

Your Legal Questions

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Q I have obtained a County Court judgment against an individual who owes money to me. I am aware of the details of his employment and I would like to apply for an Attachment of Earnings Order. How do I do this?

A You can apply to the Court for an Attachment of Earnings Order to enforce payment of a County Court judgment of more than £50 provided that the debtor is an employee and not either self employed, a member of the armed forces or on state benefits. If the order is granted then it will instruct the debtor's employer to make deductions directly from their earnings to repay the debt. The employer must then send the money to the Court who will account to you for the monies received.

There is a Court fee payable of £100 and once they receive the application the Court will send a form (N56) to the debtor requiring him to provide details of his employment and pay as well as details of other debts he may well have.

To work out how much the debtor can afford to pay, the Court calculate a minimum amount that the debtor needs to live on, and this is called the Protected Earnings Rate. An Attachment of Earnings order can then be made in respect any excess amount that the debtor has available each week or month, up to a limit set by the Court known as the normal deduction rate.

The Court may initially make a suspended Attachment of Earnings which will not be sent to the debtor's employer and under which the debtor will make payments direct to you at a level set by the Court, but if the debtor defaults then you can ask the Court to lift the suspension at which point the order will be sent to the debtor's employer.

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