

TRAFFIC ENFORCEMENT

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75.1 Scope and interpretation

(1) Practice Direction 75 –

- (a) sets out the proceedings to which this Part applies; and
- (b) may apply this Part with modifications in relation to any particular category of those proceedings.

(Rule 21.1(1)(c) provides that Part 21 (children and protected parties) does not apply to proceedings under this Part where one of the parties is a child.)

(2) In this Part –

- (a) ‘the Centre’ means the Traffic Enforcement Centre established under the direction of the Lord Chancellor;
- (b) ‘no relevant return to the warrant’ means that –
 - (i) the bailiff has been unable to seize goods because the bailiff has been denied access to premises occupied by the defendant or because the goods have been removed from those premises;
 - (ii) any goods seized under a warrant of execution are insufficient to satisfy the debt and the cost of execution; or
 - (iii) the goods are insufficient to cover the cost of their removal and sale;
- (c) ‘the 1993 Order’ means the Enforcement of Road Traffic Debts Order 1993;
- (d) ‘relevant period’, in relation to any particular case, means –
 - (i) the period allowed for serving a statutory declaration or witness statement under any enactment which applies to that case; or
 - (ii) where an enactment permits the court to extend that period, the period as extended;

- (e) 'specified debts' means the debts specified in article 2 of the 1993 Order or treated as so specified by any other enactment; and
- (f) 'the authority', 'notice of the amount due', 'order' and 'the respondent' have the meaning given by Practice Direction 75.

75.2 The centre

- (1) Proceedings to which this Part applies must be started in the Centre.
- (2) For any purpose connected with the exercise of the Centre's functions –
 - (a) the Centre is deemed to be part of the office of the court whose name appears on the documents to which the functions relate or in whose name the documents are issued; and
 - (b) any officer of the Centre, in exercising its functions, is deemed to act as an officer of that court.

75.3 Request

- (1) The authority must file a request in the appropriate form scheduling the amount claimed to be due.
- (2) The authority must, in that request or in another manner approved by the court officer
 - (a) certify –
 - (i) that 14 days have elapsed since service of the notice of the amount due;
 - (ii) the date of such service;
 - (iii) the number of the notice of the amount due; and
 - (iv) that the amount due remains unpaid;
 - (b) specify the grounds (whether by reference to the appropriate code or otherwise), as stated in the notice, on which the authority claims to be entitled to claim that amount; and
 - (c) state –
 - (i) the name, title and address of the respondent;
 - (ii) the registration number of the vehicle concerned;
 - (iii) the authority's address for service;
 - (iv) the court fee; and
 - (v) such other matters as required by Practice Direction 75.
- (3) On receipt of a request that meets the requirements of paragraphs (1) and (2), the court officer will order that the amount due may be recovered as if it were payable under a county court order by registering the request and returning it to the authority.
- (4) On receipt of a registered request the authority may draw up the order and must –
 - (a) insert in the order the date by which the respondent must either –
 - (i) comply with the order; or
 - (ii) file a statutory declaration or witness statement; and
 - (b) attach to the order a form of statutory declaration or witness statement for the respondent's use.
- (5) The authority must serve in accordance with Part 6 the order (and the form of statutory declaration or witness statement) on the respondent within 15 days of the date on which the request is registered by the court.

75.4 Electronic delivery of documents

- (1) Where the authority is required to file any document other than the request, that requirement is satisfied if the information which would be contained in the document is delivered in computer-readable form.
- (2) For the purposes of paragraph (1), information which would be contained in a document relating to one case may be combined with information of the same nature relating to another case.
- (3) Where a document is required to be produced, that requirement will be satisfied if a copy of the document is produced from computer records.

75.5 Functions of court officer

- (1) Practice Direction 75 sets out the circumstances in which a court officer may exercise the functions of the court.

75.5A Review of decision of court officer

- (1) Any party may request any decision of a court officer to be reviewed by a district judge.
- (2) Such a request must be made within 14 days of service of the decision.
- (3) Unless –
 - (a) the party requesting the review requests an oral hearing; or
 - (b) the court orders an oral hearing,a request for a review under paragraph (2) will be dealt with without an oral hearing.

75.6 Enforcement of orders

Subject to the 1993 Order and this rule the following rules apply to the enforcement of specified debts –

- (a) Parts 70 to 73;
- (b) CCR Order 25, rule 1;
- (c) CCR Order 26, rule 5; and
- (d) CCR Order 27, rules 1 to 7, 7A, 7B, 9 to 16 and 18 to 22.

(Rule 30.2 provides for the transfer between courts in order to enforce a judgment.)

75.7 Warrant of execution

- (1) An authority seeking the issue of a warrant of execution must file a request –
 - (a) certifying the amount remaining due under the order;
 - (b) specifying the date of service of the order on the respondent; and
 - (c) certifying that the relevant period has elapsed.
- (2) The court will seal the request and return it to the authority.
- (3) Within 7 days of the sealing of the request the authority must prepare the warrant in the appropriate form.
- (4) No payment under a warrant will be made to the court.

- (5) For the purposes of execution a warrant will be valid for 12 months beginning with the date of its issue.
- (6) An authority may not renew a warrant issued in accordance with this Part beyond the 12 month validity period but, subject to paragraph (7), an authority may request the reissue of a warrant during the 12 month validity period.
- (7) Where the address of the respondent has changed since the issue of the warrant, the authority may request the reissue of the warrant by filing a request –
 - (a) specifying the new address of the respondent;
 - (b) providing evidence that the new address for the respondent does relate to the respondent named in the order and against whom enforcement is sought; and
 - (c) certifying that the amount due under the order remains unpaid.
- (8) Where the court is satisfied that the new address of the respondent given in the request for the reissue of the warrant relates to the respondent named in the order, it will seal the request and return it to the authority.
- (9) The authority must prepare the reissued warrant in the appropriate form within 7 days of the sealing of the request to reissue.
- (10) A reissued warrant will only be valid for the remainder of the 12 month period beginning with the date it was originally issued.

75.8 Revocation of order

Where, in accordance with any enactment, an order is deemed to have been revoked following the filing of a statutory declaration or a witness statement –

- (a) the court will serve a copy of the statutory declaration or witness statement on the authority;
- (b) any execution issued on the order will cease to have effect; and
- (c) if appropriate, the authority must inform any bailiff instructed to levy execution of the withdrawal of the warrant as soon as possible.

75.9 Transfer for enforcement

Where the authority requests the transfer of proceedings to another county court for enforcement, the request must –

- (a) where the authority has not attempted to enforce by execution, give the reason why no such attempt was made;
- (b) certify that there has been no relevant return to the warrant of execution;
- (c) specify the date of service of the order on the respondent; and
- (d) certify that the relevant period has elapsed.

75.10 Further information required

An application for –

- (a) an attachment of earnings order;
- (b) an order to obtain information from a debtor;
- (c) a third party debt order; or
- (d) a charging order,

must, in addition to the requirements of Parts 71, 72 or 73 or CCR Order 27 –

- (i) where the authority has not attempted to enforce by execution, give the reason why no such attempt was made;

- (ii) certify that there has been no relevant return to the warrant of execution
- (iii) specify the date of service of the order on the respondent; and
- (iv) certify that the relevant period has elapsed.

75.11 Combining requests

Where the court officer allows, the authority may combine information relating to different orders against the same respondent in any request or application made under rules 75.9 or 75.10.

