

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

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SCHEDULES

PROSPECTIVE

SCHEDULE 15

ATTACHMENT OF EARNINGS ORDERS: DEDUCTIONS AT FIXED RATES

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment of section 5: Securing payments under administration order

- 8 In section 5(3) (power of county court to direct existing attachment of earnings order to secure administration order), for the words in brackets substitute “ (with the variation required by paragraph 11 of Schedule 3A and such other variations, if any, as the court thinks appropriate) ”.

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— ”.

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- 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
- (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) ”.

Amendment of section 15: Obligation of debtor and employer to notify changes

- 16 (1) Section 15(1) is amended as follows.
- (2) In paragraph (b) (obligation to notify of court of earnings under new employment) at the beginning insert “ if the order is a Schedule 3 deductions order, ”.
- (3) In paragraph (c) (obligation of employer to notify court of debtor's new employment and earnings) for “and include” insert “ and, if the order is a Schedule 3 deductions order, include ”.

Amendment of section 17: Consolidated attachment orders

- 17 (1) Section 17(3) (rules of court made in connection with consolidated attachment orders) is amended as follows.
- (2) In paragraph (b) (rules relating to powers of court to which order etc transferred), after “vary” insert “ , suspend ”.
- (3) In paragraph (e) (rules modifying or excluding statutory provisions), after “provisions of this Act” insert “ , the fixed deductions scheme ”.
- 18 After section 17(3) insert—

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“(4) Section 6(1A) applies to a consolidated attachment order which [^{F2}the county court] makes to secure the payment of two or more judgment debts even if, immediately before the order is made, one or more of those debts is secured by a Schedule 3 deductions order.”

Annotations:

Amendments (Textual)

- F2** Words in [Sch. 15 para. 18](#) 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](#))

Amendment of section 23: Enforcement provisions

- 19 Section 23 is amended as follows.
- 20 In subsection (1) (failure of debtor to attend hearing)—
- (a) for the words from “notice of an application” to “such an order” substitute “relevant notice,”;
 - (b) for “for any hearing of the application” substitute “in the notice for any hearing,”.
- 21 After subsection (1) insert—
- “(1ZA) In subsection (1) “relevant notice” means any of the following—
- (a) notice of an application to [^{F3}the county court] to make, vary or suspend an attachment of earnings order;
 - (b) notice that [^{F3}the county court] is, of its own motion, to consider making, varying or suspending an attachment of earnings order.”

Annotations:

Amendments (Textual)

- F3** Words in [Sch. 15 para. 21](#) 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](#))

- 22 In subsection (2)(c) and (f) (offences related to attachment of earnings orders)—
- (a) after “section 14(1)” insert “or (1A)”.
 - (b) after “attachment of earnings order” insert “or suspension order”.

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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)