

## SCHEDULES

### SCHEDULE 1

#### DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

### PART I

#### DEDUCTIONS

##### Preliminary definitions

1. Subject to paragraph 9, paragraphs 2 to 6 have effect for defining and explaining, for purposes of this Schedule, expressions used therein.
2. “Pay-day”, in relation to earnings paid to a debtor, means an occasion on which they are paid.
3. “Attachable earnings”, in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—
  - (a) income tax;
  - (b) primary Class 1 contributions under Part I of the Social Security (Northern Ireland) Act 1975 ;
  - [<sup>F1</sup>(c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any statutory provision, rules, deed or other instrument providing for the payment of annuities or lump sums—
    - (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
    - (ii) to the personal representatives or the [<sup>F2</sup>surviving spouses, surviving civil partners,] relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits.]

**F1** 1988 NI 7

**F2** Words in Sch. 1 para. 3(c)(ii) substituted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 139 (with regs. 6-9)

4. “Debtor” includes, in relation to the attachment of earnings to enforce a maintenance order, the person liable to make payments under the order.
5. “Maintenance order” means an order such as is mentioned in Article 98( a).
6. On any pay-day—
  - (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 period since the last pay-day or, if it is the first pay-day of the debtor's employment with the employer, since the employment began; and

- (b) “the protected earnings” are arrived at by applying the protected earnings rate (as so specified) with respect to the said period.

Employer's deduction

- 7.—(1) This paragraph applies where the attachment of earnings order has been made—
  - (a) by the Office, or
  - (b) by a court otherwise than to secure payments under a maintenance order.
- (2) The employer shall on any pay-day—
  - (a) if the attachable earnings exceed the protected earnings, deduct from the attachable earnings the amount of the excess or the normal deduction, whichever is the less;
  - (b) make no deduction if the attachable earnings are equal to, or less than, the protected earnings.

- 8.—(1) This paragraph applies where the attachment of earnings order has been made by the High Court to secure payments under a maintenance order.
- (2) If on a pay-day the attachable earnings exceed the sum of—
  - (a) the protected earnings; and
  - (b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this sub-paragraph on another previous pay-day,

then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in sub-paragraph (3).

- (3) The said amount is the sum of—
  - (a) the normal deduction; and
  - (b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this sub-paragraph on any other previous pay-day.
- (4) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.

**Changes to legislation:**

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, PART I.