

# TRAFFIC ENFORCEMENT

**This Practice Direction supplements CPR Part 75**

## Interpretation and scope

### 1.1 In this Practice Direction –

- (1) ‘the 1991 Act’ means the Road Traffic Act 1991;
- (2) ‘the 1996 Act’ means the London Local Authorities Act 1996;
- (3) ‘the Road User Charging Regulations’ means the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001;
- (4) ‘the Vehicle Emissions (England) Regulations’ means the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;
- (5) ‘the Vehicle Emissions (Wales) Regulations’ means the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003;
- (6) ‘the 2003 Act’ means the London Local Authorities and Transport for London Act 2003;
- (7) ‘the Civil Enforcement of Parking (England) Regulations’ means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;
- (8) ‘the Civil Enforcement of Parking (Wales) Regulations’ means the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication)(Wales) Regulations 2008;
- (9) ‘the Representations and Appeals (England) Regulations’ means the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007;
- (10) ‘the Representations and Appeals (Wales) Regulations’ means the Civil Enforcement of Parking Contraventions (Representations and Appeals)(Wales) Regulations 2008.

### 1.2 Part 75 applies to proceedings for the recovery of –

- (1) increased penalty charges provided for in parking charge certificates issued under paragraph 6 of Schedule 6 to the 1991 Act;
- (2) amounts payable by a person other than an authority under an adjudication of a parking adjudicator pursuant to section 73 of the 1991 Act;
- (3) increased penalty charges provided for in a charge certificate issued under paragraph 8 of Schedule 1 to the 1996 Act (relating to a contravention or failure to comply with an order made under a provision referred to in section 4(2) of that Act reserving all or part of a carriageway of a road as a bus lane);
- (4) increased fixed penalties to which regulation 17(6) of the Vehicle Emissions (England) Regulations refer;
- (5) amounts payable by a person other than an authority under an adjudication pursuant to the Schedule to the Road User Charging Regulations;
- (6) increased penalty charges provided for in charge certificates issued under regulation 17 of the Road User Charging Regulations;
- (7) increased fixed penalties to which regulation 17(6) of the Vehicle Emissions (Wales) Regulations refer;
- (8) increased penalty charges provided for in charge certificates issued under regulation 21 of the Civil Enforcement of Parking (England) Regulations;

- (9) increased penalty charges provided for in charge certificates issued under regulation 13 of the Civil Enforcement of Parking (Wales) Regulations;
- (10) amounts payable by a person other than an authority under an adjudication pursuant to the Representations and Appeals (England) Regulations; and
- (11) amounts payable by a person other than an authority under an adjudication pursuant to the Representations and Appeals (Wales) Regulations.

**1.3** In Part 75 and this practice direction –

- (1) ‘authority’ means the authority entitled to recover amounts due under the enactments referred to in paragraph 1.2;
- (2) ‘notice of the amount due’ means, as the case may be –
  - (a) a parking charge certificate issued under paragraph 6 of Schedule 6 to the 1991 Act;
  - (b) a charge certificate issued under paragraph 8 of Schedule 1 to the 1996 Act;
  - (c) a fixed penalty notice issued under regulations 10 or 13 of the Vehicle Emissions (England) Regulations;
  - (d) a charge certificate issued under regulation 17 of the Road User Charging Regulations;
  - (e) a fixed penalty notice issued under regulations 10 or 13 of the Vehicle Emissions (Wales) Regulations;
  - (f) a charge certificate issued under regulation 21 of the Civil Enforcement of Parking (England) Regulations; or
  - (g) a charge certificate issued under regulation 13 of the Civil Enforcement of Parking (Wales) Regulations;
- (3) ‘order’ means an order made under –
  - (a) paragraph 7 of Schedule 6 to the 1991 Act;
  - (b) paragraph 9 of Schedule 1 to the 1996 Act;
  - (c) section 73(15) of the 1991 Act;
  - (d) regulation 21 of the Vehicle Emissions (England) Regulations;
  - (e) regulation 7 of the Road User Charging Regulations;
  - (f) regulation 18 of the Road User Charging Regulations;
  - (g) regulation 21 of the Vehicle Emissions (Wales) Regulations;
  - (h) regulation 22 of the Civil Enforcement of Parking (England) Regulations;
  - (i) regulation 14 of the Civil Enforcement of Parking (Wales) Regulations;
  - (j) regulation 15(3)(a) of the Representations and Appeals (England) Regulations; or
  - (k) regulation 12(3)(a) of the Representations and Appeals (Wales) Regulations; and
- (4) ‘respondent’ means –
  - (a) the person on whom the notice of the amount due was served; or
  - (b) the person (other than an authority) by whom the amount due under an adjudication is payable.

## **Traffic Enforcement Centre**

- 2.1** All claims to which Part 75 applies must be started in the Traffic Enforcement Centre (‘the Centre’) at Northampton County Court.

## **Request**

- 3.1** Where an order in respect of amounts payable by a person other than an authority under an adjudication pursuant to –
- (a) section 73 of the 1991 Act;
  - (b) the Representations and Appeals (England) Regulations;
  - (c) the Representations and Appeals (Wales) Regulations; or

- (d) the Schedule to the Road User Charging Regulations, is sought, rule 75.3 applies with the necessary modifications and, in addition, the request must –
  - (i) state the date on which the adjudication was made;
  - (ii) provide details of the order made on the adjudication; and
  - (iii) certify the amount awarded by way of costs and that the amount remains unpaid.

### **Service of Order**

- 3A.1** Rule 75.3(5) requires the authority to serve the order within 15 days of the date on which the request is registered with the court. For clarity, the respondent must be served within 15 days and attention is drawn to the provisions of Part 6, particularly the provisions relating to deemed service.

### **Functions of court officer**

- 4.1** A court officer may exercise the functions of –
- (1) the district judge under –
    - (a) paragraphs 8(4) and (5)(d) of Schedule 6 to the 1991 Act;
    - (b) paragraphs 10(4) and (5)(d) of Schedule 1 to the 1996 Act;
    - (c) regulations 19(4) and 19(5)(d) of the Road User Charging Regulations;
    - (d) regulations 23(4) and 23(5)(d) of the Civil Enforcement of Parking (England) Regulations; and
    - (f) regulations 15(4) and 15(5)(d) of the Civil Enforcement of Parking (Wales) Regulations; and
  - (2) the court under –
    - (a) paragraph 23(3) of the Vehicle Emissions (England) Regulations; and
    - (b) paragraph 23(3) of the Vehicle Emissions (Wales) Regulations.

### **Application for longer period for filing of statutory declaration or witness statement**

- 5.1** Paragraphs 5.2 to 5.5 apply where the respondent applies for an order allowing a longer period than 21 days to serve –
- (1) a statutory declaration pursuant to –
    - (a) paragraph 8(3) of Schedule 6 to the 1991 Act;
    - (b) paragraph 10(3) of Schedule 1 to the 1996 Act;
    - (c) regulation 23(3) of the Vehicle Emissions (England) Regulations;
    - (d) regulation 19(3) of the Road User Charging Regulations; or
    - (e) regulation 23(3) of the Vehicle Emissions (Wales) Regulations; or
  - (2) a witness statement pursuant to –
    - (a) regulation 23(3) of the Civil Enforcement of Parking (England) Regulations; or
    - (b) regulation 15(3) of the Civil Enforcement of Parking (Wales) Regulations.
- 5.2** The respondent must send to the Centre –
- (1) a completed application notice (form PE 2 may be used for applications relating to statutory declarations and form TE 7 may be used for applications relating to witness statements); and
  - (2) a completed –
    - (a) statutory declaration in form PE 3; or
    - (b) witness statement in form TE 9.
- (Forms PE 2, PE 3, TE 7 and TE 9 can be obtained from the Centre at Northampton County Court, Bulk Centre, 21/27 St. Katharine's Street, Northampton NN1 2LH. (Telephone number: 08457 045007))

- 5.3** The court will serve a copy of the application notice and a copy of the statutory declaration or witness statement on the authority that obtained the court order seeking representations on the application.
- 5.4** A court officer will deal with the application without a hearing. The matter will not be dealt with until at least 14 days after the date on which the application notice and statutory declaration or witness statement were served on the authority.
- 5.5** If the proceedings have been transferred to another court the Centre will transfer the application to that court.
- 5.6** Paragraphs 5.3 to 5.5 do not apply where the court receives an application notice that is accompanied by a statutory declaration that is invalid by virtue of paragraph 8(2A) of Schedule 6 to the 1991 Act as inserted by section 15 of the 2003 Act.

### **Application to review order made by court officer**

- 6.1** Where any order is made by a court officer it will contain a statement of the right of either party to request a review of the decision by a district judge at a hearing.
- 6.2** Attention is drawn to rule 75.5 paragraphs (2) and (3).
- 6.3** Attention is drawn to the limited powers of a district judge where a request is made to review an order of a court officer refusing an application for further time for filing a statutory declaration or witness statement. Any review of that order by a district judge will only be a review of the decision to refuse the application for further time for filing a statutory declaration or witness statement. The review will not be a review of the validity of the notice of the amount due or any order within the meaning of paragraph 1.3(3) of this Practice Direction.

### **Hearing**

- 7.1** When a hearing is to be held, the proceedings will be transferred to the county court for the district in which the respondent's address for service is situated. This transfer is only for the purposes of holding the hearing and serving any orders made as a result of the hearing.
- 7.2** The respondent's address for service is the address for service shown on the last of the following documents filed at court by the respondent –
- (1)** the application notice or, if more than one, the latest application notice; and
  - (2)** the appellant's notice.
- 7.3** The court where the hearing is held will serve any orders made as a result of the hearing before returning the papers to the Centre, or, if the proceedings have been transferred, to the court where the proceedings have been transferred.
- 7.4** Evidence at any hearing may be given orally or by witness statement.

### **Applications to suspend a warrant of execution**

- 8.1** Where –
- (1)** the respondent makes an application under paragraph 5; and
  - (2)** before that application is determined, a warrant of execution is issued,
- the local authority must suspend enforcement of the warrant of execution until the application for an extension order is determined.

(Rule 75.8(b) provides that, where a court order is deemed to have been revoked following the filing of a statutory declaration or witness statement, any execution issued on the order will cease to have effect.)

