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STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 75

TRAFFIC ENFORCEMENT

Textual Amendments

F1 Pt. 75 inserted (1.10.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(a), [Sch. 9](#)

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Scope and interpretation

75.1.—(1) [^{F4}Practice Direction 75]—

- (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.

[^{F5}([^{F6}Rule 21.1(1)(c)(i)] provides that Part 21 (children and protected parties) does not apply to proceedings under this Part where one of the parties is a child.)]

(2) In this Part—

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- (a) “the Centre” means the Traffic Enforcement Centre established under the direction of the Lord Chancellor;
- [“enforcement agent” has the meaning given in paragraph 2(1) of Schedule 12 to the
- ^{F7}(a1) Tribunals, Courts and Enforcement Act 2007;
- (a2) “local authority warrant of control” means a warrant of control issued by a local authority under article 5 of the 1993 Order;]
- (b) “no relevant return to the warrant” means that—
- (i) the [^{F8}enforcement agent] has been unable to seize goods because [^{F9}the [^{F8}enforcement agent]] 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 [^{F10}local authority warrant of control] 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[^{F11};]
- (c) “the 1993 Order” means the Enforcement of Road Traffic Debts Order 1993;
- (d) “relevant period”, in relation to any particular case, means—
- (i) the period allowed for serving a statutory declaration [^{F12}or witness statement] under any enactment which applies to that case; or
- (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 [^{F13}Practice Direction 75].

Textual Amendments

- F4** Words in rule 75.1(1) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **49(a)**
- F5** Words in rule 75.1(1) inserted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(a)(ii)**
- F6** Words in rule 75.1(1) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(b)(i)** (with rule 41)
- F7** Rule 75.1(2)(a1)(a2) inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(b)(ii)** (with rule 41)
- F8** Words in rule 75.1(2)(b)(i) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(b)(iii)(aa)** (with rule 41)
- F9** Word in rule 75.1(2)(b)(i) substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(a)(iii)**
- F10** Words in rule 75.1(2)(b)(ii) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(b)(iii)(bb)** (with rule 41)
- F11** Rule 75.1(2)(b)(iii): semicolon substituted for full stop (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(a)(iv)**
- F12** Words in rule 75.1(2)(d)(i) inserted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(a)(v)**
- F13** Words in rule 75.1(2)(f) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **49(b)**

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—
- [^{F14}(a) the Centre is deemed to be an office of the County Court; and]
- (b) any officer of the Centre, in exercising its functions, is deemed to act as an officer of [^{F15}the County Court].

Textual Amendments

- F14** Rule 75.2(2)(a) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **35(c)(i)**; S.I. 2014/954, art. 2(a)
- F15** Words in rule 75.2(2)(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **35(c)(ii)**; S.I. 2014/954, art. 2(a)

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 [^{F16}Practice Direction 75].
- (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 [^{F17}County Court] order by [^{F18}registering] the request and returning it to the authority.
- [^{F19}(4) On receipt of a registered request the authority may draw up the order and must—
- (a) insert in the order the date by which the respondent must either—
- (i) comply with the order; or
 - (ii) file a statutory declaration or witness statement; and
- (b) attach to the order a form of statutory declaration or witness statement for the respondent’s use.]

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[^{F20}(5) The authority must serve in accordance with Part 6 the order (and the form of statutory declaration or witness statement) on the respondent within 15 days of the date on which the request is registered by the court.]

^{F21}(6)

Textual Amendments

- F16** Words in rule 75.3(2)(c)(v) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **49(b)**
- F17** Words in rule 75.3(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **35(d)**; S.I. 2014/954, art. 2(a)
- F18** Word in rule 75.3(3) substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(c)(ii)**
- F19** Rule 75.3(4) substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(c)(iii)** (with rule 13)
- F20** Rule 75.3(5) substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(c)(iv)** (with rule 13)
- F21** Rule 75.3(6) revoked (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(c)(v)** (with rule 13)

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.

[^{F22}**Functions of court officer**

75.5 [^{F23}Practice Direction 75] sets out the circumstances in which a court officer may exercise the functions of the court.]

Textual Amendments

- F22** Rule 75.5 substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **13(b)**
- F23** Words in rule 75.5 substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **49(a)**

[^{F24}**Review of decision of court officer**

75.5A.—(1) Any party may request any decision of a court officer to be reviewed by a [^{F25}District Judge].

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

(3) Unless—

(a) the party requesting the review requests an oral hearing; or

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(b) the court orders an oral hearing,
a request for a review under paragraph (2) will be dealt with without an oral hearing.]

Textual Amendments

- F24** Rule 75.5A inserted (6.4.2009) by The Civil Procedure (Amendment No.3) Rules 2008 (S.I. 2008/3327), rules 1, **13(c)**
- F25** Words in Rules substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **4(a)(iv)**; S.I. 2014/954, art. 2(a)

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;
- ^{F26}(b)
- [^{F27}(c) rule 83.2;]
[rule 83.4; and]
- ^{F28}(ca)
- [^{F29}(d) Part 89.]
- ^{F30} ...

Textual Amendments

- F26** Rule 75.6(b) omitted (6.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(3), **35(e)(i)** (with rule 41)
- F27** Words in rule 75.6(c) substituted (6.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rule 2(3), **35(e)(ii)** (with rule 41)
- F28** Rule 75.6(ca) inserted (6.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(3), **35(e)(iii)** (with rule 41)
- F29** Rule 75.6(d) substituted (6.4.2016) by The Civil Procedure (Amendment) Rules 2016 (S.I. 2016/234), rules 2, **18** (with rule 25)
- F30** Words in rule 75.6 omitted (6.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(3), **35(e)(iv)** (with rule 41)

[^{F31}Local authority warrant of control]

75.7.—(1) An authority seeking the issue of a [^{F32}local authority warrant of control] 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.

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- F33(5)
- F33(6)

[
 F34(7) Where the address of the respondent has changed since the issue of the warrant, the authority may request the reissue of the warrant by filing a request—

- (a) specifying the new address of the respondent;
- (b) providing evidence that the new address for the respondent does relate to the respondent named in the order and against whom enforcement is sought; and
- (c) certifying that the amount due under the order remains unpaid.

(8) Where the court is satisfied that the new address of the respondent given in the request for the reissue of the warrant relates to the respondent named in the order, it will seal the request and return it to the authority.

(9) The authority must prepare the reissued warrant in the appropriate form within 7 days of the sealing of the request to reissue.

(10) A reissued warrant will only be valid for the remainder of the 12 month period beginning with the date it was originally issued.]

Textual Amendments

F31 Words in rule 75.7 heading substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(f)(i)** (with rule 41)

F32 Words in rule 75.7(1) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(f)(i)** (with rule 41)

F33 Rule 75.7(5)(6) omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(f)(ii)** (with rule 41)

F34 Rules 75.7(7)-(10) inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **13(d)(ii)**

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 [F35 or a witness statement]—

- (a) the court will serve a copy of the statutory declaration [F36 or witness statement] on the authority;
- (b) any execution issued on the order will cease to have effect; and
- (c) if appropriate, the authority must inform any [F37 enforcement agent] instructed to levy execution of the withdrawal of the warrant as soon as possible.

Textual Amendments

F35 Words in rule 75.8 inserted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(f)(i)**

F36 Words in rule 75.8(a) inserted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(f)(ii)**

F37 Words in rule 75.8(c) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(g)** (with rule 41)

Transfer for enforcement

75.9 [^{F38}Where the] authority requests the transfer of proceedings to [^{F39}a County Court hearing centre] 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 [^{F40}local authority warrant of control];
- (c) specify the date of service of the order on the respondent; and
- (d) certify that the relevant period has elapsed.

Textual Amendments

- F38** Words in rule 75.9 substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(g)**
- F39** Words in rule 75.9 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **35(h)(i)**; S.I. 2014/954, art. 2(a)
- F40** Words in rule 75.9(b) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(h)(ii)** (with rule 41)

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 [^{F41}Parts 71, 72, 73 or 89]—

- (i) where the authority has not attempted to enforce by execution, give the [^{F42}reason why] no such attempt was made;
- (ii) certify that there has been no relevant return to the [^{F43}local authority warrant of control];
- (iii) specify the date of service of the order on the respondent; and
- (iv) certify that the relevant period has elapsed.

Textual Amendments

- F41** Words in rule 75.10 substituted (6.4.2016) by [The Civil Procedure \(Amendment\) Rules 2016 \(S.I. 2016/234\)](#), rules 2, **19** (with rule 25)
- F42** Words in rule 75.10(i) substituted (31.3.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(a), **9(h)**
- F43** Words in rule 75.10(d)(ii) substituted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **35(i)** (with rule 41)

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Combining requests

75.11 [^{F44}Where] the court officer allows, [^{F45}the] authority may combine information relating to different orders against the same [^{F46}respondent] in any request or application made under rules 75.9 or 75.10.]

Textual Amendments

- F44** Word in rule 75.11 substituted (31.3.2008) by The Civil Procedure (Amendment No.2) Rules 2007 (S.I. 2007/3543), rules 1(a), **9(i)(i)**
- F45** Word in rule 75.11 substituted (31.3.2008) by The Civil Procedure (Amendment No.2) Rules 2007 (S.I. 2007/3543), rules 1(a), **9(i)(ii)**
- F46** Word in rule 75.11 substituted (31.3.2008) by The Civil Procedure (Amendment No.2) Rules 2007 (S.I. 2007/3543), rules 1(a), **9(i)(iii)**

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