



Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

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—
 - (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.

Status: Point in time view as at 01/06/1994.

Changes to legislation: Road Traffic Act 1988, Cross Heading: Inquiries is up to date with all changes known to be in force on or before 06 June 2024. 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)

- (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)

- C1** 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)
- C2** 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 [^{F1}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 [^{F1}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.
- (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

- F1** 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.

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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.

Status:

Point in time view as at 01/06/1994.

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