



## **COUNCIL TAX**

Attachment of Earnings

This booklet incorporates an integral part of the Council Tax(Administration & Enforcement) Regulations 1992

**Council Tax Team, PO Box 24, Bideford,  
Devon,EX39 2YS**

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The Regulations set out below are an integral part of the Attachment of Earnings Order.

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**REGULATIONS 32 AND 38 TO 42 OF, AND SCHEDULE 4 TO, THE COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1982**

Interpretation and application of Part VI

32 - (1) In this Part:-

“attachment of allowances order” means an order under regulation 44;

“attachment of earnings order” means an order under regulation 37; “charging order” means an order under regulation 50; “debtor” means a person against whom a liability order has been made;

“earnings” means sums payable to a person:-

- (a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service); or
- (b) by way of statutory sick pay,

but as far as the following would otherwise be treated as earnings, they shall not be treated as such:

- (i) sums payable by any public department of the Government of Northern Ireland or of a territory outside the United Kingdom;
- (ii) pay or allowances payable to the debtor as a member of Her Majesty’s Forces;

- (iii) allowances or benefit payable under the Social Security Acts;
- (iv) allowances payable in respect of disablement or disability; and
- (v) wages payable to a person as a seaman, other than wages payable to him as a seaman of a fishing boat;

“the Income Support Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993;

“liability order” means an order under regulation 34; and

“net earnings” in relation to an employment means the residue of earnings payable under the employment after deduction by the employer of:-

- (a) income tax
- (b) primary Class 1 contributions under Part 1 of the Social Security Contributions and Benefits Act 1992; and

- (c) amounts deductible under any enactment, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme, namely any enactment, rules, deed or other instrument providing for the payment of annuities or lump sum-
    - (i) to the persons with respect to whom the instrument has effect on their retirement at a specified age or on becoming incapacitated at some earlier age, or
    - (ii) to the personal representatives or the widows, relatives or dependants of such persons on their death or otherwise, whether with or without any further or other benefits; and where an order under regulation 32 (making of attachment of earnings order) of the Community Charges (Administration and Enforcement) Regulations 1989 made before the making of the attachment of earnings order remains in force;
  - (d) any amount required to be deducted in accordance with that order.
- (2) In sub-paragraph (v) of the definition of “earnings” in paragraph (1) above expressions under the Merchant Shipping Act 1894 have the same meanings as in that Act.
- (3) Regulations 33 to 53 apply for the recovery of a sum which has become payable to a billing authority under Part V and which has not been

paid; but their application in relation to a sum for which persons are jointly and severally liable under that Part is subject to the provisions of regulation 54 (joint and several liability).

- (4) References in this Part to a sum which has become payable and which has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.
  
- (5) Any reference in this Part to the day on or time at which a notice is issued, is a reference-
  - (a) if the notice is served in the manner described in section 233(2) of the Local Government Act 1972 by being left at, or sent by post to, a person's proper address, to the day on or time at which it is so left or posted, or
  
  - (b) in any other case, to the day on or time at which the notice is served.

### **Making an attachment of earnings order**

- 37 - (1) Where a liability order has been made and the debtor against whom it was made is an individual, the authority which applied for the order may make an order under this regulation to secure the payment of any outstanding sum which is or forms part of the amount in respect of which the liability order was made.

- (2) An order under this regulation -
- (a) shall be in the form specified in (and accordingly contain the matters specified in) Schedule 3; and
  - (b) shall remain in force until discharged under regulation 41 (2) or the whole amount to which it relates has been paid (whether by attachment of earnings or otherwise).
- (3) The authority may serve a copy of the order on a person who appears to the authority to have the debtor in his employment; and a person on whom it is so served who has the debtor in his employment shall comply with it.
- (4) No order may be made under this regulation by an authority if the effect would be that the number of orders for the time being in force made by that authority in relation to the debtor in question exceeded two.

### **Deductions under attachment of earnings order**

- 38 - (1) Subject to paragraphs (2) and (3), the sum to be deducted by an employer under an attachment of earnings order on any pay day shall be -
- (a) where the debtor's earnings from the employer are payable weekly, a sum equal to the appropriate percentage of the net earnings otherwise payable on that pay-day; and for this purpose the appropriate percentage is the percentage

(or percentages) specified in column 2 of Table A in Schedule 4 in relation to the band in column 1 of that Table within which the net earnings fall;

- (b) where his earnings from the employer are payable monthly, a sum equal to the appropriate percentage of the net earnings otherwise payable on that pay-day; and for this purpose the appropriate percentage is the percentage (or percentages) specified in column 2 of Table B in Schedule 4 in relation to the band in column 1 of that table within the net earnings fall;
- (c) where his earnings from the employer are payable at regular intervals of a whole number of weeks or months, the sum arrived at by:-
  - (i) calculating what would be his weekly or monthly net earnings by dividing the net earnings payable to him by the employer on the pay-day by that whole number (of weeks or months, as the case may be),
  - (ii) ascertaining the percentage or percentages specified in column 2 of Table A (if the whole number is of weeks) or of Table B (if the whole number is of months) in Schedule 4 opposite the band in column 1 of that Table within which the notional net earnings calculated under paragraph (i) fall; and

- (iii) calculating the sum which equals the appropriate percentage (or percentages) of the notional net earnings for any of these weeks or months and multiplying that sum by the whole number of weeks or months, as appropriate.
  
- (2) Where paragraph (1) applies and the amount to be paid to the debtor on any pay-day includes an advance in respect of future pay, the sum to be deducted on that pay-day shall be the aggregate of the amount which would otherwise fall to be deducted under paragraph (1) and:-
  - (a) where the amount advanced would otherwise have been paid on a single pay-day, the sum which would have been deducted on that pay-day in accordance with paragraph (1) if the amount advanced had been the amount of net earnings on that day; or
  - (b) where the amount advanced would otherwise have been paid on more than one pay-day, the sums which would have been deducted on each of the relevant pay-days in accordance with paragraph (1) if:-
    - (i) an equal proportion of the amount advanced had been paid on each of those days; and
    - (ii) The net earnings of the debtor on each of those days had been an amount equal to that proportion.

- (3) Where the amount payable to the debtor on any pay-day is reduced by reason of an earlier advance of pay, the net earnings of the debtor on that day shall, for the purposes of paragraph (1), be the amount defined in regulation 32 (1) less the amount of the deduction.
- (4) Subject to paragraphs (5) and (6) where the debtors earnings from the employer are payable at regular intervals other than at intervals to which paragraph (1) applies, the sum to be deducted on any pay-day shall be arrived at by:-
- (a) calculating what would be his daily net earnings by dividing the net earnings payable to him by the employer on the pay-day by the number of days in the interval.
  - (b) ascertaining the percentage or percentages specified in column 2 of Table C in Schedule 4 opposite the band in column 1 of that Table within which the notional net earnings calculated under sub-paragraph (a) fall, and
  - (c) calculating the sum which equals the appropriate percentage (or percentages) of the notional daily net earnings and multiplying that sum by the number of days in the interval.

- (5) Where the debtor's earnings are payable as mentioned in paragraph (4), and the amount to be paid to the debtor on any pay-day includes an advance in respect of future pay, the amount of the debtor's notional net earnings under subparagraph (a) of that paragraph shall be calculated in accordance with the formula-

$$\frac{A + B}{C + D}$$

Where-

A is the amount of net earnings payable to him on that pay-day (exclusive of the amount advanced);

B is the amount advanced;

C is the number of days in the period for which the amount of net earnings is payable; and

D is the number of days in the period for which, but for the agreement to pay in advance, the amount advanced would have been payable.

- (6) Paragraph (3) applies in relation to paragraph (4) as it applies in relation to paragraph (1).
- (7) Where earnings are payable to a debtor by the employer by 2 or more series of payments at regular intervals:-
- (a) if some or all of the intervals are of different lengths:-

- (i) for the purpose of arriving at the sum to be deducted, whichever of paragraphs (1), (2), (3), (4), (5) and (6) is appropriate shall apply to the series with the shortest interval (or, if there is more than one series with the shortest interval, such one of those series as the employer may choose) and
  - (ii) in relation to the earnings payable in every other series, the sum to be deducted shall be 20 per cent, of the net earnings or, where on any pay-day an amount advanced is also paid, 20 per cent of the aggregate of the net earnings and the amount advanced;
- (b) if all of the intervals are of the same length, whichever of paragraphs (1), (2), (3), (4), (5) and (6) is appropriate shall apply to such series as the employer may choose and sub-paragraph (a) (ii) shall apply to every other series, and paragraph (3) shall apply in relation to sub-paragraph (a) (ii) above as it applies in relation to paragraph (1).

- (8) Subject to paragraphs (9) and (10), where the debtor's earnings from the employer are payable at irregular intervals, the sums to be deducted on any pay-day shall be arrived at by:-
- (a) calculating what would be his daily net earnings by dividing the net earnings payable to him by the employer on the pay-day:-
    - (i) by the number of days since earnings were last payable by the employer to him, or
    - (ii) if the earnings are the first earnings to be payable by the employer to him with respect to the employment in question, by the number of days since he began the employment;
  - (b) ascertaining the percentage (or percentages) specified in column 2 of Table C of Schedule 4 opposite the band in column 1 of that Table within which the notional net earnings calculated under sub-paragraph (a) fall; and
  - (c) calculating the sum which equals the appropriate percentage (or percentages) of the daily net earnings and multiplying that sum by the same number as that of the divisor for the purposes of the calculation mentioned in sub-paragraph (a).
- (9) Where on the same pay-day there are payable to the debtor by the employer both earnings payable at regular intervals and earnings which

are payable at irregular intervals, for the purpose of arriving at the sum to be deducted on the pay-day under the foregoing provisions of this regulation all the earnings shall be aggregated and treated as earnings payable at the regular interval.

- (10) Where there are earnings payable to the debtor by the employer at regular intervals on one pay-day, and earnings are payable by the employer to him at irregular intervals on a different pay-day, the sum to be deducted on each of the pay-days on which the earnings which are payable at irregular intervals are so payable shall be 20 per cent of the net earnings payable to him on that day.

### **Attachment of earnings orders: ancillary powers and duties of employers and others served**

- 39 - (1) An employer who deducts and pays amounts under an attachment of earnings order may, on each occasion that he makes such a deduction, also deduct from the debtor's earnings the sum of one pound towards his administrative costs.
- (2) An employer who deducts and pays amounts under an attachment of earnings order shall, in accordance with paragraph (3), notify the debtor in writing of:-
- (a) the total amount of the sums (including sums deducted under paragraph (1)) deducted under the order up to the time of the notification; or
  - (b) the total amount of the sums (including sums deducted under paragraph (1)) that will fall to be so deducted after that time.

- (3) A notification under paragraph (2) must be given at the time that the pay statement given by the employer to the debtor next after a deduction has been made is so given, or if no such statements are usually issued by the employer, as soon as practicable after a deduction has been made.
  
- (4) A person on whom a copy of an attachment of earnings order has been served shall, in accordance with paragraph (5), notify in writing the authority which made the order if he does not have the debtor against whom it was made in his employment or the debtor subsequently ceases to be in his employment.
  
- (5) A notification under paragraph (4) must be given within 14 days of the day on which the copy of the order was served on him or the debtor ceased to be in his employment (as the case may be).
  
- (6) While an attachment of earnings order is in force, any person who becomes the debtor's employer and knows that the order is in force and by what authority it was made shall notify that authority in writing that he is the debtor's employer.
  
- (7) A notification under paragraph (6) must be given within 14 days of the day on which the debtor became the persons employee or of the day on which the person first knew that the

order is in force and the identity of the authority by which it was made, whichever is the later.

### **Attachment of earning orders: duties of debtor**

- 40 - (1) While an attachment of earnings order is in force, the debtor in respect of whom the order has been made shall notify in writing the authority which made it of each occasion when he leaves an employment or becomes employed or re-employed, and (in a case where he becomes so employed or re-employed) shall include in the notification a statement of:-
- (a) his earnings and (so far as he is able) expected earnings from the employment concerned,
  - (b) the deductions and (so far as he is able) expected deductions from such earnings-
    - (i) in respect of income tax;
    - (ii) in respect of primary class 1 contributions under Part of the Social Security Contributions and Benefits Act 1992.
    - (iii) for the purposes of such a superannuation scheme as is mentioned in the definition of "net earnings" in regulation 32(1);
  - (c) the name and address of the employer; and

(d) his work or identity number in the employment (if any).

(2) A notification under paragraph (1) must be given within 14 days of the day on which the debtor leaves or commences (or recommences) the employment (as the case may be), or (if later) the day on which he is informed by the authority that the order has been made.

**Attachment of earnings orders: ancillary powers and duties of authority.**

41 - (1) Where the whole amount to which an attachment of earnings order relates has been paid (whether by attachment of earnings or otherwise), the authority by which it was made shall give notice of the fact to any person who appears to have the debtor in his employment and who has been served with a copy of the order.

(2) The authority by which an attachment of earnings order was made may, on its own account or on the application of the debtor or an employer of the debtor, make an order discharging the attachment of earnings order; and if it does so it shall give notice of that fact to any person who appears to it to have the debtor in his employment and who has been served with a copy of the order.

(3) If an authority serves a copy of an attachment of earnings order in accordance with regulation (37) (3), it shall (unless it has previously done

so) also serve a copy of the order on the debtor.

### **Priority between attachment of earnings orders**

- 42 - (1) Where an employer would, but for this paragraph, be obliged to make deductions on any pay-day under one or more attachment of earnings orders he shall:-
- (a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with; and
  - (b) deal with any later order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with any earlier order.
- (2) Subject to paragraph (3), where an employer would, but for this paragraph, be obliged to comply with one or more attachment of earnings order and with one or more deduction order, he shall deal with the orders according to the respective dates on which they were made in like manner as under paragraph (1).
- (3) An employer shall not deal with a deduction order made whether wholly or in part in respect of the payment of a judgment debt or payments under an administration order until he has dealt with the attachment of earnings order or orders and any other deduction order.
- (4) In this regulation "deduction order" means an order under the Attachment of Earnings Act 1971 or section 31(2) (deductions from

earnings orders) of the “Child Support Act 1991”.

### **Attachment of earnings orders; persons employed under the Crown**

- 43 - (1) Where a debtor is in the employment of the Crown and an attachment of earnings order is made in respect of him for the purposes of this Part:-
- (a) the Chief Officer for the time being of the department, office or other body in which the debtor is employed shall be treated as having the debtor in his employment (any transfer of the debtor from one department, office or body to another being treated as a change of employment); and
  - (b) any earnings paid by the Crown or a Minister of the Crown, or out of the public revenue of the United Kingdom, shall be treated as paid by that Chief Officer.
- (2) If any question arises as to what department, office or other body is concerned for the purposes of this regulation, or as to who for those purposes is its Chief Officer, the question shall be referred to and determined by the Minister for the Civil Service.
- (3) A document purporting to set out a determination of the Minister under paragraph (2) and to be signed by an official of the office of that Minister shall, in any proceedings arising in relation to an attachment of earnings order,

be admissible in evidence and be deemed to contain an accurate statement of such a determination unless the contrary is shown.

- (4) This Part shall have effect in relation to attachment of earnings orders notwithstanding any enactment passed before 29th May 1970 and preventing or avoiding the attachment or diversion of sums due to a person in respect of services under the Crown, whether by way of remuneration, pension or otherwise.

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(a) 1991 c.48

(b) Paragraph 3 of Schedule 3 was amended by the Social Security (Consequential Provisions) Act 1975 (c.18), Schedule 2, paragraph 43, the Social Security Pensions Act 1975 (c.60), Schedule 5 and the Wages Act 1986 (c.48), Schedule 4, paragraph 4.

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Schedule 4 to the Council Tax

(Administration and Enforcement) Regulations 1992

Deductions to be made under attachment of Earnings  
Order

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TABLE A

Deductions from Weekly Earnings from 1 April 2007

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(1) Net earnings  
(2) Deduction rate %

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Not exceeding £75	0
Exceeding £75 but not exceeding £135	3
Exceeding £135 but not exceeding £185	5
Exceeding £185 but not exceeding £225	7
Exceeding £225 but not exceeding £355	12
Exceeding £355 but not exceeding £505	17
Exceeding £505	17
17 in respect of the first £505 and 50 in respect of the remainder.	

TABLE B

Deductions from Monthly Earnings from 1 April 2007

(1) Net (2) Deduction rate %	earnings
Not exceeding £300	0
Exceeding £300 but not exceeding £550	3
Exceeding £550 but not exceeding £740	5
Exceeding £740 but not exceeding £900	7
Exceeding £900 but not exceeding £1,420	12
Exceeding £1,420 but not exceeding £2,020	17
Exceeding £2,020 17 in respect of the first £2020 and 50 in respect of the remainder	



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TABLE C

Deductions based on daily earnings from 1 April 2007

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(1) Net earnings  
(2) Deduction rate %

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Not exceeding £11	0
Exceeding £11 but not exceeding £20	3
Exceeding £20 but not exceeding £27	5
Exceeding £27 but not exceeding £33	7
Exceeding £33 but not exceeding £52	12
Exceeding £52 but not exceeding £72	17
Exceeding £72 17 in respect of the first £72 and 50 in respect of the remainder	

For BACS payments:-

Lloyds Bank – Torridge District Council - Revenues  
Account

Sort Code 30-90-78  
Account Number 29541760

Please ensure that the Council Tax Account reference  
number is quoted with all payments.

**FORM OF ATTACHMENT OF EARNINGS ORDER**

(Name of billing authority)  
Regulation 37 of the Council Tax  
(Administration and Enforcement) Regulations 1992

(Debtor's name and address)	(Payroll/Works No.)	Billing authority's reference)
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To any person who has in his employment the person named above.

On (date) the (name) Magistrates' Court make a liability order under Regulation 34 of the Council Tax (Administration and Enforcement) Regulations 1992 against the person named above in respect of an amount of which, (amount) is outstanding at the date of the making of this order. This order relates to the outstanding amount.

YOU ARE ORDERED by (name of billing authority) to make deductions from the net earnings (as defined in Regulation 32 of those Regulations) of the person named above at the times and at the rate specified in Regulation 38 of those Regulations. The first such deduction shall be made as soon as reasonably practicable after the service on you of a copy of this order. A copy of Regulations 32 and 38, together with Regulations 39 to 42 and Schedules 4, are set out at the end of this order.

YOU ARE ALSO ORDERED to pay each sum deducted to (name of billing authority and address for payment) within the period of 19 days beginning on the last day of the month in which the deduction was made.

Dated .....  
200

Proper Officer of the authority

\*Indorsement on copy sent to person appearing to have the debtor in his employment.

It appears to (name of billing authority) that you have the above-named debtor in your employment. You must notify (name of billing authority) in writing within 14 days of the date of service on you of this copy of the order if you do not have the debtor in your employment. You must also notify (name of billing authority) in writing within 14 days of the day on which the debtor leaves your employment. Failure to do so may render you liable to a fine.

\*Indorsement on copy sent to debtor

This is a copy of an attachment of earnings order served on your employer. If you leave his employment or become employed or re-employed you must notify (name of billing authority) in writing within 14 days, giving particulars specified in regulation 40(a) of the Regulations mentioned in the order. Failure to do so may render you liable to a fine.

*Italics indicate words or figures to be inserted.*

\*Delete whichever indorsement is inapplicable.

## Dealing with multiple orders

Priorities between Community Charge AEOs, Council Tax AEOs and 1971 Act AEOs made on or before 31.3.93, and other AEOs.

		Action for employer	Relevant regulations
<p>Community charge order made on or before 31 March 1993 in payment.</p>	<p>1971 Act order received</p> <p>further pre 31 March 1993 community charge order received</p>	<p>1971 Act order to be dealt with on the basis of the residue of earnings.</p> <p>Must wait until first community charge order has cleared</p>	<p>Regulation 37 (2)(b) of the Community Charges (Administration and Enforcement) Regulation (SI 1989/438)</p> <p>Regulation 37(1) of the Community Charges (Administration and Enforcement) Regulations (SI 1989/438)</p>

	Further post 31 March 1993 community charge order received	Must wait until first community charge order has cleared	(New regulation 37A inserted by SI 1993/775 only applies where all orders are made after 31 March 1993)
	Child Support Act Order received	Apply orders in date order; applying later order to residue of earnings	Regulation 24(2)(b) of Child Support (Collection and Enforcement) Regulations (SI 1992/1989)
	Council Tax order received	Process Council Tax order when received on basis of residue of earnings	Net earnings as defined in regulation 32 of the Council Tax (Administration and

			Enforcement) Regulations (SI 1992/613) as amended by SI 1993/773)
1971 Act order made before 1 April 1993 in payment	Pre 31 March 1993 community charge order received  Post 31 March 1993 community charge order received	Must wait until 1971 Act order cleared  Must wait until 1971 Act order cleared	Regulation 37(2)(a) of the Community Charges (Administration and Enforcement) Regulations (SI 1989/438)  (New regulation 37A inserted by SI 1993/775 only applies to orders made after 31 March 1993)
	Council Tax	Apply AEOs in date order,	Regulation 42(2) of

	order received	applying later order to residue of earnings (but see note 1) by SI 1992/3008)	Council Tax (Administration and Enforcement) Regulations (SI 1992/613, as substituted
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NOTE (1): an employer shall not deal with a ‘non-priority order’ until he has dealt with the Council Tax AEO or AEOs and any other order under the Attachment of Earnings Act 1971 or section 31 (2) of the Child Support Act 1991. In this respect a ‘non priority order’ is an order made under the 1971 Act either wholly or in part in respect of the amount of a judgment debt or payments under an administration order.

**Priorities between AEOs where all orders concerned are made post 31.3.93.**

		Action for employer	Relevant regulations
Council Tax AEO	and Council Tax AEO	apply AEOs in date order, applying later order to residue of earnings (but see note (3)).	regulation 42(1) of Council Tax (Administration and Enforcement) Regulations (SI 1992/613, as substituted by SI 1992/3008 and 1998/295)
	and 1971 Act AEO	apply AEOs in date order, applying later order to residue of earnings (but see	regulation 42(2) of Council Tax (Administration and Enforcement) Regulations (SI 1992/613,

		note (3)).	as substituted by SI 1992/3008)
	and Child Support DEO	apply AEOs in date order, applying later order to residue of earnings	regulation 42(2) of Council Tax (Administration and Enforcement) Regulations (SI 1992/613, as substituted by SI 1992/3008)
	and community charge AEO	process CC AEO when received applying it to residue of earnings	net earnings as defined in regulation 27(1) of Community Charge (Administration and Enforcement) Regulation

			ns (SI 1989/438, as amended by SI 1992/219 and 1993/775)
Community charge AEO	and community charge AEO	apply AEOs in date order, applying later order to residue of earnings	regulation 37A(2) of Community Charge (Administration and Enforcement) Regulations (as inserted into SI 1989/438 by SI 1993/775)
	and 1971 Act AEO	apply AEOs in date order, applying later order to residue of earnings (but see	regulation 37 A(3) of Community Charge (Administration and Enforcement) Regulations (as inserted

		note (2)).	into SI 1989/438 by SI 1993/775).
	and Child Support DEO	Apply AEOs in date order, applying later order to residue of earnings	regulation 24 of Child Support (Collection and Enforcement) Regulations (SI 1992/1989)
	and Council Tax AEO	Process CT AEO when received applying it to residue of earnings	net earnings as defined in regulation 32 of SI 1992/613, as amended by SI 1993/773.

Note (1): an employer shall not deal with a 'non-priority order' until he has dealt with the Council Tax AEO or AEOs and any other order under the Attachment of Earnings Act 1971 or section 31(2) of the Child Support Act 1991. In this context a 'non-priority order' is an order made on or after 1 April 1993 under the 1971 Act either wholly or in part in respect of the payment of a judgment debt or payments under an administration order.

Note (2): an employer shall not deal with a 'non-priority order' until he has dealt with the community charge AEO or AEO's, and any other order under the Attachment of Earnings Act 1971 or section 31(2) of the Child Support Act 1991. In this context a 'non-priority order' is an order made on or after 1 April 1993 made either wholly or in part in respect of the payment of a judgment debt or payments under an administration order.

Note (3): an employer shall not action a Council Tax AEO if there are already two Council Tax AEOs in payment. The local authority should be notified accordingly.