



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Powers of constables and other authorised persons*

#### **163 Power of police to stop vehicles.**

- (1) A person driving a [<sup>F1</sup>mechanically propelled vehicle] on a road must stop the vehicle on being required to do so by a constable in uniform [<sup>F2</sup>or a traffic officer].
- (2) A person riding a cycle on a road must stop the cycle on being required to do so by a constable in uniform [<sup>F3</sup>or a traffic officer].
- (3) If a person fails to comply with this section he is guilty of an offence.
- (4) <sup>F4</sup> .....

#### **Textual Amendments**

- F1** Words in s. 163(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 67**; S.I. 1992/1286, art. 2, **Sch.**
- F2** Words in s. 163(1) inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(4), 99** (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**
- F3** Words in s. 163(2) inserted (E.W.) (4.10.2004 for E. and 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(4), 99** (with s. 38); S.I. 2004/2380, **art. 2(a)**; S.I. 2009/1095, **art. 2(a)**
- F4** S. 163(4) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 49(1)(3); S.I. 2002/2306, art. 2(d) (iv) and subsequently repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178, Sch. 7 para. 27(3), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(m)(u)** (subject to art. 2(2))

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

- C1** S. 163: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 96(2)(c) (ii)(3) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 25(6)(b)(7)(a))

**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 [<sup>F5</sup>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 [<sup>F5</sup>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 [<sup>F5</sup>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 [<sup>F5</sup>or vehicle examiner], produce his licence [<sup>F6</sup>and its counterpart] for examination, so as to enable the constable [<sup>F5</sup>or vehicle examiner] to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which [<sup>F7</sup>they were] issued.
- (2) [<sup>F8</sup>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—
- [<sup>F9</sup>(a) [<sup>F10</sup>a person is required to deliver his licence and its counterpart to the Secretary of State under section 63 of the Crime (International Co-operation) Act 2003 or ] the Secretary of State has—
    - (i) revoked a licence under section [<sup>F11</sup>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][<sup>F12</sup>or
    - (iii) served notice requiring the delivery of a licence to him in pursuance of section 99C [<sup>F13</sup>, 109B] or 115A of this Act,]
  - (b) the holder of the licence fails to deliver it [<sup>F14</sup>and its counterpart] to the Secretary of State [<sup>F15</sup>or the traffic commissioner, as the case may be] in pursuance of [<sup>F16</sup>section [<sup>F11</sup> 92,] 93, 99 [<sup>F17</sup>99C, [<sup>F18</sup>, 109B] 115A or 118][<sup>F19</sup>or section 63 of the Crime (International Co-operation) Act 2003] (as the case may be)],

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a constable [<sup>F20</sup>or vehicle examiner] may require him to [<sup>F21</sup>produce the licence and its counterpart], and upon [<sup>F21</sup>their] being produced may seize [<sup>F22</sup>them] and deliver [<sup>F22</sup>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 [<sup>F23</sup>and its counterpart] to him.

[<sup>F24</sup>(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 [<sup>F25</sup>section 26 or 27 of the Road Traffic Offenders Act 1988 [<sup>F26</sup>, section 40B of the Child Support Act 1991][<sup>F27</sup>, 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 [<sup>F28</sup>and its counterpart] to the court and fails to do so, a constable may require him to produce [<sup>F29</sup>them] and, upon [<sup>F29</sup>their] being produced, may seize [<sup>F29</sup>them] and deliver [<sup>F29</sup>them] to the court.

(6) If a person required under the preceding provisions of this section to produce a licence [<sup>F30</sup>and its counterpart] or state his date of birth [<sup>F31</sup>or to produce his certificate of completion of a training course for motor cyclists]. . . fails to do so he is, subject to subsections (7) [<sup>F32</sup>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 [<sup>F33</sup>and its counterpart]—

(a) produces on that occasion a current receipt for the licence [<sup>F34</sup>and its counterpart] issued under section 56 of the <sup>M1</sup>Road Traffic Offenders Act 1988 and, if required to do so, produces the licence [<sup>F34</sup>and its counterpart] in person immediately on [<sup>F35</sup>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 do so, produces the licence [<sup>F36</sup>and its counterpart] in person immediately on [<sup>F37</sup>their] return at that police station.

(8) In proceedings against any person for the offence of failing to produce a licence [<sup>F38</sup>and its counterpart] it shall be a defence for him to show that—

(a) within seven days after the production of his licence [<sup>F38</sup>and its counterpart] was required he produced [<sup>F39</sup>them] in person at a police station that was specified by him at the time [<sup>F40</sup>their] production was required, or

(b) he produced [<sup>F39</sup>them] in person there as soon as was reasonably practicable, or

(c) it was not reasonably practicable for him to produce [<sup>F39</sup>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.

[<sup>F41</sup>(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.]

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- (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 <sup>M2</sup> 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.

[<sup>F42</sup>(11) In this section—

“licence” means a licence under Part III of this Act [<sup>F43</sup>, a Northern Ireland licence] or a Community licence,

“vehicle examiner” means an examiner appointed under section 66A of this Act; and “Community licence”, “counterpart”, [<sup>F44</sup>“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

- F5** 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.**
- F6** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**
- F7** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**
- F8** 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.**
- F9** 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)**
- F10** Words in s. 164(3)(a) inserted (28.1.2010) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(a)(i)**; S.I. 2008/3009, **art. 2**; London Gazette issue no. 59317 dated 26.1.2010, p. 1229; Edinburgh Gazette issue no. 26739 dated 26.1.2010, p. 244; Belfast Gazette issue no. 7156 dated 22.1.2010, p. 33
- F11** Words in s. 164(3) inserted (1.7.1998) by S.I. 1998/1420, **reg. 14**
- F12** S. 164(3)(a)(iii) and preceding 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)**
- F13** 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)**
- F14** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(i)**
- F15** 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)**
- F16** 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)**
- F17** 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)**

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- F18** 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)**
- F19** Words in s. 164(3)(b) inserted (28.1.2010) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 27(a)(iii)**; S.I. 2008/3009, **art. 2**; London Gazette issue no. 59317 dated 26.1.2010, p. 1229; Edinburgh Gazette issue no. 26739 dated 26.1.2010, p. 244; Belfast Gazette issue no. 7156 dated 22.1.2010, p. 33
- F20** 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.**
- F21** Word(s) substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(ii)(iii)**
- F22** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(iv)**
- F23** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(c)**
- F24** 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)**
- F25** 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.**
- F26** Words in s. 164(5) inserted (10.11.2000 for specified 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)**
- F27** Words in s. 164(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 117**
- F28** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**
- F29** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**
- F30** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(e)**
- F31** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(c)**
- F32** 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.**
- F33** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(i)**
- F34** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
- F35** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
- F36** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
- F37** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
- F38** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(i)**
- F39** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
- F40** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
- F41** 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.**
- F42** 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)**
- F43** 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)**
- F44** 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)**

- C2** S. 164(1)(6)(8) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(e)**
- C3** 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)**)
- C4** S. 164(1) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).
- C5** 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)**)
- C6** 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)**

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- C7** 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)**)
- C8** S. 164(6) applied (with modifications) by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**).
- C9** 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.

### 165 Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates.

(1) Any of the following persons—

- (a) a person driving a motor vehicle (other than an invalid carriage) on a road, or
- (b) a person whom a constable [<sup>F45</sup>or vehicle examiner] has reasonable cause to believe to have been the driver of a motor vehicle (other than an invalid carriage) at a time when an accident occurred owing to its presence on a road [<sup>F46</sup>or other public place], or
- (c) a person whom a constable [<sup>F45</sup>or vehicle examiner] has reasonable cause to believe to have committed an offence in relation to the use on a road of a motor vehicle (other than an invalid carriage),

must, on being so required by a constable [<sup>F45</sup>or vehicle examiner], give his name and address and the name and address of the owner of the vehicle and produce the following documents for examination.

(2) Those documents are—

- (a) the relevant certificate of insurance or certificate of security (within the meaning of Part VI of this Act), or such other evidence that the vehicle is not or was not being driven in contravention of section 143 of this Act as may be prescribed by regulations made by the Secretary of State,
- (b) in relation to a vehicle to which section 47 of this Act applies, a test certificate issued in respect of the vehicle as mentioned in subsection (1) of that section, and
- (c) in relation to a goods vehicle the use of which on a road without a plating certificate or goods vehicle test certificate is an offence under section 53(1) or (2) of this Act, any such certificate issued in respect of that vehicle or any trailer drawn by it.

[<sup>F47</sup>(2A) Subsections (2B) and (2C) below apply where a certificate of insurance is treated as having been delivered to a person under section 147(1) of this Act by virtue of section 147(1A) of this Act.

(2B) In the case of a certificate transmitted to a person as described in section 147(1A)(a) of this Act, the person is to be treated for the purposes of this section as producing the relevant certificate of insurance if—

- (a) using electronic equipment provided by him or made available to him by the constable or examiner, he provides the constable or examiner with electronic access to a copy of the certificate, or

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- (b) he produces a legible printed copy of the certificate.
- (2C) In the case of a certificate made available to a person as described in section 147(1A) (b) of this Act, the person is to be treated for the purposes of this section as producing the relevant certificate of insurance if—
- (a) using electronic equipment provided by him or made available to him by the constable or examiner, he provides the constable or examiner with electronic access on the website in question to a copy of the certificate, or
- (b) he produces a legible printed copy of the certificate.
- (2D) Nothing in subsection (2B) or (2C) above requires a constable or examiner to provide a person with electronic equipment for the purpose of compliance with a requirement imposed on the person by this section.]
- (3) Subject to subsection (4) below, a person who fails to comply with a requirement under subsection (1) above is guilty of an offence.
- (4) A person shall not be convicted of an offence under [F48 subsection (3)] above by reason only of failure to produce any certificate or other evidence F49 . . . 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 a police station that was 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.
- (5) A person—
- (a) who supervises the holder of a provisional licence granted under Part III of this Act while the holder is driving on a road a motor vehicle (other than an invalid carriage), or
- (b) whom a constable [F45 or vehicle examiner] has reasonable cause to believe was supervising the holder of such a 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 [F45 or vehicle examiner], give his name and address and the name and address of the owner of the vehicle.
- (6) A person who fails to comply with a requirement under subsection (5) above is guilty of an offence.
- (7) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement [F50 and “vehicle examiner” means an examiner appointed under section 66A of this Act.]

#### Textual Amendments

**F45** Words in s. 165(1) and (5) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 69(2)(3); S.I. 1992/1286, art. 2, Sch.

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- F46** Words in s. 165(1)(b) inserted (3.4.2000) by S.I. 2000/726, **art. 2(5)**
- F47** S. 165(2A)-(2D) inserted (30.4.2010) by The Motor Vehicles (Electronic Communication of Certificates of Insurance) Order 2010 (S.I. 2010/1117), **art. 6**
- F48** Words substituted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 19**
- F49** Words in s. 165(4) 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.**
- F50** Words in s. 165(7) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 69(4)**; S.I. 1992/1286, **art. 2, Sch.**

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

- C10** S. 165 modified by Energy Act 1976 (c. 76, SIF 44:3), s. 4(2), **Sch. 1 para. 4(2)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(c)**)
- C11** S. 165: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(c) (iv)(3)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(6)(d)(7)(a)**)
- C12** S. 165 applied (23.6.1999) by S.I. 1999/1736, **art. 8(6)**
- C13** S. 165 excluded (23.6.1999) by S.I. 1999/1736, **art. 8(1)(b)(2)(b)**
- C14** S. 165(1) extended (S.) (21.3.1999) by S.I. 1999/854, **art. 3(3)**  
S. 165(1) applied (23.6.1999) by S.I. 1999/1736, **art. 8(7)**
- C15** S. 165(1) extended by Police Reform Act 2002 (c. 30), **Sch. 4 para. 3A(1)(a)(2)** (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))  
S. 165(1) extended by Police Reform Act 2002 (c. 30), **Sch. 5 para. 3A(1)(a)** (as inserted (E.W.) (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(7), 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)** (subject to art. 3(4)(5)))

**[<sup>F51</sup>165A Power to seize vehicles driven without licence or insurance**

- (1) Subsection (5) applies if any of the following conditions is satisfied.
- (2) The first condition is that—
- (a) a constable in uniform requires, under section 164, a person to produce his licence and its counterpart for examination,
  - (b) the person fails to produce them, and
  - (c) the constable has reasonable grounds for believing that a motor vehicle is or was being driven by the person in contravention of section 87(1).
- (3) The second condition is that—
- (a) a constable in uniform requires, under section 165, a person to produce evidence that a motor vehicle is not or was not being driven in contravention of section 143,
  - (b) the person fails to produce such evidence, and
  - (c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.
- (4) The third condition is that—
- (a) a constable in uniform requires, under section 163, a person driving a motor vehicle to stop the vehicle,
  - (b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate, and



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- (c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of section 87(1) or 143.
- (5) Where this subsection applies, the constable may—
- (a) seize the vehicle in accordance with subsections (6) and (7) and remove it;
  - (b) enter, for the purpose of exercising a power falling within paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;
  - (c) use reasonable force, if necessary, in the exercise of any power conferred by paragraph (a) or (b).
- (6) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of section 87(1) or 143 that he will seize it—
- (a) in a section 87(1) case, if the person does not produce his licence and its counterpart immediately;
  - (b) in a section 143 case, if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that section.
- But the constable is not required to give such a warning if the circumstances make it impracticable for him to do so.
- (7) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.
- (8) The powers conferred on a constable by this section are exercisable only at a time when regulations under section 165B are in force.
- (9) In this section—
- (a) a reference to a motor vehicle does not include an invalid carriage;
  - (b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of section 143 is a reference to a document or other evidence within section 165(2)(a);
  - (c) “counterpart” and “licence” have the same meanings as in section 164;
  - (d) “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

#### Textual Amendments

**F51** Ss. 165A, 165B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 152, 178](#); [S.I. 2005/1521](#), [art 3\(1\)](#) (subject to [art. 3\(4\)\(5\)](#))

### **165B Retention etc. of vehicles seized under section 165A**

- (1) The Secretary of State may by regulations make provision as to—
- (a) the removal and retention of motor vehicles seized under section 165A; and
  - (b) the release or disposal of such motor vehicles.

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- (2) Regulations under subsection (1) may, in particular, make provision—
- (a) for the giving of notice of the seizure of a motor vehicle under section 165A to a person who is the registered keeper, the owner or the driver of that vehicle;
  - (b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under section 165A may seek to have it released;
  - (c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
  - (d) as to the circumstances in which a motor vehicle seized under section 165A may be disposed of;
  - (e) as to the destination—
    - (i) of any fees or charges payable in accordance with the regulations;
    - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 165A;
  - (f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 165A.
- (3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations is not liable to pay it if—
- (a) he was not driving the motor vehicle at the time in question, and
  - (b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.
- (4) Regulations under subsection (1) may make different provision for different cases.
- (5) In this section—
- “local authority”—
- (a) in relation to England, means—
    - (i) a county council,
    - (ii) the council of a district comprised in an area for which there is no county council,
    - (iii) a London borough council,
    - (iv) the Common Council of the City of London, or
    - (v) Transport for London;
  - (b) in relation to Wales, means the council of a county or county borough; and
  - (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “registered keeper”, in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.]

#### Textual Amendments

**F51** Ss. 165A, 165B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 152, 178**; S.I. 2005/1521, **art 3(1)** (subject to **art. 3(4)(5)**)

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## [<sup>F52</sup>166 Powers of certain officers as respects goods vehicles and passenger-carrying vehicles.

Any of the following officers, namely—

- (a) an examiner appointed under section 68 of this Act,
- (b) a certifying officer appointed under section 7(1) of the Public Passenger Vehicles Act <sup>M3</sup>1981,
- (c) an examiner appointed under section 7(2) of that Act, and
- (d) [<sup>F53</sup>A person authorised for the purpose by a traffic commissioner appointed under the Public Passenger Vehicles Act 1981,]

may, on production if so required of his authority, exercise in the case of goods vehicles or passenger-carrying vehicles of any prescribed class all such powers as are, under section 164(1) or (3) or 165 of this Act, exercisable by a constable.]

### Textual Amendments

- F52** S. 166 substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 20**
- F53** Words in s. 166(d) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 70**; S.I. 1992/1286, **art. 2**, Sch.

### Marginal Citations

- M3** 1981 c.14

## 167 Power of arrest in Scotland for reckless or careless driving or cycling.

A constable—

- (a) may arrest without warrant the driver of a motor vehicle who within his view commits an offence under section 2 or 3 of this Act unless the driver either gives his name and address or produces for examination his licence to drive a motor vehicle granted under Part III of this Act [<sup>F54</sup>and the counterpart of the licence][<sup>F55</sup>or, as the case may be, his [<sup>F56</sup>Northern Ireland licence or] Community licence within the meaning of that Part and its counterpart (if any)], and
- (b) may arrest without warrant the rider of a cycle who within his view commits an offence under section 28 or 29 of this Act unless the rider gives his name and address.

This section extends only to Scotland.

### Textual Amendments

- F54** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 10**
- F55** Words in s. 167 inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, reg. 2, **Sch. 1 para. 31**
- F56** Words in s. 167 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94, **Sch. 5 para. 28**; S.I. 2004/2624, **art. 2(2)(b)**

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