



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Attachment of earnings

Attachment of earnings order

18.—(1) An attachment of earnings order is an order requiring the person to whom the order is directed to make such payments as are specified in the order out of the earnings which are payable to the debtor for the purpose of securing payment of the outstanding amount.

(2) An attachment of earnings order may be made only in the case of a debtor who, at the time the order is made, is an individual aged 18 or over.

(3) The person to whom an attachment of earnings order is directed must be a person who appears to the court or collection officer (according to which of them is making the order) to employ the debtor; and references in this section, section 19 and Schedule 1 to the employer, in relation to an attachment of earnings order, are to be read accordingly.

(4) An attachment of earnings order must—

- (a) contain particulars specified in regulations enabling the debtor to be identified by the employer,
- (b) contain particulars specified in regulations of the amount to be recovered by the order,

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- (c) specify the rate calculated in accordance with regulations as the rate at which amounts are to be deducted from the debtor's earnings,
- (d) specify to whom payments are to be made,
- (e) contain information about how to contact the collection officer, and
- (f) contain such other information as may be specified in regulations.

(5) A person is to be treated as employing another person if that person, as principal and not as a servant or agent, pays to the other person sums defined as “earnings” for the purposes of this section.

(6) In this section, “earnings” has such meaning as is specified in regulations.

(7) Schedule 1, which makes further provision in relation to attachment of earnings orders, has effect.

[^{F1}(8) For provision as to the disclosure of information for the purposes of this section, see Part 3B of Schedule 5 to the Courts Act 2003.]

Textual Amendments

- F1** S. 18(8) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Collection of Fines etc. \(Northern Ireland Consequential Amendments\) Order 2017 \(S.I. 2017/570\)](#), arts. 1(2), **2(4)**

Commencement Information

- I1** S. 18(1)-(3) in operation at 1.6.2018 by [S.R. 2018/99](#), **art. 2(a)**
- I2** S. 18(4)(6) in operation at 3.10.2016 for specified purposes by [S.R. 2016/248](#), **art. 4(e)**
- I3** S. 18(4)(6) in operation at 1.6.2018 in so far as not already in operation by [S.R. 2018/99](#), **art. 2(a)**
- I4** S. 18(5)(7) in operation at 1.6.2018 by [S.R. 2018/99](#), **art. 2(a)**

Statement of earnings

19.—(1) Where the court or a collection officer is proposing to make an attachment of earnings order, the court or collection officer may give a direction under subsection (2) or (3).

(2) A direction under this subsection is a direction to the debtor to provide within the period specified in regulations a statement signed by the debtor of—

- (a) the name and address of any employer the debtor has;
- (b) particulars specified in regulations of the debtor's earnings and expected earnings, and of the debtor's resources and needs (including the needs of any person for whom the debtor must, or reasonably may, provide);
- (c) particulars specified in regulations of any matters which are, or may be, relevant to the determination of the rate of deduction for the purposes of section 18(4)(c);

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(d) particulars specified in regulations for enabling the debtor to be identified by the debtor's employer.

(3) A direction under this subsection is a direction to the debtor's employer to provide within a period specified in regulations a statement signed by or on behalf of that person of particulars specified in the regulations of the debtor's earnings or expected earnings.

(4) Where an attachment of earnings order has been made, the responsible court or the collection officer (regardless of which of them made the order) may at any time while the order is in force give a direction under subsection (2) or (3).

(5) A document purporting to be a statement such as is mentioned in subsection (2) or (3) is, in proceedings for or arising out of an attachment of earnings order, to be received in evidence and deemed to be such a statement without further proof, unless the contrary is shown.

(6) A person commits an offence if the person fails, without reasonable excuse, to comply with a direction under subsection (2) or (3).

(7) A person commits an offence if, in providing information in response to a direction under subsection (2) or (3), the person—

- (a) provides information which the person knows to be false in a material particular,
- (b) recklessly provides information which is false in a material particular, or
- (c) knowingly fails to disclose a material fact.

Commencement Information

- I5** S. 19(1) in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)
- I6** S. 19(2)(3) in operation at 3.10.2016 for specified purposes by S.R. 2016/248, art. 4(f)
- I7** S. 19(2)(3) in operation at 1.6.2018 in so far as not already in operation by S.R. 2018/99, art. 2(a)
- I8** S. 19(4)-(7) in operation at 1.6.2018 by S.R. 2018/99, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Cross Heading: Attachment of earnings.