
STATUTORY INSTRUMENTS

2006 No. 501

The Fines Collection Regulations 2006

PART 5

Application of enactments with modifications

Application with modifications of the Magistrates' Courts (Attachment of Earnings) Rules 1971

30. In the case of a person aged 18 or over liable to pay a sum to which Schedule 5 applies, the Magistrates' Courts (Attachment of Earnings) Rules 1971(1) shall apply to attachments of earnings orders made under that Schedule as they apply to such orders made under the Attachment of Earnings Act 1971(2) but with the following modifications—

- (a) omit—
 - (i) rule 2(6) (interpretation of references to attachment of earnings order); and
 - (ii) rule 4 (jurisdiction as respects complaints for an attachment of earnings order);
- (b) in rule 6 (service of orders and notices)—
 - (i) in paragraphs (1) and (2) after “magistrates' court” insert “or a fines officer, as the case may be,”;
 - (ii) in paragraph (2), for “8 or 11” substitute “8(5)”; and
 - (iii) in paragraph (3)—
 - (aa) omit sub-paragraphs (a) and (b); and
 - (bb) in sub-paragraph (c) for the words from “65(2)” to the end of that sub-paragraph substitute “77(2) of the Magistrates' Courts Act 1980 (postponement of issue of warrant)”.
- (c) omit—
 - (i) rule 8 (notice of application for appropriate variation order);
 - (ii) rule 9 (jurisdiction as respects complaints for the discharge and variation of attachment of earnings orders);
 - (iii) rule 10 (complaints for variation or discharge of attachment of earnings orders against persons outside United Kingdom); and
 - (iv) rule 11 (complaints by debtors for variation or discharge of attachment of earnings orders against persons who cannot be found);
- (d) in rule 12 (variation of attachment of earnings order on change of employment)—
 - (i) after “magistrates' court” insert “or a fines officer, as the case may be,”;

(1) S.I. 1971/809 as amended by S.I. 2001/615, S.I. 2003/1236 and S.I. 2005/617.

(2) 1971 c. 32.

- (ii) after both occurrences of “the court” insert “or the fines officer, as the case may be,”; and
 - (iii) after “its” insert “or his”.
- (e) in rule 13 (discharge of attachment of earnings order by court of its own motion)—
- (i) in paragraph (1)—
 - (aa) after “a magistrates' court” insert “or a fines officer, as the case may be,”;
 - (bb) after “the magistrates' court” and after “the court”, in each place insert “or the fines officer, as the case may be,”;
 - (cc) after “its” insert “or his”;
 - (ii) omit paragraph (2); and
 - (iii) in the heading to the rule, for “of its” substitute “or fines officer of its or his”.
- (f) omit rule 14 (temporary variation of protected earnings rate);
- (g) in rule 15 (consolidated attachment orders)—
- (i) in paragraph (1), after the first occurrence of “a magistrates' court” insert “or a fines officer, as the case may be,”;
 - (ii) in paragraph (2), —
 - (aa) after “a magistrates' court” insert “or a fines officer, as the case may be,”; and
 - (bb) after “it” insert “or he”;
 - (iii) in paragraph (3)—
 - (aa) after “a magistrates' court” insert “or a fines officer, as the case may be,”;
 - (bb) after “any magistrates' court” insert “or fines officer”; and
 - (cc) after “the court” insert “or the fines officer, as the case may be,”;
 - (iv) in paragraph (4)—
 - (aa) after “magistrates' courts” insert “or fines officers”;
 - (bb) after “a magistrates' court” insert “or a fines officer, as the case may be,”; and
 - (cc) after “those courts” insert “or one of those fines officers, as the case may be,”;
 - (v) in paragraph (5), after “debtor” insert “but a fines officer may exercise the powers conferred under paragraphs (2) to (4) of this Rule of his own motion only”;
 - (vi) omit paragraph (8);
 - (vii) in paragraph (9)—
 - (aa) after both occurrences of “magistrates' court” insert “or a fines officer, as the case may be,”;
 - (bb) after the first occurrence of the “first mentioned court” insert “or the first mentioned fines officer, as the case may be,”;
 - (cc) after “second mentioned court” insert “or the court for which the second mentioned fines officer made the relevant attachment of earnings order”;
 - (dd) after the second occurrence of the “first mentioned court” insert “or the court for which the first mentioned fines officer is to make the consolidated attachment order”; and

- (ee) for the words from “72 of the Magistrates' Courts Act 1952” to “(transfer of enforcement of legal aid contribution orders)” substitute “89 of the Magistrates' Courts Act 1980 (transfer of fine order)”;
- (viii) for paragraph (10) substitute—
 - “(10) Where a magistrates' court or, as the case may be, a fines officer makes a consolidated attachment order, the order shall specify the percentage deduction rate in accordance with the Fines Collection Regulations 2006.
 - (11) Paragraph (10) applies irrespective of whether the orders to be consolidated include any order made—
 - (a) (before 27th March 2006) under section 1(3)(b) of the Act, to secure the payment of a sum adjudged to be paid by a conviction or treated as so adjudged to be paid; or
 - (b) under section 1(3)(c) of the Act, to secure the payment of a sum required to be paid under section 17(2) of the Access to Justice Act 1999 (recovery of criminal defence costs in publicly funded cases).”
- (h) in rule 16 (transfer of fines etc with view to making consolidated attachment order)—
 - (i) in paragraph (1)—
 - (aa) after both occurrences of “a magistrates' court”, insert “or a fines officer, as the case may be,”;
 - (bb) after “first mentioned court” insert “or the first mentioned fines officer, as the case may be,”; and
 - (cc) after “second mentioned court” insert “or the second mentioned fines officer, as the case may be,”;
 - (ii) in paragraph (2)—
 - (aa) after “the court”, insert “or, as the case may be, the fines officer”; and
 - (bb) after “a court”, insert “or a fines officer”; and
 - (iii) in paragraph (3), for the words from “72” to the end of that paragraph substitute “89 (transfer of fine order) or section 90 (transfer of fines to Scotland or Northern Ireland) of the Magistrates' Courts Act 1980”;
- (i) in rule 18 (method of making payment under attachment of earnings order)—
 - (i) in paragraph (1), omit “and the person entitled to receive payments under the related maintenance order”; and
 - (ii) omit paragraph (3); and
- (j) omit—
 - (i) rule 19 (payments under attachment of earnings order after imprisonment imposed);
 - (ii) in rule 22 (justices' clerks), in paragraph (2), sub-paragraphs (b), (c) and (e); and
 - (iii) rule 23 (application of these Rules to attachment of earnings orders in respect of fines etc).