



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART IX

FURTHER PROVISIONS AS TO ENFORCEMENT

General provisions

112 Information as to identity of driver or rider.

- (1) This section applies to any offence under any of the foregoing provisions of this Act except—
- (a) sections 43, 52, 88(7), 104, 105 and 108;
 - (b) the provisions of subsection (2) or (3) of section 108 as modified by subsections (2) and (3) of section 109; and
 - (c) section [F135A(5)] in its application to England and Wales.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—
- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give—
 - (i) by or on behalf of a chief officer of police, or
 - (ii) in the case of an offence under section [F235A(1)] or against section 47 of this Act, by or on behalf of a chief officer of police or, in writing, by or on behalf of the local authority for the parking place in question; and
 - (b) any other person shall, if required as mentioned in paragraph (a) above, give any information which it is in his power to give and which may lead to the identification of the driver.
- (3) In subsection (2) above, references to the driver of a vehicle include references to the person riding a bicycle or tricycle (not being a motor vehicle); and—
- ^{F3}(a)

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- (b) in relation to an offence under section 61(5) of this Act, subsection (2)(a) above shall have effect as if, for sub-paragraphs (i) and (ii), there were substituted the words “by a notice in writing given to him by a local authority in whose area the loading area in question is situated”,
- and in subsection (2)(a) above, as modified by paragraph (b) of this subsection, “local authority” means any of the following, that is to say, a county council,^{F4} . . . , a district council, a London borough council and the Common Council of the City of London.
- (4) Except as provided by subsection (5) below, a person who fails to comply with the requirements of subsection (2)(a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle or, as the case may be, the rider of the bicycle or tricycle; and a person who fails to comply with the requirements of subsection (2)(b) above shall be guilty of an offence.
- (5) As regards Scotland, subsection (4) above shall not apply where the offence of which the driver of the vehicle is alleged to be guilty is an offence under section 61(5) of this Act.

Textual Amendments

- F1** “35A(5)” substituted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 6\(a\)](#)
- F2** “35A(1)” substituted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 6\(b\)](#)
- F3** S. 112(3)(a) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)
- F4** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102(2)(3), [Sch. 17](#)

^{F5}113,

114.

Textual Amendments

- F5** Ss. 113, 114 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, [Sch. 1 Pt. I, Sch. 4 paras. 1–3](#)

115 Mishandling of parking documents and related offences.

- [^{F6}(1) A person shall be guilty of an offence who, with intent to deceive—
- (a) uses, or lends to, or allows to be used by, any other person,—
- (i) any parking device or apparatus designed to be used in connection with parking devices;
- (ii) any ticket issued by a parking meter, parking device or apparatus designed to be used in connection with parking devices;
- (iii) any authorisation by way of such a certificate, other means of identification or device as is referred to in any of sections 4(2), 4(3), 7(2) and 7(3) of this Act; or
- (iv) any such permit or token as is referred to in section 46(2)(i) of this Act;
- (b) makes or has in his possession anything so closely resembling any such thing as is mentioned in paragraph (a) above as to be calculated to deceive; or
- (c) in Scotland, forges or alters any such thing as is mentioned in that paragraph.]

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(2) A person who knowingly makes a false statement for the purpose of procuring the grant or issue to himself or any other person of any such authorisation as is mentioned in subsection (1) above shall be guilty of an offence.

[^{F7}(2A) In any proceedings for an offence under this section it shall be assumed, unless the contrary is shown, that any such device as is referred to in section 35(3B) or, as the case may be, section 51(4) of this Act, or any apparatus designed to be used in connection with parking devices, is of a type and design approved by the Secretary of State.]

(3) Summary proceedings in Scotland for an offence under this section may be brought—

- (a) within a period of 6 months from the date of the commission of the alleged offence, or
- (b) within a period which exceeds neither 3 months from the date in which it came to the knowledge of the procurator fiscal that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

Textual Amendments

- F6** S. 115(1) substituted by [Road Traffic Regulation \(Parking\) Act 1986 \(c. 27, SIF 107:1\)](#), s. 2(2)
F7 S. 115(2A) inserted by [Parking Act 1989 \(c. 16, SIF 107:1\)](#), s. 4, [Sch. para. 7](#)

116 Provisions supplementary to s. 115.

(1) If any person authorised in that behalf by or under a designation order has reasonable cause to believe that a document or article carried on a vehicle, or by the driver or person in charge of a vehicle, is a document or article in relation to which an offence has been committed under subsection (1) of section 115 of this Act (so far as that subsection relates to such authorisations as are referred to in it) or under subsection (2) of that section, he may detain that document or article, and may for that purpose require the driver or person in charge of the vehicle to deliver up the document or article; and if the driver or person in charge of the vehicle fails to comply with that requirement, he shall be guilty of an offence.

(2) When a document or article has been detained under subsection (1) above and—

- (a) at any time after the expiry of 6 months from the date when that detention began no person has been charged since that date with an offence in relation to the document or article under subsection (1) or (2) of section 115 of this Act, and
- (b) the document or article has not been returned to the person to whom the authorisation in question was issued or to the person who at that date was the driver or person in charge of the vehicle,

then, on an application made for the purpose to a magistrates' court (or, in Scotland, on a summary application made for the purpose to the sheriff court), the court shall make such order respecting disposal of the document or article and award such costs (or, in Scotland, expenses) as the justice of the case may require.

(3) Any of the following, but no other, persons shall be entitled to make an application under subsection (2) above with respect to a document or article, that is to say—

- (a) the person to whom the authorisation was issued;

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- (b) the person who, at the date when the detention of the document or article began, was the driver or person in charge of the vehicle; and
- (c) the person for the time being having possession of the document or article.

117 Wrongful use of disabled person's badge.

[^{F8}(1) A person who at any time acts in contravention of, or fails to comply with, any provision of an order under this Act relating to the parking of motor vehicles is also guilty of an offence under this section if at that time—

- (a) there was displayed on the motor vehicle in question a badge of a form prescribed under section 21 of the ^{M1}Chronically Sick and Disabled Persons Act 1970, and
- (b) he was using the vehicle in circumstances where a disabled person's concession would be available to a disabled person's vehicle,

but he shall not be guilty of an offence under this section if the badge was issued under that section and displayed in accordance with regulations made under it.]

(3) In this section—

^{F9}

“disabled person's concession” means—

- (a) an exemption from an order under this Act given by reference to disabled persons' vehicles; or
- (b) a provision made in any order under this Act for the use of a parking place by disabled persons' vehicles.

Textual Amendments

F8 S. 117(1) substituted (2.3.1992) for s. 117(1)(2) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. **35(6)**; [S.I. 1992/199](#), art. **3(1)**.

F9 S. 117(3): definition of "disabled person's badge" repealed (1.10.1991) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, **Sch. 8**; [S.I. 1991/2054](#), art. 3, **Sch.**

Marginal Citations

M1 1970 c. 44(**81:3**).

^{F10}**118**

Textual Amendments

F10 Ss. 118, 120, 121 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, **Sch. 1 Pt. I, Sch. 4 paras. 1–3**

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