



Attachment of Earnings Act 1971

1971 CHAPTER 32

Miscellaneous provisions

23 Enforcement provisions.

- (1) If, after being served with notice of an application to [^{F1}the county court] for an attachment of earnings order or for the variation of such an order [^{F2}or with an order made under section 14(2)(b) above], the debtor fails to attend on the day and at the time specified for any hearing of the application [^{F3}or specified in the order], the court may adjourn the hearing and order him to attend at a specified time on another day; and if the debtor—
- (a) fails to attend at that time on that day; or
 - (b) attends, but refuses to be sworn or give evidence,
- he may be ordered by [^{F4}the court] to be imprisoned for not more than fourteen days.
- [^{F5}(1A) In any case where [^{F4}the court] has power to make an order of imprisonment under subsection (1) for failure to attend, [^{F6}the court] may, in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as [^{F4}the court] may direct.]
- (2) Subject to this section, a person commits an offence if—
- (a) being required by section 7(1) or 9(2) of this Act to comply with an attachment of earnings order, he fails to do so; or
 - (b) being required by section 7(2) of this Act to give a notice for the purposes of that subsection, he fails to give it, or fails to give it within the time required by that subsection; or
 - (c) he fails to comply with an order under section 14(1) of this Act or with any such requirement of a notice of application for an attachment of earnings order as is mentioned in section 14(4), or fails (in either case) to comply within the time required by the order or notice; or
 - (d) he fails to comply with section 15 of this Act; or
 - (e) he gives a notice for the purposes of section 7(2) of this Act, or a notification for the purposes of section 15, which he knows to be false in a material

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- particular, or recklessly gives such a notice or notification which is false in a material particular; or
- (f) in purported compliance with section 7(2) or 15 of this Act, or with an order under section 14(1), or with any such requirement of a notice of application for an attachment of earnings order as is mentioned in section 14(4), he makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular.
- (3) Where a person commits an offence under subsection (2) above in relation to proceedings in, or to an attachment of earnings order made by, the High Court or [^{F1}the county court], he shall be liable on summary conviction to a fine of not more than [^{F7}level 2 on the standard scale] or he may be ordered by a judge of the High Court or [^{F8}by the county court] (as the case may be) to pay a fine of not more than [^{F9} £250] or, in the case of an offence specified in subsection (4) below, to be imprisoned for not more than fourteen days; and where a person commits an offence under subsection (2) otherwise than as mentioned above in this subsection, he shall be liable on summary conviction to a fine of not more than [^{F7}level 2 on the standard scale].
- (4) The offences referred to above in the case of which a judge [^{F10}or court] may impose imprisonment are—
- (a) an offence under subsection (2)(c) or (d), if committed by the debtor; and
- (b) an offence under subsection (2)(e) or (f), whether committed by the debtor or any other person.
- (5) It shall be a defence—
- (a) for a person charged with an offence under subsection (2)(a) above to prove that he took all reasonable steps to comply with the attachment of earnings order in question;
- (b) for a person charged with an offence under subsection (2)(b) to prove that he did not know, and could not reasonably be expected to know, that the debtor was not in his employment, or (as the case may be) had ceased to be so, and that he gave the required notice as soon as reasonably practicable after the fact came to his knowledge.
- (6) Where a person is convicted or dealt with for an offence under subsection (2)(a), the court may order him to pay, to whoever is the collecting officer of the court for the purposes of the attachment of earnings order in question, any sums deducted by that person from the debtor's earnings and not already paid to the collecting officer.
- (7) Where under this section a person is ordered by a judge of the High Court or [^{F11}by the county court] to be imprisoned, the judge [^{F12}or court] may at any time revoke the order and, if the person is already in custody, order his discharge.
- (8) Any fine imposed by a judge of the High Court under subsection (3) above and any sums ordered by the High Court to be paid under subsection (6) above shall be recoverable in the same way as a fine imposed by that court in the exercise of its jurisdiction to punish for contempt of court; [^{F13}section 129 of the County Courts Act 1984] (enforcement of fines) shall apply to payment of a fine imposed by [^{F14}the county court] under subsection (3) and of any sums ordered by [^{F14}the county court] to be paid under subsection (6); and any sum ordered by a magistrates' court to be paid under subsection (6) shall be recoverable as a sum adjudged to be paid on a conviction by that court.

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(9) For the purposes of section 13 of the ^{M1}Administration of Justice Act 1960 (appeal in cases of contempt of court), subsection (3) above shall be treated as an enactment enabling the High Court or [^{F1}the county court] to deal with an offence under subsection (2) above as if it were contempt of court.

(10) In this section references to proceedings in a court are to proceedings in which that court has power to make an attachment of earnings order or has made such an order.

[^{F15}(10A) This section applies in relation to the family court as it applies in relation to the county court, but as if the reference in subsection (8) to section 129 of the County Courts Act 1984 were a reference to section 31L(1) of the Matrimonial and Family Proceedings Act 1984.]

^{F16}(11)

Textual Amendments

- F1** Words in Act substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(3\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words inserted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 53(2)(a)
- F3** Words inserted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 53(2)(b)
- F4** Words in s. 23(1)(1A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** S. 23(1A) inserted by [Contempt of Court Act 1981 \(c. 49, SIF 39:3\)](#), s. 14(5), [Sch. 2 Pt. III para. 6](#)
- F6** Words in s. 23(1A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46
- F8** Words in s. 23(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** Words in s. 23(3) substituted (1.10.1992) by virtue of [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. I](#) (with s. 28); S.I. 1992/333, art. 2(2), [Sch. 2](#).
- F10** Words in s. 23(4) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(d\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F11** Words in s. 23(7) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(e\)\(i\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 23(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(e\)\(ii\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 para. 41](#)
- F14** Words in s. 23(8) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(f\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F15** S. 23(10A) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 33](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F16** S. 23(11) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 25\(5\)\(g\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Modifications etc. (not altering text)

- C1** S. 23(3): power to amend conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 6A](#) (as substituted 1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. IV](#) (with s. 28); [S.I. 1992/333](#), art. 2(2), [Sch.2](#))

Marginal Citations

- M1** 1960 c. 65.

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Changes and effects yet to be applied to :

- s. 23(1) words substituted by [2007 c. 15 Sch. 15 para. 20\(a\)](#)
- s. 23(1) words substituted by [2007 c. 15 Sch. 15 para. 20\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

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

- s. 6(1A)(1B) inserted by [2007 c. 15 Sch. 15 para. 2\(2\)](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 6A inserted by [2007 c. 15 Sch. 15 para. 3](#)
- s. 9(1A) inserted by [2007 c. 15 Sch. 15 para. 4](#)
- s. 9A inserted by [2007 c. 15 Sch. 15 para. 5](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 14(1A) inserted by [2007 c. 15 Sch. 15 para. 10](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 14(2A) inserted by [2007 c. 15 Sch. 15 para. 12](#)
- s. 14(4A)(4B) inserted by [2007 c. 15 Sch. 15 para. 14](#)
- s. 15A-15D inserted by [2007 c. 15 s. 92](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 17(4) inserted by [2007 c. 15 Sch. 15 para. 18](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 23(1ZA) inserted by [2007 c. 15 Sch. 15 para. 21](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))
- s. 25(2)(c) words inserted by [2007 c. 15 Sch. 15 para. 22](#)
- s. 25(2)(f) words inserted by [2007 c. 15 Sch. 15 para. 22](#)
- Sch. 3A inserted by [2007 c. 15 Sch. 15 para. 7](#) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3))