



Road Traffic Act 1991

1991 CHAPTER 40

PART II

TRAFFIC IN LONDON

Miscellaneous

78 Enforcement

(1) In this section—

“certificated bailiff”, means any person authorised to act as such under subsection (6) below; and

“a Part II debt” means any sum which is—

- (a) payable under, or by virtue of, any provision of this Part of this Act; and
- (b) recoverable as if it were payable under a county court order.

(2) The Lord Chancellor may by order make provision—

- (a) for warrants of execution in respect of Part II debts, or such class or classes of Part II debts as may be specified in the order, to be executed by certificated bailiffs;
- (b) as to the requirements which must be satisfied before any person takes, with a view to enforcing the payment of—
 - (i) a Part II debt; or
 - (ii) such class or classes of Part II debts as may be so specified,any other step of a kind specified by the order.

(3) Any such order may make such incidental and supplemental provision (including modifications of any enactment other than this Act) as the Lord Chancellor considers appropriate in consequence of the provision made by that order under subsection (2) above.

Status: This is the original version (as it was originally enacted).

- (4) The Lord Chancellor may by regulations make provision in connection with the certification of bailiffs under this section and the execution of warrants of execution by such bailiffs.
- (5) The regulations may, in particular, make provision—
 - (a) as to the security (if any) to be required from certificated bailiffs;
 - (b) as to the fees and expenses payable with respect to executions by certificated bailiffs; and
 - (c) for the suspension or cancellation of certificates issued under this section and with respect to the effect of any such suspension or cancellation.
- (6) For the purposes of this section, a person is a certificated bailiff if he is authorised to act as such by a certificate signed—
 - (a) by a judge assigned to a county court district; or
 - (b) in such circumstances as may be specified in regulations made by the Lord Chancellor, by a district judge.
- (7) Any person who is not a certificated bailiff but who purports to levy a distress as such a bailiff, and any person authorising him to levy it, shall be deemed to have committed a trespass.

79 Application to Crown and visiting forces

- (1) Nothing in Part II of this Act applies in relation to any vehicle which—
 - (a) at the relevant time is used or appropriated for use for naval, military or airforce purposes;
 - (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952); or
 - (c) at the relevant time is used or appropriated for use, by any such forces.
- (2) Sections 66 and 69 to 71 of this Act apply to—
 - (a) vehicles in the public service of the Crown which are required to be registered under the Vehicles (Excise) Act 1971 (other than those which are exempted by subsection (1)(a) above); and
 - (b) persons in the public service of the Crown.

80 Financial provisions

- (1) With a view to reimbursing (in whole or in part) reasonable costs incurred by any London authority under sections 54 to 59, 61 and 62 of this Act, the Director may make such payments to the authority as he considers appropriate.
- (2) The Secretary of State may, with the consent of the Treasury, make such grants to the Director as he considers appropriate to enable the Director to discharge his functions.

81 Minor and consequential amendments

The minor and consequential amendments set out in Schedule 7 to this Act shall have effect.

82 Interpretation of Part II

(1) In this Part of this Act—

“Commissioner” means the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London;

“designated parking place” means a parking place in London which is designated as a parking place under an order made under section 6, 9 or 45 of the Road Traffic Regulation Act 1984;

“the Director” means the Traffic Director for London appointed under section 52 of this Act;

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;

“the Joint Committee” has the meaning given by section 73(1) of this Act;

“local plan” has the meaning given in section 54(1) of this Act;

“local plan timetable” has the meaning given in section 54(7)(e) of this Act;

“London” means the area comprising the areas of the London boroughs, the City of London and the Temples;

“London authority” means any council of a London borough or the Common Council of the City of London;

“Minister’s trunk road local plan” has the meaning given in section 56(1);

“network plan” has the meaning given by section 53(1) of this Act;

“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984 (which is inserted by section 44 of this Act);

“penalty charge” has the same meaning as in section 66 of this Act;

“prescribed” means prescribed by regulations made by the Secretary of State;

“priority route” means a road designated by a priority route order;

“priority route order” has the meaning given in section 50(1) of this Act;

“priority route network” has the meaning given in section 50(2) of this Act;

“road” has the same meaning as in the Road Traffic Regulation Act 1984;

“the Secretary of State’s parking guidance” has the meaning given in section 63(1) of this Act;

“the Secretary of State’s traffic management guidance” has the meaning given in section 51(1) of this Act;

“trunk road” has the same meaning as in section 10 of the Highways Act 1980;

“trunk road local plan” has the meaning given in section 55(3) of this Act;

“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988 (hired vehicles).

(2) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.

(3) In determining, for the purposes of this Part of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise) Act 1971.

Status: This is the original version (as it was originally enacted).

- (4) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define “disability” and other expressions) shall apply in relation to this Part of this Act as it applies to that Act.
- (5) In determining, for the purposes of any provision of this Part of this Act, whether a penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the London authority concerned.
- (6) Any power to make an order or regulations conferred by this Part shall be exercisable by statutory instrument.
- (7) Any statutory instrument made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.