
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Attachment of Earnings Act 1971 (c. 32). (See end of Document for details)

SCHEDULES

SCHEDULE 10

THE FAMILY COURT

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Attachment of Earnings Act 1971 (c. 32)

20 The Attachment of Earnings Act 1971 is amended as follows.

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Commencement Information

I1 Sch. 10 para. 20 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

21 (1) Section 1 (courts with power to attach earnings) is amended as follows.

(2) After subsection (1) insert—

“(1A) The family court may make an attachment of earnings order to secure payments under a High Court or family court maintenance order.”

(3) In subsection (2) (county court) omit paragraph (a) (maintenance orders).

(4) In subsection (3) (magistrates' courts) omit paragraph (a) (maintenance orders).

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Commencement Information

I2 Sch. 10 para. 21 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

22 In section 2(b) (meaning of “High Court maintenance order” etc)—

(a) for “, “county court maintenance order” and “magistrates' court” substitute “and “family court”, and

(b) for “, a county court and a magistrates' court;” substitute “and the family court;”.

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Commencement Information

I3 Sch. 10 para. 22 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- 23 (1) Section 3 (application for order and conditions of court's power to make it) is amended as follows.
- (2) In subsection (1)(a) (payee may apply) after “through” insert “ any court or ”.
- (3) In subsection (1) (applicants) for paragraph (c) substitute—
- “(c) without prejudice to paragraph (a) above, an officer of the family court if the application is to the family court for an order to secure maintenance payments and there is in force an order that those payments be made to the court or an officer of the court;”.
- (4) In subsections (1)(d)(ii) and (4)(a) (maintenance payments) for the words between “or” and “for” substitute “ the family court ”.
- (5) In subsection (4)—
- (a) omit paragraph (b) and the “or” preceding it, and
- (b) in the words after paragraph (b), omit the words after “1869”.

Commencement Information

- I4** Sch. 10 para. 23 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 24 In section 6(7) (meaning of “collecting officer”)—
- (a) in paragraph (a)(ii) after “of” insert “ the family court or ”, and
- (b) after paragraph (a) insert—
- “(aa) in the case of an order made by the family court, the appropriate officer of that court;”.

Commencement Information

- I5** Sch. 10 para. 24 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 25 In section 8(3) (order ceases to have effect when warrant issued) omit the words after “related maintenance order”.

Commencement Information

- I6** Sch. 10 para. 25 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 26 In section 10 (reduction of normal deduction rate)—
- (a) in subsection (2) for “a county” substitute “ the family ”, and
- (b) omit subsection (3) (magistrates' courts).

Commencement Information

- I7** Sch. 10 para. 26 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- 27 In section 11(1)(a) (registered maintenance orders) for the words after “provides” substitute “ for the registration in the family court of a High Court maintenance order); ”.

Commencement Information

- I8** Sch. 10 para. 27 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 28 In section 15D (interpretation of sections 15A to 15C) after subsection (2) insert—
“(2A) If the lapsed order was made by the family court, the proper authority is the family court.”

Commencement Information

- I9** Sch. 10 para. 28 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 29 In section 16(2)(d) (power of collecting officer) for “magistrates' court” substitute “ family court ”.

Commencement Information

- I10** Sch. 10 para. 29 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 30 (1) Section 18 (collecting officers of magistrates' courts) is amended as follows.
(2) In subsection (1)—
(a) for the words before paragraph (a) substitute “ Where payments under a maintenance order are payable to the family court or an officer of the family court for transmission to a person, no officer of the family court is to—”, and
(b) in the words after paragraph (c) for “him” substitute “ the family court or an officer of that court ”.
(3) In subsection (2) for “the designated officer for a magistrates' court” substitute “ an officer of the family court ”.
(4) Omit subsection (3).

Commencement Information

- I11** Sch. 10 para. 30 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 31 (1) Section 20 (persons residing outside England and Wales) is amended as follows.
(2) In subsection (1)—
(a) for “a magistrates' court”, in both places, substitute “ the family court ”, and
(b) for “a complaint”, in both places, substitute “ an application ”.
(3) In subsections (2) to (4) for “complaint”, in each place, substitute “ application ”.

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(4) In subsection (4) for “complainant” substitute “applicant”.

Commencement Information

I12 Sch. 10 para. 31 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 32 In section 21 (costs on application under section 16)—
- (a) in subsection (1) omit “(but subject to section 18(2)(b) of this Act)”, and
 - (b) in subsection (2) for the words from “deemed—” to “otherwise,” substitute “deemed”.

Commencement Information

I13 Sch. 10 para. 32 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 33 In section 23 (enforcement) after subsection (10) insert—
- “(10A) This section applies in relation to the family court as it applies in relation to the county court, but as if the reference in subsection (8) to section 129 of the County Courts Act 1984 were a reference to section 31L(1) of the Matrimonial and Family Proceedings Act 1984.”

Commencement Information

I14 Sch. 10 para. 33 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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