



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 5

MISCELLANEOUS

Vehicle registration and insurance and road traffic offences

152 Power to seize etc. vehicles driven without licence or insurance

After section 165 of the Road Traffic Act 1988 (c. 52) insert—

“165A Power to seize vehicles driven without licence or insurance

- (1) Subsection (5) applies if any of the following conditions is satisfied.
- (2) The first condition is that—
 - (a) a constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination,
 - (b) the person fails to produce them, and
 - (c) the constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).
- (3) The second condition is that—
 - (a) a constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,
 - (b) the person fails to produce such evidence, and
 - (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.
- (4) The third condition is that—

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- (a) a constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle,
 - (b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and
 - (c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or 143.
- (5) Where this subsection applies, the constable may—
- (a) seize the vehicle in accordance with subsections (6) and (7) and remove it;
 - (b) enter, for the purpose of exercising a power falling within paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;
 - (c) use reasonable force, if necessary, in the exercise of any power conferred by paragraph (a) or (b).
- (6) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of section 87(1) or 143 that he will seize it—
- (a) in a section 87(1) case, if the person does not produce his licence and its counterpart immediately;
 - (b) in a section 143 case, if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that section.
- But the constable is not required to give such a warning if the circumstances make it impracticable for him to do so.
- (7) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.
- (8) The powers conferred on a constable by this section are exercisable only at a time when regulations under section 165B are in force.
- (9) In this section—
- (a) a reference to a motor vehicle does not include an invalid carriage;
 - (b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of section 143 is a reference to a document or other evidence within section 165(2)(a);
 - (c) “counterpart” and “licence” have the same meanings as in section 164;
 - (d) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

165B Retention etc. of vehicles seized under section 165A

- (1) The Secretary of State may by regulations make provision as to—
- (a) the removal and retention of motor vehicles seized under section 165A; and

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- (b) the release or disposal of such motor vehicles.
- (2) Regulations under subsection (1) may, in particular, make provision—
- (a) for the giving of notice of the seizure of a motor vehicle under section 165A to a person who is the registered keeper, the owner or the driver of that vehicle;
 - (b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under section 165A may seek to have it released;
 - (c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
 - (d) as to the circumstances in which a motor vehicle seized under section 165A may be disposed of;
 - (e) as to the destination—
 - (i) of any fees or charges payable in accordance with the regulations;
 - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 165A;
 - (f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 165A.
- (3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations is not liable to pay it if—
- (a) he was not driving the motor vehicle at the time in question, and
 - (b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.
- (4) Regulations under subsection (1) may make different provision for different cases.
- (5) In this section—
- “local authority”—
 - (a) in relation to England, means—
 - (i) a county council,
 - (ii) the council of a district comprised in an area for which there is no county council,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, or
 - (v) Transport for London;
 - (b) in relation to Wales, means the council of a county or county borough; and
 - (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - “registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.”

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Commencement Information

II S. 152 in force at 1.7.2005 by S.I. 2005/1521, **art. 3(1)(u)**

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871