SCHEDULE 9

PART 75

TRAFFIC ENFORCEMENT

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Scope and interpretation

75.1.—(1) The practice direction—

(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.

(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 he 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(**1**);

(d) "relevant period", in relation to any particular case, means—

(i) the period allowed for serving a statutory declaration under any enactment which applies to that case; or

(**1**) S.I. 1993/2073 as amended by S.I. 2001/1386.

(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 the practice direction.

The Centre

75.2.—(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 shall be deemed to be part of the office of the court whose name appears on the documents to which the functions relates 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.

Request

75.3.—(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 the practice direction.

(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 sealing the request and returning it to the authority.

(4) On receipt of a sealed request the authority may draw up an order and must attach to it a form of statutory declaration for the respondent's use.

(5) Within 14 days of receipt of the sealed request, the authority must serve the order (and the form of statutory declaration) on the respondent in accordance with Part 6.

(6) Where an order is served by first class post rule 6.7 is modified so that the date of service will be deemed to be the seventh day after the date on which the order was sent to the respondent.

Electronic delivery of documents

75.4.—(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.

Functions of court officer

75.5.—(1) The practice direction sets out circumstances in which a court officer may exercise the functions of the court or a district judge.

(2) Any party may request any decision of a court officer to be reviewed by a district judge.

(3) Such a request must be made within 14 days of service of the decision.

Enforcement of orders

75.6 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, rules 1 and 9;

(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.)

Warrant of execution

75.7.—(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.

Revocation of order

75.8 Where, in accordance with any enactment, an order is deemed to have been revoked following the filing of a statutory declaration—

(a) the court will serve a copy of the statutory declaration 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.

Transfer for enforcement

75.9 If an 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.

Further information required

75.10 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 reasons 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.

Combining requests

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