Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Powers of constables and other authorised persons

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 **[**[F1]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 **[**[F1]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 **[**[F1]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 **[**[F1]or vehicle examiner**]**, produce his licence **[**[F2]and its counterpart**]** for examination, so as to enable the constable **[**[F1]or vehicle examiner**]** to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which **[**[F3]they were**]** issued.

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(2) **[**[F4]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—

[[F5](a) the Secretary of State has—

(i) revoked a licence under section **[**[F6]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**][**[F7]or

(iii) served notice requiring the delivery of a licence to him in pursuance of section 99C **[**[F8], 109B**]** or 115A of this Act,**]**

(b) the holder of the licence fails to deliver it **[**[F9]and its counterpart**]** to the Secretary of State **[**[F10]or the traffic commissioner, as the case may be**]** in pursuance of **[**[F11]section **[**[F6] 92,**]** 93, 99 **[**[F12]99C **[**[F13], 109B**]** , 115A or 118 **]** (as the case may be)**]**,

a constable **[**[F14]or vehicle examiner**]** may require him to **[**[F15]produce the licence and its counterpart**]**, and upon **[**[F15]their**]** being produced may seize **[**[F16]them**]** and deliver **[**[F16]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 **[**[F17]and its counterpart**]** to him.

[[F18](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 **[**[F19]section 26 or 27 of the Road Traffic Offenders Act 1988 **[**[F20]section 40B of the Child Support Act 1991**][**[F21], 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 **[**[F22]and its counterpart**]** to the court and fails to do so, a constable may require him to produce **[**[F23]them**]** and, upon **[**[F23]their**]** being produced, may seize **[**[F23]them**]** and deliver **[**[F23]them**]** to the court.

(6) If a person required under the preceding provisions of this section to produce a licence **[**[F24]and its counterpart**]** or state his date of birth **[**[F25]or to produce his certificate of completion of a training course for motor cyclists**]**. . . fails to do so he is, subject to subsections (7) **[**[F26]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 **[**[F27]and its counterpart**]**—

(a) produces on that occasion a current receipt for the licence **[**[F28]and its counterpart**]** issued under section 56 of the [M1]Road Traffic Offenders Act 1988 and, if required to do so, produces the licence **[**[F28]and its counterpart**]** in person immediately on **[**[F29]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

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do so, produces the licence **[**[F30]and its counterpart**]** in person immediately on **[**[F31]their**]** return at that police station.

(8) In proceedings against any person for the offence of failing to produce a licence **[**[F32]and its counterpart**]** it shall be a defence for him to show that—

(a) within seven days after the production of his licence **[**[F32]and its counterpart**]** was required he produced **[**[F33]them**]** in person at a police station that was specified by him at the time **[**[F34]their**]** production was required, or

(b) he produced **[**[F33]them**]** in person there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for him to produce **[**[F33]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.

[[F35](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.

[[F36](11) In this section—

"licence" means a licence under Part III of this Act **[**[F37], a Northern Ireland licence**]**or a Community licence,

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

and "Community licence", "counterpart",**[**[F38]"Northern Ireland licence",**]**"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

F1 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.**

F2 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F3 Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**

F4 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.**

F5 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)**

F6 Words in s. 164(3) inserted (1.7.1998) by S.I. 1998/1420, **reg. 14**

F7 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)**

F8 Words in s. 164(3)(a)(iii) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(a)(ii)**; S.I. 2004/2624, **art. 2(2)(b)**

F9 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(i)**

F10 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)**

F11 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)**

F12 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)**

F13 Words in s. 164(3)(b) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(a)(iii)**; S.I. 2004/2624, **art. 2(2)(b)**

F14 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.**

F15 Word(s) substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(ii)(iii)**

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

F17 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(c)**

F18 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)**

F19 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.**

F20 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)**

F21 Words in s. 164(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 117**

F22 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**

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

F24 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(e)**

F25 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(c)**

F26 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.**

F27 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(i)**

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

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

F30 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**

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

F32 Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(i)**

F33 Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**

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

F35 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.**

F36 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)**

F37 S. 164(11): words in definition of "licence" inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(b)(i)**; S.I. 2004/2624, **art. 2(2)(b)**

F38 Words in s. 164(11) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(b)(ii)**; S.I. 2004/2624, **art. 2(2)(b)**

Modifications etc. (not altering text)

C1 S. 164(1)(6)(8) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(e)**

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C2 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)**)

C3 S. 164(1) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).

C4 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)**)

C5 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)**

C6 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)**)

C7 S. 164(6) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).

C8 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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