



# 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**
- C8** S. 78 applied (with modifications) (30.6.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Buckinghamshire)(District of Aylesbury Vale) Order 2003 (S.I. 2003/1262), arts. 1, 5, **Sch. 1**
- C9** S. 78 applied (with modifications) (1.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area)(Borough of Swindon) Order 2003 (S.I. 2003/1924), arts. 1, 5, **Sch. 1**
- C10** S. 78 applied (with modifications) (1.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Middlesbrough) Order 2003 (S.I. 2003/1984), arts. 1, 5, **Sch. 1**
- C11** S. 78 applied (with modifications) (22.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Peterborough) Order 2003 (S.I. 2003/2153), arts. 1, 5, **Sch. 1** (with art. 3)
- C12** S. 78 applied (with modifications) (29.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cumbria) (Borough of Copeland) Order 2003 (S.I. 2003/2152), arts. 1, 5, **Sch. 1** (with art. 3)
- C13** S. 78 applied (with modifications) (6.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Dacorum) Order 2003 (S.I. 2003/2326), arts. 1, 5, **Sch. 1** (with art. 3)
- C14** S. 78 applied (with modifications) (13.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cumbria) (Borough of Allerdale) Order 2003 (S.I. 2003/2334), arts. 1, 5, **Sch. 1** (with art. 3)
- C15** S. 78 applied (with modifications) (20.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Test Valley) Order 2003 (S.I. 2003/2336), arts. 1, 5, **Sch. 1** (with art. 3)
- C16** S. 78 applied (with modifications) (1.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Harlow) Order 2003 (S.I. 2003/2440), arts. 1, 5, **Sch. 1** (with art. 3)
- C17** S. 78 applied (with modifications) (10.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 (S.I. 2003/2677), arts. 1, 5, **Sch. 1** (with art. 3)

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- C18** S. 78 applied (with modifications) (17.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003 (S.I. 2003/2711), arts. 1, 5, **Sch. 1**
- C19** S. 78 modified (30.12.2003) by London Local Authorities and Transport for London Act 2003 (c. iii), s. 1(1), **Sch. 1 para. 6(3)**
- C20** S. 78 applied (with modifications) (1.2.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area)(County of Carmarthenshire) Order 2004 (S.I. 2004/104), arts. 1, 4, **Sch. 1**
- C21** S. 78 applied (with modifications) (2.2.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Bedfordshire) (Districts of Mid-Bedfordshire and South Bedfordshire) Order 2004 (S.I. 2004/13), arts. 1, 5, **Sch. 1** (with art. 3)
- C22** S. 78 applied (with modifications) (26.4.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (District of Mole Valley) Order 2004 (S.I. 2004/914), arts. 1, 5, **Sch. 1** (with art. 3)
- C23** S. 78 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Reigate and Banstead) Order 2004 (S.I. 2004/1285), arts. 1, 5, **Sch. 1** (with art. 3)
- C24** S. 78 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Guildford) Order 2004 (S.I. 2004/1278), arts. 1, 5, **Sch. 1** (with art. 3)
- C25** S. 78 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wigan) Order 2004 (S.I. 2004/1305), arts. 1, 5, **Sch. 1**
- C26** S. 78 applied (with modifications) (1.7.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004 (S.I. 2004/1608), arts. 1, 5, **Sch. 1** (with art. 3)
- C27** S. 78 applied (with modifications) (4.7.2004 for specified purposes) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Rochdale) Order 2004 (S.I. 2004/1402), arts. 1, 5, **Sch. 1 para. 6**
- C28** S. 78 applied (with modifications) (6.9.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Lancashire) Order 2004 (S.I. 2004/2028), arts. 1, 5, **Sch. 2** (with art. 3)
- C29** S. 78 applied (with modifications) (20.9.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (District of Lewes) Order 2004 (S.I. 2004/2111), arts. 1, 5, **Sch. 1**
- C30** S. 78 applied (with modifications) (1.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Eastleigh) Order 2004 (S.I. 2004/2188), arts. 1, 5, **Sch. 1**
- C31** S. 78 applied (with modifications) (1.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (Tendring, Rochford, Uttlesford, Braintree and Castle Point) Order 2004 (S.I. 2004/2194), arts. 1, 5, **Sch. 1**
- C32** S. 78 applied (with modifications) (1.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (City and District of St Albans) Order 2004 (S.I. 2004/2212), arts. 1, 5, **Sch. 1** (with art. 3)
- C33** S. 78 applied (with modifications) (1.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackburn with Darwen) Order 2004 (S.I. 2004/2260), arts. 1, 5, **Sch. 1** (with art. 3)
- C34** S. 78 applied (with modifications) (4.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Warwickshire) (District of Stratford on Avon) Order 2004 (S.I. 2004/2193), arts. 1, 5, **Sch. 1** (with art. 3)
- C35** S. 78 applied (with modifications) (11.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Worcestershire) (District of Wychavon) Order 2004 (S.I. 2004/2263), arts. 1, 5, **Sch. 1** (with art. 3)

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- C36** S. 78 applied (with modifications) (25.10.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cambridgeshire) (City of Cambridge) Order 2004 (S.I. 2004/2424), arts. 1, 5, **Sch. 2**
- C37** Ss. 78, 79 applied (with modifications) (8.11.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Runnymede) Order 2004 (S.I. 2004/2616), arts. 1, 5
- C38** S. 78 applied (with modifications) (17.1.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (District of East Hertfordshire) Order 2004 (S.I. 2004/3310), arts. 1, 5, **Sch. 1**
- C39** S. 78 applied (with modifications) (17.1.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (District of North Hertfordshire) Order 2004 (S.I. 2004/3246), arts. 1, 5, **Sch. 1**
- C40** Ss. 78, 79 applied (with modifications) (1.3.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan District of Leeds) Order 2005 (S.I. 2005/95), arts. 1, 5, **Sch. 1** (with art. 3)
- C41** Ss. 78, 79 applied (with modifications) (1.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Thurrock) Order 2005 (S.I. 2005/370), arts. 1, 5, **Sch. 2** (with art. 3)
- C42** Ss. 78, 79 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Stockport) Order 2005 (S.I. 2005/81), arts. 1, 5, **Sch. 1** (with art. 3)
- C43** Ss. 78, 79 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Sheffield) Order 2005 (S.I. 2005/194), arts. 1, 5, **Sch. 1**
- C44** S. 78 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Epsom and Ewell) Order 2005 (S.I. 2005/388), arts. 1, 5, **Sch. 1** (with art. 3)
- C45** S. 78 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Spelthorne) Order 2005 (S.I. 2005/403), arts. 1, 5, **Sch. 1** (with art. 3)
- C46** Ss. 78, 79 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Coventry) Order 2005 (S.I. 2005/378), arts. 1, 5, **Sch. 1** (with art. 3)
- C47** Ss. 78, 79 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Havant) Order 2005 (S.I. 2005/233), arts. 1, 5, **Sch. 1**
- C48** S. 78 applied (with modifications) (4.4.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Torbay) Order 2005 (S.I. 2005/387), arts. 1, 5, **Sch. 1** (with art. 3)
- C49** S. 78 applied (with modifications) (9.5.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Broxbourne) Order 2005 (S.I. 2005/405), arts. 1, 5, **Sch. 1** (with art. 3)
- C50** S. 78 applied (with modifications) (1.6.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (District of Welwyn Hatfield) Order 2005 (S.I. 2005/779), arts. 1, 5, **Sch. 1** (with art. 3)
- C51** S. 78 applied (with modifications) (1.6.2005) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Stevenage) Order 2005 (S.I. 2005/452), arts. 1, 5, **Sch. 1** (with art. 3)

#### Commencement Information

- I1** S. 78 wholly in force at 1.10.1991 see s. 84(2) and S.I.1991/2054, art. 3, **Sch.**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Road Traffic Act 1991, Section 78.