



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.

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- (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 [art. 3\(4\)\(5\)](#))
- F2** Words in s. 165A(2)(a) omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), **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 \(S.I. 2015/583\)](#), art. 1(1), **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 \(S.I. 2015/583\)](#), art. 1(1), **Sch. 2 para. 2(e)(iii)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 165A excluded by 1988 c. 52, s. 12E (as inserted) by 2015 c. 20 s. 73(3)
- s. 165A excluded by 1988 c. 52, s. 12E (as inserted) by 2015 c. 20 s. 73(3)

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. 12(1A) inserted by 2015 c. 20 s. 73(2)
- s. 12(1A) inserted by 2015 c. 20 s. 73(2)
- s. 12A-12I inserted by 2015 c. 20 s. 73(3)
- s. 12A-12I inserted by 2015 c. 20 s. 73(3)
- 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. 53(6) inserted by S.I. 2017/849 reg. 3(e)
- s. 66(7A) inserted by 2006 c. 49 s. 56(5)
- s. 85(1) word substituted by S.I. 2018/235 Sch. 2 para. 1(3)(b)(i)
- s. 85(1) word substituted by S.I. 2018/235 Sch. 2 para. 1(3)(b)(ii)
- s. 85(1) words substituted by S.I. 2018/235 Sch. 2 para. 1(3)(a)
- s. 85(1) words substituted by S.I. 2018/235 Sch. 2 para. 1(3)(c)
- s. 85(1) words substituted by S.I. 2018/236 Sch. 2 para. 1(3)(a)
- s. 85(1) words substituted by S.I. 2018/236 Sch. 2 para. 1(3)(b)
- 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(1)(aa) inserted by S.I. 2016/1089 reg. 2(2)(c)
- s. 123(6A) inserted by S.I. 2016/1089 reg. 2(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)
- 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(1A) inserted by S.I. 2016/1089 reg. 2(4)(a)
- s. 125(2A) words inserted by S.I. 2016/1089 reg. 2(4)(c)
- s. 125(2C) words inserted by S.I. 2016/1089 reg. 2(4)(d)
- 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(3A) inserted by S.I. 2016/1089 reg. 2(4)(f)
- s. 125(4A)(4B) inserted by S.I. 2016/1089 reg. 2(4)(g)
- 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. 126(3A) inserted by S.I. 2016/1089 reg. 2(5)(b)
- s. 126(5) omitted by 2015 c. 20 Sch. 2 para. 6
- 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 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. 128(1A) inserted by S.I. 2016/1089 reg. 2(7)(b)
- s. 128(2B) inserted by S.I. 2016/1089 reg. 2(7)(c)
- 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) substituted by 2006 c. 49 Sch. 6 para. 13(9) (as inserted) by 2016 c. 16 s. 4(5)
- s. 133(2)(a) words omitted by 2015 c. 20 Sch. 2 para. 10(a)
- 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)
- 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. 135(2A) inserted by S.I. 2016/1089 reg. 2(9)(b)
- s. 135(3)-(6) substituted for s. 135(3) by S.I. 2016/1089 reg. 2(9)(c)
- 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. 183(6A) inserted by 2006 c. 49 Sch. 6 para. 29
- s. 193A(3A) inserted by 2015 c. 20 s. 75(4)
- s. 193A(3A) inserted by 2015 c. 20 s. 75(4)
- s. 195(6) inserted by 2015 c. 20 s. 75(5)
- s. 195(6) inserted by 2015 c. 20 s. 75(5)
- Sch. 2 Pt. 4 table words substituted by S.I. 2017/1086 Pt. 1 reg. 5(2)
- Sch. 2 Pt. 4 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 5(2)
- Sch. 5 Pt. 3 Table words omitted by S.I. 2017/1086 Pt. 1 reg. 7
- Sch. 7 Pt. 3 para. 3 words substituted by S.I. 2017/1086 Pt. 1 reg. 8(2)
- Sch. 7 Pt. 3 para. 3 words substituted by S.I. 2017/1086 Pt. 1 reg. 8(2)
- Sch. 7 Pt. 6 para. 3 words substituted by S.I. 2017/1086 Pt. 1 reg. 8(3)(b)(i)
- Sch. 9 Pt. 6 table word substituted by S.I. 2017/1086 Pt. 1 reg. 9(2)
- Sch. 9 Pt. 6 Table word substituted by S.I. 2017/1086 Pt. 1 reg. 9(2)
- Sch. 9 Pt. 8 para. 1(1) words substituted by S.I. 2017/1086 Pt. 1 reg. 9(4)
- Sch. 9 Pt. 8 para. 1(1) words substituted by S.I. 2017/1086 Pt. 1 reg. 9(4)
- Sch. 10 Pt. 4 para. 1(4) words substituted by S.I. 2017/1086 Pt. 1 reg. 10(2)
- Sch. 10 Pt. 4 para. 1(4) words substituted by S.I. 2017/1086 Pt. 1 reg. 10(2)
- Sch. 11 Pt. 5 para. 49(2) substituted by S.I. 2017/1086 Pt. 1 reg. 11(4)
- Sch. 11 Pt. 5 para. 49(2) substituted by S.I. 2017/1086 Pt. 1 reg. 11(4)
- Sch. 11 Pt. 6 para. 14 table word substituted by S.I. 2017/1086 Pt. 1 reg. 11(5)
- Sch. 11 Pt. 6 para. 14 Table word substituted by S.I. 2017/1086 Pt. 1 reg. 11(5)
- Sch. 11 Pt. 4 heading words substituted by S.I. 2017/1086 Pt. 1 reg. 11(3)
- Sch. 11 Pt. 4 heading words substituted by S.I. 2017/1086 Pt. 1 reg. 11(3)
- Sch. 12 Pt. 1 para. 8(b)(i) word omitted by S.I. 2017/1086 Pt. 1 reg. 12(2)
- Sch. 12 Pt. 1 para. 8(b)(i) word omitted by S.I. 2017/1086 Pt. 1 reg. 12(2)
- Sch. 12 Pt. 19 para. 10 words substituted by S.I. 2017/1086 Pt. 1 reg. 12(3)

- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(a)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(i)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(ii)
- Sch. 12 Pt. 20 table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(iii)
- Sch. 12 Pt. 19 para. 10 words substituted by S.I. 2017/1086 Pt. 1 reg. 12(3)
- Sch. 12 Pt. 20 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(a)
- Sch. 12 Pt. 20 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(i)
- Sch. 12 Pt. 20 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(ii)
- Sch. 12 Pt. 20 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 12(4)(b)(iii)
- Sch. 13 Pt. 6 Table word inserted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(i)
- Sch. 13 Pt. 2 table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(2)
- Sch. 13 Pt. 6 table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(d)
- Sch. 13 Pt. 8 para. 3(a) word substituted by S.I. 2017/1086 Pt. 1 reg. 13(5)
- Sch. 13 Pt. 2 Table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(2)
- Sch. 13 Pt. 6 Table word substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(d)
- Sch. 13 Pt. 8 para. 3(a) word substituted by S.I. 2017/1086 Pt. 1 reg. 13(5)
- Sch. 13 Pt. 6 Table words inserted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(iii)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(a)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(ii)
- Sch. 13 Pt. 6 table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(c)
- Sch. 13 Pt. 7 para. 1 words substituted by S.I. 2017/1086 Pt. 1 reg. 13(4)
- Sch. 13 Pt. 6 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(a)
- Sch. 13 Pt. 6 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(b)(ii)
- Sch. 13 Pt. 6 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 13(3)(c)
- Sch. 13 Pt. 7 para. 1 words substituted by S.I. 2017/1086 Pt. 1 reg. 13(4)
- Sch. 14 Pt. 2 table word omitted by S.I. 2017/1086 Pt. 1 reg. 14(3)(d)
- Sch. 14 Pt. 2 Table word omitted by S.I. 2017/1086 Pt. 1 reg. 14(3)(d)
- Sch. 14 Pt. 1 para. 8(3)(a) words substituted by S.I. 2017/1086 Pt. 1 reg. 14(2)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(a)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(i)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(ii)
- Sch. 14 Pt. 2 table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(iii)
- Sch. 14 Pt. 1 para. 8(3)(a) words substituted by S.I. 2017/1086 Pt. 1 reg. 14(2)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(a)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(b)(i)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(b)(ii)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(i)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(ii)
- Sch. 14 Pt. 2 Table words substituted by S.I. 2017/1086 Pt. 1 reg. 14(3)(c)(iii)
- Sch. 15 Pt. 4 para. 7(2) words substituted by S.I. 2017/1086 Pt. 1 reg. 15
- Sch. 15 Pt. 4 para. 7(2) words substituted by S.I. 2017/1086 Pt. 1 reg. 15