

1971 No. 809 (L.18)

**MAGISTRATES' COURTS****PROCEDURE****The Magistrates' Courts (Attachment of Earnings) Rules 1971**

<i>Made</i> - - -	13th May 1971
<i>Laid before Parliament</i>	21st May 1971
<i>Coming into Operation</i>	2nd August 1971

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), section 5 of the Justices of the Peace Act 1968(c) and sections 6(3), 9(3), 12(1), 17(3), 19(2), 20(4) and 26(2) of the Attachment of Earnings Act 1971(d), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules :—

*Citation and operation*

1. These Rules may be cited as the Magistrates' Courts (Attachment of Earnings) Rules 1971 and shall come into operation on 2nd August 1971.

*Interpretation*

2.—(1) Sections 2 and 25(1) of the Act shall apply to the interpretation of these Rules as they apply to the interpretation of the Act.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) Any reference in these Rules to "the Act" is a reference to the Attachment of Earnings Act 1971.

(4) Any reference in these Rules to any enactment or rule is a reference to that enactment or rule as amended by any enactment or rule.

(5) Any reference in these Rules to a form in the Schedule to these Rules shall include a reference to a form to the like effect with such variations as the circumstances may require.

(6) Any reference in these Rules to an attachment of earnings order shall be construed subject to the provisions of Rule 23.

(a) 1949 c. 101.  
(c) 1968 c. 69.  
(e) 1889 c. 63.

(b) 1952 c. 55.  
(d) 1971 c. 32.

*Revocation*

3.—(1) Rules 10 to 20 and 23(2) of the Magistrates' Courts (Maintenance Orders Act 1958) Rules 1959(a), the Magistrates' Courts (Attachment of Earnings) Rules 1967(b) and paragraph 9 of the Schedule to the Justices' Clerks Rules 1970(c) are hereby revoked.

(2) The forms numbered 13, 14 and 20 in the Schedule to the Magistrates' Courts (Maintenance Orders Act 1958) Rules 1959 shall be omitted therefrom.

*Jurisdiction as respects complaints for an attachment of earnings order*

4. A magistrates' court shall have jurisdiction to hear a complaint for an attachment of earnings order if it would have jurisdiction to enforce payment of any arrears under the related maintenance order.

*Attachment of earnings order*

5. An attachment of earnings order shall be in the form numbered 1 in the Schedule to these Rules.

*Service of orders and notices*

6.—(1) Where a magistrates' court makes an attachment of earnings order or an order varying or discharging such an order, the clerk of the court shall cause a copy of the order to be served on the employer and shall send a copy of the order to the debtor.

(2) Where an attachment of earnings order made by a magistrates' court ceases to have effect as provided in section 8 or 11 of the Act, notice of cessation shall be given to the employer.

(3) The notice required by the preceding paragraph shall be given by the clerk of the magistrates' court—

- (a) which made or confirmed the maintenance order (in a case to which section 11(1)(c) of the Act applies);
- (b) in which the maintenance order is registered under any enactment (in a case to which section 11(1)(a), (b) or (d) of the Act applies);
- (c) which issued the warrant of commitment or exercised the power conferred by section 65(2) of the Magistrates' Courts Act 1952 (in a case to which section 8 of the Act applies).

*Particulars of debtor*

7. The particulars of the debtor for the purpose of enabling him to be identified which, so far as they are known, are to be included in an attachment of earnings order under section 6(3) of the Act shall be—

- (a) full name and address;
- (b) place of work;
- (c) nature of work and works number, if any.

*Notice of application for appropriate variation order*

8. The clerk of a magistrates' court, by which an application under section 10 of the Act for the appropriate variation of an attachment of earnings order is to be heard, shall give notice in writing of the time and place appointed for the hearing of the application to the person entitled to receive payment under the related maintenance order (whether directly or through the officer of any court).

(a) S.I. 1959/3 (1959 I, p. 1646).

(b) S.I. 1967/1659 (1967 III, p. 4517).

(c) S.I. 1970/231 (1970 I, p. 959).

*Jurisdiction as respects complaints for the discharge and variation of attachment of earnings orders*

9.—(1) This Rule shall apply to a complaint for the discharge or variation of an attachment of earnings order except where the related maintenance order—

- (a) is an affiliation order to which section 88(2)(a) of the Children and Young Persons Act 1933(a) applies ;
- (b) is an order made under section 87 of that Act ;
- (c) is an order made under section 43 of the National Assistance Act 1948(b) ;
- (d) is an order made under section 30 of the Children and Young Persons Act 1963(c).

(2) Where a complaint is made to a justice of the peace acting for the same petty sessions area as the court which made the attachment of earnings order and it appears to him that—

- (a) the person in whose favour the attachment of earnings order was made, or
- (b) the debtor,

is for the time being in some petty sessions area other than that for which the justice is acting, or that the complainant is the clerk of a magistrates' court acting for such other area, then, if it appears to the justice that the complaint may be more conveniently dealt with by a magistrates' court acting for that other area, he may cause the clerk of the court to send the complaint by post to the clerk of the other court and for that purpose shall write down the complaint, if this has not already been done.

(3) On receipt by the clerk of a magistrates' court of a complaint under the preceding paragraph, he shall bring the complaint before the court and the court shall issue a summons requiring the person appropriate under section 19(4) of the Act to appear before it, and shall hear and determine the complaint.

*Complaints for variation or discharge of attachment of earnings orders against persons outside United Kingdom*

10.—(1) Where a complaint for the variation or discharge of an attachment of earnings order is made against a person who resides outside the United Kingdom and that person does not appear at the time and place appointed for the hearing of the complaint, then, subject to paragraph (2) of this Rule, the court may, if it thinks it reasonable in all the circumstances to do so, proceed to hear and determine the complaint in accordance with section 20(3) of the Act if it is proved to the satisfaction of the court that the complainant has taken any of the following steps to give the person against whom the complaint is made notice of the complaint and of the time and place appointed for the hearing thereof, that is to say—

- (a) has caused written notice of the matters aforesaid to be delivered to the said person ;
- (b) has caused written notice of the matters aforesaid to be sent by post addressed to the said person at his last known or usual place of abode or at his place of business or at some other address at which there is ground for believing that it will reach him ; or

(a) 1933 c. 12.  
(c) 1963 c. 37.

(b) 1948 c. 29.

(c) has caused notice of the matters aforesaid to be inserted in one or more newspapers on one or more occasions.

(2) Where it is proposed to take any such steps as are mentioned in sub-paragraph (b) or (c) of the preceding paragraph, the complainant shall apply for directions to a justice of the peace acting for the same petty sessions area as the court by which the complaint is to be heard, and the taking of such steps shall be effective for the purposes of this Rule only if they were taken in accordance with the directions given by the said justice.

(3) Paragraph (1) of Rule 55 of the Magistrates' Courts Rules 1968(a) shall apply for the purpose of proving the delivery of a written notice in pursuance of sub-paragraph (a) of paragraph (1) of this Rule as it applies for the purpose of proving the service of a summons.

In relation to a solemn declaration made outside the United Kingdom, paragraph (1) of the said Rule 55, as applied by this paragraph, shall have effect as if for the reference to the authorities mentioned in the said paragraph (1) there were substituted a reference to a consular officer of Her Majesty's Government in the United Kingdom or any person for the time being authorised by law, in the place where the declarant is, to administer an oath for any judicial or other legal purpose.

(4) Paragraph (2) of the said Rule 55 shall apply for the purpose of proving the sending of a written notice in pursuance of sub-paragraph (b) of paragraph (1) of this Rule, or the insertion of a notice in a newspaper in pursuance of sub-paragraph (c) thereof, as it applies for the purpose of proving the service of any process, provided, as respects the insertion of a notice in a newspaper, that a copy of the newspaper containing the notice is annexed to the certificate.

*Complaints by debtors for variation or discharge of attachment of earnings orders against persons who cannot be found*

11.—(1) Where a complaint by the debtor for the variation or discharge of an attachment of earnings order is made against a person and that person does not appear at the time and place appointed for the hearing of the complaint, then, subject to paragraph (2) of this Rule, the court may, if it thinks it reasonable in all the circumstances to do so, proceed to hear and determine the complaint, notwithstanding the absence of proof that that person had knowledge of the summons as required by Rule 82(2) of the Magistrates' Courts Rules 1968, if it is proved to the satisfaction of the court that the summons in respect of the complaint was served in accordance with the provisions of Rule 82(1)(b) or (c) of those Rules and the complainant has caused notice of the complaint and of the time and place appointed for the hearing thereof to be inserted in one or more newspapers on one or more occasions.

(2) Where it is proposed to rely upon the provisions of the preceding paragraph of this Rule, the complainant shall apply for directions to a justice of the peace acting for the same petty sessions area as the court by which the complaint is to be heard, and the giving of notice in a newspaper shall be effective for the purposes of this Rule only if the notice was given in accordance with the directions given by the said justice.

(3) Paragraph (2) of Rule 55 of the Magistrates' Courts Rules 1968 shall apply for the purpose of proving the insertion of a notice in a newspaper in pursuance of paragraph (1) of this Rule as it applies for the purpose of proving the service of any process, provided that a copy of the newspaper containing the notice is annexed to the certificate.

*Variation of attachment of earnings order on change of employment*

12. Where an attachment of earnings order has lapsed under section 9(4) of the Act on the debtor's ceasing to be in the employment of the person to whom the order was directed and it appears to a magistrates' court, acting for the same petty sessions area as the court which made the order, that the debtor has subsequently entered the employment of a person (whether the same as before or another), the court may, of its own motion, vary the order by directing it to that person and may make any consequential amendment to the order made necessary by this variation.

*Discharge of attachment of earnings order by court of its own motion*

13.—(1) Where it appears to a magistrates' court acting for the same petty sessions area as the magistrates' court which made the attachment of earnings order that the debtor is not in the employment of the person to whom the order is directed and that the likelihood of the debtor's entering the employment of any person is not such as to justify preserving the order, the court may, of its own motion, discharge the order.

(2) Where a magistrates' court has made an attachment of earnings order and, by virtue of section 7, 21 or 30 of the Matrimonial Proceedings and Property Act 1970(a), the related maintenance order ceases to have effect because of the remarriage of the person entitled to receive payments under it, a magistrates' court acting for the same petty sessions area as that court may, of its own motion, discharge the attachment of earnings order, if there are no arrears to be recovered.

*Temporary variation of protected earnings rate*

14.—(1) A justice of the peace acting for the same petty sessions area as the magistrates' court which made the attachment of earnings order may, on a written application made by the debtor on the ground of a material change in the debtor's resources and needs since the order was made or last varied, by order (hereinafter referred to as a temporary variation order) vary the attachment of earnings order for a period of not more than four weeks by an increase of the protected earnings rate.

(2) A temporary variation order shall be in the form numbered 3 in the Schedule to these Rules.

(3) The clerk of the magistrates' court which made the attachment of earnings order shall cause a copy of any temporary variation order to be served on the employer and shall give him notice if the temporary variation order is discharged and the clerk shall also send a copy to the person entitled to receive payments under the related maintenance order (whether directly or through an officer of any court).

(4) Where an application for the variation or discharge of an attachment of earnings order is made to a magistrates' court and there is in existence a temporary variation order in respect of the attachment of earnings order, the court may, of its own motion, discharge the temporary variation order.

*Consolidated attachment orders*

15.—(1) In this Rule references to an attachment of earnings order are references to such an order made by a magistrates' court and do not include such an order made to secure payments under a magistrates' court maintenance order.

(2) Where a magistrates' court has power to make more than one attachment of earnings order in respect of the liabilities of a debtor, it may make a consolidated attachment order to discharge those liabilities.

(3) Where a magistrates' court has power to make an attachment of earnings order in respect of a debtor who is already subject to such an order (whether or not it is itself a consolidated attachment order) made by any magistrates' court, the court may, subject to the provisions of this Rule, discharge the existing order and make a consolidated attachment order in respect of that debtor.

(4) Where two or more attachment of earnings orders (whether or not they are themselves consolidated attachment orders) made by magistrates' courts are in existence in respect of one debtor, a magistrates' court acting for the same petty sessions area as one of those courts may, subject to the provisions of this Rule, discharge the existing orders and make a consolidated attachment order in respect of that debtor.

(5) A magistrates' court may exercise the powers conferred under paragraphs (2) to (4) of this Rule either of its own motion or on the application of the debtor.

(6) A debtor may apply to a magistrates' court for a consolidated attachment order—

- (i) in a case to which paragraph (2) or (3) of this Rule applies, during the hearing of the proceedings for the enforcement of the fine or other liability ;
- (ii) in a case to which paragraph (4) of this Rule applies, by complaint.

(7) Where an employer applies in writing to the clerk of a magistrates' court which has power to make a consolidated attachment order requesting the court to make such an order, the clerk shall bring the application before the court, and, if it appears to the court that the application is justified, the court shall proceed as if it had determined of its own motion to make such an order.

(8) Before a magistrates' court exercises of its own motion the powers conferred under paragraph (4) of this Rule, it shall cause written notice to be given to the debtor of his right to make representations to the court.

(9) Where a magistrates' court has power to make a consolidated attachment order under paragraph (3) or (4) of this Rule and a relevant attachment of earnings order has been made by a magistrates' court acting for another petty sessions area, the first mentioned court shall cause notice to be given to the clerk of the second mentioned court and shall not discharge that attachment of earnings order unless the enforcement of the sum to which the order relates is transferred to the first mentioned court under section 72 of the Magistrates' Courts Act 1952 (transfer of fines), paragraph 7 of Schedule 10 to the Administration of Justice Act 1970(a) (transfer of enforcement of legal aid contribution orders) or Rule 16 of these Rules as the case may be.

(10) Where a magistrates' court makes a consolidated attachment order, it shall specify in the order such normal deduction rate as the court thinks reasonable and this rate may be less than the sum of the normal deduction rates specified in any attachment of earnings orders discharged by the court.

*Transfer of fines etc. with view to making consolidated attachment order*

16.—(1) Where a magistrates' court has made or has power to make an attachment of earnings order to secure—

(a) the payment of any sum adjudged to be paid by a conviction or treated (by any enactment relating to the collection and enforcement of fines, costs, compensation or forfeited recognisances) as so adjudged to be paid, or

(b) the payment of any sum required to be paid by a legal aid contribution order,

and a magistrates' court acting for some other petty sessions area has made an attachment of earnings order in respect of the debtor, then, if the debtor does not reside in either petty sessions area, the first mentioned court may make an order making payment of that sum enforceable in the petty sessions area for which the second mentioned court acted.

(2) As from the date on which an order is made under paragraph (1) of this Rule with respect to any sum, all functions under any enactment relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order, shall be exercisable by a court acting for the petty sessions area specified in the order, or the clerk of that court, as the case may be, and not otherwise.

(3) The making of an order under paragraph (1) of this Rule with respect to any sum shall not prejudice the power to make a subsequent order with respect to that sum under that paragraph or under section 72 or 72A of the Magistrates' Courts Act 1952 or paragraph 7 of Schedule 10 to the Administration of Justice Act 1970.

*Disposal of sums paid under consolidated attachment orders*

17.—(1) A clerk of a magistrates' court receiving a payment under a consolidated attachment order shall, subject to paragraph (2) below, apply the money in payment of the sums secured by the order, paying first any sums previously secured by an attachment of earnings order which was discharged in consequence of the making of the consolidated attachment order.

(2) Where two or more attachment of earnings orders were discharged in consequence of the making of the consolidated attachment order the sums due under the orders shall be paid in the chronological order of the orders.

*Method of making payment under attachment of earnings order*

18.—(1) A clerk of a magistrates' court to whom any payment under an attachment of earnings order is to be made shall notify the employer and the person entitled to receive payments under the related maintenance order of the hours during which, and the place at which, payments are, subject to the provisions of this Rule, to be made and received.

(2) If an employer sends by post any payments under an attachment of earnings order to a clerk of a magistrates' court, he shall do so at his own risk and expense.

(3) A clerk of a magistrates' court may send by post any payment under an attachment of earnings order to the person entitled to receive payments under the related maintenance order at the request and at the risk of that person.

*Payments under attachment of earnings order after imprisonment imposed*

19.—(1) Where imprisonment or other detention has been imposed for the purpose of enforcing a maintenance order, the clerk of a magistrates' court to whom any payment under a related attachment of earnings order is to be made—

- (a) in relation to such a payment shall be a person authorised to receive the said payment for the purposes of section 67(2) of the Magistrates' Courts Act 1952 (which relates to release from custody and reduction of detention on payment) ;
- (b) on receiving such a payment shall notify the person authorised for the said purposes by Rule 45(1) of the Magistrates' Courts Rules 1968 of the sum received.

(2) Where a person receives notice of the receipt of a sum under the preceding paragraph of this Rule, he shall note the receipt of that sum on the warrant of commitment, if any, held by him.

*Service of orders and notices*

20. Where under section 14 of the Act (which relates to statements of earnings, etc.) an order is directed to the debtor or to a person appearing to be an employer of the debtor or where under these Rules a copy of an order is to be served or a notice is to be given to any person—

- (a) service may be effected on, or notice may be given to a person, other than a corporation, by delivering it to the person to whom it is directed or by sending it by post in a letter addressed to him at his last known or usual place of abode or, in the case of an employer or a person appearing to be an employer of the debtor, at his place of business ;
- (b) service may be effected on, or notice given to, a corporation by delivering the document at, or sending it to—
  - (i) such office or place as the corporation may, for the purpose of this Rule, have specified in writing to the court in relation to the debtor or to a class or description of person to which he belongs, or
  - (ii) the registered office of the corporation if that office is in England and Wales or, if there is no registered office in England and Wales, any place therein where the corporation trades or conducts its business.

*County court records*

21.—(1) Where a clerk of a magistrates' court causes a copy of an order or notice to be given to any person under Rule 6 of these Rules, he shall cause a copy of the order or notice to be given also to the County Court Registrar for the district in which the debtor resides.

(2) Where the clerk of a magistrates' court which has made an attachment of earnings order is informed of a debtor's change of address, he shall notify the new address to the County Court Registrar for the district in which the debtor resided before the change of address.



*Justices' clerks*

22.—(1) The things specified in paragraph (2) of this Rule, being things authorised to be done by, to or before a single justice of the peace for a petty sessions area, may be done by, to or before the justices' clerk for that area.

(2) The things referred to in paragraph (1) above are—

- (a) the power to make an order under section 14(1) or (2) of the Act (power of court to obtain statements of earnings etc.) before the hearing of an application to a magistrates' court for an attachment of earnings order, or for the variation or discharge of such an order ;
- (b) the determination that a complaint for the discharge or variation of an attachment of earnings order be dealt with by a magistrates' court acting for another petty sessions area in accordance with Rule 9 of these Rules ;
- (c) the giving of directions under Rule 10 or 11 of these Rules ;
- (d) the discharge or variation by the court of its own motion of an attachment of earnings order in accordance with Rule 12 or 13 of these Rules ;
- (e) the temporary variation of an attachment of earnings order by an increase of the protected earnings rate in accordance with Rule 14 of these Rules ;
- (f) the making of an order under Rule 16 of these Rules (transfer of fines etc. with view to making consolidated attachment order).

*Application of these Rules to attachment of earnings orders in respect of fines etc.*

23.—(1) In the application of these Rules to attachment of earnings orders to secure—

- (a) the payment of any sum adjudged to be paid by a conviction or treated (by any enactment relating to the collection and enforcement of fines, costs, compensation or forfeited recognisances) as so adjudged to be paid, or
- (b) the payment of any sum required to be paid by a legal aid contribution order,

the exceptions and modifications specified in the following provisions of this Rule shall apply.

(2) Rules 4, 5, 8, 9, 10, 11 and 19 shall not apply.

(3) An attachment of earnings order shall be in the form numbered 2 in the Schedule to these Rules.

(4) Rule 14 (temporary variation of protected earnings rate) shall have effect as if in paragraph (3) the words "and the clerk shall also send a copy to the person entitled to receive payments under the related maintenance order (whether directly or through an officer of any court)" were omitted.

(5) Rule 18 (method of making payment under attachment of earnings order) shall have effect as if in paragraph (1) the words "and the person entitled to receive payments under the related maintenance order" and paragraph (3) were omitted.

*Transitional provisions*

24. The clerk of a magistrates' court which before the coming into force of these Rules made an attachment of earnings order, which has not ceased to have effect or been discharged, shall send to the employer and to the County Court Registrar for the district in which the debtor resides a copy of the order in the form numbered 4 in the Schedule.

Dated 13th May 1971.

*Hailsham of St. Marylebone, C.*

## SCHEDULE

## FORMS

## 1

*Attachment of earnings order—maintenance (Attachment of Earnings Act 1971, s.1.)*

## PRIORITY

In the [county of \_\_\_\_\_] Petty Sessional Division of \_\_\_\_\_

Before the Magistrates' Court sitting at \_\_\_\_\_

To E.M. of \_\_\_\_\_

A.B. of \_\_\_\_\_

who works  
(Works

at \_\_\_\_\_ as a \_\_\_\_\_  
No. \_\_\_\_\_) is required to make payments of £ \_\_\_\_\_ a [week] under a maintenance order made on \_\_\_\_\_, 19 \_\_\_\_\_, by the (*insert court*). An application has been made for an attachment of earnings order to secure the payments and it appears that earnings are payable by you to him.

You are ordered to make out of those earnings periodical deductions in accordance with Schedule 3 to the Attachment of Earnings Act 1971. For the purpose of calculating the deductions the normal deduction rate shall be £ \_\_\_\_\_ a [week] and the protected earnings rate shall be £ \_\_\_\_\_ a [week].

And you are ordered to pay the sums deducted to the Clerk of [this Court] [the Magistrates' Court sitting at (whose address is \_\_\_\_\_)] as and when the deductions are made.

Dated \_\_\_\_\_, 19 \_\_\_\_\_.

J.P.,  
Justice of the Peace for the  
[county] aforesaid.  
[or By order of the Court,  
J.C.,  
Clerk of the Court.]

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NOTE.—A copy of an explanatory booklet [is enclosed] [may be obtained from the Clerk of the Court].

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*Indorsement on copy sent to debtor*

This is a copy of an attachment of earnings order directed to your employer. If you leave his employment or become employed or re-employed, you must notify the Court in writing within seven days, giving particulars of your earnings and anticipated earnings from any new employment. Failure to do so may render you liable to a fine.

*Attachment of earnings order—lump sum (Attachment of Earnings Act 1971, s.1.)*

PRIORITY

In the [county of \_\_\_\_\_] . Petty Sessional Division of \_\_\_\_\_

Before the Magistrates' Court sitting at \_\_\_\_\_

To E.M. of \_\_\_\_\_

A.B. of \_\_\_\_\_

who works \_\_\_\_\_

at \_\_\_\_\_ as a \_\_\_\_\_ (Works  
No. \_\_\_\_\_) is required to pay a sum to which section 1(3)(b) or (c) of the  
Attachment of Earnings Act 1971 applies and it appears that earnings are payable  
by you to him.

You are ordered to make out of those earnings periodical deductions in accordance  
with Schedule 3 to the Attachment of Earnings Act 1971 until the amount of that  
sum remaining unpaid, namely £ \_\_\_\_\_, [on the date of this variation  
of an earlier order], has been deducted. For the purposes of calculating the  
deductions the normal deduction rate shall be £ \_\_\_\_\_ a [week] and the protected  
earnings rate shall be £ \_\_\_\_\_ a [week].

And you are ordered to pay the sums deducted to the Clerk of this Court as and when  
the deductions are made.

Dated \_\_\_\_\_, 19 \_\_\_\_\_.

J.P.,  
Justice of the Peace for the  
[county] aforesaid.  
[or By order of the Court,  
J.C.,  
Clerk of the Court.]

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NOTE.—A copy of an explanatory booklet [is enclosed] [may be obtained from the  
Clerk of the Court].

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*Indorsement on copy sent to debtor*

This is a copy of an attachment of earnings order directed to your employer. If  
you leave his employment or become employed or re-employed, you must notify the  
Court in writing within seven days, giving particulars of your earnings and anticipated  
earnings from any new employment. Failure to do so may render you liable to a  
fine.

3

*Temporary variation order (Magistrates' Courts (Attachment of Earnings) Rules 1971, r. 14.)*

In the [county of \_\_\_\_\_] Petty Sessional Division of  
To E.M. of \_\_\_\_\_].

An attachment of earnings order made by the Magistrates' Court sitting at \_\_\_\_\_ in respect of A.B. of \_\_\_\_\_ (hereinafter called the defendant) who works at \_\_\_\_\_ as a \_\_\_\_\_ (Works No. \_\_\_\_\_) has been served on you and the defendant has applied for a temporary variation in the order.

You are ordered to make deductions under that order as if it specified as the protected earnings rate an increased rate of £ \_\_\_\_\_ a [week].

This variation shall remain in force for a period of [four] weeks.

Dated \_\_\_\_\_, 19 \_\_\_\_\_.

J.P.,  
Justice of the Peace for the  
[county] aforesaid.  
[or J.C.,  
Justices' Clerk.]

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NOTE.—On the expiry of this temporary variation order, deductions should be made in accordance with the attachment of earnings order.

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4

*Attachment of earnings order—transitional arrangements (Attachment of Earnings Act 1971, s.26.)*

PRIORITY

In the [county of \_\_\_\_\_] Petty Sessional Division of  
Before the Magistrates' Court sitting at \_\_\_\_\_].  
To E.M. of \_\_\_\_\_

[Continue as in form 1 or 2 as appropriate.]

Date of making of order \_\_\_\_\_, 19 \_\_\_\_\_.

J.C.,  
Justices' Clerk.

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NOTE.—This copy of an attachment of earnings order served on you earlier is given to you to assist with the change over to the provisions of the Attachment of Earnings Act 1971 which came into force on 2nd August 1971. This copy replaces the earlier copy which may now be disregarded. A copy of a new explanatory booklet about these provisions [is enclosed] [may be obtained from the Clerk of the Court].

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## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

Part II of the Maintenance Orders Act 1958 (c.39) authorises the making of attachment of earnings orders for the enforcement of maintenance orders. Sections 46 and 79 of the Criminal Justice Act 1967 (c.80) apply Part II of the Act of 1958 for the purpose of enforcing the payment of fines (and other sums enforceable as fines) and legal aid contribution orders. Part II of the Administration of Justice Act 1970, which comes into force on 2nd August 1971, replaces most of Part II of the Act of 1958. The Attachment of Earnings Act 1971, which also comes into force on that date, consolidates all these provisions about attachment of earnings orders. These Rules replace the existing Rules about the procedure to be followed in magistrates' courts in connection with attachment of earnings orders and take account of the changes made by the Act of 1970.