

SCHEDULES

SCHEDULE 3

DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

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;
 - (b) contributions under any of the following enactments—
 - the National Insurance Act 1965,
 - the National Insurance (Industrial Injuries) Act 1965, or
 - the National Health Service Contributions Act 1965 ;
 - (c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme within the meaning of the Wages Councils Act 1959.
- 4 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 period since the last pay-day or, if it is the first pay-day of the debtor's employment with the employer, since the employment began ; and
 - (b) " the protected earnings " are arrived at by applying the protected earnings rate (as so specified) with respect to the said period.

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.

Status: This is the original version (as it was originally enacted).

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,
- 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.