Orders Act 1958 and so much of Part III of that Act as relates to the said Part II shall apply in relation to an attachment of earnings order under section 46 or 79 of this Act as they apply in relation to an attachment of earnings order under section 6(1) of that Act, subject, however, to the exceptions and modifications specified in the following provisions of this Schedule.
- 2 Sections 6(1) and (2), 7, 8, 9(3) to (5) and 13(1) and (2) of that Act shall not apply in relation to an attachment of earnings order under section 46 or 79 of this Act.
- 3 Section 6(3) of that Act shall have effect in relation to any such order as if—
  - (a) it required the order to specify, in addition to the matters required to be specified by that subsection, the amount payment of which is to be secured by means of the order; and
  - (b) the normal deduction rate required by paragraph (a) of that subsection to be specified in an order under that section were the rate at which the court making or varying the order thinks it reasonable that the earnings to which the order relates should be applied from time to time in order to pay the said amount.
- 4 Section 9(1) of that Act shall have effect in relation to any such order as if for the reference to a person entitled to receive payments under the related maintenance order there were substituted a reference to the clerk Of the court.
- 5 Section 9(2) of that Act shall have effect in relation to an attachment of earnings order under section 46 or 79 of this Act as if for paragraphs (a) to (e) there were substituted the words " upon the payment of the whole of the amount payment of which is to be secured by means of the order or the issue of a warrant committing the offender to prison for default in paying it. "
- 6 In section 10(2) of that Act the reference to attachment of earnings orders shall be construed as including a reference to attachment of earnings orders under section 46 or 79 of this Act.
- 7 Section 20(5)(i) of that Act shall have effect in relation to an attachment of earnings order under section 46 or 79 of this Act as if for the reference to a sum due under the related maintenance order there were substituted a reference to a sum due to the clerk of the court and as if the subsection required the clerk to give to the person to whom the order is directed notice of any variation determined by a magistrates' court thereunder.