STATUTORY INSTRUMENTS

1967 No. 1659 (L. 11)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Attachment of Earnings) Rules 1967

Made - - - -	*8th November* 1967
Laid before Parliament	*17th November* 1967
Coming into Operation	*1st January* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the power conferred upon me by section 15 of the Justices of the Peace Act 1949(**a**), as extended by section 122 of the Magistrates' Courts Act 1952(**b**), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules:—

1.—(1) Part II of the Magistrates' Courts (Maintenance Orders Act 1958) Rules 1959(**c**) and so much of Part III of those Rules as relates to the said Part II shall apply in relation to an attachment of earnings order under section 46 or 79 of the Criminal Justice Act 1967(**d**) as it applies in relation to an attachment of earnings order under section 6(1) of the Maintenance Orders Act 1958(**e**), subject, however, to the exceptions and modifications specified in the following provisions of this Rule.

(2) Rules 10, 14, 15, 16 and 19 of the said Rules of 1959 shall not apply in relation to an attachment of earnings order under the said section 46 or 79.

(3) An attachment of earnings order under the said section 46 or 79 shall be in the form in the Schedule to these Rules or in a form to the like effect.

(4) Rule 17(2) of the said Rules of 1959 shall have effect in relation to any such order as if it specified as the parties to proceedings under section 12 of the said Act of 1958 the person to whom the attachment of earnings order is directed and the person to whose earnings the order relates.

(5) Rule 18 of the said Rules of 1959 shall have effect in relation to any such order as if in paragraph (1) the words "and such person entitled to receive payments under the related maintenance order as is specified by the attachment of earnings order" and paragraph (3) were omitted.

2. These Rules may be cited as the Magistrates' Courts (Attachment of Earnings) Rules 1967 and shall come into operation on 1st January 1968.

Gardiner, C.

Dated 8th November 1967.

(**a**) 1949 c. 101. (**b**) 1952 c. 55. (**c**) S.I. 1959/3 (1959 I, p. 1646).
(**d**) 1967 c. 80. (**e**) 1958 c. 39.

SCHEDULE

Attachment of earnings order—fine or legal aid contribution order
(M.O. Act 1958, s. 6 ; C.J. Act 1967, ss. 46, 79(6) and (7), Sch. 1.)

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

Before the Magistrates' Court sitting at

To E.M. of

[It appears to this Court that A.B. of , aged years, whose national insurance number is and who works at as a (Works No.), has defaulted in the payment of a sum to which section 46 of the Criminal Justice Act 1967 applies, and that earnings fall to be paid by you to him.]

[On the complaint of the Clerk of this Court it appears that at the time the complaint was made A.B. of , aged years, whose national insurance number is and who works at as a (Works No.), had defaulted in the payment of a sum to which section 79(6) of the Criminal Justice Act 1967 applies, that sum or an instalment thereof having been due for not less than four weeks, and that earnings fall to be paid by you to him.]

It is hereby ordered that out of those earnings you shall make payments in accordance with the Schedule to the Maintenance Orders Act 1958 to the Clerk of this Court until the sum of has been so paid.

And it is further ordered that for the purpose of calculating the said payments the normal deduction rate shall be a and the protected earnings rate shall be a .

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

NOTE.—(1) This order does not come into force until the expiration of seven days from the date when a copy is served on the person to whom it is directed. (2) A copy of an explanatory booklet [is enclosed] [may be obtained from the Clerk of the Court].

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Part II of the Magistrates' Courts (Maintenance Orders Act 1958) Rules 1959 contains procedural rules about attachment of earnings orders made under section 6(1) of the Maintenance Orders Act 1958. Section 46 of the Criminal Justice Act 1967 gives magistrates' courts power to make attachment of earnings orders for the purpose of enforcing the payment of fines and other sums enforceable as fines. Section 79 of the Criminal Justice Act 1967 gives magistrates' courts power to make attachment of earnings orders for the purpose of enforcing the payment of legal aid contribution orders. These Rules apply, with the necessary modifications, Part II of the 1959 Rules to attachment of earnings orders under section 46 or 79 of the 1967 Act.

The Criminal Justice Act 1967 (Commencement No. 1) Order 1967 (S.I. 1967/1234) brings into force section 46 of the 1967 Act on 1st January 1968 and section 79 on 1st October 1968.