

Consultation

Traffic Enforcement Centre

**Proposed amendments to Part 75 and Practice Direction 75 of the Civil
Procedure Rules**

Executive summary

1. The Civil Procedure Rule Committee (CPRC) is responsible, under the provisions of the Civil Procedure Act 1997, for making rules of court governing the practice and procedure to be followed in the Civil Division of the Court of Appeal, the High Court and the County Court. It does so with a view to securing that the system of justice is accessible, fair, and efficient, and to try and make rules that are both simple and simply expressed.
2. The subject of this consultation was first discussed by the CPRC on 6th June 2025. At that meeting the CPRC agreed that a limited consultation should be held to gather views about the proposed amendments to Part 75¹ and Practice Direction 75² of the Civil Procedure Rules that govern the procedures for traffic enforcement at the Traffic Enforcement Centre (TEC). The aim of the proposed amendments is to make the process clearer, more efficient and fairer for both authorities and individuals.

Background

3. Following non-payment of a penalty charge or equivalent penalty³, a charging authority (such as Transport for London or National Highways) or a local authority⁴ issues a charge certificate to the respondent. If payment is not made or a settlement is not reached, the charging authority registers the unpaid penalty as a debt at the TEC and requests an Order for Recovery (OfR). The charging authority pays a fee of £10 for each registration, as set out in the Civil Proceedings Fees Order 2008 (the Fees Order). Over 430,000 requests for registrations are made to the TEC each month by charging authorities.
4. The TEC either rejects the request or authorises the charging authority to send an OfR to the respondent, who is then informed that the debt has been registered at the TEC. The respondent is also informed that if payment is not received or a settlement is not reached, an application will be made for a warrant of control to instruct an enforcement agent to take control of goods to recover the sum due. The charging authority also informs the respondent of their right to submit a witness statement or statutory declaration⁵ to the TEC to challenge the registration of the debt. The witness statement does not challenge the original penalty charge.
5. The grounds on which a respondent can challenge the OfR are:
 - They did not receive the original penalty charge notice;
 - They did not receive notice of rejection⁶ from the charging authority after challenging the penalty charge;
 - They appealed against the charging authority's decision to the adjudicator⁷ and did not receive a response, the appeal was made in their favour, or the appeal had not been determined at the time the charge certificate was served; or
 - They had paid the penalty in full.
6. A respondent has 21 days to submit a witness statement to the TEC when challenging an OfR. If the application is completed correctly, the TEC produces a Revocation Order and sends it to both the respondent and the charging authority, the effect of which is that the OfR is revoked, and enforcement action is stopped.

¹ [The Civil Procedure Rules 1998 \(Part 75\)](#)

² [PRACTICE DIRECTION 75 - TRAFFIC ENFORCEMENT - Civil Procedure Rules - Justice UK](#)

³ For brevity penalty charge is used to refer to penalty charge notice and notice to owner unless otherwise stated.

⁴ For brevity charging authority is used to refer to both local authorities and charging authorities unless otherwise stated.

⁵ For brevity witness statement is used to refer to both a witness statement and a statutory declaration unless otherwise stated.

⁶ A formal notice from the charging authority rejecting the respondent's challenge to the issue of penalty charge.

⁷ For brevity, adjudicator is used to refer to London Tribunals or Traffic Penalty Tribunal

7. A respondent can submit a witness statement after 21 days by way of an 'out-of-time' application to the TEC, which is then forwarded to the charging authority. If the out-of-time application is accepted, the charging authority will proceed to consider the respondent's challenge to the OfR. If the charging authority objects to the out-of-time application, the objections will be referred to a court officer for consideration. The court officer will make an order either accepting or refusing the out-of-time application. If the application is refused the charging authority can proceed to enforce the order. If the out-of-time application is upheld the OfR is revoked, and a Revocation Order is produced and sent to both the respondent and the charging authority. Either party may request that the order of the court officer be reviewed upon request by a district judge.
8. Where a respondent has not paid the debt, has not reached a settlement with the charging authority or does not submit a witness statement, the charging authority can apply to the TEC for the authority to issue a warrant of control. The TEC seals the request and returns it to the charging authority who must prepare the warrant within 7 days. Once a warrant of control is issued, enforcement agents can seek to secure payment of the outstanding sum from the respondent by using the taking control of goods process⁸. The enforcement agent will send the respondent a Notice of Enforcement at the start of that process informing them that a warrant has been issued and that they must pay within at least seven days.
9. Where the outstanding sum is not recovered via a warrant of control, the charging authority can apply to the TEC to transfer the proceedings to the County Court for enforcement using other enforcement methods, such as a charging order or an attachment of earnings order. The charging authority can seek to combine information relating to different OfRs against the same respondent in such a request.

Overview

10. This consultation is aimed at users of the TEC, including: charging authorities seeking to recover outstanding sums in respect of parking and traffic penalties; groups representing litigants in person; and advice agencies who advise respondents on how to settle or pay parking notices and OfRs. The aim of this consultation is to seek views on the below proposals which are designed to improve the efficiency of the processes at the TEC.
11. **Proposal A: A series of reforms to the rules to clarify how court officers consider of out-of-time applications.** Specially, requiring court officers to explain in their decision why they are accepting or rejecting out-of-time applications; that any party requesting a review of the order made by a court officer must address those reasons in their application; and clarify that the decision will only be on paper unless a judge decides a hearing is needed.
12. **Proposal B: A series of reforms to the rules to clarify the issuing of Warrant of Control.** Specifically, removing the need to re-apply for a warrant to be re-issued if the respondents address has changed; as well as allowing applications to extend warrants to be made directly to the TEC.
13. **Proposal C: A series of reforms to the rules to clarify the TEC transfer process.** Specifically, streamlining the process for transferring cases from the TEC to the County Court or the Civil National Business Centre (CNBC); and introducing a process for cases to start in the Insolvency Court (for bankruptcy proceedings).

⁸ Taking Control of Goods Regulation 2013 and Taking Control of Goods (Fees) Regulations 2014

14. Proposal D: A series of general updates to the rules to update outdated references and forms and to enable digitalisation of the TEC.

15. In addition to the proposed changes to the Rules, several charging authorities raised anecdotal concerns that some respondents are submitting multiple consecutive witness statements to frustrate the enforcement process. It is the Ministry of Justice's view that amendments in this area can only be done through amendments to Regulations⁹ and not via changes to the Civil Procedure Rules. The Regulations are jointly owned with the Department for Transport and the Welsh Government. The Ministry of Justice is considering how to take this matter forward separately.

Proposal A: Court Officer's Order

16. **It is proposed that CPR 75 is amended to clarify that an order made by a court officer must include reasons for refusing or accepting an out-of-time application, and further, that any party requesting a review of the order made by a court officer must address those reasons in their application. It is also proposed that the right to request a hearing is removed.**
17. Where a respondent does not submit a witness statement within 21 days (or has an application for an extension of time refused), a respondent can make an out-of-time application to the TEC, as set out in paragraph 5.1 of PD 75. When an out-of-time application is received at the TEC it is forwarded to the charging authority who are given the opportunity to make representations on it. No fee is payable by the respondent to submit a witness statement or to submit an out-of-time application, or an extension of time application (Schedule 1, Table 8.10 of the Fees Order).
18. Following the charging authority's representations, a court officer, acting as a delegated authority of the County Court, either allows or refuses the out-of-time application. CPR 75.5A states that any party may request a review of the court officer's decision, whereby the order made by the court officer is reviewed by a district judge on the papers, or with a hearing upon request or at the court's direction.
19. Paragraph 6.3 of PD 75 sets out the limited powers of a district judge where a request is made to review an order made by a court officer. A review of that order by a district judge is only a review of the decision to refuse or allow the application for further time for filing a witness statement. The review is not a review of the validity of the notice of the amount due or any order within the meaning of paragraph 1.3(3) of PD 75.
20. A request for a district judge review of a court officer decision is made upon application on form N244 to the TEC, with a fee for a general application without a hearing (£123) or for a hearing (£313), if requested. CPR 75.5A states that such a request must be made within 14 days of service of the decision of the court officer.
21. To help inform respondents' decisions about whether to request a review of orders made by a court officer, HMCTS have recently amended the order made by the court officer so that the reasons for accepting or refusing the out-of-time application are made clear. Reasons for refusal can, for example, be that no explanation has been given why the witness statement was served late; no explanation from the respondent as to why they failed to notify DVLA of their change of address; and no evidence has been provided for proof of their absence from the address for the relevant period when the OfR was sent.

⁹ As set out in paragraph 1 of Practice Direction 75 of the CPR

22. It is proposed to clarify by amending Part 75 to reflect the operational changes made at the TEC and require the order made by the court officer to include the reasons for refusing or accepting the application. The inclusion of reasons in the order made by the court officer will mean that the requests for review will assist both the party seeking the review and the court in reaching a decision.
23. It is further proposed that when any party requests a review of the order made by the court officer that the reasons given by the court officer are addressed. A party's reasons to request a review will not be limited to the reasons given on the order of the court officer; for example, a party may believe that something had not been taken into account by the court officer or given sufficient weight.
24. It is also proposed that a party should no longer be able to request a hearing, meaning that the review will only be considered on the papers, unless the judge directs a hearing where they consider it appropriate to do so. This change is proposed to ensure that the procedure for review is proportionate to the decision that the district judge can make about the application.

Q1. Do you have any observations about amending the Rules so that the order of the court officer should include reasons and that the request for a review should address those reasons?

Q2. Do you agree that the review should be decided on the papers unless a district judge orders otherwise? Please give reasons why you agree or disagree.

Proposal B: Warrants of Control authorised by the TEC.

- 25. It is proposed that CPR 75 is amended to remove the need to re-apply for a warrant to be re-issued if the respondent's address has changed; as well as allowing application to extend warrants to be made directly to the TEC.**
26. Authority to issue a warrant of control is granted by the TEC to the charging authority upon request. Over 400,000 warrants are authorised monthly.
27. Re-issue of warrant of control: Where a charging authority has an OfR, and the respondent does not submit a witness statement within 21 days, they can apply to the TEC for authority to issue a warrant of control. If granted the charging authority produces the warrant and issues it to an enforcement agent or firm. The enforcement agent then proceeds to begin enforcement in accordance with the Taking Control of Goods Regulations 2013 (the Regulations) and Taking Control of Goods (Fees) Regulations 2014 (the Fees Regulations). A Notice of Enforcement will be sent to the address of the respondent on the warrant, giving the respondent at least 7 days' notice that an enforcement agent may visit to take control of goods. If an enforcement agent discovers that the respondent is no longer at the address where the Notice of Enforcement was sent and traces them to a different address, the charging authority is required to re-apply to the TEC to re-issue the warrant against the new address (CPR 75.7(7)). Once the warrant is re-issued, the enforcement agent sends a new Notice of Enforcement to the new address.
28. The Notice of Enforcement provides details of the creditor and the nature of the debt, so enabling the respondent the opportunity to contact the charging authority to settle the debt, challenge the original penalty charge, or following representations with the charging authority, to submit an out-of-time application and witness statement to the TEC on one of the grounds mentioned at paragraph 5. Enforcement action is suspended once a witness statement is submitted or an out-of-time application is accepted.

29. It is proposed to remove the need for the charging authority to apply to the TEC to re-issue a warrant where a new address is identified. This would align the process with that used in other enforcement contexts (such as writs of control issued by the High Court). It is proposed the process will still require a new Notice of Enforcement to be served on the new address.
30. Extend the time limit of a warrant of control: The law relating to the period of time during which enforcement agents can take control of goods under a warrant of control is set out in regulation 9(1) of the Regulations. It is proposed to amend the Rules to provide that applications to extend the period in which to take control of goods, in respect of warrants issued under the authority of the TEC, can be made to the TEC rather than at a local County Court hearing centre as set out in CPR 84.5. The application will be considered on the papers by a district judge, unless they direct that there should be a hearing at a County Court hearing centre. This will improve overall operational efficiency of the process by maintaining a single point of contact for charging authorities.

Q3. Do you agree that the Rules should be amended to remove the need to re-apply for a warrant to be re-issued if the respondent's address has changed? Please give reasons why you agree or disagree.

Q4. Do you agree the TEC should be able to consider applications to extend warrants rather than requiring applications to be made to a local County Court hearing centre? Please give reasons why you agree or disagree.

Proposal C: Transfer from the TEC

31. It is proposed to amend the Rules to reflect the centralisation of the administration of charging orders and attachment of earnings orders at the Civil National Business Centre (CNBC); specify the documents that charging authorities need to submit with their application when transferring proceedings from the TEC to the County Court or the CNBC for further enforcement¹⁰ and when they make an application to combine a number of OfRs against one individual as part of that application; and to provide a process for a charging authority to pursue an insolvency solution rather seeking to transfer to the County Court.
32. An application to transfer proceedings from the TEC to a County Court hearing centre for further enforcement can currently be made under CPR 75.9 in the following circumstances:
- where the authority has not attempted to enforce by execution of the warrant of control;
 - where there has been no relevant return i.e. that the taking control of goods process did not settle the outstanding sum owed; and
 - where the relevant period has elapsed i.e. the period allowed for serving a witness statement or the extended period as allowed by the court.
33. Charging authorities complete a Form TE10 to request the transfer of cases from the TEC to a County Court hearing centre or the CNBC for further enforcement proceedings.

¹⁰ Attachment of earnings orders - an order is obtained whereby a fixed sum is deducted from the respondent's wages or salary. Third party debt orders - an order is obtained whereby the respondent's bank accounts are frozen on order of the court. Charging orders and orders for sale - this prevents the respondent from selling their assets without paying what is owed. Orders to obtain information - this procedure allows for respondents to be questioned for information regarding their assets.

The TE10 confirms that the criteria for seeking a transfer have been met and specifies the final amount owed. A separate TE10 is required for each OfR against a respondent.

34. It is proposed to amend this process to allow charging authorities to complete one TE10 form for all OfR against a single respondent. This would be done via the inclusion of a new schedule to be used alongside Form TE10 which asks how the criteria for transferring each OfR is met and total value that the enforcement application will be for.
35. Charging orders and attachment of earnings orders applications are dealt with centrally at the CNBC. Third Party Debt Orders and orders to obtain information are made to a County Court hearing centre. It is proposed that charging authorities make an application to transfer proceedings from the TEC and also submit the application for the enforcement method. This would remove the need to submit two applications to different court centre addresses and so reduce the administrative burden for charging authorities.
36. The TEC will consider the application to transfer and if the court officer allows the application, the TEC will transfer the information held at the TEC, along with the application form for the relevant enforcement method, to either the CNBC or the local County Court hearing centre. The CNBC or the County Court hearing centre will confirm with the charging authority that the application has been received and request the relevant fee. The CNBC or the County Court hearing centre will then process the application in the usual way and inform all parties that the matter has been transferred from the TEC and is now subject to new enforcement proceedings.
37. It is further proposed to amend the rules so that enforcement by way of insolvency or bankruptcy proceedings may be started at a local county court hearing centre. Unlike other enforcement methods in the County Court, an insolvency solution does not require a court order or judgment to proceed. We are proposing that in cases where charging authorities seek an insolvency solution that they complete form TE10 and the schedule to inform the TEC that enforcement activity by way of taking control of goods has ceased. An application for either bankruptcy or insolvency should then be made to the relevant court and in accordance with the Insolvency Rules.

Q5. Do you agree charging authorities should be allowed to transfer multiple OfRs against a single defendant on a single TE10 form? Please give reasons why you agree or disagree.

Q6. Do you agree that applications for transfer for further enforcement should also include applications for the relevant enforcement method to the TEC? Please give reasons why you agree or disagree.

Q7. Do you have any observations about the proposals to require that charging authorities inform the TEC that enforcement activity has ceased prior to the commencement of insolvency or bankruptcy proceedings?

Proposal D – General amendments

38. **It is proposed to amend out of date references in CPR 75 and PD 75.** The changes include updating the forms to reflect the proposals set out in this paper; and changes to enable digital submission to the TEC.

Q8. Do you have any observations about out-of-date references in the CPR 75 and PD 75?

How to Respond:

Please send your responses by Friday 21st November 2025 to:

- Email to: CPRCconsultation@justice.gov.uk. Please note "Traffic Enforcement" in the subject line of your email.
- Post to: Carl Poole, Secretary to the Civil Procedure Rule Committee, Post Point 7.23, Ministry of Justice, 102 Petty France, London SW1H 9AJ

Thank you for participating in this consultation exercise.