Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Modifications etc. (not altering text)

C1 Pt. VII modified (16.8.2006) by The Dover Harbour Revision Order 2006 (S.I. 2006/2167), **art. 27**

VALID FROM 24/09/2007

[F1 Requirement for approval of persons to assist at tests

Textual Amendments

F1 S. 162A and cross-heading inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 43**, 61; S.I. 2007/2472, **art. 2(m)**

162A Approved test assistants

(1) The Secretary of State may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a "test assistant") to be so accompanied if—

(a) he submits himself for the relevant test in any circumstances in which the Secretary of State considers it appropriate that he should be entitled to be so accompanied, and

(b) the test assistant is approved in accordance with regulations under this section to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

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(2) The circumstances in which the Secretary of State considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision—

(a) in relation to the making of applications for approval,

(b) for the payment in respect of applications for approval, or of approvals, (or both) of fees of such amounts as are prescribed,

(c) in relation to the period for which an approval is to have effect and withdrawing approval,

(d) authorising the imposition of conditions on an approval,

(e) for an appeal to lie to the Transport Tribunal against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval,

(f) prescribing circumstances in which an approved test assistant may not act as such,

(g) as to the evidencing by persons of their status as approved test assistants, and

(h) authorising the Secretary of State to make available (with or without charge) information about approved test assistants.

(4) The regulations may make different provision in relation to different cases.

(5) The following are relevant tests—

(a) tests of competence to drive a motor vehicle prescribed by virtue of section 89(3) of this Act or section 36(5) of the Road Traffic Offenders Act 1988,

(b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of section 132 of this Act, and

(c) emergency control assessments under section 133A of this Act.**]**

Powers of constables and other authorised persons

163 Power of police to stop vehicles.

(1) A person driving a **[**[F2]mechanically propelled vehicle**]** on a road must stop the vehicle on being required to do so by a constable in uniform.

(2) A person riding a cycle on a road must stop the cycle on being required to do so by a constable in uniform.

(3) If a person fails to comply with this section he is guilty of an offence.

[[F3](4) A constable in uniform may arrest a person without warrant if he has reasonable cause to suspect that the person has committed an offence under this section.**]**

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Textual Amendments

F2 Words in s. 163(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 67**; S.I. 1992/1286, art. 2, **Sch.**

F3 S. 163(4) inserted (1.10.2002) by 2002 c. 30, **s. 49(1)(3)**; S.I. 2002/2306, **art. 2(d)(iv)**

Modifications etc. (not altering text)

C2 S. 163: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(ii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(b)(7)(a)**)

164 Power of constables to require production of driving licence and in certain cases statement of date of birth.

(1) Any of the following persons—

(a) a person driving a motor vehicle on a road,

(b) a person whom a constable **[**[F4]or vehicle examiner**]** has reasonable cause to believe to have been the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road,

(c) a person whom a constable **[**[F4]or vehicle examiner**]** has reasonable cause to believe to have committed an offence in relation to the use of a motor vehicle on a road, or

(d) a person—

(i) who supervises the holder of a provisional licence while the holder is driving a motor vehicle on a road, or

(ii) whom a constable **[**[F4]or vehicle examiner**]** has reasonable cause to believe was supervising the holder of a provisional licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road,

must, on being so required by a constable **[**[F4]or vehicle examiner**]**, produce his licence **[**[F5]and its counterpart**]** for examination, so as to enable the constable **[**[F4]or vehicle examiner**]** to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which **[**[F6]they were**]** issued.

(2) **[**[F7]A person required by a constable under subsection (1) above to produce his licence**]** must in prescribed circumstances, on being so required by the constable, state his date of birth.

(3) If—

[[F8](a) the Secretary of State has—

(i) revoked a licence under section **[**[F9]92,**]** 93 or 99 of this Act, or

(ii) revoked or suspended a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence under section 115 of this Act, and**][**[F10]or

(iii) served notice requiring the delivery of a licence to him in pursuance of section 99C or 115A of this Act,**]**

(b) the holder of the licence fails to deliver it **[**[F11]and its counterpart**]** to the Secretary of State **[**[F12]or the traffic commissioner, as the case may be**]** in

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pursuance of **[**[F13]section **[**[F9] 92,**]** 93, 99 **[**[F14]99C, 115A or 118**]** (as the case may be)**]**,

a constable **[**[F15]or vehicle examiner**]** may require him to **[**[F16]produce the licence and its counterpart**]**, and upon **[**[F16]their**]** being produced may seize **[**[F17]them**]** and deliver **[**[F17]them**]** to the Secretary of State.

(4) Where a constable has reasonable cause to believe that the holder of a licence, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the licence, the constable may require the holder of the licence to produce it **[**[F18]and its counterpart**]** to him.

[[F19](4A) Where a constable to whom a provisional licence has been produced by a person driving a motor bicycle has reasonable cause to believe that the holder was not driving it as part of the training being provided on a training course for motor cyclists, the constable may require him to produce the prescribed certificate of completion of a training course for motor cyclists.**]**

(5) Where a person has been required under **[**[F20]section 26 or 27 of the Road Traffic Offenders Act 1988 **[**[F21]section 40B of the Child Support Act 1991**]****[**[F22], section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000**]** or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975**]** to produce a licence **[**[F23]and its counterpart**]** to the court and fails to do so, a constable may require him to produce **[**[F24]them**]** and, upon **[**[F24]their**]** being produced, may seize **[**[F24]them**]** and deliver **[**[F24]them**]** to the court.

(6) If a person required under the preceding provisions of this section to produce a licence **[**[F25]and its counterpart**]** or state his date of birth **[**[F26]or to produce his certificate of completion of a training course for motor cyclists**]**. . . fails to do so he is, subject to subsections (7) **[**[F27]to (8A)**]** below, guilty of an offence.

(7) Subsection (6) above does not apply where a person required on any occasion under the preceding provisions of this section to produce a licence **[**[F28]and its counterpart**]**—

(a) produces on that occasion a current receipt for the licence **[**[F29]and its counterpart**]** issued under section 56 of the [M1]Road Traffic Offenders Act 1988 and, if required to do so, produces the licence **[**[F29]and its counterpart**]** in person immediately on **[**[F30]their**]** return at a police station that was specified on that occasion, or

(b) within seven days after that occasion produces such a receipt in person at a police station that was specified by him on that occasion and, if required to do so, produces the licence **[**[F31]and its counterpart**]** in person immediately on **[**[F32]their**]** return at that police station.

(8) In proceedings against any person for the offence of failing to produce a licence **[**[F33]and its counterpart**]** it shall be a defence for him to show that—

(a) within seven days after the production of his licence **[**[F33]and its counterpart**]** was required he produced **[**[F34]them**]** in person at a police station that was specified by him at the time **[**[F35]their**]** production was required, or

(b) he produced **[**[F34]them**]** in person there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for him to produce **[**[F34]them**]** there before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

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[[F36](8A) Subsection (8) above shall apply in relation to a certificate of completion of a training course for motor cyclists as it applies in relation to a licence.**]**

(9) Where in accordance with this section a person has stated his date of birth to a constable, the Secretary of State may serve on that person a notice in writing requiring him to provide the Secretary of State—

(a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date, and

(b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time,

and a person who knowingly fails to comply with a notice under this subsection is guilty of an offence.

(10) A notice authorised to be served on any person by subsection (9) above may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 7 of the Interpretation Act 1978 [M2] in its application to this subsection the proper address of any person shall be his latest address as known to the person giving the notice.

[[F37](11) In this section—

"licence" means a licence under Part III of this Act or a Community licence,

"vehicle examiner" means an examiner appointed under section 66A of this Act;

and "Community licence", "counterpart", "provisional licence", "training course for motor cyclists" and, in relation to such a course, "the prescribed certificate of completion" have the same meanings as in Part III of this Act.**]**

Textual Amendments

F4 Words in s. 164(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(2)**; S.I. 1992/1286, art. 2, **Sch.**

F5 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F6 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F7 Words in s. 164(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(3)**; S.I. 1992/1286, art. 2, **Sch.**

F8 S. 164(3)(a) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(i)**

F9 Words in s. 164(3) inserted (1.7.1998) by S.I. 1998/1420, **reg. 14**

F10 S. 164(3)(a)(iii) and preceeding word "or" inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(2)(a)**

F11 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(i)**

F12 Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(ii)**

F13 Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(ii)**

F14 Words in s. 164(3)(b) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(2)(b)**

F15 Words in s. 164(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(4)**; S.I. 1992/1286, art. 2, **Sch.**

F16 Word(s) substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(ii)(iii)**

F17 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(iv)**

F18 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(c)**

F19 S. 164(4A) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(b)**

F20 Words in s. 164(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(5)**; S.I. 1992/1286, art. 2, **Sch.**

F21 Words in s. 164(5) inserted (10.11.2000 for certain purposes and otherwise 2.4.2001) by 2000 c. 19, **s. 16(4)** (with s. 83(6)); S.I. 2000/2994, art. 2(1), **Sch. Pt. I**; S.I. 2000/3554, **art. 2(3)**

F22 Words in s. 164(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 117**

F23 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**

F24 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**

F25 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(e)**

F26 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(c)**

F27 Words in s. 164(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(6)**; S.I. 1992/1286, art. 2, **Sch.**

F28 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(i)**

F29 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**

F30 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**

F31 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**

F32 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**

F33 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(i)**

F34 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**

F35 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**

F36 S. 164(8A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 68(7)**; S.I. 1992/1286, art. 2, **Sch.**

F37 S. 164(11) substituted (27.3.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 30(3)**

Modifications etc. (not altering text)

C3 S. 164(1)(6)(8) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(e)**

C4 S. 164(1): power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)

C5 S. 164(1) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).

C6 S. 164(2): power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)

C7 S. 164(5) extended (E.W.) (1.1.1998) by 1997 C. 43, s. 39(5)(a), 40(6); S.I. 1997/2200, **art. 3(b)(c)**

C8 S. 164(6): power to extend conferred by Road Traffic Regulation Act 1984 (c.27, SIF 107:1), **s. 96(2)(c)(iii)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(c)(7)(a)**)

C9 S. 164(6) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).

C10 S. 164(8) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

Marginal Citations

M1 1988 c. 53.

M2 1978 c. 30.

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165 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates.

(1) Any of the following persons—

(a) a person driving a motor vehicle (other than an invalid carriage) on a road, or

(b) a person whom a constable **[**[F38]or vehicle examiner**]** has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road **[**[F39]or other public place**]**, or

(c) a person whom a constable **[**[F38]or vehicle examiner**]** has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

must, on being so required by a constable **[**[F38]or vehicle examiner**]**, give his name and address and the name and address of the owner of the vehicle and produce the following documents for examination.

(2) Those documents are—

(a) the relevant certificate of insurance or certificate of security (within the meaning of Part VI of this Act), or such other evidence that the vehicle is not or was not being driven in contravention of section 143 of this Act as may be prescribed by regulations made by the Secretary of State,

(b) in relation to a vehicle to which section 47 of this Act applies, a test certificate issued in respect of the vehicle as mentioned in subsection (1) of that section, and

(c) in relation to a goods vehicle the use of which on a road without a plating certificate or goods vehicle test certificate is an offence under section 53(1) or (2) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it.

(3) Subject to subsection (4) below, a person who fails to comply with a requirement under subsection (1) above is guilty of an offence.

(4) A person shall not be convicted of an offence under **[**[F40]subsection (3)**]** above by reason only of failure to produce any certificate or other evidence [F41]. . . if in proceedings against him for the offence he shows that—

(a) within seven days after the date on which the production of the certificate or other evidence was required it was produced at a police station that was specified by him at the time when its production was required, or

(b) it was produced there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for it to be produced there before the day on which the proceedings were commenced,

and for the purposes of this subsection the laying of the information or, in Scotland, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(5) A person—

(a) who supervises the holder of a provisional licence granted under Part III of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage), or

(b) whom a constable **[**[F38]or vehicle examiner**]** has reasonable cause to believe was supervising the holder of such a licence while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time

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when an offence is suspected of having been committed by the holder of the provisional licence in relation to the use of the vehicle on a road,

must, on being so required by a constable **[**[F38]or vehicle examiner**]**, give his name and address and the name and address of the owner of the vehicle.

(6) A person who fails to comply with a requirement under subsection (5) above is guilty of an offence.

(7) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement **[**[F42]and "vehicle examiner" means an examiner appointed under section 66A of this Act.**]**

Textual Amendments

F38 Words in s. 165(1) and (5) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 69(2)(3)**; S.I. 1992/1286, art. 2, **Sch.**

F39 Words in s. 165(1)(b) inserted (3.4.2000) by S.I. 2000/726, **art. 2(5)**

F40 Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 19**

F41 Words in s. 165(4) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F42 Words in s. 165(7) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 69(4)**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C11 S. 165 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(c)**)

C12 S. 165: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iv)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)(7)(a)**)

C13 S. 165 applied (23.6.1999) by S.I. 1999/1736, **art. 8(6)**

C14 S. 165 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

C15 S. 165(1) extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(3)**
S. 165(1) applied (23.6.1999) by S.I. 1999/1736, **art. 8(7)**

C16 S. 165(1) extended by Police Reform Act 2002 (c. 30), Sch. 4 para. 3A(1)(a)(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))
S. 165(1) extended by Police Reform Act 2002 (c. 30), Sch. 5 para. 3A(1)(a) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

VALID FROM 01/07/2005

[[F43]**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

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(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—

(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;

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(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.

Textual Amendments

F43 Ss. 165A, 165B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 152**, 178; S.I. 2005/1521, **art 3(1)** (subject to art. 3(4)(5))

VALID FROM 01/07/2005

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

(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—

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(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.**]**

Textual Amendments

F43 Ss. 165A, 165B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 152**, 178; S.I. 2005/1521, **art 3(1)** (subject to art. 3(4)(5))

[[F44]166 Powers of certain officers as respects goods vehicles and passenger-carrying vehicles.

Any of the following officers, namely—

(a) an examiner appointed under section 68 of this Act,

(b) a certifying officer appointed under section 7(1) of the Public Passenger Vehicles Act [M3]1981,

(c) an examiner appointed under section 7(2) of that Act, and

(d) **[**[F45]A person authorised for the purpose by a traffic commissioner appointed under the Public Passenger Vehicles Act 1981,**]**

may, on production if so required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.**]**

Textual Amendments

F44 S. 166 substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 20**

F45 Words in s. 166(d) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 70**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M3 1981 c.14

167 Power of arrest in Scotland for reckless or careless driving or cycling.

A constable—

(a) may arrest without warrant the driver of a motor vehicle who within his view commits an offence under section 2 or 3 of this Act unless the driver either

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gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part III of this Act **[**[F46]and the counterpart of the licence**]**[F47]or, as the case may be, his Community licence within the meaning of that Part and its counterpart (if any)**]**, and

(b) may arrest without warrant the rider of a cycle who within his view commits an offence under section 28 or 29 of this Act unless the rider gives his name and address.

This section extends only to Scotland.

Textual Amendments

F46 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 10**

F47 Words in s. 167 inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 31**

Duty to give name and address

168 Failure to give, or giving false, name and address in case of reckless or careless or inconsiderate driving or cycling.

Any of the following persons—

(a) the driver of a **[**[F48]mechanically propelled vehicle**]** who is alleged to have committed an offence under section 2 or 3 of this Act, or

(b) the rider of a cycle who is alleged to have committed an offence under section 28 or 29 of this Act,

who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, is guilty of an offence.

Textual Amendments

F48 Words in s. 168(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.71**; S.I. 1992/1286, **art. 2**,Sch.

169 Pedestrian contravening constable's direction to stop to give name and address.

A constable may require a person committing an offence under section 37 of this Act to give his name and address, and if that person fails to do so he is guilty of an offence.

Modifications etc. (not altering text)

C17 S. 169: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c)(iv)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)**)

C18 S. 169 extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(2)(b)**
S. 169 extended (with modifications) by Police Reform Act 2002 (c. 30), Sch. 4 para. 3A(1)(b)(2)(3) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

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S. 169 extended (with modifications) by Police Reform Act 2002 (c. 30), Sch. 5 para. 3A(1)(b)(2) (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

Duties in case of accident

170 Duty of driver to stop, report accident and give information or documents.

(1) This section applies in a case where, owing to the presence of a **[**[F49]mechanically propelled vehicle**]** on a road **[**[F50]or other public place**]**, an accident occurs by which—
  (a) personal injury is caused to a person other than the driver of that **[**[F49]mechanically propelled vehicle**]**, or
  (b) damage is caused—
    (i) to a vehicle other than that **[**[F49]mechanically propelled vehicle**]** or a trailer drawn by that **[**[F49]mechanically propelled vehicle**]**, or
    (ii) to an animal other than an animal in or on that **[**[F49]mechanically propelled vehicle**]** or a trailer drawn by that **[**[F49]mechanically propelled vehicle**]**, or
    (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road **[**[F51]or place**]** in question is situated or land adjacent to such land.

(2) The driver of the **[**[F49]mechanically propelled vehicle**]** must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.

(3) If for any reason the driver of the **[**[F49]mechanically propelled vehicle**]** does not give his name and address under subsection (2) above, he must report the accident.

(4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.

(5) If, in a case where this section applies by virtue of subsection (1)(a) above, the driver of **[**[F52]a motor vehicle**]** does not at the time of the accident produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act—
  (a) to a constable, or
  (b) to some person who, having reasonable grounds for so doing, has required him to produce it,

  the driver must report the accident and produce such a certificate or other evidence.

  This subsection does not apply to the driver of an invalid carriage.

(6) To comply with a duty under this section to report an accident or to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the driver—
  (a) must do so at a police station or to a constable, and
  (b) must do so as soon as is reasonably practicable and, in any case, within twenty-four hours of the occurrence of the accident.

(7) A person who fails to comply with a duty under subsection (5) above is guilty of an offence, but he shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within **[**[F53]seven**]** days after the occurrence of the accident, the

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certificate or other evidence is produced at a police station that was specified by him at the time when the accident was reported.

(8) In this section "animal" means horse, cattle, ass, mule, sheep, pig, goat or dog.

Textual Amendments

F49 Words in s. 170(1)-(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(2)**; S.I. 1992/1286, **art. 2**,Sch.

F50 Words in s. 170(1) inserted (3.4.2000) by S.I. 2000/726, **art. 6(a)**

F51 Words in s. 170(1)(b)(ii) inserted (3.4.2000) by S.I. 2000/726, **art. 6(b)**

F52 Words in s. 170(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(3)**; S.I. 1992/1286, **art. 2**,Sch.

F53 Word in s. 170(7) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 72(4)**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C19 S. 170 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(c)**)

C20 S. 170(5)-(7) excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

Other duties to give information or documents

171 Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security.

(1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of section 143 of this Act on any occasion when the driver was required under section 165(1) or 170 of this Act to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the owner of the vehicle must give such information as he may be required, by or on behalf of a chief officer of police, to give.

(2) A person who fails to comply with the requirement of subsection (1) above is guilty of an offence.

(3) In this section "owner", in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

Modifications etc. (not altering text)

C21 S. 171 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**

[F54 172 Duty to give information as to identity of driver etc in certain circumstances.

(1) This section applies—

(a) to any offence under the preceding provisions of this Act except—

(i) an offence under Part V, or

(ii) an offence under section 13, 16, 51(2), 61(4), 67(9), 68(4), 96 or 120,

and to an offence under section 178 of this Act,

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(b) to any offence under sections 25, 26 or 27 of the Road Traffic Offenders Act 1988,

(c) to any offence against any other enactment relating to the use of vehicles on roads, except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and

(d) to manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle.

(2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

(a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and

(b) any other person shall if required as stated above give any information which it is in his power to give and may lead to identification of the driver.

(3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence.

(4) A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.

(5) Where a body corporate is guilty of an offence under this section and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

(6) Where the alleged offender is a body corporate, or in Scotland a partnership or an unincorporated association, or the proceedings are brought against him by virtue of subsection (5) above or subsection (11) below, subsection (4) above shall not apply unless, in addition to the matters there mentioned, the alleged offender shows that no record was kept of the persons who drove the vehicle and that the failure to keep a record was reasonable.

(7) A requirement under subsection (2) may be made by written notice served by post; and where it is so made—

(a) it shall have effect as a requirement to give the information within the period of 28 days beginning with the day on which the notice is served, and

(b) the person on whom the notice is served shall not be guilty of an offence under this section if he shows either that he gave the information as soon as reasonably practicable after the end of that period or that it has not been reasonably practicable for him to give it.

(8) Where the person on whom a notice under subsection (7) above is to be served is a body corporate, the notice is duly served if it is served on the secretary or clerk of that body.

(9) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section the proper address of any person in relation to the service on him of a notice under subsection (7) above is—

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(a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or (if the body corporate is the registered keeper of the vehicle concerned) the registered address, and

(b) in any other case, his last known address at the time of service.

(10) In this section—

"registered address", in relation to the registered keeper of a vehicle, means the address recorded in the record kept under **[**[F55] the Vehicles Excise and Registration Act 1994**]]** with respect to that vehicle as being that person's address, and

"registered keeper", in relation to a vehicle, means the person in whose name the vehicle is registered under that Act;

and references to the driver of a vehicle include references to the rider of a cycle.

(11) Where, in Scotland, an offence under this section is committed by a partnership or by an unincorporated association other than a partnership and is proved to have been committed with the consent or connivance or in consequence of the negligence of a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence.

Textual Amendments

F54 S. 172 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 21**; S.I. 1992/1286, art. 2, **Sch.**

F55 Words in s. 172(10) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66(1), **Sch. 3 para. 24(1)** (with s. 57(4))

Forgery, false statements, etc.

173 Forgery of documents, etc.

(1) A person who, with intent to deceive—

(a) forges, alters or uses a document or other thing to which this section applies, or

(b) lends to, or allows to be used by, any other person a document or other thing to which this section applies, or

(c) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,

is guilty of an offence.

(2) This section applies to the following documents and other things—

(a) any licence under any Part of this Act **[**[F56]or in the case of a licence to drive any counterpart of such licence,**]**

[[F57](aa) any counterpart of a Community licence,**]**

(b) any test certificate, goods vehicle test certificate, plating certificate, certificate of conformity or Minister's approval certificate (within the meaning of Part II of this Act),

(c) any certificate required as a condition of any exception prescribed under section 14 of this Act,

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[[F58](cc) any seal required by regulations made under section 41 of this Act with respect to speed limiters,**]**

(d) **[**[F59]any plate containing particulars required to be marked on a vehicle by regulations under section 41 of this Act**]** or containing other particulars required to be marked on a goods vehicle by sections 54 to 58 of this Act or regulations under those sections,

[[F60](dd) any document evidencing the appointment of an examiner under section 66A of this Act,**]**

(e) any records required to be kept by virtue of section 74 of this Act,

(f) any document which, in pursuance of section 89(3) [F61]. . .of this Act, is issued as evidence of the result of a test of competence to drive,

[[F62](ff) any certificate provided for by regulations under section 97(3A) of this Act relating to the completion of a training course for motor cyclists,**]**

(g) any **[**[F63]certificate under section 133A or any**]** badge or certificate prescribed by regulations made by virtue of section 135 of this Act,

(h) any certificate of insurance or certificate of security under Part VI of this Act,

(j) any document produced as evidence of insurance in pursuance of Regulation 6 of the [M4]Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973,

(k) any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security, [F64]. . .

(l) any international road haulage permit. **[**[F65]and

(m) a certificate of the kind referred to in section 34B(1) of the Road Traffic Offenders Act 1988.**]**

(3) In the application of this section to England and Wales "forges" means makes a false document or other thing in order that it may be used as genuine.

[[F66](4) In this section "counterpart" and "Community licence" have the same meanings as in Part III of this Act**]**

Textual Amendments

F56 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 11(a)**

F57 S. 173(2)(aa) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 32(2)**

F58 S. 173(2)(cc) commencing "any seal" inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(2)**; S.I. 1992/421, art. 2, **Sch.**

F59 Words in s. 173(2)(d) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 84, **Sch. 4 para. 73(3)**; S.I. 1992/421, art. 2, **Sch.**

F60 S. 173(2)(dd) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(4)**; S.I. 1992/1286, art. 2, **Sch.**

F61 Words in s. 173(2)(f) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 22, **Sch. 6**

F62 S. 173(2)(ff) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(5)**; S.I. 1992/1286, art. 2, **Sch.**

F63 Words in s. 173(2)(g) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 9**; S.I. 1996/1980, **art. 2**

F64 Word in s. 173(2)(k) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch 8**; S.I. 1992/1286, art. 2, **Sch.**

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F65 S. 173(2)(m) and word "and" preceding it added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(6)**; S.I. 1992/1286, art. 2, **Sch.**

F66 S. 173(4) substituted (23.7.1996 for specified purposes and otherwise by S.I. 1996/1974, reg. 2, **Sch. 1 para. 32(3)**

Modifications etc. (not altering text)

C22 S. 173 applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C23 S. 173 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(f)**

Marginal Citations

M4 S.I. 1973/2143.

174 False statements and withholding material information.

(1) A person who knowingly makes a false statement for the purpose—

(a) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or

(b) of preventing the grant of any such licence, or

(c) of procuring the imposition of a condition or limitation in relation to any such licence, or

(d) of securing the entry or retention of the name of any person in the register of approved instructors maintained under Part V of this Act, or

[[F67](dd) of obtaining the grant to any person of a certificate under section 133A of this Act, or**]**

(e) of obtaining the grant of an international road haulage permit to himself or any other person,

is guilty of an offence.

(2) A person who, in supplying information or producing documents for the purposes either of sections 53 to 60 and 63 of this Act or of regulations made under sections 49 to 51, 61, 62 and 66(3) of this Act—

(a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,

is guilty of an offence.

(3) A person who—

(a) knowingly produces false evidence for the purposes of regulations under section 66(1) of this Act, or

(b) knowingly makes a false statement in a declaration required to be made by the regulations,

is guilty of an offence.

(4) A person who—

(a) wilfully makes a false entry in any record required to be made or kept by regulations under section 74 of this Act, or

(b) with intent to deceive, makes use of any such entry which he knows to be false,

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is guilty of an offence.

(5) A person who makes a false statement or withholds any material information for the purpose of obtaining the issue—

(a) of a certificate of insurance or certificate of security under Part VI of this Act, or

(b) of any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security,

is guilty of an offence.

Textual Amendments

F67 S. 174(1)(dd) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 10**; S.I. 1996/1980, **art. 2**

175 Issue of false documents.

If a person issues—

(a) any such document as is referred to in section 174(5)(a) or (b) of this Act, or

(b) a test certificate or certificate of conformity (within the meaning of Part II of this Act),

and the document or certificate so issued is to his knowledge false in a material particular, he is guilty of an offence.

176 Power to seize articles in respect of which offences under sections 173 to 175 may have been committed.

(1) If a constable has reasonable cause to believe that a document produced to him—

(a) in pursuance of section 137 of this Act, or

(b) in pursuance of any of the preceding provisions of this Part of this Act,

is a document in relation to which an offence has been committed under section 173, 174 or 175 of this Act or under section 115 of the [M5]Road Traffic Regulation Act 1984, he may seize the document.

[[F68](1A) Where a licence to drive or a counterpart of any such licence or of any Community licence may be seized by a constable under subsection (1) above, he may also seize the counterpart, the licnce to drive or the Community licence (as the case may be) produced with it.**]**

(2) When a document is seized under subsection (1) above, the person from whom it was taken shall, unless—

(a) the document has been previously returned to him, or

(b) he has been previously charged with an offence under any of those sections,

be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of the document.

(3) The court or sheriff must make such order respecting the disposal of the document and award such costs as the justice of the case may require.

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[[F69](3A) An order under subsection (3) above respecting the disposal of a licence to drive or a counterpart of **[**[F70]any such licence or community licence**]** may include an order respecting the disposal of any document seized under subsection (1A) above.**]**

(4) If a constable, **[**[F71]an examiner appointed under section 66A**]** of this Act has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver of the vehicle is a document or plate to which this subsection applies, he may seize it.

For the purposes of this subsection the power to seize includes power to detach from a vehicle.

(5) Subsection (4) above applies to a document or plate in relation to which an offence has been committed under sections 173, 174 or 175 of this Act in so far as they apply—

(a) to documents evidencing the appointment of examiners **[**[F72]under s. 66A**]** of this Act, or

(b) to goods vehicle test certificates, plating certificates, certificates of conformity or Minister's approval certificates (within the meaning of Part II of this Act), or

(c) to plates containing plated particulars (within the meaning of that Part) or containing other particulars required to be marked on goods vehicles by sections 54 to 58 of this Act or regulations made under them, or

(d) to records required to be kept by virtue of section 74 of this Act, or

(e) to international road haulage permits.

(6) When a document or plate is seized under subsection (4) above, either the driver or owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation to the document or plate under section 173, 174 or 175 of this Act, be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of, or the presence on the vehicle of, the document or plate.

(7) The court or sheriff must make such order respecting the disposal of the document or plate and award such costs as the justice of the case may require.

[[F73](8) In this section "counterpart" and "Community licence" have the same meanings as in Part III of this Act.**]**

Textual Amendments

F68 S. 176(1A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(2)**

F69 S. 176(3A) inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 12(b)**

F70 Words in s. 176(3A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(3)**

F71 Words in s. 176(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 74(2)**; S.I. 1992/1286, art. 2, **Sch.**

F72 Words in s. 176(5)(a) substituted (1.7.1992) by Road Traffic act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 74(3); S.I. 1992/1286, art. 2, **Sch.**

F73 S. 176(8) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by The Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974, reg. 2, **Sch. 1 para. 33(4)**

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Marginal Citations
M5 1984 c. 27.

177 Impersonation of, or of person employed by, authorised examiner.

If a person, with intent to deceive, falsely represents himself to be, or to be employed by, a person authorised **[**[F74]in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters or a person authorised**]** by the Secretary of State for the purposes of section 45 of this Act, he is guilty of an offence.

Textual Amendments
F74 Words in s. 177 inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 75**; S.I. 1992/421, **art. 2**,Sch.

Offences in Scotland

178 Taking motor vehicle without authority, etc.

(1) A person who in Scotland—
(a) takes and drives away a motor vehicle without having either the consent of the owner of the vehicle or other lawful authority, or
(b) knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority,
is, subject to subsection (2) below, guilty of an offence.

(2) If—
(a) the jury, on proceedings under this section on indictment, or
(b) the court, on summary proceedings under this section,
is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given consent if he had been asked for it, the accused shall not be liable to be convicted of the offence.

(3) A constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Inquiries

179 General power to hold enquiries.

Without prejudice to any other provision of this Act, the Secretary of State may hold inquiries for the purposes of this Act.

180 General provisions as to inquiries.

(1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—

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(a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give,

(b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law,

(c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths, and

(d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred.

(2) Any amount certified as mentioned in subsection (1)(d) above and directed by the Secretary of State to be paid by any person shall be recoverable from that person—

(a) in England or Wales, by the Secretary of State summarily as a civil debt (without prejudice to any other means of recovering it), or

(b) in Scotland, by the Secretary of State.

(3) A person who fails without reasonable excuse to comply with any of the provisions of an order under subsection (1)(b) above is guilty of an offence.

Extent Information

E1 For the application of s. 180 to Northern Ireland see s. 197(3) and S.I. 1992/3107, **reg. 13(4)**.

Modifications etc. (not altering text)

C24 S. 180 applied (with modifications) (1.1.1993) by S.I. 1992/3107, **regs. 1(2)**, 13(4)(5)
S. 180 applied (10.7.1995) by S.I. 1995/1513, **reg. 12(4)**
S. 180 applied (1.7.2005) by The Tractor etc (EC Type-Approval) Regulations 2005 (S.I. 2005/390), **reg. 12(3)**

C25 S. 180 modified (10.7.1995) by S.I. 1995/1513, **reg. 12(5)**

181 General provisions as to accident inquiries.

(1) Where an accident arises out of the presence of a **[**[F75]mechanically propelled vehicle**]** on a road, the Secretary of State may direct inquiry to be made into the cause of the accident.

(2) Where any accident arising out of the presence of a **[**[F75]mechanically propelled vehicle**]** on a road has occurred, a person authorised by the Secretary of State in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is.

(3) If a person obstructs a person so authorised in the performance of his duty under subsection (2) above, he is guilty of an offence.

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(4) If in any case the Secretary of State considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(5) A report made by or to the Secretary of State as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Textual Amendments

F75 Words in s. 181(1)(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 76**; S.I. 1992/1286, **art. 2**,Sch.

182 Special provisions as to accident inquiries in Greater London.

(1) Where, owing to the presence of a vehicle on a road, an accident occurs within Greater London and it appears to the Secretary of State that the sole or a contributory cause of the accident was—

(a) the nature or character of the road or of the road surface, or

(b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,

he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.

(2) In this section "road" includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

Application to the Crown

183 Application to the Crown.

(1) Subject to the provisions of this section—

(a) Part I of this Act,

(b) Part II of this Act, except sections 68 to 74 and 77,

(c) Part III of this Act **[**[F76], except section 103(3)**]**,

(d) Part IV of this Act, and

(e) in this Part, sections 163, 164, 168, 169, 170(1) to (4), 177, 178, 181 and 182,

apply to vehicles and persons in the public service of the Crown.

(2) Sections 49 to 63 and **[**[F77]sections 64A, 65 and 65A**]** of this Act apply—

(a) to vehicles in the public service of the Crown only if they are registered or liable to be registered under **[**[F78]the vehicle Excise and Registration Act 1994**]**, and

(b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.

(3) Where those sections so apply they do so subject to the following modifications—

(a) examinations of such vehicles in pursuance of regulations under section 49 or 61(2)(a) of this Act may be made by or under the directions of examiners

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authorised by the Secretary of State for the purpose instead of by or under the directions of examiners appointed under section **[**[F79]66A of this Act**]**, [F80]. . .

[F80](b) . . . . . .

(4) Neither section 97(3) nor section 98(3) of this Act, in so far as they prevent such a licence as is there mentioned from authorising a person to drive certain **[**[F81]motor bicycles**][**[F82]and mopeds**]**, applies—

(a) in the case of **[**[F81] motor bicycles**][**[F82]and mopeds**]**owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

(b) in the case of **[**[F81] motor bicycles**][**[F82]and mopeds**]** so used while being ridden by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(5) Subject to regulations made under subsection (2) of section 101 of this Act, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) does not apply—

(a) in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

(b) in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

[[F83](6) The functions under Part IV of this Act of traffic commissioners in relation to licences issued to persons subject to the [M6]Naval Discipline Act 1957, to military law or to air force law to drive large goods vehicles or passenger-carrying vehicles in the public service of the Crown shall be exercised by the prescribed authority.**]**

(7) Section 165 of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, applies to a person in connection with a vehicle to which section 47 of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

(8) Subsection (1) of section 165 of this Act, in so far as it provides for the production of any certificate mentioned in subsection (2)(c) of that section, applies to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

Textual Amendments

F76 Words in s. 183(1)(c) repealed (E.W.) (1.10.2002) by 2002 c. 30, s. 107, Sch. 7 para. 12, **Sch. 8**; S.I. 2002/2306, **art. 2(g)(i)-(iii)**(a)

F77 Words in s. 183(2) substituted (1.1.1996) by S.I. 1992/3107, regs. 1(2), 16, **Sch. 2 para. 6**.

F78 Words in s. 183(2)(a) substituted (1.9.1994) by 1994 c. 22 ss. 63, 66(1), Sch. 3 para. 24(1) (with s. 57(4))

F79 Words in s. 183(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, **Sch. 4 para. 77**; S.I. 1992/1286, art. 2, **Sch.**

F80 S. 183(3)(b) and the word "and" preceding it repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F81 Words in s. 183(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 34**

F82 Words in s. 183(4) inserted (1.7.1998) by S.I. 1998/1420, **reg. 15**

F83 S. 183(6) substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 23**

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Marginal Citations
M6 1957 c. 53

184 Application of sections 5 to 10 to persons subject to service discipline.

(1) Sections 5 to 10 of this Act, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

(a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,

(b) references to the court included a reference to any naval, military or air force authority before whom the proceedings take place,

(c) references to a constable included references to a member of the provost staff,

(d) references to a police station included references to a naval, military or air force unit or establishment,

(e) references to a hospital included references to a naval, military or air force unit or establishment at which medical or surgical treatment is provided for persons subject to service discipline, and

(f) in section 6(1) the reference to a traffic offence included a reference to the corresponding service offence.

(2) In relation to persons for the time being subject to service discipline, the power to arrest conferred on a constable by section 4(6) of this Act is also exercisable by a member of the provost staff and is so exercisable outside as well as within Great Britain.

(3) In this section—

"corresponding service offence", in relation to an offence under any enactment, means an offence under section 42 of the [M7]Naval Discipline Act 1957 or an offence against section 70 of the [M8]Army Act 1955 or section 70 of the [M9]Air Force Act 1955 committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain,

"member of the provost staff" means a provost officer or any person legally exercising authority under or on behalf of a provost officer,

"persons subject to service discipline" means persons subject to that Act of 1957, to military law or to air force law and other persons to whom section 42 of that Act of 1957 or section 70 of either of those Acts of 1955 for the time being applies,

"provost officer" means a person who is a provost officer within the meaning of that Act of 1957 or either of those Acts of 1955.

Marginal Citations
M7 1957 c. 53.
M8 1955 c. 18.
M9 1955 c. 19.

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Interpretation

185 Meaning of "motor vehicle" and other expressions relating to vehicles.

(1) In this Act—

"heavy locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen exceeds 11690 kilograms,

"heavy motor car" means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms,

"invalid carriage" means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person,

"light locomotive" means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms,

"motor car" means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

(a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms,

(b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel,

(c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b) above,

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms,

"motor tractor" means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms,

"motor vehicle" means, subject to section 20 of the [M10]Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads, and

"trailer" means a vehicle drawn by a motor vehicle.

(2) In subsection (1) above "excepted articles" means any of the following: water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

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Modifications etc. (not altering text)
C26 Ss. 185, 186 applied by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 98(2)**

Marginal Citations
M10 1970 c. 44.

186 Supplementary provisions about those expressions.

(1) For the purposes of section 185 of this Act, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Secretary of State, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.

(2) For the purposes of section 185 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load.

(3) For the purposes of section 185 of this Act, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.

(4) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in section 185 of this Act.

(5) Regulations under subsection (4) above may have effect—
  (a) either generally or in the case of vehicles of any class specified in the regulations, and
  (b) either for the purposes of the provisions of the Road Traffic Acts and of all regulations made under those provisions or for such of those purposes as may be so specified.

(6) Nothing in section 86 of the [M11]Road Traffic Regulation Act 1984 limits the powers conferred by subsection (4) above.

Modifications etc. (not altering text)
C27 Ss. 185, 186 applied by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **s. 98(2)**

Marginal Citations
M11 1984 c. 27.

187 Articulated vehicles.

(1) Unless it falls within subsection (2) below, a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as that motor vehicle with the other part attached as a trailer.

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(2) A passenger vehicle so constructed that—

(a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and

(b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as a single motor vehicle.

(3) The enactments referred to in subsections (1) and (2) above are the [M12]Road Traffic Act 1960, Parts I and II of the [M13]Public Passenger Vehicles Act 1981, and the Traffic Acts.

(4) In this section "passenger vehicle" means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

Marginal Citations

M12 1960 c. 16.

M13 1981 c. 14.

188 Hover vehicles.

(1) For the purposes of the Road Traffic Acts, a hovercraft within the meaning of the [M14]Hovercraft Act 1968 (in this section referred to as a hover vehicle)—

(a) is a motor vehicle, whether or not it is intended or adapted for use on roads, but

(b) apart from that is to be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in section 185 of this Act.

(2) The Secretary of State may by regulations provide—

(a) that any provisions of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or

(b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

Marginal Citations

M14 1968 c. 59.

189 Certain vehicles not to be treated as motor vehicles.

(1) For the purposes of the Road Traffic Acts—

(a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose,

(b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 140 of the [M15]Road Traffic Regulation Act 1984, and

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(c) an electrically assisted pedal cycle of such a class as may be prescribed by regulations so made,

is to be treated as not being a motor vehicle.

(2) In subsection (1) above "controlled by a pedestrian" means that the vehicle either—

(a) is constructed or adapted for use only under such control, or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.

Modifications etc. (not altering text)

C28 S. 189 applied (12.11.2009) by Access to Justice Act 1999 (c. 22), Sch. 3A para. 8 (as inserted by Coroners and Justice Act 2009 (c. 25), ss. 152, 182(1)(g), **Sch. 18** (with s. 180))

Marginal Citations

M15 1984 c. 27.

190 Method of calculating weight of motor vehicles and trailers.

(1) This section applies for the purposes of the Traffic Acts and of any other enactments relating to the use of motor vehicles or trailers on roads.

(2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—

(a) inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but

(b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

Modifications etc. (not altering text)

C29 S. 190 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

191 Interpretation of statutory references to carriages.

A motor vehicle or trailer—

(a) is to be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and

(b) if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

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Modifications etc. (not altering text)

C30 S. 191 restricted (1.7.1992) by S.I. 1992/1217, **reg.7** (with reg. 11).

192 General interpretation of Act.

(1) In this Act—

"bridleway" means a way over which the public have the following, but no other, rights of way: a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way,

"carriage of goods" includes the haulage of goods,

"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle,

"driver", where a separate person acts as a steersman of a motor vehicle, includes (except for the purposes of section 1 of this Act) that person as well as any other person engaged in the driving of the vehicle, and "drive" is to be interpreted accordingly,

"footpath", in relation to England and Wales, means a way over which the public have a right of way on foot only,

"goods" includes goods or burden of any description,

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted,

[[F84]"highway authority", in England and Wales, means—

(a) in relation to a road for which he is the highway authority within the meaning of the Highways Act 1980, the Secretary of State, and

(b) in relation to any other road, the council of the county, metropolitan district or London borough, or the Common Council of the City of London, as the case may be;**]**

"international road haulage permit" means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road,

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement,

[F85] . . .

"prescribed" means prescribed by regulations made by the Secretary of State,

"road"

(a) [F86] , in relation to England and Wales, means any highway and any other road to which the public has access, and includes bridges over which a road passes, **[**[F87]and

(b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes,**]**

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"the Road Traffic Acts" means the [M16]Road Traffic Offenders Act 1988, the [M17]Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act,

"statutory", in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act),

"the Traffic Acts" means the Road Traffic Acts and the [M18]Road Traffic Regulation Act 1984,

"traffic sign" has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984,

"tramcar" includes any carriage used on any road by virtue of an order under the [M19]Light Railways Act 1896, and

"trolley vehicle" means a mechanically propelled vehicle adapted for use on roads without rails **[**[F88]under**]** power transmitted to it from some external source **[**[F89](whether or not there is in addition a source of power on board the vehicle)**]**.

[[F90](1A) In this Act—

(a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough; and

(b) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.**]**

(2) In this Act—

"carriageway"
"footway"
"local roads authority"
"public road"
[F91] . . .
"roads authority"
"special road" and
"trunk road",

in relation to Scotland, have the same meanings as in the [M20]Roads (Scotland) Act 1984, and "footpath", in relation to Scotland, means a way over which the public have a right of way on foot only (whether or not associated with a carriageway).

(3) References in this Act to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever **[**[F92]and accordingly as authorising the use of "category" to indicate a class of vehicles, however defined or described**]**.

Textual Amendments

F84 Definition in s. 192(1) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 107:1), s. 168(1), **Sch. 8 para. 121(4)**(with s. 25(2)); S.I. 1991/2288, art. 3, **Sch.**

F85 Definition of "petty sessions area" in s. 192(1) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**

F86 In s. 192(1) in the definition of "road", "(a)" inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(2)(a)**; S.I. 1992/1286, art. 2, **Sch.**

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F87 In s. 192(1) in definition of "road" para. (b) and preceding word inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(2)(b)**; S.I. 1992/1286, art. 2, **Sch.**

F88 In s. 192(1) in the definition of "trolley vehicle" word substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(3)**; S.I. 1992/1286, art. 2, **Sch.**

F89 In s. 192(1) in the definition of "trolley vehicle" words added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 78(3)**; S.I. 1992/1286, art. 2, **Sch.**

F90 S. 192(1A) inserted (1.4.1996) by 1994 c. 22,s. 22(1), Sch. 7 Pt. II para. 40(1); S.I. 1996/396, art. 3, **Sch. 1**

F91 Word in s. 192(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , ss. 48, 83, Sch. 4 para. 78(4), Sch. 8; S.I. 1992/1286, art. 2, **Sch.**

F92 Words in s. 192(3) inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 24**

Marginal Citations

M16 1988 c. 53.

M17 1988 c. 54.

M18 1984 c. 27.

M19 1896 c. 48.

M20 1984 c. 54.

[F93 192A Tramcars and other guided vehicles: drink and drugs.

(1) Sections 4 to 11 of this Act shall not apply (to the extent that apart from this subsection they would) to vehicles on any transport system to which Chapter I of Part II of the Transport and Works Act 1992 (offences involving drink or drugs on railways, tramways and certain other guided transport systems) applies.

(2) Subject to subsection (1) above, the Secretary of State may by regulations provide that sections 4 to 11 of this Act shall apply to vehicles on a system of guided transport specified in the regulations with such modifications as he considers necessary or expedient.

(3) Regulations under subsection (2) above may make different provision for different cases.

(4) In this section—

"guided transport" means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way), and

"vehicle" includes mobile traction unit.**]**

Textual Amendments

F93 S. 192A inserted (7.12.1992) by Transport and Works Act 1992 (c. 42), **s. 39**; S.I. 1992/2043, **art. 2(a)**

F94 193 . . . . . .

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Textual Amendments

F94 S. 193 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

[F95 193A Tramcars and trolley vehicles.

(1) The Secretary of State may by regulations provide that such of the provisions mentioned in subsection (2) below as are specified in the regulations shall not apply, or shall apply with modifications—

(a) to all tramcars or to tramcars of any specified class, or

(b) to all trolley vehicles or to trolley vehicles of any specified class.

(2) The provisions referred to in subsection (1) above are the provisions of—

(a) sections 12, 40A to 42, 47, 48, 66, 68 to 73, 75 to 79, 83, 87 to 109, 143 to 165, 168, 170, 171, 178, 190 and 191 of this Act, and

(b) sections 1, 2, 7, 8, 22, 25 to 29, 31, 32, 34 to 48 **[**F96 91A, 91B**]**, 96 and 97 of the Road Traffic Offenders Act 1988 (provisions requiring warning of prosecution etc and provisions connected with the licensing of drivers).

(3) Regulations under this section—

(a) may make different provision for different cases,

(b) may include such transitional provisions as appear to the Secretary of State to be necessary or expedient, and

(c) may make such amendments to any special Act as appear to the Secretary of State to be necessary or expedient in consequence of the regulations or in consequence of the application to any tramcars or trolley vehicles of any of the provisions mentioned in subsection (2) above.

(4) In this section "special Act" means a local Act of Parliament passed before the commencement of this section which authorises or regulates the use of tramcars or trolley vehicles.

Textual Amendments

F95 S. 193A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**

F96 Words in s. 193A inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 35**

194 General index.

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Act listed in the right-hand column in relation to those expressions.

Expression	*Relevant provision*
Bridleway	Section 192
Carriage of goods	Section 192

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Carriageway	Section 192
Cycle	Section 192
Drive	Section 192
Driver	Section 192
Footpath	Section 192
Footway	Section 192
Goods	Section 192
Goods vehicle	Section 192
Goods vehicle test certificate	Section 49(2)(b)
Heavy locomotive	Section 185
Heavy motor car	Section 185
Highway authority	Section 192
International road haulage permit	Section 192
Invalid carriage	Section 185
Light locomotive	Section 185
Local roads authority	Section 192
Motor car	Section 185
Motor cycle	Section 185
Motor tractor	Section 185
Motor vehicle	Sections 185, 186(1), 187, 188, 189
Owner	Section 192
Plating certificate	Section 49(2)(a)
Prescribed	Section 192
Public road	Section 192
Road	Section 192
Roads authority	Section 192
Road Traffic Acts	Section 192
Special road	Section 192
Statutory	Section 192
Test certificate	Section 45(2)
Traffic Acts	Section 192
Traffic sign	Section 192
Trailer	Section 185
Tramcar	Section 192
Trolley vehicle	Section 192

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Trunk road	Section 192
Unladen weight	Section 190

Supplementary

195 Provisions as to regulations.

(1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument.

(2) Before making any regulations under this Act (other than regulations under section 88(3) or Part V) the Secretary of State must consult with such representative organisations as he thinks fit.

(3) A statutory instrument whereby any power conferred by this Act upon the Secretary of State to make regulations is exercised (other than the power conferred by sections 8(3), 11(2), 14, 15 (where exercisable for the purposes of subsection (3) **[**[F97]or 3(A)**]** of that section) or 189) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Secretary of State must not make any regulations under section 8(3), 11(2), 14 or (where made for the purposes of subsection (3) **[**[F97]or (3A)**]** of that section) 15 of this Act unless a draft of the regulations has been approved by both Houses of Parliament.

(5) Regulations under section 189 of this Act shall not have effect unless approved by resolution of each House of Parliament.

Textual Amendments

F97 Words in s. 195(3)(4) inserted (2.2.1993) by S.I. 1992/3105, **reg.4**.

196 Provision, etc., of weighbridges.

(1) A highway authority may—

(a) provide, erect, maintain and operate, or join with another highway authority in providing, erecting, maintaining and operating, weighbridges or other machines for weighing vehicles, or

(b) contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.

(2) The Secretary of State may exercise the powers conferred by subsection (1) above whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority.

(3) Accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of subsection (2) above (as in any other case) shall not be taken to be an obstruction of the road.

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(4) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.

(5) In relation to Scotland, references in this section to a highway authority are to be read as references to a roads authority.

197 Short title, commencement and extent.

(1) This Act may be cited as the Road Traffic Act 1988.

(2) This Act shall come into force, subject to the transitory provisions in Schedule 5 to the [M21]Road Traffic (Consequential Provisions) Act 1988, at the end of the period of six months beginning with the day on which it is passed.

(3) This Act, except section 80 and except as provided by section 184, does not extend to Northern Ireland.

Marginal Citations

M21 1988 c. 54.

Status:
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Changes to legislation:
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