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STATUTORY INSTRUMENTS

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**1993 No. 2073 (L.18)**

**COUNTY COURTS**

**The Enforcement of Road Traffic Debts Order 1993**

*Made* - - - - *30th July 1993*  
*Laid before Parliament* *18th August 1993*  
*Coming into force* - - *1st September 1993*

The Lord Chancellor, in exercise of the powers conferred on him by section 78 of the Road Traffic Act 1991(1), hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Enforcement of Road Traffic Debts Order 1993 and shall come into force on 1st September 1993.

(2) In this Order—

“the authority” means the London authority to whom the debt is payable;

“enforcement officer” means a bailiff certificated in accordance with the Enforcement of Road Traffic Debts (Certificated Bailiffs) Regulations 1993(2);

“execution fees” mean the fees and expenses payable with respect to executions by enforcement officers provided under the Enforcement of Road Traffic Debts (Certificated Bailiffs) Regulations 1993;

“respondent” means the person by whom the specified debt is payable;

“specified debts” are the Part II debts specified in article 2(1);

“the Act” means the Road Traffic Act 1991.

**Specified debts**

2.—(1) The following sums shall be specified as Part II debts—

- (a) an increased charge provided for in a charge certificate issued under paragraph 6 of Schedule 6 to the Act,
- (b) a sum to be paid by a person (other than an authority) under an adjudication of a parking adjudicator pursuant to section 73 of the Act.

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(1) 1991 c. 40.

(2) S. I. 1993/2072(L.17).

(2) A warrant of execution in respect of a specified debt may be executed by an enforcement officer.

### **Requirements to be satisfied before taking enforcement proceedings**

**3.—**(1) No warrant of execution to enforce payment of a specified debt such as is mentioned in article 2(1)(a) shall be issued until the time for serving a statutory declaration has expired.

(2) In paragraph (1) “the time for serving a statutory declaration” means the period of 21 days allowed by paragraph 8(1) of Schedule 6 to the Act or, where a longer period has been allowed pursuant to paragraph 8(4) of the said Schedule, that period.

(3) No enforcement proceedings may be taken in respect of a specified debt unless either—

- (a) execution has been attempted and there is no relevant return to the warrant; or
- (b) the authority has reason to believe that execution against goods will fail to satisfy the specified debt and the costs of execution.

(4) The requirements of paragraph (3) shall not be regarded as satisfied where execution has been attempted but the respondent has ceased to occupy the premises at which such an attempt was made.

(5) For the purposes of this article—

“enforcement proceedings” includes any proceedings for examining a respondent but does not include execution against goods;

“no relevant return to the warrant” means that

- (i) the bailiff has been unable to seize goods because he has been denied access to the premises occupied by the respondent or because the goods have been removed from those premises;
- (ii) any goods seized under the warrant of execution are insufficient to satisfy the specified debt and the costs of execution; or
- (iii) the goods are insufficient to cover the cost of their removal and sale.

### **Enforcement of specified debts**

**4.—**(1) Subject to the following provisions of this Order, sections 85 to 104 and 125 of the County Courts Act 1984<sup>(3)</sup> shall apply to the enforcement of specified debts by enforcement officers as if they were bailiffs of the court.

(2) Nothing in paragraph (1) shall mean that an enforcement officer is an officer or bailiff of the court for the purposes of sections 14, 123, 124, 126 and 127 of the County Courts Act 1984.

(3) In the following provisions of this Order, a section referred to by number means the section so numbered in the County Courts Act 1984.

**5.—**(1) A warrant of execution in the nature of a writ of fieri facias may be issued by the authority where a request for that purpose has been sealed by the proper officer of the county court in accordance with rules of court.

(2) Such a warrant empowers the authority to levy or cause to be levied by distress and sale of the respondent’s goods (wherever they may be found within England and Wales) the specified debt and the costs of execution.

(3) The authority shall endorse on any warrant issued by it the date and time when the request to issue the warrant was made and the date and time when the warrant was issued to the enforcement officer.

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(3) 1984 c. 28.

(4) Only the authority shall be empowered to issue a warrant under paragraph (1).

6. Sections 85(4) and 86 shall not apply.

7.—(1) The authority shall insert or indorse in or upon every warrant of execution issued by it the total amount to be levied, exclusive of the fees for its execution.

(2) If the respondent, after the seizure of the goods but before their sale, pays or causes to be paid or tendered to the authority or to the enforcement officer holding the warrant, the amount inserted in, or indorsed upon, the warrant under paragraph (1) above, or such part as the authority agrees to accept in full satisfaction, together with the amount stated by the officer to whom the payment or tender is made to be the amount of the fees for the execution of the warrant, the execution shall be superseded, and the goods shall be set at liberty.

8. Section 88 shall not apply.

9. An enforcement officer may seize any goods, money, banknotes and bills of exchange of a respondent except—

(a) those mentioned in section 89(1)(a)(i) or (ii), and

(b) promissory notes, bonds, specialities or securities for money belonging to him.

10. Sections 90, 91 and 92 shall not apply.

11. Goods seized in execution shall, until sale, be deposited by the enforcement officer in some fit place.

12. Sections 94 and 95 shall not apply.

13. Goods seized in execution by an enforcement officer shall only be sold by public auction.

14. Where goods seized in execution by an enforcement officer are sold without any claims having been made to them, nothing in section 98 shall entitle a person to recover against the district judge for any sale of the goods or for paying over the proceeds prior to the receipt of a claim to the goods.

15.—(1) Subject to paragraph (2), a warrant of execution against goods issued by an authority shall bind the property in the goods of the respondent from the time at which the warrant was issued to the enforcement officer.

(2) Such a warrant shall not prejudice the title to any goods of the respondent acquired by a person in good faith and for valuable consideration unless he had at the time when he acquired his title—

(a) notice that an application for the issue of a warrant of execution against the goods of the respondent had been made to the district judge of a county court and that the warrant issued on the application remained unexecuted in the hands of the district judge of that court or of another court to which the warrant had been sent for execution;

(b) notice that a writ of fieri facias or other writ of execution by virtue of which the respondent's goods might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff; or

(c) notice that an authority had made a request to issue a warrant against the respondent's goods and that the warrant issued after that request remained unexecuted.

(3) For the purposes of this article—

(a) “property” means the general property in goods, and not merely a special property;

(b) “sheriff” includes any officer charged with the enforcement of a writ of execution; and

(c) a thing shall be treated as done in good faith if it is done honestly whether it is done negligently or not.

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16. Sections 100 or 103 shall not apply.

17.—(1) An enforcement officer shall on demand inform the district judge of a county court or a sheriff's officer, in writing signed by any clerk in the office of the enforcement officer, of the precise time of the delivery to him of any warrant.

(2) An enforcement officer shall on demand show his warrant to any sheriff's officer or to any bailiff of a county court.

(3) Any writing purporting to be signed as mentioned in paragraph (1) and the endorsement on any such warrant shall respectively be sufficient justification to any district judge or sheriff acting on it.

Dated 30th July 1993

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies the debts payment of which may be enforced by bailiffs certificated in accordance with the [Enforcement of Road Traffic Debts \(Certificated Bailiffs\) Regulations 1993, S. I. 1993/2072\(L.17\)](#). The debts specified are parking charges payable pursuant to Schedule 6 to the Road Traffic Act 1991 and certain sums awarded as costs by a parking adjudicator on adjudications under that Act (article 2). Article 3 provides the requirements which must be satisfied before payment may be enforced by execution against goods and by other means. Articles 4 to 17 modify certain provisions of the County Courts Act 1984 in relation to the enforcement of specified debts by certificated bailiffs.