

Email message

To [REDACTED]

Subject Complaint

Cc

From HM Courts and Tribunals Service<[REDACTED]>

Dear Mr McGoldrick

Thank you for your recent complaint received on 7 May 2019.

I am sorry that you have had to file a complaint to resolve the problems you have faced.

Functions and role of the TEC

It may assist if I explain the role of the Traffic Enforcement Centre (TEC).

The TEC is based at the County Court Business Centre (CCBC) and is part of Her Majesty's Courts & Tribunals Service (HMCTS). It is a registration point for Local Authorities (LA) to register unpaid penalty charges prior to enforcement and only processes applications against the court registration of the penalty charge.

The Traffic Enforcement Centre (TEC), formerly known as the Parking Enforcement Centre (PEC) was established under Order 48B r (1) (a) of the County Court Rules 1981 (Now Part 75 of the Civil Procedure Rules), to put into effect procedures for dealing with work arising from the implementation of the Road Traffic Act 1991 (section 78 and Schedule 6) and the Traffic Management Act 2004 (section 82). Civil enforcement of traffic contraventions has been revised and provisions extended in London through London local authority acts. The London Local Authorities Act of 1995 and 2000 widened the 1991 act powers for civil enforcement of parking and waiting restrictions in London. Civil enforcement of bus lanes by London authorities, on the basis of camera evidence of contravention's, was made possible by the London Local Authorities Act 1996. The Transport Act 2000 included powers to enable the appropriate national authority to make regulations to enable the civil enforcement of bus lanes generally across England and Wales. The London local authorities and Transport for London Act 2003 includes powers enabling the civil enforcement of certain moving traffic contraventions by London authorities. It is based at and operates as the County Court Business Centre.

The TEC carries out its duties and responsibilities in line with the rules governing Civil Courts.

Please find below links to relevant legislation

County Court Rules 1981

<https://www.legislation.gov.uk/ukxi/1981/1687/contents/made>

CPR 75

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part75>

Road traffic act 1991

<https://www.legislation.gov.uk/ukpga/1991/40/contents>

Traffic Management act 2004

<https://www.legislation.gov.uk/ukpga/2004/18/contents>

CPR 17.6 Regarding Contempt of court

https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_17

TE Forms

Any applicant wishing to register a penalty charge through the TEC must adhere to the guidelines set out in the TEC applicant user guide.

The TE forms are initially sent out by the Local Authority who has registered the penalty charge, alongside the order for recovery, which The TEC are not in control of. Any forms that are requested by you, the respondent, over the telephone, are then sent out by the TEC.

The forms are legal documents which were approved as part of the regulations for the Department of Transport. They are governed by Civil Procedure Rules (CPR) and are unable to be amended.

Warrants of Control

The warrant of control is authorised by the TEC and then subsequently issued by the local authority. The local authority cannot issue a warrant of execution without first receiving the authorisation certificate from the TEC.

On receipt of an authority from the TEC for the issue of a warrant of execution, the local authority shall produce the warrant within seven days from the date of authorisation. The warrant must be forwarded to a certificated bailiff for execution. The warrant must be enforced as a county court warrant can be in electronic format in line with CPR. The warrant has its own individual reference number which is called a warrant number, this will differ from the penalty charge number (PCN).

The applicant name on the warrant of control and the order for recover is a known query which is being investigate by the chief adjudicator. They have requested that they have clear directions from the policy team.

With regard to the conduct of the bailiffs should you feel that they have acted unlawfully then details of how to complain against them can be found at the following link:

<https://www.gov.uk/your-rights-bailiffs/how-to-complain-about-a-bailiff>

Registering a PCN

When a PCN is initially registered it has a 2-letter prefix, dependant on the local authority which is then followed a unique seven digit number which is calculated using the standard algorithm, this is then followed by the number 0. If it is issued a 2nd time, it is followed by a 1 and so on. There is no way that this could be erroneous as the system would not validate an incorrect PCN, and would automatically reject it. As advised previously it is automated and there is no human intervention.

The Local Authority

The local authority is Halton Borough Council. The contact details that we have are for our personal contacts which are unavailable to the public. However, the below link will take you to their website where contact details are available:

<https://www3.halton.gov.uk/Pages/traffic/traffic-and-travel.aspx>

This will then re-direct you to the official Mersey flow website, which covers Halton's Mersey Gateway Bridge and the Silver Jubilee Bridge.

Other links

This is the regulation that the Mersey crossing comes under:

<http://www.merseygateway.co.uk/wp-content/uploads/2017/03/Roads-User-Charging-Scheme-Order-2017.pdf>

FOI Request

In regards to your request for information under the Freedom of Information Act, please note that this has been forwarded to the correct department and will be responded to within the statutory time limit of 20 working days, by 7 June 2019.

Once again, I apologise for the frustrations you have experienced. If you're unhappy with the way I've handled your complaint, you can ask our Operations Manager, Mr M Ayres to review it. You should write in to the above address and provide details of why you are still unhappy with the service you have received. You will receive a response within 10 working days from receipt of your complaint by us.

Yours sincerely,

██████████
██████████

County Court Business Centre, HM Courts and Tribunals Service | HMCTS | St Katherine's House,
Northampton, NN1 2LH

Email

Password ██████████ will be sent by separate email

About this request

Issued by HM Courts and Tribunals Service

Request reference ██████████

Context Complaint ██████████