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SCHEDULES

SCHEDULE 3

Sections 6 and 7.

DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

Modifications etc. (not altering text)

C1 Sch. 3 modified by S.I. 1989/438, **reg. 37(2)**

C2 Sch. 3 modified (1.4.1992) by S.I. 1992/613, **reg. 42(2)(b)**.

PART I

SCHEME OF DEDUCTIONS

Preliminary definitions

1 The following three paragraphs have effect for defining and explaining, for purposes of this Schedule, expressions used therein.

2 "Pay-day", in relation to earnings paid to a debtor, means an occasion on which they are paid.

3 "Attachable earnings", in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—

(a) income tax;

[[F1](b) . . . . . [F2]

(bb) primary class 1 contributions under Part I of the [M1]Social Security Act 1975**]**

[[F3](c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sums—

(i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or

(ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise,

whether with or without any further or other benefits.**]**

Textual Amendments

F1 Paras. 3(*b*)(*bb*) substituted for para. 3(*b*) by Social Security (Consequential Provisions) Act 1975 (c. 18), **Sch. 2 Pt. I para. 43**

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F2 Para. 3(*b*) repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5**
F3 Para. 3(*c*) substituted by Wages Act 1986 (c. 48, SIF 43:2), s. 32(1), **Sch. 4 para. 4**

Marginal Citations
M1 1975 c. 60.

[F4 4 (1) On any pay-day—
(a) "the normal deduction" is arrived at by applying the normal deduction rate (as specified in the relevant attachment of earnings order) with respect to the relevant period; and
(b) "the protected earnings" are arrived at by applying the protected earnings rate (as so specified) with respect to the relevant period.

(2) For the purposes of this paragraph the relevant period in relation to any pay-day is the period beginning—
(a) if it is the first pay-day of the debtor's employment with the employer, with the first pay day of the employment; or
(b) if on the last pay-day earnings were paid in respect of a period falling wholly or partly after that pay-day, with the first day after the end of that period; or
(c) in any other case, with the first day after the last pay-day, and ending—
(i) where earnings are paid in respect of a period falling wholly or partly after the pay-day, with the last day of that period; or
(ii) in any other case, with the pay-day.]

Textual Amendments
F4 Para. 4 substituted by Administration of Justice Act 1982 (c. 53, SIF 37), **s. 54**

Employer's deduction (judgment debts and administration orders)

5 In the case of an attachment of earnings order made to secure the payment of a judgment debt or payments under an administration order, the employer shall on any pay-day—
(a) if the attachable earnings exceed the protected earnings, deduct from the attachable earnings the amount of the excess or the normal deduction, whichever is the less;
(b) make no deduction if the attachable earnings are equal to, or less than, the protected earnings.

Employer's deduction (other cases)

6 (1) The following provision shall have effect in the case of an attachment of earnings order to which paragraph 5 above does not apply.

(2) If on a pay-day the attachable earnings exceed the sum of—
(a) the protected earnings; and
(b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this sub-paragraph on another previous pay-day,

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then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in the following sub-paragraph.

(3) The said amount is the sum of—

(a) the normal deduction; and

(b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this sub-paragraph on any other previous pay-day.

(4) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.

VALID FROM 03/07/2006

[[F5]6A In the case of an attachment of earnings order made under Schedule 5 to the Courts Act 2003, the employer shall make deductions from the debtor's earnings in accordance with fines collection regulations made under that Schedule.**]**

Textual Amendments

F5 Sch. 3 para. 6A inserted (3.7.2006) by The Collection of Fines (Final Scheme) Order 2006 (S.I. 2006/1737), **art. 45(b)**

PART II

PRIORITY AS BETWEEN ORDERS

7 Where the employer is required to comply with two or more attachment of earnings orders in respect of the same debtor, all or none of which orders are made to secure either the payment of judgment debts or payments under an administration order, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule,—

(a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;

(b) deal with any later order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with any earlier order.

8 Where the employer is required to comply with two or more attachment of earnings orders, and one or more (but not all) of those orders are made to secure either the payment of judgment debts or payments under an administration order, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule—

(a) deal first with any order which is not made to secure the payment of a judgment debt or payments under an administration order (complying with paragraph 7 above if there are two or more such orders); and

(b) deal thereafter with any order which is made to secure the payment of a judgment debt or payments under an administration order as if the earnings to which it relates were the residue of the debtor's earnings after the making

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of any deduction to comply with an order having priority by virtue of sub-paragraph (*a*) above; and

(c) if there are two or more orders to which sub-paragraph (*b*) above applies, comply with paragraph 7 above in respect of those orders.

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