

ELIZABETH II



Road Traffic (Production of Documents) Act 1985

1985 CHAPTER 34

An Act to amend certain provisions relating to the production of documents under the Road Traffic Act 1972 and the Transport Act 1982. [16th July 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The provisions mentioned in this section shall have effect with the following amendments (which extend the periods within which certain documents may be produced and make provision for cases where it is not reasonably practicable for them to be produced). Extension of periods for production of certain documents.

(2) In section 33A of the Road Traffic Act 1972 (wearing of seat belts)—

- (a) in subsection (4) (production of medical certificates), in paragraph (b) for the words " five days " there shall be substituted the words " seven days " ; and
- (b) at the end of that paragraph there shall be inserted the words " or
 - (c) it is produced there as soon as is reasonably practicable ; or
 - (d) it is not reasonably practicable for it to be produced there before the day on which the proceedings are 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.”.

(3) In section 137 of that Act (production of certificates and licences to constables and authorised persons)—

- (a) in subsection (3) for the words from “ unless ” to the end of paragraph (b) there shall be substituted the words “ subject to subsection (4) below ”; and
- (b) after that subsection there shall be inserted—

“ (4) In proceedings against any person for an offence under subsection (3) above, it shall be a defence for him to show that—

- (a) within seven days beginning with the day following that on which the production of the document was so required, it was produced—
 - (i) where the requirement was made by a constable, at such police station as the person required to produce the document may have specified at the time the production was required,
 - (ii) where the requirement was made by a person other than a constable, at such place as that person may have specified at that time ; or
- (b) the document was produced at that police station or, as the case may be, place as soon as was reasonably practicable ; or
- (c) it was not reasonably practicable for it to be produced at that police station or, as the case may be, place 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.”.

(4) In section 161 of that Act (power of constables to require production of driving licences)—

- (a) in subsection (4) for the words from “ shall be guilty ” onwards there shall be substituted the words “ shall, subject to subsection (4A) below, be guilty of an offence ”; and

(b) after that subsection there shall be inserted—

“ (4A) In proceedings against any person for the offence of failing to produce a licence it shall be a defence for him to show that—

- (a) within seven days after the production of his licence was required he produced it in person at such police station as may have been specified by him at the time its production was required ; or
- (b) he produced it in person there as soon as was reasonably practicable ; or
- (c) it was not reasonably practicable for him to produce it 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.”.

(5) In section 162 of that Act (power of constables to require production of evidence of insurance or security and test certificates)—

(a) in subsection (2) for the words from “ if ” onwards there shall be substituted the words “ if in proceedings against him for the offence he shows that—

- (a) within seven days after the date on which the production of the certificate or other evidence was required it was produced at such police station as may have been specified by him at the time when its production was required ; or
- (b) it was produced there as soon as was reasonably practicable ; or
- (c) it was not reasonably practicable for it to be produced 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.”.

(6) In section 28 of the Transport Act 1982 (fixed penalty 1982 c. 49. notices given at a police station) in subsections (1) and (2) for the words “ five days ” there shall be substituted the words “ seven days ”.

(7) In section 35(6) of that Act (by virtue of which a person is not guilty of an offence under section 161(4) of the Road Traffic Act 1972 if he produces a receipt for the licence when pro-

duction of the licence is required or within five days of that time), in paragraph (b), for the words " five days " there shall be substituted the words " seven days ".

(8) Subsection (2) above shall apply where the holder of the certificate is informed under section 33A(4) on or after the date on which this Act comes into force that he may be prosecuted for an offence under section 33A(3)(a) and subsections (3) to (5) above shall apply where the request to produce the document in question is made on or after that date.

Short title,
commence-
ment and
extent.

2.—(1) This Act may be cited as the Road Traffic (Production of Documents) Act 1985.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act does not extend to Northern Ireland.

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