

Order for recovery of unpaid penalty charge (Parking)

To the respondent	Penalty Charge No.	
	Vehicle Registration No.	
	Applicant	
	Location of Contravention	
	Date of Contravention	
	Amount of charge	
	Court registration fee	
	Total amount to pay	

An order to recover a penalty charge has been made against you at the Traffic Enforcement Centre at the County Court Business Centre.

this is the date by which you **must** either; pay the total amount shown above or file a statement if you believe you have grounds for not paying the charge.

Note: If you have a query regarding the original penalty charge, you should contact the Local Authority that issued the penalty charge.

Paying total amount
All payments and enquiries must be directed to this address: Payment can be made using a credit/debit card (Visa, Master Card, Delta/Switch/Solo)
Telephone: 0845 372 1276 24 hour automated telephone line
Internet at www.torbay.gov.uk/cpe
By post: send a cheque or postal order made payable to 'Torbay Council' Exchequer Services, Town Hall Torquay, TQ1 3DR. The notice number should be indicated on the reverse of the cheque/postal order.
Enquiries: PO Box 422, Torquay, TQ2 5WU
If you need any help or further information regarding payment you can call this number: 01803 207695

Filing a statement
Note: there are only four limited grounds on which you can make a statement (see form TE9 for details). Proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in any document verified by a statement of truth without an honest belief in its truth.
If you want to file a Witness statement - unpaid penalty charge (parking – form TE9), you can do so by email or by post
<ul style="list-style-type: none"> • By email - download form TE9 from www.hmcts-service.gov.uk/cms/tec.htm complete form and send it to customerservice.tec@hmcts-service.gsi.gov.uk • By post - by completing the enclosed form TE9 and sending it to the Traffic Enforcement Centre at the address below.
If you need any help or further information on completing the form then visit www.hmcts-service.gov.uk/cms/tec.htm

If you do nothing your possessions may be removed and sold to pay this charge.

If you need more time to file a statement, you may apply using form TE7. For details on how to make an application or to discuss further please contact the Traffic Enforcement Centre on 0300 123 1059

Drawn on the authority of: Traffic Enforcement Centre, County Court Business Centre, St Katherine's House, 21 – 27 St Katherine's Street, Northampton, NN1 2LH or tec@hmcts.gsi.gov.uk

An order to recover a penalty charge has been made against you at the Traffic Enforcement Centre at the County Court Business Centre.

You must by the date shown (overleaf) either

- Pay the total amount due to the local authority detailed;

OR

- File a Witness Statement on the enclosed form TE9 and send it to the Traffic Enforcement Centre at the address given below.

Making a Witness Statement

You may make a witness statement under the following grounds, which apply to you.

Note: If your penalty charge relates to a London Borough Parking Contravention you may make a witness statement under **ONE** of the following grounds

- You paid the penalty charge notice in full. You must provide details of the date payment was made, the method of payment i.e. cash, cheque etc. and who the payment was made to. **Please note you may be asked to provide proof of payment upon request.**
- You did not receive the notice to owner / penalty charge notice.
- You made representations about the penalty charge to the Local Authority within 28 days service of the notice to owner and you did not receive a reply (rejection notice).
- You appealed against the Local Authority's decision to reject your representation within 28 days service of the rejection notice, but you had no response to your appeal.

Proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in an application verified by a statement of truth without an honest belief in its truth.

If you need more time in which to file your witness statement you may apply using form TE7 - Application to file a statement out of time. This application is only to extend time for filing the witness statement, it is not why you are disputing the original penalty charge.

The application **MUST** be completed by the named 'respondent'.

The application can only be completed and signed by a litigation friend if the respondent is a protected party (a party who lacks capacity within the meaning of the Mental Capacity Act 2005 to conduct legal proceedings).

What is a litigation friend? - A person who conducts legal proceedings on behalf of a person who lacks capacity within the meaning of the Mental Capacity Act 2005 (see Part 21 (children and protected parties) of the Civil Procedure Rules).

For details on how to make an application or to discuss further please contact the Traffic Enforcement Centre on 0300 123 1059

If you do nothing your possessions may be removed and sold to pay this charge.

Drawn on the authority of: The Traffic Enforcement Centre at the County Court Business Centre, St Katharine's House, 21 – 27 St Katharine's street, Northampton, NN1 2LH

Witness statement – unpaid penalty charge (Parking)

Please complete this form in black ink using BLOCK CAPITALS

Traffic Enforcement Centre County Court Business Centre St. Katharine's House 21 – 27 St. Katharine' Street Northampton, NN1 2LH	Penalty Charge No.	
	Vehicle Registration No.	
	Applicant	
	Location of Contravention	
	Date of Contravention	

You must ensure that all details above are correctly entered from the form TE3 - Order for Recovery of unpaid penalty charge (Parking).

Title ☐ Mr. ☐ Mrs ☐ Miss ☐ Ms. ☐ Other

Full name
(Respondent)

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Address

Postcode

Company name (if vehicle owned and registered by a company)

--

The above named witness, declares that: Tick all boxes that apply to you.

Note: If your penalty charge relates to a London Borough Parking Contravention tick only ONE box

- | | |
|---|---|
| <input type="checkbox"/> I did not receive the Notice to Owner / Penalty Charge Notice (Parking contravention). | <input type="checkbox"/> I appealed against the local authority's decision to reject my representation, within 28 days of service of the rejection notice, but have had no response to my appeal. |
| <input type="checkbox"/> I made representations about the penalty charge to the enforcing authority concerned within 28 days of the service of the Notice to Owner, but did not receive a rejection notice. | <input type="checkbox"/> The penalty charge has been paid in full. |
- Date it was paid**
- How was it paid** Cash/Cheque/Debit/Credit card
- To whom was it paid**

Proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in an application verified by a statement of truth without an honest belief in its truth.

Statement of truth

(I believe) (The witness believes) that the facts stated in this application are true.

Signed		Date	
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(witness) (person signing on behalf of the witness)

Print full name	
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If you are signing on behalf of the witness, are you

<input type="checkbox"/> An officer of the company	<input type="checkbox"/> A Partner of the firm	<input type="checkbox"/> A Litigation friend acting on behalf of a protected party within the meaning of the Mental Capacity Act 2005
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You may make a witness statement under the following grounds, which apply to you:

Note: If your penalty charge relates to a London Borough Parking Contravention you may make a witness statement under ONE of the following grounds

- You paid the penalty charge notice in full. You must provide details of the date payment was made, the method of payment i.e. cash, cheque etc and who the payment was made to. **Please note you may be asked to provide proof of payment upon request.**
- You did not receive the notice to owner / penalty charge notice.
- You made representations about the penalty charge notice to the Local Authority within 28 days of service of the notice to owner but did not receive a reply (rejection notice).
- You appealed against the Local Authority's decision to reject your representation within 28 days, but you had no response to your appeal.

Proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in a witness statement verified by a statement of truth without an honest belief in its truth

You must file the witness statement by the date shown on the Order for recovery.

Once completed send to the Traffic Enforcement Centre at

County Court Business Centre
St Katharine's House,
21 – 27 St Katharine's Street
Northampton
NN1 2LH

or tec@hmcts.gsi.gov.uk

The Traffic Enforcement Centre - TEC (formerly the Parking Enforcement Centre) was established to put into effect procedures for dealing with unpaid parking contraventions, bus lane contraventions, vehicle emission penalties, Congestion Charging and Moving Traffic Contraventions. The TEC is based at the County Court Bulk Centre and operates as part of the Northampton County Court. On 31st March 2008 the Department for Transport (DfT) brought into force Civil Enforcement of Parking Contraventions and this fact sheet is therefore for PARKING Contraventions issued on or after this date only.

This fact sheet tells you about the role of TEC in the recovery of unpaid Penalty Charges.

What happens before the penalty charge is registered?

The following stages occur before the charge is registered with TEC in the case of parking penalties:

1. A Penalty Charge Notice would have been issued. This should have been paid or appealed against as per instructions given on the notice.
2. A Notice to Owner would have been sent to the registered keeper of the vehicle (not necessarily the driver at the time of the offence). This amount should have been paid or disputed. Representations should have been made in writing to the Local Authority and, if appropriate, an appeal made to the Parking / Traffic Adjudicator.
3. A Charge Certificate would have been issued 28 days after the penalty charge notice. The penalty charge is increased by 50%. This should have been paid to the Local Authority.

If the penalty charge still remains unpaid after a further 14 days, the Local Authority may register it with the TEC to recover the outstanding amount under a County Court Order.

What should I do if I wish to appeal against the Court Registration?

At this stage there are only four grounds under which the registration may be contested:

1. The Notice to Owner was not received.
2. Formal representations against the Notice to Owner have been made to the Local Authority within 28 days of the service of the notice to owner but a rejection notice has not been received.
3. An appeal has been made to the Parking/Traffic Adjudicator against the Local Authority's decision to reject the representation within 28 days of the service of the rejection notice but no response has been received.
4. The penalty charge has been paid in full.

If any of these apply you should file a Witness Statement with the TEC within 21 days from the date of the Order of Recovery.

If your Penalty Charge is a London Borough Parking Contravention, only one ground for appeal can be indicated.

If you wish to challenge the charge for any reason other than one of the four stated on the Witness Statement, for example, you simply disagree with the rejection of your representation, you should not file a Witness Statement, but should contact the Local Authority directly.

What happens if I file a valid Witness Statement?

TEC will revoke the Order for Recovery. This does not mean that the penalty charge has been cancelled. The Local Authority may continue the process; they will contact you if they intend to take any further action.

What happens if I do not respond?

If you do not file a valid Witness Statement with TEC within 21 days of the date of the Order for Recovery, the Local Authority may enforce the charge by requesting a warrant. When the warrant has been authorised by TEC, the Local Authority will employ certificated bailiffs to execute the warrant.

What should I do if the Bailiff has been instructed and I wish to appeal?

Provided a Witness Statement can be filed under one of the four grounds and there was a good reason why the Witness Statement was not filed earlier (within the 21 day time limit), you should contact the TEC on 08457 045007 or by email at customerservice.tec@hmcourts-service.gsi.gov.uk to request an application form to file the Witness Statement 'out of time'. This should be sent to the TEC and not the Local Authority. This form can also be found on the TEC website:

www.hmcourts-service.gov.uk/cms/tec.htm

Who do I pay?

You must send any payment direct to the Local Authority. Any payment received by TEC will be returned. If you have any queries regarding payment arrangements you must contact the Local Authority.

How do I find out if a warrant has been issued?

You may contact the Local Authority - TEC to find out if a warrant has been issued.

(If you contact TEC you must quote the penalty charge number (PCN). TEC unable to trace your case without it.

Who do I contact regarding Bailiff action?

As the Local Authority employs the bailiffs, any queries must be addressed to the bailiffs or the Local Authority. **TEC cannot suspend or cancel a bailiff action.**

Any complaints about the conduct of a bailiff must be made to the county court that issued the certificate for the bail and not the TEC.

Will the charge be registered as judgement?

Although the charge is registered in the county court, the information is not held on the Register of County Court Judgements.

Further advice

TEC staff cannot give you advice on points of law, but can send you forms and give you information about TEC procedures.

When corresponding with TEC please ensure that the penalty charge number (PCN) is quoted in full.

The TEC cannot accept any payments. All payments must be made directly to the Local Authority / bailiff.

Please use the list below to check you have completed the forms correctly. You must file the Witness Statement by the date shown on the Order for Recovery otherwise you will also need to complete an out of time application form TE7.

☐ Please quote the Penalty Charge number which can be found on the Order for Recovery or obtained from the Local Authority. We cannot trace the case without this number. Only **one** number per application form is permitted.

☐ Please quote the Date of Contravention which can be found on the Order for Recovery or obtained from the Local Authority.

☐ State your title e.g. Mr or Mrs

☐ State your full name. The form can only be completed by the **named** Respondent on the Order for Recovery issued by the Local Authority. If the Respondent has been named as a company/organisation, the person completing the form on it's behalf must ensure they state their own full name, the company name and their position in the company.

☐ Provide your full address including the postcode.

☐ Tick all boxes which apply to you. You are not permitted to add to or change the wording of any of the grounds. If none of the grounds apply, you cannot file the Witness Statement and you should contact the Local Authority who issued the Order for Recovery to try to resolve the matter. **NOTE.** If your penalty charge relates to a **London** Borough Parking Contravention you are only allowed to tick **one** box.

☐ If ticking the box regarding payment please ensure you complete all 3 details stating the date, how it was paid and to whom it was paid. Proof may be requested at a later date.

☐ The Statement of Truth can only be completed by the **named** Respondent on the Order for Recovery. Please sign, date and print your name and also tick the appropriate box if signing on behalf of a company/organisation.

The application can only be completed and signed by a Litigation Friend if the Respondent is a protected party (a party who lacks capacity within the meaning of the Mental Capacity Act 2005 to conduct legal proceedings). (See Part 21 (children and protected parties) of the Civil Procedure Rules). If you are a Litigation Friend, please provide proof of this.

The completed Witness Statement should be sent to:

The Traffic Enforcement Centre
St Katharine's House
21/27 St Katharine's Street
Northampton
NN1 2LH

Alternatively you may fax the form to 0845 408 5317 or 5318, or email the document to tec.buikcentre@hmcts.gsi.gov.uk