

LAWS OF TRINIDAD AND TOBAGO

ATTACHMENT OF EARNINGS
(MAINTENANCE) ACT

CHAPTER 45:52

Act
14 of 1988
Amended by
28 of 1995
12 of 2000

Current Authorised Pages

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LAWS OF TRINIDAD AND TOBAGO

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Chap. 45:52 *Attachment of Earnings (Maintenance)*

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 45:52

**ATTACHMENT OF EARNINGS
(MAINTENANCE) ACT**

ARRANGEMENT OF SECTIONS

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CHAPTER 45:52

**ATTACHMENT OF EARNINGS
(MAINTENANCE) ACT**

14 of 1988. **An Act relating to the attachment of earnings as a means of enforcing the discharge of maintenance obligations.**

Commencement. [1ST DECEMBER 1991]
[169/1991].

Short title. **1.** This Act may be cited as the Attachment of Earnings (Maintenance) Act.

Interpretation. **2.** In this Act—
“the Court”, in relation to an attachment of earnings order, means the Magistrate’s Court or the High Court;
“the debtor”, in relation to an attachment of earnings order or to proceedings in which a Court has power to make an attachment of earnings order, or to proceedings arising out of such an order, means the person by whom payment is required by the maintenance order to be made;
“earnings”, in relation to a debtor, means any sums payable to him—
(a) by way of wages or salary, including 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 pension, including an annuity in respect of past services, whether or not the services were rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments of any office or employment;
“employer” in relation to an attachment of earnings order means the person who is required by the said order to make deductions from earnings paid by him to the debtor;

“High Court maintenance order” and “Magistrate’s Court maintenance order” mean respectively a maintenance order made by a High Court or a Magistrate’s Court;

“Magistrate’s Court” means a “Court” or “Summary Court” or “Court of summary jurisdiction” within the meaning of section 2 of the Summary Courts Act;

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“maintenance order” means any order specified in Schedule 1 and includes such an order which has been discharged if any arrears are recoverable thereunder; and

Schedule 1.

“maintenance payments” means payments required to be made under a maintenance order.

3. References in relation to sections 6(5)(b) and 13(1)(a)(ii) to the debtor’s needs include references to the needs of any person for whom the debtor must, or reasonably may, provide.

References to debtor’s needs.

4. Where a maintenance order has been made, whether before or after the commencement of this Act, the Court making the maintenance order may upon an application made under this Act, at the same time, or at any subsequent time as the case may be, make an attachment of earnings order to secure maintenance payments.

Power of Courts to attach earnings. [28 of 1995].

5. (1) The following persons may apply for an attachment of earnings order:

Application for attachment of earnings order. [28 of 1995].

(a) any person making an application for a maintenance order;

(b) any person who is entitled to receive payment under a maintenance order whether directly or into a specified bank account or to the Collecting Officer;

(c) without prejudice to paragraph (b), where the application is to the Magistrate’s Court for an attachment of earnings order and there is in force an order under section 26(6) of the Family Law (Guardianship of Minors, Domicile and

Ch. 46:08.

Maintenance) Act, that those payments be made to the Collecting Officer;

(d) the debtor.

(2) Where a maintenance order is in force, an application for an attachment of earnings order shall be made in accordance with Form 1 or 5 of Schedule 5 as is appropriate and a summons in Form 3 or 7 shall be served on the debtor.

Schedule 5.
Form 1 or 5.
Form 3 or 7.

(3) Where an application under subsection (2) is made by the debtor it shall be endorsed with the prescribed notice in Form 1 of Schedule 5 and a copy of the application so endorsed shall be served on the person entitled to receive payment under a maintenance order.

Schedule 5.
Form 1.

(4) Where a maintenance order is not in force, an application for an attachment of earnings order may be made at the same time as an application for a maintenance order, and the Court shall hear the application for the attachment of earnings order forthwith after the maintenance order has been granted.

(5) An application for an attachment of earnings order under subsection (4) shall be made by way of notice in Form 8 of Schedule 5 and a copy of the notice shall be served on the person against whom the maintenance order is being sought.

Schedule 5.
Form 8.

(6) Where proceedings are brought—

(a) in the High Court for the enforcement of a maintenance order by committal under—

(i) section 5 of the Debtors Act; or

(ii) rules 64 and 65 of the Matrimonial Causes Rules; or

(b) in Magistrate's Court for the enforcement of a maintenance order under section 82 of the Summary Courts Act,

Ch. 8:07.

Ch. 45:51
Sub. Leg.

Ch. 4:20.

the Court may make an attachment of earnings order to secure payments under the maintenance order.

6. (1) An attachment of earnings order shall state the following particulars relating to the debtor as are known to the applicant thereby enabling the debtor to be identified by the employer:

Contents and effect of attachment of earnings order. [28 of 1995].

- (a) his full name and address;
- (b) his place of employment;
- (c) the nature of his work; and
- (d) his national insurance number, if any.

(2) An attachment of earnings order shall be an order directed to the employer and shall operate as an instruction to that person—

- (a) to make periodical deductions from the debtor's earnings in accordance with Part I of Schedule 2; and
- (b) at such times as the order may require, or as the Court may allow, to pay the amounts deducted directly to the person to whom payment under the maintenance order is required to be made or to the Collecting Officer or as otherwise specified in the order.

Schedule 2. Part I.

(3) The Court may order that maintenance payments due under an attachment of earnings order be paid into an account at any bank as designated by the person to whom payment under the maintenance order is required to be made.

(4) Where there is a change in the bank account, notice is required to be given to the Court of such change by the person to whom payment under the maintenance order is required to be made within seven days of such change.

(5) An attachment of earnings order shall further specify—

- (a) the normal deduction rate, that is to say, the rate, expressed as a sum of money per week, month or other period, at which the Court thinks it reasonable for the debtor's earnings to be applied to meeting his liability under the maintenance order; and
- (b) the protected earnings rate, that is to say, the rate below which, having regard to the debtor's resources and needs, the Court thinks it

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reasonable that the earnings actually paid to him should not be reduced.

(6) In the case of an order made to secure payments under a maintenance order, not being an order for the payment of a lump sum, the normal deduction rate—

(a) shall be determined after taking into account any right or liability of the debtor to deduct income tax and other compulsory social security contributions in accordance with Schedule 3 when making the payments; and

Schedule 3.

(b) shall not exceed the rate which appears to the Court necessary for the purpose of—

(i) securing payment of the sums falling due from time to time under the maintenance order; and

(ii) securing payment within a reasonable period of any sums already due and unpaid under the maintenance order.

(7) For the purposes of an attachment of earnings order, the Collecting Officer shall be, subject to later variation of the order under section 9—

(a) in the case of an order made by the High Court, the Registrar of the Supreme Court, or Sub-Registry or such other officer as may be designated;

Ch. 46:08.

(b) in the case of a Magistrate's Court, the Clerk or an Assistant Clerk of the Peace designated by the Chief Magistrate under the provisions of section 26(3) or (4) of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act.

Compliance with order by employer.

7. (1) Where an attachment of earnings order has been made, the employer shall, if he has been served with the order, comply with it; but he shall be under no liability for non-compliance before fourteen days have elapsed since the service.

(2) Where a person is served with an attachment of earnings order directed to him and he does not have the debtor in his employment, or the debtor subsequently ceases to be in his employment he shall, in either case, within ten days from the date of service or, as the case may be, the cesser, give notice of that fact in writing to the Court.

(3) Part II of Schedule 2 shall have effect with respect to the priority to be accorded where two or more attachment of earnings orders have been directed to an employer in respect of the same debtor.

Schedule 2.
Part II.

(4) On any occasion when the employer makes, in compliance with the order, a deduction from the debtor's earnings he shall give to the debtor a statement in writing of the total amount of the deduction.

8. (1) Where an attachment of earnings order has been made to secure maintenance payments, no order or warrant of commitment shall be issued in consequence of any proceedings for the enforcement of the maintenance order begun before the making of the attachment of earnings order.

Inter-relation
with order or
issue of warrant
of commitment.
[28 of 1995].

(2) Notwithstanding subsection (1) where an attachment of earnings order has been made but the attached earnings fail to satisfy the entire maintenance payments the Court may upon satisfactory evidence that the debtor has the means—

- (a) issue a warrant of commitment in respect of the non-payment of the sum not secured under the attachment of earnings order; or
- (b) direct payment by instalment of the said sum.

9. (1) The High Court or the Magistrate's Court may make an order varying or discharging an attachment of earnings order.

Variation, lapse
and discharge of
orders.
[28 of 1995].

(2) Where an order is varied, the employer shall, if he has been served with notice of the variation, comply with the order as varied, but he shall be under no liability for non-compliance before fourteen days have elapsed since the service.

(3) Where an attachment of earnings order has been made and the employer ceases to have the debtor in his

employment, the order shall lapse, except as respects deduction from earnings paid after the cesser and payment to the Collecting Officer of amounts deducted at any time and shall be of no effect unless and until the Court again directs it to the employer, whether the same as before or another.

Normal deduction rate to be reduced in certain cases.

10. (1) The following provisions shall have effect, in the case of an attachment of earnings order made to secure maintenance payments, where it appears to the Collecting Officer that:

- (a) the aggregate of the payments made for the purposes of the maintenance order by the debtor, whether under the attachment of earnings order or otherwise, exceeds the aggregate of the payments required up to that time by the maintenance order; and
- (b) the normal deduction rate specified by the attachment of earnings order, or, where two or more such orders are in force in relation to the maintenance order, the aggregate of the normal deduction rates specified by those orders, exceeds the rate of payments required by the maintenance order; and
- (c) no proceedings for the variation or discharge of the attachment of earnings order are pending.

(2) In the case of an order made by the High Court, the Collecting Officer shall give notice of his intention to apply to the Court to vary the order to the person to whom he is required to pay sums received under the attachment of earnings order and to the debtor; and the Court shall make the appropriate variation order unless the debtor requests it to discharge the attachment of earnings order, or to vary it in some other way, and the Court thinks fit to comply with the request.

(3) In the case of an order made by a Magistrate's Court, the Collecting Officer shall apply to the Court for the appropriate variation order; and the Court shall grant the application unless

the debtor appears at the hearing and he requests the Court to discharge the attachment of earnings order, or to vary it in some other way, and the Court thinks fit to comply with the request.

(4) In this section, “the appropriate variation order” means an order varying the attachment of earnings order in question by reducing the normal deduction rate specified thereby so as to secure that that rate, or, in the case mentioned in subsection (1)(b), the aggregate of the rates therein mentioned—

- (a) is the same as the rate of payments required by the maintenance order, or
- (b) is such lower rate as the Court thinks fit having regard to the amount of the excess mentioned in subsection (1)(a).

11. Where an attachment of earnings order is discharged under section 9, the person to whom the order has been directed shall be under no liability in consequence of his treating the order as being still in force at any time before a copy of the discharging order is served on him.

Termination of employer’s liability. [28 of 1995].

12. (1) The Collecting Officer to whom a person makes payments in compliance with an attachment of earnings order shall after deducting such Court fees, if any in respect of proceedings for or arising out of the order, as are deductible from those payments, pay the remaining sums to the person entitled.

Application of sums received by Collecting Officer.

(2) Any sum paid to the Collecting Officer under an attachment of earnings order made to secure maintenance payments shall, when paid to the person entitled to receive those payments, be deemed to be payments made by the debtor so as to discharge—

- (a) first, any sums for the time being due and unpaid under the maintenance order, a sum due at an earlier date being discharged before a sum due at a later date; and
- (b) secondly, any costs incurred in proceedings related to the maintenance order which were payable by the debtor when the attachment of earnings order was made or last varied.

Power of Court to obtain statements of earnings, etc. [28 of 1995].

13. (1) Where in any proceedings a Court has power to make an attachment of earnings order, it may—

- (a) order the debtor to give to the Court, within a specified period, a statement signed by him of—
 - (i) the name and address of any person by whom earnings are paid to him;
 - (ii) specified particulars as to his earnings and anticipated earnings, and as to his resources and needs; and
 - (iii) specified particulars for the purpose of enabling the debtor to be identified by any employer, of his;
- (b) order the employer to give to the Court, within a specified period, a statement signed by him or on his behalf of specified particulars of the debtor's earnings and anticipated earnings.

(2) Where an attachment of earnings order has been made, the Court may at any time thereafter while the order is in force make such an order as is described in subsection (1)(a) or (b).

(3) Without prejudice to subsections (1) and (2), where a summons or a notice of an application for an attachment of earnings order is served on the debtor, it shall include a requirement that he shall give to the Court within fourteen days a statement in writing of the matters specified in subsection (1)(a) and of any other matters which are, or may be, relevant under section 6 to the determination of the normal deduction rate and the protected earnings rate to be specified in any order made on the application.

(4) In any proceedings in which a Court has power to make an attachment of earnings order, and in any proceedings for the making, variation or discharge of such an order, a document purporting to be a statement given to the Court in compliance with an order under subsection (1)(a) or (b), or with any such requirement of a summons or notice of application for an attachment of earnings order as is mentioned in subsection (3), shall in the absence of evidence to the contrary, be deemed to be a statement so given and shall be proof of the facts stated therein.

14. Where an attachment of earnings order has been made and has not been discharged—

Obligation of debtor and his employers to notify changes of employment and earnings.

- (a) the debtor shall notify the Court in writing of every occasion on which he leaves any employment, or becomes employed or re-employed, not later in each case than fourteen days from the date on which he did so;
- (b) the debtor shall on any occasion when he becomes employed or re-employed include in his notification under paragraph (a) particulars of his earnings and anticipated earnings from the relevant employment; and
- (c) any person who becomes the debtor's employer and knows that the order is in force and by what Court it is made shall, within fourteen days of his becoming the debtor's employer or of acquiring that knowledge whichever is the later notify that Court in writing that he is the debtor's employer, and include in his notification a statement of the debtor's earnings and anticipated earnings.

15. (1) Where an attachment of earnings order is in force, the Court shall, on the application of the person in subsection (2), determine whether payments to the debtor of a particular class or description specified by the application are earnings for the purposes of the order; and the employer shall be entitled to give effect to any determination for the time being in force under this section.

Power of Court to determine whether particular payments are earnings.

- (2) The persons referred to in subsection (1) are—
 - (a) the employer;
 - (b) the debtor;
 - (c) the person to whom payment under the maintenance order is required to be made, whether directly, into a specified bank account or through the Collecting Officer of the Court.

(3) Where an application under this section is made by the employer, he shall not incur any liability for non-compliance with the order as respects any payment of the class or description specified by the application which is made by him to the debtor while the application or any appeal in consequence thereof is pending; but this subsection shall not, unless the Court otherwise orders, apply as respects such payments if the employer subsequently withdraws the application or, as the case may be, abandons the appeal.

Certain applications to be made by Collecting Officer only on request.

16. (1) The Collecting Officer who is entitled to receive maintenance payments under a maintenance order for transmission to another person shall not—

- (a) apply for an attachment of earnings order to secure payments under the maintenance order; or
- (b) except as provided by section 10(3) apply for an order discharging or varying such an attachment of earnings order; or
- (c) apply for a determination under section 15, unless he is requested in writing to do so by the person entitled to receive maintenance payments through him.

(2) Where the Collecting Officer is so requested—

- (a) he shall comply with the request unless it appears to him unreasonable in the circumstances to do so; and
- (b) the person by whom the request was made shall have the same liabilities for all the costs properly incurred in or about any proceedings taken in pursuance of the request as if the proceedings had been taken by that person.

(3) For the purposes of subsection (2)(b), any application made by the Collecting Officer as required by section 10(3) shall be deemed to be made at the request of the person in whose favour the attachment of earnings order in question was made.

(4) An application for an attachment of earnings order may be heard notwithstanding that it was not made within the six months allowed by section 33(2) of the Summary Courts Act. Ch. 4:20.

17. (1) On making a determination under section 15, the Court may in its discretion make such order as it thinks just and reasonable for payment by any of the persons mentioned in subsection (2) of that section of the whole or any part of the costs of the determination but subject to section 16(2)(b). Costs on application under section 15.

(2) Costs ordered to be paid under this section shall in the case of costs to be paid by the debtor to the person in whose favour the attachment of earnings order in question was made, be deemed, to be a sum due under the maintenance order.

18. (1) Where a debtor is employed by the State and an attachment of earnings order is made in respect of him, then, for the purposes of this Act— Persons employed by the State. [28 of 1995].

(a) the Chief Accounting Officer of the Department in which the debtor is for the time being employed shall be regarded for the purposes of this Act as the employer and any transfer of the debtor from one department to another shall not be treated as a cessation of employment within the meaning of section 9(3);

(b) any earnings paid by the State shall be treated as paid by the said Chief Accounting Officer of the department in which the debtor is employed.

(2) For the purposes of this section, the expression “the State” includes local and public authorities of all descriptions.

19. (1) Where after being served with a summons or a notice of an application to a High Court or a Magistrate’s Court for an attachment of earnings order or for the variation of such an order, the debtor fails to attend on the day and at the time specified for any hearing of the application, the Court may adjourn the hearing Failure of debtor to attend hearing of application. [28 of 1995].

and order him to attend at a specified time on another day and if the debtor—

- (a) fails to attend at that time on that day; or
- (b) attends, but refuses to be sworn or give evidence,

the Court may proceed to hear the application notwithstanding his absence or his refusal to be sworn or to give evidence.

(2) Subject to this section, a person commits an offence if—

- (a) being required by section 7(1) or 9(2), to comply with an attachment of earnings order, he fails to do so; or
- (b) being required by section 7(2) to give a notice for the purposes of that subsection, he fails to give it or fails to give it within the time required by that subsection; or
- (c) he fails to comply with an order under section 13(1) or with any such requirement of a summons or a notice of application for an attachment of earnings order as is mentioned in section 13(3), or fails, in either case, to comply within the time required by the order or notice; or
- (d) he fails to comply with section 14; or
- (e) he gives notice for the purposes of section 7(2), or a notification for the purposes of section 14, which he knows to be false in a material particular, or recklessly gives such a notice or notification which is false in a material particular; or
- (f) in purported compliance with section 7(2) or 14, or with an order under section 13(1), or with any such requirement of a summons or a notice of application for an attachment of earnings order as is mentioned in section 13(3), he makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular.

(3) Where a person commits an offence under subsection (2) in relation to proceedings in, or to an attachment of earnings order made by the High Court or Magistrate's Court, he is liable on summary conviction to a fine of one thousand dollars or he may be ordered by a Judge of the High Court or by a Magistrate in the Magistrate's Court, as the case may be, to pay a fine of one thousand dollars or, in the case of an offence specified in subsection (4), to be imprisoned for fourteen days; and where a person commits an offence under subsection (2) otherwise than as mentioned in this subsection, he is liable on summary conviction to a fine of one thousand dollars.

(4) The offences referred to above in the case of which a Judge may impose imprisonment are—

- (a) an offence under subsection (2)(c) or (d) if committed by the debtor; and
- (b) an offence under subsection (2)(e) or (f), whether committed by the debtor or any other person.

(5) It shall be a defence—

- (a) for a person charged with an offence under subsection (2)(a) to prove that he took all reasonable steps to comply with the attachment of earnings order in question; or
- (b) for a person charged with an offence under subsection (2)(b) to prove that he did not know and could not reasonably be expected to know that the debtor was not or had ceased to be in his employment and that he gave the required notice as soon as reasonably practicable after the fact came to his knowledge.

(6) Where a person is convicted or dealt with for an offence under subsection (2)(a), the Court may order him to pay to whoever is the Collecting Officer for the purposes of the attachment of earnings order in question, any sums deducted by that person from the debtor's earnings and not already paid to the Collecting Officer.

(7) Where under this section a person is ordered by a Judge of the High Court or a Magistrate to be imprisoned, the Judge or the Magistrate, as the case may be, may at any time revoke the order and, if the person is already in custody, order his discharge.

(8) Any fine imposed by a Judge of the High Court under subsection (3) and any sums ordered by the High Court to be paid under subsection (6) shall be recoverable as a civil debt; and any sum ordered by a Magistrate's Court to be paid under subsection (6) shall be recoverable as a sum adjudged to be paid on a conviction by that Court.

Transitional.

Ch. 46:08.

20. (1) This Act shall apply with respect to maintenance orders made under the former Acts as if they were maintenance orders made under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act; and all such orders made under the former Acts may be enforced, varied, discharged or suspended and any arrears due under any such order may be remitted under an attachment of earnings order made under this Act.

Ch. 46:05.
Ch. 45:52.
Ch. 46:02.

(2) In this section the expression "former Acts", means the Affiliation Act, the Separation and Maintenance Act and Part I of the Infants Act since repealed by the said Family Law (Guardianship of Minors, Domicile and Maintenance) Act.

Act binds
the State.

21. This Act binds the State.

Forms.
Schedule 5.

22. The Forms set out in Schedule 5 or forms to the like effect may be used in the matters to which they apply.

SCHEDULE 1

Section 2.
[12 of 2000].

**MAINTENANCE ORDERS TO WHICH
THIS ACT APPLIES**

1. An order for maintenance pending suit, maintenance or other payments made, or having effect as if made under the Matrimonial Proceedings and Property Act, Ch. 45:51.
2. An order for payments to or in respect of a child, being an order made, or having effect as if made, under Part III of the said Matrimonial Proceedings and Property Act, Ch. 45:51.
3. An order under section 13(2), 13(5), 13(6)(a), 13(6)(b), 14(1)(b), 15(b) of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Ch. 46:08.
4. An order for maintenance made pursuant to a paternity order under section 22 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Ch. 46:08.
5. An order for maintenance or other periodical payments to or in respect of a spouse or a child, being an order made, or having effect as if made under section 25 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act.
6. An order under sections 13 and 65 of the Children Act, Ch. 46:01.
7. An order for maintenance under the Age of Majority Act, Ch. 46:06.
8. An order for maintenance under Part III of the Wills and Probate Act, Ch. 9:03.
9. An order under section 9(2) of the Infants Act, Ch. 46:02.
10. A maintenance order within the meaning of the Maintenance Orders (Facilities for Enforcement) Act, 2000 (United Kingdom, and other Commonwealth Maintenance Orders enforceable in Trinidad and Tobago) registered in, or confirmed by, a Court in Trinidad and Tobago under the said Act.

Sections 6
and 8.

SCHEDULE 2

**DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT
OF EARNINGS ORDER**

PART I

SCHEME OF DEDUCTIONS

1. For the purposes of this Schedule the expressions used therein are defined and explained as appears in the following three paragraphs.
2. “Pay-day” in relation to earnings paid to a debtor, means an occasion on which they are paid.
3. “Attachable earnings” in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—
 - (a) income tax;
 - (b) contributions under any of the following enactments:
 - (i) the National Insurance Act, Ch. 32:01;
 - (ii) the National Insurance (Amendment) Act, No. 13 of 1984;
 - (c) contributions deductible under the Widows’ and Orphans’ Pensions Act, Ch. 23:54 in the case of male public officers holding permanent appointment in the public service of Trinidad and Tobago within the meaning of section 2 of the said Widows’ and Orphans’ Pensions Act, Ch. 23:54.
4. On any pay-day—
 - (a) “the normal deduction” is arrived at by applying the normal deduction rate, as specified in the relevant attachment of earnings order, with respect to the period since the last pay-day or, if it is the first pay-day of the debtor’s employment with the employer, since the employment began; and
 - (b) “the protected earnings” are arrived at by applying the protected earnings rate, as so specified, with respect to the said period.
5. (1) Where on any pay-day the attachable earnings exceed the sum of—
 - (a) the protected earnings; and
 - (b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this subparagraph on another previous pay-day,

then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in the following subparagraph:

- (2) The said amount is the sum of—
 - (a) the normal deduction; and
 - (b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this subparagraph on any other previous pay-day.

(3) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.

PART II

Section 7.

PRIORITY AS BETWEEN ORDERS

6. Where the employer is required to comply with two or more attachment of earnings orders in respect of the same debtor, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule—

- (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;
- (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.

SCHEDULE 3

Section 6.

**TAXES, SOCIAL SECURITY CONTRIBUTIONS
RELEVANT FOR PURPOSES OF SECTION 6(6)**

Contributions under—

- (a) Section 36 of the National Insurance Act, Ch. 32:01;
- (b) Section 37 of the National Insurance Act, Ch. 32:01;
- (c) Section 56A of the National Insurance Act, Ch. 32:01.

SCHEDULE 4

Section 2.

**ENACTMENTS PROVIDING BENEFITS WHICH ARE NOT
TO BE TREATED AS DEBTOR'S EARNINGS**

The National Insurance Act, Ch. 32:01.
The Public Assistance Act, Ch. 32:03.

LAWS OF TRINIDAD AND TOBAGO

Section 5.
[28 of 1995].

SCHEDULE 5

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

Region of

IN THE MAGISTRATE'S COURT

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

APPLICATION FOR ORDER TO ATTACH EARNINGS

The application of
of
made theday of, 20..... states that by a
maintenance order made at the
Magistrate's Court held at on
the day of, 20..... (name of
debtor) was ordered to pay to or to
..... having the care of a minor child/
minor children the sum of per week/month.

AND the applicant further says that there is payable to the said
..... certain earnings capable of being
attached namely *

AND the applicant therefore prays that an order be made that the sum of
† or such part
thereof as the Court may order, may each week be attached out of the said
earnings and paid—

- ‡(1) directly to the applicant;
- ‡(2) to the bank account specified herein;
- ‡(3) to the Collecting Officer for the said Magisterial District;
- ‡(4) directly to the person entitled to receive payment under the
maintenance order.

Signed
Applicant

Taken before me this day of, 20.....
..... in the

Signed
Clerk of the Peace

ENDORSEMENT ON APPLICATION OF DEBTOR

To
Name of person entitled to payments under maintenance order

TAKE NOTICE that this application has been filed by
(the debtor) and will be heard by the
Magistrate at on the day of ,
20..... at o'clock.

Dated this day of , 20.....

Signed
Clerk of the Peace

* Set out particulars of earnings.
† Insert amount of weekly/monthly sum payable under the Attachment of Earnings Order.
‡ Delete whichever is inapplicable.

FORM 2

Section 6.
[28 of 1995].

REPUBLIC OF TRINIDAD AND TOBAGO

Region of

IN THE MAGISTRATE'S COURT

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

FORM OF RECEIPT TO BE GIVEN BY
COLLECTING OFFICER

..... Magisterial District

No.

..... vs.

Received from this day of
..... , 20..... the sum of
being amount due under an attachment of earnings order in respect of
..... weeks/months payments ending the day of
..... , 20.....

Signed
Collecting Officer

\$
.....

..... Magisterial District.

LAWS OF TRINIDAD AND TOBAGO

24

Chap. 45:52 Attachment of Earnings (Maintenance)

Section 5.
[28 of 1995].

FORM 3

REPUBLIC OF TRINIDAD AND TOBAGO

Region of

IN THE MAGISTRATE'S COURT

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (CH. 45:52)

SUMMONS FOR ATTACHMENT OF EARNINGS

..... Magisterial District

To
Name and Address of Debtor

WHEREAS application has been made on the day of

..... 20..... that by a maintenance order made at the Magistrate's

Court for the Magisterial District held at on the

..... day of, 20..... it was adjudged that

..... was ordered to pay the sum of \$..... per

week/month to or to

having the care of the minor child/minor children

And the applicant further states that there are certain earnings capable of being

attached, namely

These are therefore to require you to be and appear on theday

of, 20..... at o'clock in the

forenoon in the Magistrate's Court at to show cause

why an order should not be made that the sum of
..... or such part thereof as
the Court may order may each week/month be attached out of the said earnings
and paid in the manner specified in the said application.

You are requested to give to the Court, within fourteen (14) days, a sworn
statement of the following matters:

- (i) the name and address of any person by whom earnings
are paid to you;
- (ii) particulars about your earnings and anticipated earnings
as well as your resources and needs;
- (iii) particulars of the amount of income tax and compulsory
social security contributions which are to be deducted
from your earnings or anticipated earnings as the case
may be;
- (iv) particulars for the purpose of enabling you to be
identified by any employer of yours.

Given under my hand this day of

20..... at in the

Magisterial District

Signed
Clerk of the Peace

LAWS OF TRINIDAD AND TOBAGO

Sections 4 and 6. [28 of 1995].

FORM 4

REPUBLIC OF TRINIDAD AND TOBAGO

Region of

IN THE MAGISTRATE'S COURT

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

ORDER TO ATTACH EARNINGS

To Name and Address of Debtor

..... Magisterial District WHEREAS an application has been made by that by a maintenance order made at the Magistrate's Court held at on the day of , 20..... it was adjudged that of who is employed at as NIS No. was ordered to pay the sum of \$ per week/month to and there is now due thereunder the sum of being the amount of arrears for weeks/months payments and that there is payable to the said certain earnings capable of being attached, namely

After giving the said an opportunity of being heard it is adjudged that the facts set out in the said application are true.

IT IS HEREBY ORDERED that the said (debtor) do make payments out of those earnings in accordance with the Act to be paid to in the manner specified by the Court.

AND IT IS HEREBY ORDERED that for the purpose of calculating the said payments the normal deduction rate shall be per week/month and that the protected earnings rate shall be per week/month.

Dated this day of , 20..... .

Signed Clerk of the Peace

..... Magisterial District.

FORM 5

Section 5.
[28 of 1995].

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

APPLICATION FOR ORDER TO ATTACH EARNINGS

The application of
of
made the day of , 20..... to the High Court
states that by a maintenance order made in the High Court of Justice dated
the day of , 20..... was ordered to pay to
..... or to
..... having the care of a minor child/
minor children‡ the sum of per week/month‡.

And the applicant further says that there is payable to the said
..... certain earnings capable of being attached
namely *.....
.....

And the applicant therefore prays that an order be made that the sum of
†..... or
such part thereof as the Court may order, may each week be attached out of
the said earnings and paid—

- ‡ (1) directly to the applicant;
- ‡ (2) to the bank account specified herein;
- ‡ (3) to the Collecting Officer for the said Magisterial District;
- ‡ (4) directly to the person entitled to receive payment under the
maintenance order.

Signed
Applicant

Taken before me this day of , 20.....
at in the

Signed
Registrar of the Supreme Court

LAWS OF TRINIDAD AND TOBAGO

28

Chap. 45:52 Attachment of Earnings (Maintenance)

ENDORSEMENT ON APPLICATION OF DEBTOR

To
Name and address of person entitled to receive payments under maintenance order

TAKE NOTICE that this application has been filed by
and will be held by the Judge in Chambers at
on the day of , 20.....

Dated this day of , 20.....

Signed
Registrar of the Supreme Court

- * Set out particulars of earnings.
† Insert amount of weekly/monthly sum payable under the attachment of earnings order.
‡ Delete whichever is inapplicable.

Section 6.
[28 of 1995].

FORM 6

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

FORM OF RECEIPT TO BE GIVEN BY
THE REGISTRAR

No. of 20.....
..... vs.*

Received from this
day of , 20..... the sum of
being amount due under an attachment of earnings order in the above matter
in respect ofweeks/months payments
ending the day of , 20.....

Signed
Registrar of the Supreme Court

\$

*Insert title of proceedings.

FORM 7

Section 5.
[28 of 1995].

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

SUMMONS FOR ATTACHMENT OF EARNINGS

To
Name and Address of Debtor

WHEREAS application has been made to the High Court
20..... that by a maintenance order made at the High Court held at
on the day of 20..... it was
adjudged that was ordered to pay the sum
of \$ per week/month to
or to having the care of the minor child/
or minor children
And the applicant further states that there are certain earnings capable of
being attached, namely

These are therefore to require you to be and appear on the day
of , 20..... at o'clock in the forenoon in
the High Court at to show cause why an order
should not be made that the sum of
..... or such part thereof as the Court may
order may each week/month be attached out of the said earnings and paid in the
manner specified in the said application.

You are requested to give to the Court, within fourteen (14) days, a sworn
statement of the following matters:

- (i) the name and address of any person by whom earnings are paid to you;
- (ii) particulars about your earnings and anticipated earnings including your resources as well as your needs;
- (iii) particulars of the amount of income tax and compulsory social security contributions which are to be deducted from your earnings or anticipated earnings as the case might be;
- (iv) particulars for the purpose of enabling you to be identified by any employer of yours.

Given under my hand this day of ,
20..... at

Signed
Registrar of the Supreme Court

LAWS OF TRINIDAD AND TOBAGO

Section 5.
[28 of 1995].

FORM 8

REPUBLIC OF TRINIDAD AND TOBAGO

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

*In the Magistrate’s Court
In the High Court of Justice

NOTICE OF APPLICATION

TO
Name and address of person against whom order is being sought

TAKE NOTICE that
having made an application for maintenance applies to the Court for an Attachment of Earnings Order under section 5 of the Attachment of Earnings (Maintenance) Act (Ch. 45:52).

The application will be heard immediately after the order for maintenance has been granted and in default of your appearance an order may be made as the Court thinks fit.

Take Notice also that you must send to the Registrar/Clerk of the Peace so as to reach him within fourteen days after you receive this notice a sworn statement of the following matters:

- (i) the name and address of any person by whom earnings are paid to you;
- (ii) particulars about your earnings and anticipated earnings as well as your resources and needs;
- (iii) particulars of the amount of income tax and compulsory social security contributions which are to be deducted from your earnings or anticipated earnings as the case may be; and
- (iv) particulars for the purpose of enabling you to be identified by any employer of yours.

Dated

Signed
**Registrar of the Supreme Court/
Clerk of the Peace for the Magistrates District*

*Delete whichever is inapplicable.

FORM 9

Section 9.
[28 of 1995].

REPUBLIC OF TRINIDAD AND TOBAGO

THE ATTACHMENT OF EARNINGS (MAINTENANCE) ACT (Ch. 45:52)

APPLICATION TO VARY ATTACHMENT OF EARNINGS ORDER

*In the Magistrate’s Court
In the High Court of Justice

No. of
Insert number of name of proceedings

WHEREAS by an attachment of earnings order dated the day of, 20..... was required out of earnings falling to be paid by him to to make payments to me in or towards satisfaction of the payments due to under a maintenance order made by the High Court of Justice or as the case may be on the day of, 20..... .

And whereas it appears that—

- (a) the aggregate of the payments made for the purposes or the maintenance order exceeds the aggregate of the payments required by that order; and
- (b) the normal deduction rate specified by the attachment of earnings exceeds the rate of payments required by the maintenance order; and
- (c) no proceedings for the variation or discharge of the attachment of earnings order are pending.

Take notice that unless the said applies to the High Court of Justice/Magistrate’s Court within fourteen days after the date of an order discharging the attachment of earnings order or varying it in some manner, the Court will make an order varying the attachment of earnings order by reducing the normal deduction rate to the rate of payments required by the maintenance order or to such lower rate as the Court thinks fit having regard to the amount of the excess mentioned in paragraph (a) of this notice.

Dated the day of, 20..... .

*Signed (to be signed by the Registrar of the Supreme Court or the Collecting Officer of the Magistrate’s Court as the case may be).

*Delete whichever is inapplicable.