



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Forgery, false statements, etc.*

#### 173 Forgery of documents, etc.

- (1) A person who, with intent to deceive—
- (a) forges, alters or uses a document or other thing to which this section applies, or
  - (b) lends to, or allows to be used by, any other person a document or other thing to which this section applies, or
  - (c) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,
- is guilty of an offence.
- (2) This section applies to the following documents and other things—
- (a) any licence under any Part of this Act [<sup>F1</sup>or in the case of a licence to drive any counterpart of such licence,]
  - (aa) any counterpart of a [<sup>F2</sup>Northern Ireland licence or][<sup>F3</sup>EU] licence,
  - (b) any test certificate, goods vehicle test certificate, plating certificate, certificate of conformity or Minister's approval certificate (within the meaning of Part II of this Act),
  - (c) any certificate required as a condition of any exception prescribed under section 14 of this Act,
  - <sup>F4</sup>[(cc) any seal required by regulations made under section 41 of this Act with respect to speed limiters,]
  - (d) [<sup>F5</sup>any plate containing particulars required to be marked on a vehicle by regulations under section 41 of this Act] or containing other particulars

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required to be marked on a goods vehicle by sections 54 to 58 of this Act or regulations under those sections,

- <sup>F6</sup>[(dd) any document evidencing the appointment of an examiner under section 66A of this Act,]
- (e) any records required to be kept by virtue of section 74 of this Act,
- (f) any document which, in pursuance of section 89(3) <sup>F7</sup>. . . of this Act, is issued as evidence of the result of a test of competence to drive,
- <sup>F8</sup>[(ff) any document evidencing the successful completion of a driver training course provided in accordance with regulations under section 99ZA of this Act,]
- (g) any [<sup>F9</sup>certificate under section 133A or any] badge or certificate prescribed by regulations made by virtue of section 135 of this Act,
- (h) any certificate of insurance or certificate of security under Part VI of this Act,
- (j) any document produced as evidence of insurance in pursuance of Regulation 6 of the <sup>M1</sup>Motor Vehicles (Compulsory Insurance) (No. 2) Regulations 1973,
- (k) any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security, <sup>F10</sup>. . .
- (l) any international road haulage permit. [<sup>F11</sup>and
- (m) a certificate of the kind referred to in section 34B(1) of the Road Traffic Offenders Act 1988.]

(3) In the application of this section to England and Wales “forges” means makes a false document or other thing in order that it may be used as genuine.

<sup>F12</sup>(4) In this section “counterpart”, [<sup>F13</sup>“<sup>F3</sup>EU licence” and “Northern Ireland licence”] have the same meanings as in Part III of this Act]

#### Textual Amendments

- F1** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 11(a)**
- F2** Words in s. 173(2)(aa) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 29(a)**; S.I. 2004/2624, **art. 2(2)(b)**
- F3** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F4** S. 173(2)(cc) inserted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(2)**; S.I. 1992/421, **art. 2, Sch.**
- F5** Words in s. 173(2)(d) substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 84, **Sch. 4 para. 73(3)**; S.I. 1992/421, **art. 2, Sch.**
- F6** S. 173(2)(dd) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(4)**; S.I. 1992/1286, **art. 2, Sch.**
- F7** Words in s. 173(2)(f) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, **Sch. 3 para. 22, Sch. 6**
- F8** S. 173(2)(ff) substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 41(4)**, 61; S.I. 2007/2472, **art. 2(l)**
- F9** Words in s. 173(2)(g) inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 9**; S.I. 1996/1980, **art. 2**
- F10** Word in s. 173(2)(k) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch 8**; S.I. 1992/1286, **art. 2, Sch.**
- F11** S. 173(2)(m) and preceding word added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 73(6)**; S.I. 1992/1286, **art. 2, Sch.**
- F12** S. 173(4) substituted (23.7.1996 for specified purposes and otherwise 1.1.1996) by S.I. 1996/1974, **reg. 2, Sch. 1 para. 32(3)**

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**F13** Words in s. 173(4) substituted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 91(1), 94, [Sch. 5 para. 29\(b\)](#); [S.I. 2004/2624](#), [art. 2\(2\)\(b\)](#)

**Modifications etc. (not altering text)**

**C1** S. 173 applied with modifications by [S.I. 1987/1378](#), [reg. 25\(3\)](#) (as amended by [S.I. 1990/842](#), [reg. 9](#))

**C2** S. 173 applied (with modifications) (12.11.1999) by [S.I. 1999/2864](#), [reg. 80\(5\)\(f\)](#)

**Marginal Citations**

**M1** [S.I. 1973/2143](#).

**174 False statements and withholding material information.**

- (1) A person who knowingly makes a false statement for the purpose—
- (a) of obtaining the grant of a licence under any Part of this Act to himself or any other person, or
  - (b) of preventing the grant of any such licence, or
  - (c) of procuring the imposition of a condition or limitation in relation to any such licence, or
  - [<sup>F14</sup>(ca) of obtaining a document evidencing the successful completion of a driver training course provided in accordance with regulations under section 99ZA of this Act, or]
  - (d) of securing the entry or retention of the name of any person in the register of approved instructors maintained under Part V of this Act, or
  - [<sup>F15</sup>(dd) of obtaining the grant to any person of a certificate under section 133A of this Act, or]
  - (e) of obtaining the grant of an international road haulage permit to himself or any other person,
- is guilty of an offence.
- (2) A person who, in supplying information or producing documents for the purposes either of sections 53 to 60 and 63 of this Act or of regulations made under sections 49 to 51, 61, 62 and 66(3) of this Act—
- (a) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or
  - (b) produces, provides, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, provides, sends or otherwise makes use of a document which is false in a material particular,
- is guilty of an offence.
- (3) A person who—
- (a) knowingly produces false evidence for the purposes of regulations under section 66(1) of this Act, or
  - (b) knowingly makes a false statement in a declaration required to be made by the regulations,
- is guilty of an offence.
- (4) A person who—
- (a) wilfully makes a false entry in any record required to be made or kept by regulations under section 74 of this Act, or

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- (b) with intent to deceive, makes use of any such entry which he knows to be false, is guilty of an offence.
- (5) A person who makes a false statement or withholds any material information for the purpose of obtaining the issue—
- (a) of a certificate of insurance or certificate of security under Part VI of this Act, or
- (b) of any document issued under regulations made by the Secretary of State in pursuance of his power under section 165(2)(a) of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security,
- is guilty of an offence.

#### Textual Amendments

- F14** S. 174(1)(ca) inserted (24.9.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 41(5)**, 61; S.I. 2007/2472, **art. 2(1)**
- F15** S. 174(1)(dd) inserted (9.9.1996) by [1993 c. 31, s. 6](#), **Sch. para. 10**; S.I. 1996/1980, **art. 2**

### 175 Issue of false documents.

If a person issues—

- (a) any such document as is referred to in section 174(5)(a) or (b) of this Act, or
- (b) a test certificate or certificate of conformity (within the meaning of Part II of this Act),

and the document or certificate so issued is to his knowledge false in a material particular, he is guilty of an offence.

### 176 Power to seize articles in respect of which offences under sections 173 to 175 may have been committed.

- (1) If a constable has reasonable cause to believe that a document produced to him—

- (a) in pursuance of section 137 of this Act, or
- (b) in pursuance of any of the preceding provisions of this Part of this Act,

is a document in relation to which an offence has been committed under section 173, 174 or 175 of this Act or under section 115 of the <sup>M2</sup>Road Traffic Regulation Act 1984, he may seize the document.

[<sup>F16</sup>(1A) Where a licence to drive or a counterpart of any such licence or of any [<sup>F17</sup>Northern Ireland licence or][<sup>F3</sup>EU] licence may be seized by a constable under subsection (1) above, he may also seize the counterpart, the licence to drive or the [<sup>F17</sup>Northern Ireland licence or][<sup>F3</sup>EU] licence (as the case may be) produced with it.]

- (2) When a document is seized under subsection (1) above, the person from whom it was taken shall, unless—

- (a) the document has been previously returned to him, or
- (b) he has been previously charged with an offence under any of those sections,

be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of the document.

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- (3) The court or sheriff must make such order respecting the disposal of the document and award such costs as the justice of the case may require.
- [<sup>F18</sup>(3A) An order under subsection (3) above respecting the disposal of a licence to drive or a counterpart of [<sup>F19</sup>any such licence or [<sup>F20</sup>of a Northern Ireland licence or][<sup>F3</sup>EU] licence] may include an order respecting the disposal of any document seized under subsection (1A) above.]
- (4) If a constable, [<sup>F21</sup>an examiner appointed under section 66A] of this Act has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver of the vehicle is a document or plate to which this subsection applies, he may seize it.
- For the purposes of this subsection the power to seize includes power to detach from a vehicle.
- (5) Subsection (4) above applies to a document or plate in relation to which an offence has been committed under sections 173, 174 or 175 of this Act in so far as they apply—
- (a) to documents evidencing the appointment of examiners [<sup>F22</sup>under s. 66A] of this Act, or
  - (b) to goods vehicle test certificates, plating certificates, certificates of conformity or Minister’s approval certificates (within the meaning of Part II of this Act), or
  - (c) to plates containing plated particulars (within the meaning of that Part) or containing other particulars required to be marked on goods vehicles by sections 54 to 58 of this Act or regulations made under them, or
  - (d) to records required to be kept by virtue of section 74 of this Act, or
  - (e) to international road haulage permits.
- (6) When a document or plate is seized under subsection (4) above, either the driver or owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation to the document or plate under section 173, 174 or 175 of this Act, be summoned before a magistrates’ court or, in Scotland, the sheriff to account for his possession of, or the presence on the vehicle of, the document or plate.
- (7) The court or sheriff must make such order respecting the disposal of the document or plate and award such costs as the justice of the case may require.
- [<sup>F23</sup>(8) In this section “counterpart” [<sup>F24</sup>, “ [<sup>F3</sup>EU] licence” and “Northern Ireland licence”] have the same meanings as in Part III of this Act.]

#### Textual Amendments

- F3** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F16** S. 176(1A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, Sch. 1 para. 33(3)
- F17** Words in s. 176(1A) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 91(1), 94, [Sch. 5 para. 30\(a\)](#); S.I. 2004/2624, [art. 2\(2\)\(b\)](#)
- F18** S. 176(3A) inserted by S.I. 1990/144, regs. 2(1), 3, [Sch. 1 para. 12\(b\)](#)
- F19** Words in s. 176(3A) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, [Sch. 1 para. 33\(3\)](#)

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- F20** Words in s. 176(3A) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 30(b)**; S.I. 2004/2624, **art. 2(2)(b)**
- F21** Words in s. 176(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 74(2)**; S.I. 1992/1286, **art. 2, Sch.**
- F22** Words in s. 176(5)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 74(3); S.I. 1992/1286, **art. 2, Sch.**
- F23** S. 176(8) substituted (23.7.1996 for specified purposes and otherwise 1.1.1997) by The Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974, **reg. 2, Sch. 1 para. 33(4)**)
- F24** Words in s. 176(8) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 30(c)**; S.I. 2004/2624, **art. 2(2)(b)**

#### Marginal Citations

- M2** 1984 c. 27.

#### [<sup>F25</sup>177 Impersonation of authorised examiner, etc.

A person is guilty of an offence if, with intent to deceive, he falsely represents himself—

- (a) to be, or to be employed by, a person authorised in accordance with regulations made under section 41 of this Act with respect to the checking and sealing of speed limiters, or
- (b) to be a person entitled under section 45 of this Act to carry out examinations of vehicles under that section.]

#### Textual Amendments

- F25** S. 177 substituted (11.4.2003) by 1999 c. 12, ss. 7(1), 9(2), **Sch. para. 3**; S.I. 2003/1095, **art. 2**

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