
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 102

**The Enforcement of Fines and Other
Penalties Regulations (Northern Ireland) 2018**

PART 3

ATTACHMENT OF EARNINGS ORDERS

Discharge of order

15.—(1) For the purpose of paragraph 7(5) of Schedule 1 to the Act, an attachment of earnings order is to be regarded as failing if—

- (a) the employer cannot be found;
- (b) the employer fails to comply with the order;
- (c) it appears that the debtor is not in the employment of the person to whom the order is directed; or
- (d) the debtor's employment with the person to whom the order is directed ceases before the outstanding amount is paid in full.

(2) The appropriate authority may discharge an attachment of earnings order on its own motion where—

- (a) the order fails; or
- (b) it considers that an attachment of earnings order is no longer appropriate.

(3) An application to discharge an attachment of earnings order shall be made in Form 2, as set out in Schedule 1, and shall specify the grounds on which the application is made.

(4) Where the debtor applies for the discharge, the debtor shall serve a copy of the application on—

- (a) where the responsible court made the attachment of earnings order—
 - (i) the proper officer; and
 - (ii) the collection officer; or
- (b) where the collection officer made the order, the collection officer.

(5) Where the responsible court made the attachment of earnings order and the collection officer applies for its discharge, the collection officer shall serve a copy of the application on—

- (a) the proper officer; and
- (b) the debtor.

(6) An application to the responsible court may be determined with or without a hearing.

(7) Where there is a hearing, the proper officer shall notify the debtor and the collection officer of the time, date and place of the hearing.

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(8) Notice of discharge of an attachment of earnings order shall be in Form 3, as set out in Schedule 1.

(9) Where the responsible court discharges an attachment of earnings order, the proper officer shall, in addition to serving notice of the discharge on the employer, as soon as is practicable, notify the debtor and the collection officer of the court's decision.

(10) Where the collection officer discharges an attachment of earnings order, the officer shall, in addition to serving notice of the discharge on the employer, as soon as is practicable, notify the debtor of the officer's decision.

(11) Where an order is discharged, regulation 12(9) nevertheless applies in respect of any deductions made but not yet paid.