

SCHEDULES

SCHEDULE 1

DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

PART II

PRIORITY AS BETWEEN ORDERS

9. For the purposes of this Part—

“attachment of earnings order” includes such an order made by a court of summary jurisdiction under^[F1] Article ^[F2]100(1) of the Magistrates' Courts (Northern Ireland) Order 1981 ^[F3]and such an order under section 18 of the Justice Act (Northern Ireland) 2016 ^[F4];

^[F4]“collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016^[F5];

“maintenance order” includes an order which is to be enforced as mentioned in ^[F5]Article 100(1) of the Magistrates' Courts (Northern Ireland) Order 1981^[F6].

F1 1981 NI 26

F2 Word in Sch. 1 para. 9 substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(2\)\(a\)\(i\)](#); S.R. 2018/99, art. 2(b)

F3 Words in Sch. 1 para. 9 inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(2\)\(a\)\(ii\)](#); S.R. 2018/99, art. 2(b)

F4 Words in Sch. 1 para. 9 inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(2\)\(b\)](#); S.R. 2018/99, art. 2(b)

F5 Words in Sch. 1 para. 9 substituted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(2\)\(c\)](#); S.R. 2018/99, art. 2(b)

10. Where the employer is required to comply with two or more attachment of earnings orders in respect of the same debtor, all or none of which have been made ^{F6}... to secure payments under maintenance orders ^[F7]or collection orders^[F8], then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule or, in the case of an attachment of earnings order made by a court of summary jurisdiction, with^[F8] paragraphs (2) to (4) of Article 102 of the Magistrates' Courts (Northern Ireland) Order 1981^[F9]

(a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;

(b) deal with any later order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with any earlier order.

F6 Words in Sch. 1 para. 10 omitted (1.6.2018) by virtue of [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(3\)\(a\)](#); S.R. 2018/99, art. 2(b)

F7 Words in Sch. 1 para. 10 inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\), s. 61\(2\), Sch. 1 para. 8\(3\)\(b\)](#); S.R. 2018/99, art. 2(b)

F8 1981 NI 26

11. Where the employer is required to comply with two or more attachment of earnings orders, and one or more (but not all) of those are orders made ^{F9}... to secure payments under maintenance orders [^{F10}or collection orders], then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule, or, in the case of an attachment of earnings order made by a court of summary jurisdiction, with^{F11} paragraphs (2) to (4) of Article 102 of the Magistrates' Courts (Northern Ireland) Order 1981]

- (a) deal first with any order or orders made ^{F9}...to secure payments under a maintenance order [^{F12}or a collection order] (complying with paragraph 10 if there are two or more such orders); and
- (b) deal thereafter with any order other than one made ^{F9}... to secure payments under a maintenance order [^{F13}or a collection order] as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with an order having priority by virtue of sub-paragraph (a); and
- (c) if there are two or more orders to which sub-paragraph (b) applies, comply with paragraph 10 in respect of those orders.

F9 Words in Sch. 1 para. 11 omitted (1.6.2018) by virtue of Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), Sch. 1 para. 8(4)(a); S.R. 2018/99, art. 2(b)

F10 Words in Sch. 1 para. 11 inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), Sch. 1 para. 8(4)(b); S.R. 2018/99, art. 2(b)

F11 1981 NI 26

F12 Words in Sch. 1 para. 11(a) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), Sch. 1 para. 8(4)(c); S.R. 2018/99, art. 2(b)

F13 Words in Sch. 1 para. 11(b) inserted (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), s. 61(2), Sch. 1 para. 8(4)(c); S.R. 2018/99, art. 2(b)

Changes to legislation:

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