



2008 CHAPTER 4

PART 5

ENFORCEMENT

False statements, forgery and power of seizure in connection with certain documents

44.—(1) A person who knowingly or recklessly makes, or causes to be made, a statement or furnishes information which is false or misleading in any material particular for the purpose of procuring the grant of a licence under this Act, or the variation of a licence under section 28, is guilty of an offence.

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

- (a) forges, alters or uses a document or other thing listed in subsection (3);
- (b) lends to, or allows to be used by, any other person a document or other thing listed in subsection (3); or
- (c) makes or has in the person's possession any document or other thing so closely resembling a document or other thing listed in subsection (3) as to be calculated to deceive,

is guilty of an offence.

(3) The documents or other things referred to in subsection (2) are—

- (a) any licence under this Act;
- (b) any records required to be kept under, or by virtue of regulations made under, section 3;
- (c) any plate, disc, sign or distinguishing mark issued under section 15;
- (d) any document which, in pursuance of section 23(3), is issued as evidence of the result of a test of competence to drive;

- (e) any badge or other evidence of identification issued under section 24; or
 - (f) such other documents or things as are prescribed.
- (4) If a constable or authorised officer has reasonable cause to believe—
- (a) that a document or other thing produced to the constable or officer under this Act by the driver of a motor vehicle;
 - (b) a document or other thing carried on or by the driver of a motor vehicle; or
 - (c) that any plate, disc, sign or distinguishing mark containing particulars required to be on a plate, disc, sign or distinguishing mark issued under section 15,

is a document or other thing in relation to which an offence has been committed under this section, the constable or officer may seize the document or other thing.

(5) For the purposes of subsection (4), the power to seize includes a power to detach from a vehicle

(6) When a document or other thing has been seized under subsection (4), the person from whom it was seized shall, unless the document or other thing has been previously returned to the person or the person has been previously charged with an offence under this section, be summoned before a court of summary jurisdiction to account for the person's possession of the document or other thing and the court shall make such order respecting the disposal of the document or other thing and award such costs as the justice of the case may require.