

SCHEDULES

SCHEDULE 1

ATTACHMENT OF EARNINGS ORDERS

Crown employment

9.—(1) Where a debtor is employed by the Crown and an attachment of earnings order is made in relation to the debtor—

- (a) the chief officer for the time being of the government department, office or other body in which the debtor is employed is to be treated as employing the debtor (any transfer of the debtor from one department, office or body to another being treated as a change of employment), and
- (b) any earnings paid by the Crown, a Minister of the Crown or a government department, or out of the public revenue of the United Kingdom or Northern Ireland, are to be treated as paid by that chief officer.

(2) The reference in sub-paragraph (1)(a) to the department, office or other body in which the debtor is employed is, in the case of a debtor whose earnings are paid by the body as principal and who is accordingly treated by virtue of section 18(5) as being employed by the body, to be read as a reference to the body by which earnings are paid to the debtor in that capacity.

(3) If a question arises in proceedings for or arising out of an attachment of earnings order as to which department, office or other body is concerned for the purposes of this paragraph, or as to who for those purposes is the chief officer of the body concerned, the question is to be referred to and determined by the Department of Finance and Personnel or (as the case may require) the Minister for that Department.

(4) A reference under sub-paragraph (3) is to be made by the collection officer or court making, or proposing to make, the attachment of earnings order.

(5) A document purporting to set out a determination of the Department of Finance and Personnel under sub-paragraph (3) and to be signed by an officer of that Department, or a determination of the Minister of that Department under that sub-paragraph and to be signed on behalf of that Minister, is in any proceedings for or arising out of an attachment of earnings order to be admissible in evidence and deemed to contain an accurate statement of the determination unless the contrary is shown.

(6) In this paragraph, “government department” includes a department of the government of the United Kingdom.