



# 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.

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*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Act 1991, Section 78. (See end of Document for details)*

- (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.

#### **Modifications etc. (not altering text)**

- C1** S. 78 applied (with modifications): (20.5.1996) by S.I. 1996/1171, art. 4, **Sch. 1**; (3.2.1997) by S.I. 1996/2650, art. 4, **Sch. 2**
- S. 78 applied (with modifications): (3.3.1997) by S.I. 1997/56, art. 5, **Sch. 3**; (29.9.1997) by S.I. 1997/2078, art. 5, **Sch. 3**; (27.10.1997) by S.I. 1997/2304, art. 5, **Sch. 1**
- S. 78 applied (with modifications) (19.1.1999) by S.I. 1998/3207, art. 4, **Sch. 1**
- S. 78 applied (with modifications): (5.4.1999) by S.I. 1999/131, art. 5, **Sch. 2**; (5.4.1999) by S.I. 1999/768, art. 5, **Sch. 1**; (10.5.1999) by S.I. 1999/1112, art. 5, **Sch. 1**; (3.1.2000) by S.I. 1999/3313, art. 5, **Sch. 1**; (4.1.2000) by S.I. 1999/3314, art. 5, **Sch. 1**; (10.1.2000) by S.I. 1999/3401, art. 5, **Sch. 1**; (10.1.2000) by S.I. 1999/3402, art. 5, **Sch. 1**; (10.1.2000) by S.I. 1999/3403, art. 5, **Sch. 1**; (10.1.2000) by S.I. 1999/3404, art. 5, **Sch. 1**; (10.1.2000) by S.I. 1999/3405, art. 5, **Sch. 1**
- S. 78 applied (with modifications): (1.2.2000) by S.I. 2000/8, **art.5**, **Sch. 1**; (1.4.2000) by S.I. 2000/699, art. 5, **Sch. 1**; (3.4.2000) by S.I. 2000/722, art. 5, **Sch. 1**; (10.4.2000) by S.I. 2000/791, art. 5, **Sch. 1**; (1.9.2000) by S.I. 2000/2120, art. 5, **Sch. 1**; (4.9.2000) by S.I. 2000/2169, art. 5, **Sch. 1**; (2.10.2000) by S.I. 2000/2430, art. 5, **Sch. 1**; (8.10.2000) by S.I. 2000/2534, art. 5, **Sch. 1**; (30.10.2000) by S.I. 2000/1719, art. 5, **Sch. 1**; (13.11.2000) by S.I. 2000/2871, art. 5, **Sch. 3**; (15.1.2001) by S.I. 2000/3317, art. 5, **Sch. 1**
- S. 78 applied (with modifications): (23.1.2001) by S.I. 2001/1, art. 5, **Sch. 1**; (19.2.2001) by S.I. 2001/180, art. 5, **Sch. 1**; (1.4.2001) by S.I. 2001/787, art. 5, **Sch. 1**; (1.4.2001) by S.I. 2001/849, art. 5, **Sch. 1**; (2.4.2001) by S.I. 2001/894, art. 5, **Sch. 1**; (1.9.2001) by S.I. 2001/1427, art. 5, **Sch. 1**; (1.7.2001) by S.I. 2001/1789, art. 5, **Sch. 1**; (2.7.2001) by S.I. 2001/1855, art. 5, **Sch. 1**; (2.7.2001) by S.I. 2001/1856, art. 5, **Sch. 1**; (16.7.2001) by S.I. 2001/2272, art. 5, **Sch. 1**; (3.9.2001) by S.I. 2001/2818, art. 5, **Sch. 1**; (3.9.2001) by S.I. 2001/2819, art. 5, **Sch. 1**; (3.9.2001) by S.I. 2001/2883, art. 5, **Sch. 1**; (1.10.2001) by S.I. 2001/3058, art. 5, **Sch. 1**; (1.10.2001) by S.I. 2001/3059, art. 5, **Sch. 1**; (5.11.2001) by S.I. 2001/3397, art. 5, **Sch. 1**; (26.11.2001) by S.I. 2001/3565, art. 5, **Sch. 1**
- S. 78 applied (with modifications): (4.2.2002) by S.I. 2002/37, **art. 5**, **Sch. 1**; (25.2.2002) by S.I. 2002/126, **art. 5**, **Sch. 1**; (4.3.2002) by S.I. 2002/276, **art. 5**, **Sch. 1**; (25.3.2002) by S.I. 2002/421, **art. 5**, **Sch. 1**; (2.4.2002) by S.I. 2002/422, **art. 5**, **Sch. 1**; (5.6.2002) by S.I. 2002/1351, **art. 5**, **Sch. 1**; (5.6.2002) by S.I. 2002/1352, **art. 5**, **Sch. 1**; (1.7.2002) by S.I. 2002/1353, **art. 5**, **Sch. 1**; (1.7.2002) by S.I. 2002/1484, **art. 5**, **Sch. 1**; (1.7.2002) by S.I. 2002/1485, **art. 5**, **Sch. 1**; (1.7.2002)

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by S.I. 2002/1486, **art. 5**, Sch. 1; (1.7.2002) by S.I. 2002/1504, **art. 5**, Sch. 1; (15.7.2002) by S.I. 2002/1621, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2012, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2183, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2184, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2185, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2186, **art. 5**, Sch. 1; (1.10.2002) by S.I. 2002/2187, **art. 5**, Sch. 1; (14.10.2002) by S.I. 2002/2188, **art. 5**, Sch. 1; (25.11.2002) by S.I. 2002/2705, **art. 5**, Sch. 1; (22.1.2003) by S.I. 2002/2520, **art. 5**, Sch. 1; (3.2.2003) by S.I. 2002/3265, **art. 6**, Sch. 1; (3.2.2003) by S.I. 2002/3266, **art. 5**, Sch. 1

- C2** S. 78 applied (with modifications) (17.2.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (District of Bath and North East Somerset) Order 2003 (S.I. 2003/95), arts. 1, 5, **Sch. 1** (with art. 3)
- C3** S. 78 applied (with modifications) (3.3.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Dorset) (Borough of Christchurch) Order 2003 (S.I. 2003/251), arts. 1, 5, **Sch. 1**
- C4** S. 78 applied (with modifications) (1.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Basildon) Order 2003 (S.I. 2003/635), arts. 1, 5, **Sch. 1** (with art. 3)
- C5** S. 78 applied (with modifications) (1.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Maldon) Order 2003 (S.I. 2003/634), arts. 1, 5, **Sch. 1** (with art. 3)
- C6** S. 78 applied (with modifications) (21.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Slough) Order 2003 (S.I. 2003/898), arts. 1, 5, **Sch. 1**
- C7** S. 78 applied (with modifications) (2.6.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Redcar and Cleveland) Order 2003 (S.I. 2003/1261), arts. 1, 5, **Sch. 1**

#### **Commencement Information**

- II** S. 78 wholly in force at 1.10.1991 see s. 84(2) and S.I.1991/2054, art. 3, **Sch. 1**

**Status:**

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**Changes to legislation:**

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