



Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Powers of constables and other authorised persons

[^{F1}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 ^{F2}... for examination,
 - (b) the person fails to produce them, and
 - (c) the constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).
- (3) The second condition is that—
 - (a) a constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,
 - (b) the person fails to produce such evidence, and
 - (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.
- (4) The third condition is that—
 - (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.

Changes to legislation: Road Traffic Act 1988, Section 165A is up to date with all changes known to be in force on or before 09 October 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 ^{F3}... 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) [^{F4}“licence” has the same meaning] as in section 164;
 - (d) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.]

Annotations:

Amendments (Textual)

- F1** 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

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art. 3(4)(5)

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F2 Words in
s. 165A(2)(a)
omitted (8.6.2015) by virtue of
The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583)

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art. 1(1)

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Sch. 2 para. 2(e)(i)

F3 Words in
s. 165A(6)(a)
omitted (8.6.2015) by virtue of
The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583)

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art. 1(1)

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Sch. 2 para. 2(e)(ii)

F4 Words in
s. 165A(9)(c)
substituted (8.6.2015) by
The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583)

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art. 1(1)

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Sch. 2 para. 2(e)(iii)

Changes to legislation:

Road Traffic Act 1988, Section 165A is up to date with all changes known to be in force on or before 09 October 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A inserted by
2000 c. 37
Sch. 7
para. 6
(This amendment not applied to legislation.gov.uk. The amending provision has been repealed)
- s. 41(2)(m) inserted by
2006 c. 49
s. 18(1)(a)
- s. 41(2)(ba) inserted by
2006 c. 49
s. 56(3)
- s. 49(3A) inserted by
2006 c. 49
s. 48(1)
- s. 66(7A) inserted by
2006 c. 49
s. 56(5)
- s. 85(2) added by
1988 c. 54
Sch. 2
para. 17(c)
- s. 97(1)(c)(ia) words repealed by
2006 c. 49
Sch. 3
para. 6(2)(b)
Sch. 7(4)
- s. 97(1ZA) inserted by
2006 c. 49
s. 38(2)
- s. 123 123A substituted for s. 123 by
2006 c. 49
Sch. 6
para. 2
- s. 123A(3) words inserted by
2009 c. 17
s. 1(3)
- s. 124(3)-(5) inserted by
2009 c. 17
s. 3
- s. 124(6) inserted by
2015 c. 20
Sch. 2
para. 2(b)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 125(3A)-(3D) inserted by
2015 c. 20
Sch. 2

- [para. 3\(2\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125(5A) inserted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 3\(3\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125A(5)-(7E) substituted for s. 125A(5)-(7) by
[2006 c. 49](#)
[Sch. 6](#)
- [para. 6\(3\)](#)
s. 125ZA inserted by
[2006 c. 49](#)
[Sch. 6](#)
- [para. 5](#)
s. 125ZA(2)(b) word omitted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(2\)\(a\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125ZA(2)(d) and word inserted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(2\)\(b\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125ZA(4)(c) word omitted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(3\)\(c\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125ZA(4)(c) words substituted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(3\)\(b\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125ZA(4)(ba)(bb) inserted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(3\)\(a\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 125ZA(4)(ca) inserted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 4\(3\)\(d\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
s. 126(5) omitted by
[2015 c. 20](#)
[Sch. 2](#)
- [para. 6](#)

(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)

- s. 126A inserted by
[2016 c. 16](#)
[s. 1\(3\)](#)
 - s. 126A omitted (cond.) by 2006 c. 49 Sch. 6 para. 8A (as inserted) by
[2016 c. 16](#)
[s. 3\(3\)](#)
 - s. 126A heading words inserted by
[S.I. 2016/1089](#)
[reg. 3\(2\)](#)
 - s. 126A(1) words inserted by
[S.I. 2016/1089](#)
[reg. 3\(3\)\(a\)](#)
 - s. 126A(1) words inserted by
[S.I. 2016/1089](#)
[reg. 3\(3\)\(b\)](#)
 - s. 128A inserted by
[2006 c. 49](#)
[Sch. 6](#)
[para. 11](#)
 - s. 128A(4) inserted by 2006 c. 49 Sch. 6 para. 11 (as inserted) by
[2016 c. 16](#)
[s. 4\(4\)](#)
 - s. 128B inserted by
[2015 c. 20](#)
[Sch. 2](#)
[para. 9](#)
- (This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 128ZA inserted by
[2009 c. 17](#)
[s. 1\(1\)](#)
 - s. 128ZB inserted by
[2009 c. 17](#)
[s. 2](#)
 - s. 128AZA 128AZB inserted by
[2016 c. 16](#)
[s. 2\(2\)](#)
 - s. 128AZA 128AZB inserted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by
[2016 c. 16](#)
[s. 4\(2\)](#)
 - s. 128AZA 128AZB substituted (cond.) by 2006 c. 49 Sch. 6 para. 10A (as inserted) by
[2016 c. 16](#)
[s. 4\(2\)](#)
 - s. 128AZA heading words inserted by
[S.I. 2016/1089](#)
[reg. 4\(2\)\(a\)](#)
 - s. 128AZA(1) words inserted by
[S.I. 2016/1089](#)
[reg. 4\(2\)\(b\)](#)
 - s. 128AZA(4) words inserted by
[S.I. 2016/1089](#)
[reg. 4\(2\)\(c\)](#)
 - s. 128AZB heading words inserted by
[S.I. 2016/1089](#)
[reg. 4\(3\)\(a\)](#)

- s. 128AZB(1) words inserted by
[S.I. 2016/1089](#)
[reg. 4\(3\)\(b\)\(i\)](#)
- s. 128AZB(1) words inserted by
[S.I. 2016/1089](#)
[reg. 4\(3\)\(b\)\(ii\)](#)
- s. 131(3)(b)(c) substituted for s. 131(3)(b) and word by
[2006 c. 49](#)
[Sch. 6](#)
[para. 13\(4\)](#)
- s. 131(6) inserted by
[2016 c. 16](#)
[s. 2\(4\)](#)
- s. 131(6) inserted by [2006 c. 49 Sch. 6 para. 13\(9\)](#) (as inserted) by
[2016 c. 16](#)
[s. 4\(5\)](#)
- s. 131(6) substituted by [2006 c. 49 Sch. 6 para. 13\(9\)](#) (as inserted) by
[2016 c. 16](#)
[s. 4\(5\)](#)
- s. 132-133ZA and cross-heading substituted for ss. 132, 133 and cross-heading by
[2006 c. 49](#)
[Sch. 6](#)
[para. 14](#)
- s. 133(2)(a) words omitted by
[2015 c. 20](#)
[Sch. 2](#)
[para. 10\(a\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133(2)(b) words omitted by
[2015 c. 20](#)
[Sch. 2](#)
[para. 10\(b\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 133D(1A) inserted by
[2015 c. 20](#)
[Sch. 2](#)
[para. 14\(2\)](#)
(This amendment is to Part 5 of the Road Traffic Act 1988 as amended by Schedule 6 to the Road Safety Act 2006. Those amendments have not yet come into force)
- s. 140(1)(2) inserted by
[2006 c. 49](#)
[Sch. 6](#)
[para. 23\(2\)](#)
- s. 140(3) s. 140 renumbered as s. 140(3) by
[2006 c. 49](#)
[Sch. 6](#)
[para. 23\(1\)](#)
- s. 141A(5) words repealed by
[2006 c. 49](#)
[Sch. 3](#)
[para. 24](#)
[Sch. 7\(4\)](#)
- s. 173(2)(g)-(gb) substituted for s. 173(2)(g) by
[2006 c. 49](#)
[Sch. 6](#)
[para. 27](#)

- s. 173(2)(n) and word inserted by
2006 c. 49
s. 37(8)
- s. 174(1)(da) inserted by
2006 c. 49
Sch. 6
para. 28
- s. 183(6A) inserted by
2006 c. 49
Sch. 6
para. 29