
Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Cross Heading: Discharge of order. (See end of Document for details)

SCHEDULES

SCHEDULE 1

ATTACHMENT OF EARNINGS ORDERS

Discharge of order

7.—(1) Where the collection officer makes an attachment of earnings order, the collection officer may, whether on an application by the debtor or on the officer's own motion, discharge the order.

(2) Where a court makes an attachment of earnings order, the court may, whether on an application by the debtor or the collection officer or on its own motion, discharge the order.

(3) An attachment of earnings order is discharged if the outstanding amount is paid.

(4) An attachment of earnings order may be discharged under sub-paragraph (1) or (2) only if—

(a) the order fails (see sub-paragraph (5)), or

(b) the discharge is in accordance with sub-paragraph (6).

(5) An attachment of earnings order is to be regarded as failing in such circumstances as are specified in regulations.

(6) A discharge on the collection officer's or the court's own motion may be made only in such circumstances as are specified in regulations.

(7) Where an attachment of earnings order is discharged under this paragraph, notice of the discharge must be served on the employer; and paragraph 1(2) applies to the notice as it applies to an order.

(8) A person on whom a notice is served under sub-paragraph (7) commits an offence if, in spite of the discharge of the order, the person acts as the person would have been required to act if the order had still been in force.

(9) Where notice of the discharge of an attachment of earnings order is served on the employer, that person does not incur liability, whether under sub-paragraph (8) or otherwise, if, at any time before the end of seven days beginning with the date of service of the notice, the person treats the order as still in force.

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Commencement Information

- I1** Sch. 1 para. 7(1)-(4) in operation at 1.6.2018 by S.R. 2018/99, **art. 2(b)**
- I2** Sch. 1 para. 7(5)(6) in operation at 3.10.2016 for specified purposes by S.R. 2016/248, **art. 4(1)(iii)**
- I3** Sch. 1 para. 7(5)(6) in operation at 1.6.2018 in so far as not already in operation by S.R. 2018/99, **art. 2(b)**
- I4** Sch. 1 para. 7(7)-(9) in operation at 1.6.2018 by S.R. 2018/99, **art. 2(b)**

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