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# The Traffic Enforcement Centre (TEC)

# Purpose of presentation

- Better understanding of how we work
- Our involvement in the process
- What we can do
- What we can't do

## What does TEC do?

The Traffic Enforcement Centre (TEC) was established to put into effect procedures for dealing with :

- Unpaid parking fine
- Bus lane contraventions
- Vehicle emissions penalties
- Congestion Charging
- Moving traffic contraventions

The TEC is effectively a registration point for unpaid parking tickets/ penalty charge notices, which enables the LA to enforce as if a County Court Order.



## What we don't do

- Take payments
- Have any case history of the contravention
- Get involved in appeals to adjudicator's or the decision making process

# Registrations at the TEC

Prior to registering as a TEC user Local Authorities (LA's) must apply for 'Decriminalised / Civil Parking Enforcement' through the Department for Transport (or the Welsh Assembly for Welsh Authorities)

A copy of this application must be sent to The TEC. Upon receipt of this The TEC will then issue you with a two letter prefix code.

## Pre Registration checks

- LA's must ensure that full payment has not been received
- 14 days elapsed since service of the Charge Certificate
- Registered keeper of the vehicle lives in England & Wales

# Registrations at the TEC - Testing

Before the TEC allows any Local Authority to 'go live' you must submit test data. We recommend this is submitted 6 weeks prior to going live. There are two methods in which data can be sent to the TEC;

- Floppy Disk ( which are destroyed after data processed) or
- Electronic Transfer.

TEC will provide you with a test username and password for use when submitting test data electronically.

Currently, HMCS is piloting a data encrypted package which we hope to roll out in the near future.

# The process

- Once a penalty charge is registered at the TEC, an Order for Recovery is then prepared and sent to the respondent by the Local Authority. This must be sent to the respondent within 15 days of registration as per CPR Part 75 – Traffic Enforcement
- This is to inform the respondent of the registration with the court and explains that there may be further enforcement if no appeal or payment is made
- The Order for Recovery is sent together with a Statutory Declaration/Witness Statement. This is the form the respondent can use to appeal against the court registration, which if successful will revert the charge to the Notice to Owner stage.

# Statutory Declaration / Witness Statement

- A Witness Statement must be filed within 21 days from the date of service of receiving the Order for Recovery and Witness Statement form, the Local Authority provided a deadline date on the order for recovery for the respondent to pay the Local Authority or file a Witness Statement with TEC
- If a correctly completed the Statutory Declaration/Witness Statement is filed with the TEC within 36 days of registration, the Court registration will be revoked (cancelled). This does not cancel the original penalty charge. The matter is referred back to the local authority to decide what action they wish to take next.

# Application to file a SD/ WS Out Of Time

- This form allows the respondent to explain why they were unable to complete the Statutory Declaration/Witness Statement form in the given 36 day period.
- There is no time limit in which they can file the Statutory Declaration/Witness Statement Out of Time, although the Local Authority can apply for a warrant and instruct bailiffs to act at any point after the original 36 day period.
- The respondent must always send the Application to file Statutory Declaration Out of Time (PE2)/Witness Statement Out of Time (TE7) along with a Statutory Declaration(PE3)/Witness Statement (TE9), otherwise it would be deemed invalid.

# Application to file an Out Of Time

- On receipt of an acceptable application TEC will notify the Local Authority concerned, by e mail or fax, and give them 19 working days to either accept or reject the application.
- If the Local Authority accepts/or no reply the application it will be treated as an in time Statutory Declaration/Witness Statement and the Court registration will be revoked (cancelled). The matter is referred back to the Local Authority to decide what action they wish to take next.
- If the Local Authority rejects the application, it will be referred to a Court Officer at The TEC. This is for an impartial decision on whether the application should be granted or refused. Both parties will be informed of the result.

# Court Officer's Order

- All bailiff application should be suspended pending the outcome of the Court Officer's decision
- If the Court Officer accepts the application it will be treated as an in time Statutory Declaration/Witness Statement and the Court registration will be revoked (cancelled). The matter is referred back to the Local Authority to decide what action they wish to take next.
- If the Court Officer refuses the application the respondent and the Local Authority will be notified. The Court Officer is not obliged to give their reason for refusal. At this stage the Local Authority can continue with enforcement action

# Application to review Court Officer's decision

Following the decision by the Court officer, either party may apply, within 14 days of service of that order to have that decision reviewed. They would do this by completing an Application Notice (Form N244) with the appropriate fee.

This is effectively a two tier process and is reflected in the court fee paid;

- Paper application before the DDJ £40.00
- Application for hearing at local court before DJ £75.00

## Warrant of execution at the TEC

- After 36 days from registration if the respondent has failed to reply or pay the penalty charge in full. The LA may apply to the TEC for authorisation to enforce the registration by a warrant of execution.
- TEC merely gives the LA the *authority* to issue a Warrant of Execution, the LA draws the warrant and employs a '*certificated*' bailiff's to enforce as they would for council tax etc. Therefore, the remit for '*certificated*' bailiffs would apply.
- The warrant once registered at the TEC has a 12 month life cycle (CPR 75.7) and can not be re issued. To enforce the PCN must be re registered at the TEC.



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# Any Questions?