



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART VII

#### MISCELLANEOUS

##### *Amendments of Attachment of Earnings Act 1971*

#### **53 Power to order debtor to appear before court where attachment of earnings order is in force**

(1) In section 14(2) of the Attachment of Earnings Act 1971 (power of court to make certain orders where an attachment of earnings order is in force) for the words from "make such " to the end there shall be substituted the words—

“(a) make such an order as is described in subsection (1)(a) or (b) above ;  
and

(b) order the debtor to attend before it on a day and at a time specified in the order to give the information described in subsection (1)(a) above.”.

(2) In section 23(1) of that Act (enforcement provisions)—

(a) after the words " an order " there shall be inserted the words " or with an order made under section 14(2) (b) above "; and

(b) after the words " hearing of the application " there shall be inserted the words " or specified in the order ".

#### **54 Deductions by employer under attachment of earnings order**

The following paragraph shall be substituted for paragraph 4 of Schedule 3 to the Attachment of Earnings Act 1971 (deductions by employer under attachment of earnings order)—

“4 (1) On any pay-day—

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*Status: This is the original version (as it was originally enacted).*

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- (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 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 payday, 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.”.