

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Amendment of section 14: Power of court to obtain information is up to date with all changes known to be in force on or before 26 October 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 15

ATTACHMENT OF EARNINGS ORDERS: DEDUCTIONS AT FIXED RATES

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of section 14: Power of court to obtain information

9 In section 14(1) (power of court to order debtor and employer to provide specified information), for “an attachment of earnings order” substitute “ a Schedule 3 deductions order ”.

10 After section 14(1) insert—

“(1A) Where in any proceedings [^{F1}the county court] has power to make a fixed deductions order, the court may order the debtor to give to the court, within a specified period, a statement signed by him of—

- (a) the name and address of any person by whom earnings are paid to him; and
- (b) specified particulars for enabling the debtor to be identified by any employer of his.”

Annotations:

Amendments (Textual)

- F1** Words in [Sch. 15 para. 10](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

11 In section 14(2) (powers of court after attachment of earnings order has been made), for the words from “Where” to “in force—” substitute “ At any time when a Schedule 3 deductions order is in force, the court or the fines officer, as the case may be, may— ”.

12 After section 14(2) insert—

“(2A) At any time when a fixed deductions order is in force, the court may—

- (a) make such an order as is described in subsection (1A) above; and

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- (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 (1A) above.”
- 13 In section 14(4) (rules of court about notice of application for attachment or earnings order), for the words from “give” to “the application.” substitute “, within such period and in such manner as may be prescribed, give the court a statement in accordance with subsection (4A) or (4B).”
- 14 After section 14(4) insert—
- “(4A) In a case where the attachment of earnings order would, if made, be a Schedule 3 deductions order, the debtor must give a statement in writing of—
- (a) the matters specified in subsection (1)(a) above, and
- (b) any other prescribed matters which are, or may be, relevant under section 6 of this Act to the determination of the normal deduction rate and the protected earnings rate to be specified in any attachment of earnings order made on the application.
- (4B) In a case where the attachment of earnings order would, if made, be a fixed deductions order, the debtor must give a statement in writing of the matters specified in subsection (1A) above.”
- 15 In section 14(5) (certain statements in proceedings for making or varying etc attachment of earnings orders deemed to be evidence of facts stated), after “subsection (1)(a) or (b)” insert “ or (1A) ”.

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

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

- s. 11(5)(ca)(cb) inserted by [2016 anaw 6 s. 116\(1\)](#)
- s. 11(5)(cc) inserted by [2016 anaw 6, s. 181I\(1\)](#) (as inserted) by [2017 anaw 1 Sch. 23 para. 63](#)
- s. 13(8)(ba)(bb) inserted by [2016 anaw 6 s. 116\(2\)](#)
- s. 13(8)(bc) inserted by [2016 anaw 6, s. 13\(8\)\(bc\)](#) (as inserted) by [2017 anaw 1 Sch. 23 para. 63](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 63(3)(ba) inserted by [2016 anaw 6 s. 170\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)