



# 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 motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform.
- (2) A person riding a cycle on a road must stop the cycle on being required to do so by a constable in uniform.
- (3) If a person fails to comply with this section he is guilty of an offence.

#### **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 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 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 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

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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, produce his licence for examination, so as to enable the constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued.

- (2) Such a person must in prescribed circumstances, on being so required by the constable, state his date of birth.
- (3) If—
- (a) a licence has been revoked by the Secretary of State under section 93 or 99 of this Act, and
  - (b) the holder of the licence fails to deliver it to the Secretary of State in pursuance of the section in question,
- a constable may require him to produce it, and upon its being produced may seize it and deliver it 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 to him.
- (5) Where a person has been required under section 27 of the Road Traffic Offenders Act 1988 to produce a licence to the court and fails to do so, a constable may require him to produce it and, upon its being produced, may seize it and deliver it to the court.
- (6) If a person required under the preceding provisions of this section to produce a licence or state his date of birth to a constable fails to do so he is, subject to subsections (7) and (8) 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—
- (a) produces on that occasion a current receipt for the licence issued under section 56 of the Road Traffic Offenders Act 1988 and, if required to do so, produces the licence in person immediately on its 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 in person immediately on its return at that police station.
- (8) 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 a police station that was 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.

- (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 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.
- (11) In this section “licence” and “provisional licence” have the same meanings as in Part III of this Act.

**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 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, or
  - (c) a person whom a constable 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, 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.
- (3) Subject to subsection (4) below, a person who fails to comply with a requirement under subsection (1) above is guilty of an offence.

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- (4) A person shall not be convicted of an offence under subsection (1) above by reason only of failure to produce any certificate or other evidence to a constable 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 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, 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.

## **166 Powers of certifying officers and examiners as respects goods vehicles**

A certifying officer appointed under the Public Passenger Vehicles Act 1981 or an examiner appointed under section 68 of this Act may at any time, on production if so required of his authority, exercise in the case of goods vehicles all such powers as are, under section 164(1) or 165 of this Act, exercisable by a constable.

## **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, 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.

*Duty to give name and address*

**168 Failure to give, or giving false, name and address in case of reckless or careless or inconsiderate driving or cycling**

Any of the following persons—

- (a) the driver of a motor vehicle who is alleged to have committed an offence under section 2 or 3 of this Act, or
- (b) the rider of a cycle who is alleged to have committed an offence under section 28 or 29 of this Act,

who refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, is guilty of an offence.

**169 Pedestrian contravening constable's direction to stop to give name and address**

A constable may require a person committing an offence under section 37 of this Act to give his name and address, and if that person fails to do so he is guilty of an offence.

*Duties in case of accident*

**170 Duty of driver to stop, report accident and give information or documents**

- (1) This section applies in a case where, owing to the presence of a motor vehicle on a road, an accident occurs by which—
  - (a) personal injury is caused to a person other than the driver of that motor vehicle, or
  - (b) damage is caused—
    - (i) to a vehicle other than that motor vehicle or a trailer drawn by that motor vehicle, or
    - (ii) to an animal other than an animal in or on that motor vehicle or a trailer drawn by that motor vehicle, or
    - (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent to such land.
- (2) The driver of the motor vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.
- (3) If for any reason the driver of the motor vehicle does not give his name and address under subsection (2) above, he must report the accident.
- (4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.
- (5) If, in a case where this section applies by virtue of subsection (1)(a) above, the driver of the vehicle does not at the time of the accident produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act—
  - (a) to a constable, or
  - (b) to some person who, having reasonable grounds for so doing, has required him to produce it,

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the driver must report the accident and produce such a certificate or other evidence.

This subsection does not apply to the driver of an invalid carriage.

- (6) To comply with a duty under this section to report an accident or to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2) (a) of this Act, the driver—
- (a) must do so at a police station or to a constable, and
  - (b) must do so as soon as is reasonably practicable and, in any case, within twenty-four hours of the occurrence of the accident.
- (7) A person who fails to comply with a duty under subsection (5) above is guilty of an offence, but he shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within five days after the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by him at the time when the accident was reported.
- (8) In this section “animal” means horse, cattle, ass, mule, sheep, pig, goat or dog.

*Other duties to give information or documents*

**171 Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security**

- (1) For the purpose of determining whether a motor vehicle was or was not being driven in contravention of section 143 of this Act on any occasion when the driver was required under section 165(1) or 170 of this Act to produce such a certificate of insurance or security, or other evidence, as is mentioned in section 165(2)(a) of this Act, the owner of the vehicle must give such information as he may be required, by or on behalf of a chief officer of police, to give.
- (2) A person who fails to comply with the requirement of subsection (1) above is guilty of an offence.
- (3) In this section “owner”, in relation to a vehicle which is the subject of a hiring agreement, includes each party to the agreement.

**172 Duty to give information as to identity of driver, etc., in certain cases**

- (1) This section applies—
- (a) to any offence under the preceding provisions of this Act except—
    - (i) an offence under Part V, or
    - (ii) an offence under section 13, 16, 51(2), 61(4), 67(9), 68(4), 96 or 117, and to an offence under section 178 of this Act,
  - (b) to any offence under sections 25, 26, 27 and 45 of the Road Traffic Offenders Act 1988, and
  - (c) to any offence against any other enactment relating to the use of vehicles on roads.
- (2) Where the driver of a vehicle is alleged to be guilty of an offence to which this section applies—

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- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and
- (b) any other person shall if required as stated above give any information which it is in his power to give and may lead to identification of the driver.

In this subsection references to the driver of a vehicle include references to the person riding a cycle.

- (3) A person who fails to comply with the requirement of subsection (2)(a) above is 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 the driver of the vehicle or, as the case may be, the rider of the cycle was.
- (4) A person who fails to comply with the requirement of subsection (2)(b) above is guilty of an offence.

*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,
  - (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,
  - (d) any plate containing plated particulars (within the meaning of Part II of this Act) or containing other particulars required to be marked on a goods vehicle by sections 54 to 58 of this Act or regulations under those sections,
  - (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) or 117(2) of this Act, is issued as evidence of the result of a test of competence to drive,
  - (g) 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 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

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evidence which may be produced in lieu of a certificate of insurance or a certificate of security, and

(l) any international road haulage permit.

(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.

#### **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
- (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
- (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
- (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.

### **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 Road Traffic Regulation Act 1984, he may seize the document.

(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.

(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.

(4) If a constable, a certifying officer appointed under the Public Passenger Vehicles Act 1981 or an examiner appointed under section 68(1) 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 for the purposes of sections 68 to 72 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

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- (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.

### **177 Impersonation of, or of person employed by, authorised examiner**

If a person, with intent to deceive, falsely represents himself to be, or to be employed by, a person authorised by the Secretary of State for the purposes of section 45 of this Act, he is guilty of an offence.

#### *Offences in Scotland*

### **178 Taking motor vehicle without authority, etc**

- (1) A person who in Scotland—
- (a) takes and drives away a motor vehicle without having either the consent of the owner of the vehicle or other lawful authority, or
  - (b) knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority,
- is, subject to subsection (2) below, guilty of an offence.
- (2) If—
- (a) the jury, on proceedings under this section on indictment, or
  - (b) the court, on summary proceedings under this section,
- is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given consent if he had been asked for it, the accused shall not be liable to be convicted of the offence.
- (3) A constable may arrest without warrant a person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

#### *Inquiries*

### **179 General power to hold enquiries**

Without prejudice to any other provision of this Act, the Secretary of State may hold inquiries for the purposes of this Act.

## **180 General provisions as to inquiries**

- (1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—
  - (a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give,
  - (b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law,
  - (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths, and
  - (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred.
- (2) Any amount certified as mentioned in subsection (1)(d) above and directed by the Secretary of State to be paid by any person shall be recoverable from that person—
  - (a) in England or Wales, by the Secretary of State summarily as a civil debt (without prejudice to any other means of recovering it), or
  - (b) in Scotland, by the Secretary of State.
- (3) A person who fails without reasonable excuse to comply with any of the provisions of an order under subsection (1)(b) above is guilty of an offence.

## **181 General provisions as to accident inquiries**

- (1) Where an accident arises out of the presence of a motor vehicle on a road, the Secretary of State may direct inquiry to be made into the cause of the accident.
- (2) Where any accident arising out of the presence of a motor vehicle on a road has occurred, a person authorised by the Secretary of State in that behalf may, on production if so required of his authority, inspect any vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is.
- (3) If a person obstructs a person so authorised in the performance of his duty under subsection (2) above, he is guilty of an offence.
- (4) If in any case the Secretary of State considers that an inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.
- (5) A report made by or to the Secretary of State as the result of an inquiry under this section shall not be used in evidence by or on behalf of a person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

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## **182 Special provisions as to accident inquiries in Greater London**

- (1) Where, owing to the presence of a vehicle on a road, an accident occurs within Greater London and it appears to the Secretary of State that the sole or a contributory cause of the accident was—
  - (a) the nature or character of the road or of the road surface, or
  - (b) a defect in the design or construction of the vehicle or in the materials used in the construction of the road or vehicle,
 he may, if he thinks fit, cause an inquiry to be held into the cause of the accident.
- (2) In this section “road” includes a highway and a bridge carrying a highway and any lane, mews, footway, square, court, alley or passage whether a thoroughfare or not.

### *Application to the Crown*

## **183 Application to the Crown**

- (1) Subject to the provisions of this section—
  - (a) Part I of this Act,
  - (b) Part II of this Act, except sections 68 to 74 and 77,
  - (c) Part III of this Act, except section 103(3),
  - (d) Part IV of this Act, and
  - (e) in this Part, sections 163, 164, 168, 169, 170(1) to (4), 177, 178, 181 and 182, apply to vehicles and persons in the public service of the Crown.
- (2) Sections 49 to 63 and section 65 of this Act apply—
  - (a) to vehicles in the public service of the Crown only if they are registered or liable to be registered under the Vehicles (Excise) Act 1971, and
  - (b) to trailers in the public service of the Crown only while drawn by vehicles (whether or not in the public service of the Crown) which are required to be so registered.
- (3) Where those sections so apply they do so subject to the following modifications—
  - (a) examinations of such vehicles in pursuance of regulations under section 49 or 61(2)(a) of this Act may be made by or under the directions of examiners authorised by the Secretary of State for the purpose instead of by or under the directions of examiners appointed under section 68 of this Act or of certifying officers or public service vehicle examiners appointed under the Public Passenger Vehicles Act 1981, and
  - (b) section 50(1) of this Act does not apply to the determination of an examiner so authorised on any such examination, but any person aggrieved by such a determination may appeal to the Secretary of State and on the appeal the Secretary of State shall cause the vehicle to be re-examined by an officer appointed by him for the purpose and may make such determination on the basis of the re-examination as he thinks fit.
- (4) Neither section 97(3) nor section 98(3) of this Act, in so far as they prevent such a licence as is there mentioned from authorising a person to drive certain motor cycles, applies—
  - (a) in the case of motor cycles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or

- (b) in the case of motor cycles so used while being ridden by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (5) Subject to regulations made under subsection (2) of section 101 of this Act, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) does not apply—
  - (a) in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes, or
  - (b) in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.
- (6) The function of issuing licences under Part IV of this Act to persons subject to the Naval Discipline Act 1957, to military law or to air force law to drive goods vehicles in the public service of the Crown and of revoking and suspending such licences shall be exercised by the prescribed licensing authority, and references in that Part to the licensing authority shall be construed accordingly.
- (7) Section 165 of this Act, in so far as it provides for the production of test certificates and the giving of names and addresses, applies to a person in connection with a vehicle to which section 47 of this Act applies notwithstanding that he or the driver is or was at any material time in the public service of the Crown.
- (8) Subsection (1) of section 165 of this Act, in so far as it provides for the production of any certificate mentioned in subsection (2)(c) of that section, applies to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time in the public service of the Crown.

#### **184 Application of sections 5 to 10 to persons subject to service discipline**

- (1) Sections 5 to 10 of this Act, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—
  - (a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,
  - (b) references to the court included a reference to any naval, military or air force authority before whom the proceedings take place,
  - (c) references to a constable included references to a member of the provost staff,
  - (d) references to a police station included references to a naval, military or air force unit or establishment,
  - (e) references to a hospital included references to a naval, military or air force unit or establishment at which medical or surgical treatment is provided for persons subject to service discipline, and
  - (f) in section 6(1) the reference to a traffic offence included a reference to the corresponding service offence.
- (2) In relation to persons for the time being subject to service discipline, the power to arrest conferred on a constable by section 4(6) of this Act is also exercisable by a member of the provost staff and is so exercisable outside as well as within Great Britain.
- (3) In this section—
  - “corresponding service offence”, in relation to an offence under any enactment, means an offence under section 42 of the Naval Discipline Act 1957 or an offence against section 70 of the Army Act 1955 or section 70 of

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the Air Force Act 1955 committed by an act or omission which is punishable under that enactment or would be so punishable if committed in Great Britain,

“member of the provost staff” means a provost officer or any person legally exercising authority under or on behalf of a provost officer,

“persons subject to service discipline” means persons subject to that Act of 1957, to military law or to air force law and other persons to whom section 42 of that Act of 1957 or section 70 of either of those Acts of 1955 for the time being applies,

“provost officer” means a person who is a provost officer within the meaning of that Act of 1957 or either of those Acts of 1955.

### *Interpretation*

## **185 Meaning of “motor vehicle” and other expressions relating to vehicles**

(1) In this Act—

“heavy locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen exceeds 11690 kilograms,

“heavy motor car” means a mechanically propelled vehicle, not being a motor car, which is constructed itself to carry a load or passengers and the weight of which unladen exceeds 2540 kilograms,

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person,

“light locomotive” means a mechanically propelled vehicle which is not constructed itself to carry a load other than any of the excepted articles and the weight of which unladen does not exceed 11690 kilograms but does exceed 7370 kilograms,

“motor car” means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen—

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms,
- (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel,
- (c) does not exceed 2540 kilograms in a case not falling within subparagraph (a) or (b) above,

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms,

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“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry a load, other than the excepted articles, and the weight of which unladen does not exceed 7370 kilograms,

“motor vehicle” means, subject to section 20 of the Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads, and

“trailer” means a vehicle drawn by a motor vehicle.

- (2) In subsection (1) above “excepted articles” means any of the following: water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

### **186 Supplementary provisions about those expressions**

- (1) For the purposes of section 185 of this Act, a side car attached to a motor vehicle, if it complies with such conditions as may be specified in regulations made by the Secretary of State, is to be regarded as forming part of the vehicle to which it is attached and as not being a trailer.
- (2) For the purposes of section 185 of this Act, in a case where a motor vehicle is so constructed that a trailer may by partial super-imposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle is to be deemed to be a vehicle itself constructed to carry a load.
- (3) For the purposes of section 185 of this Act, in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus is not to be deemed to constitute a load or goods or burden of any description, but is to be deemed to form part of the vehicle.
- (4) The Secretary of State may by regulations vary any of the maximum or minimum weights specified in section 185 of this Act.
- (5) Regulations under subsection (4) above may have effect—
- (a) either generally or in the case of vehicles of any class specified in the regulations, and
  - (b) either for the purposes of the provisions of the Road Traffic Acts and of all regulations made under those provisions or for such of those purposes as may be so specified.
- (6) Nothing in section 86 of the Road Traffic Regulation Act 1984 limits the powers conferred by subsection (4) above.

### **187 Articulated vehicles**

- (1) Unless it falls within subsection (2) below, a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as that motor vehicle with the other part attached as a trailer.
- (2) A passenger vehicle so constructed that—

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- (a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop, and
- (b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as a single motor vehicle.

- (3) The enactments referred to in subsections (1) and (2) above are the Road Traffic Act 1960, Parts I and II of the Public Passenger Vehicles Act 1981, and the Traffic Acts.
- (4) In this section “passenger vehicle” means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.

### **188 Hover vehicles**

- (1) For the purposes of the Road Traffic Acts, a hovercraft within the meaning of the Hovercraft Act 1968 (in this section referred to as a hover vehicle)—
  - (a) is a motor vehicle, whether or not it is intended or adapted for use on roads, but
  - (b) apart from that is to be treated, subject to subsection (2) below, as not being a vehicle of any of the classes defined in section 185 of this Act.
- (2) The Secretary of State may by regulations provide—
  - (a) that any provisions of this Act which would otherwise apply to hover vehicles shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations, or
  - (b) that any such provision which would not otherwise apply to hover vehicles shall apply to them subject to such modifications (if any) as may be specified in the regulations.

### **189 Certain vehicles not to be treated as motor vehicles**

- (1) For the purposes of the Road Traffic Acts—
  - (a) a mechanically propelled vehicle being an implement for cutting grass which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose,
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by regulations made by the Secretary of State for the purposes of this section and section 140 of the Road Traffic Regulation Act 1984, and
  - (c) an electrically assisted pedal cycle of such a class as may be prescribed by regulations so made,
 is to be treated as not being a motor vehicle.
- (2) In subsection (1) above “controlled by a pedestrian” means that the vehicle either—
  - (a) is constructed or adapted for use only under such control, or
  - (b) is constructed or adapted for use either under such control or under the control of a person carried on it, but is not for the time being in use under, or proceeding under, the control of a person carried on it.



## **190 Method of calculating weight of motor vehicles and trailers**

- (1) This section applies for the purposes of the Traffic Acts and of any other enactments relating to the use of motor vehicles or trailers on roads.
- (2) The weight unladen of a vehicle or trailer shall be taken to be the weight of the vehicle or trailer—
  - (a) inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle or trailer when working on a road, but
  - (b) exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle or, as the case may be, of any vehicle by which the trailer is drawn, and of loose tools and loose equipment.

## **191 Interpretation of statutory references to carriages**

A motor vehicle or trailer—

- (a) is to be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and
- (b) if used as a carriage of any particular class shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

## **192 General interpretation of Act**

- (1) In this Act—

“bridleway” means a way over which the public have the following, but no other, rights of way: a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the way,

“carriage of goods” includes the haulage of goods,

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor vehicle,

“driver”, where a separate person acts as a steersman of a motor vehicle, includes (except for the purposes of section 1 of this Act) that person as well as any other person engaged in the driving of the vehicle, and “drive” is to be interpreted accordingly,

“footpath”, in relation to England and Wales, means a way over which the public have a right of way on foot only,

“goods” includes goods or burden of any description,

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted,

“highway authority”, in relation to England and Wales, means—

- (a) in relation to a road other than a trunk road, the authority (being either the council of a county, metropolitan district or London borough or the Common Council of the City of London) which is responsible for the maintenance of the road, and
- (b) in relation to a trunk road, the Secretary of State,

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“international road haulage permit” means a licence, permit, authorisation or other document issued in pursuance of a Community instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road,

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement,

“petty sessions area” has the same meaning as in the Magistrates' Courts Act 1980,

“prescribed” means prescribed by regulations made by the Secretary of State,

“road”, in relation to England and Wales, means any highway and any other road to which the public has access, and includes bridges over which a road passes,

“the Road Traffic Acts” means the Road Traffic Offenders Act 1988, the Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act,

“statutory”, in relation to any prohibition, restriction, requirement or provision, means contained in, or having effect under, any enactment (including any enactment contained in this Act),

“the Traffic Acts” means the Road Traffic Acts and the Road Traffic Regulation Act 1984,

“traffic sign” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984,

“tramcar” includes any carriage used on any road by virtue of an order under the Light Railways Act 1896, and

“trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source.

(2) In this Act—

“carriageway”

“footway”

“local roads authority”

“public road”

“road”

“roads authority”

“special road” and

“trunk road”,

in relation to Scotland, have the same meanings as in the Roads (Scotland) Act 1984, and “footpath”, in relation to Scotland, means a way over which the public have a right of way on foot only (whether or not associated with a carriageway).

(3) References in this Act to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

### **193 Exemptions for tramcars, trolley vehicles, railway locomotives, carriages and trucks**

Schedule 4 to this Act (which excludes the application of certain provisions of the Road Traffic Acts to tramcars, trolley vehicles, railway locomotives, carriages and trucks) shall have effect.

### **194 General index**

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
Bridleway	Section 192
Carriage of goods	Section 192
Carriageway	Section 192
Cycle	Section 192
Drive	Section 192
Driver	Section 192
Footpath	Section 192
Footway	Section 192
Goods	Section 192
Goods vehicle	Section 192
Goods vehicle test certificate	Section 49(2)(b)
Heavy locomotive	Section 185
Heavy motor car	Section 185
Highway authority	Section 192
International road haulage permit	Section 192
Invalid carriage	Section 185
Light locomotive	Section 185
Local roads authority	Section 192
Motor car	Section 185
Motor cycle	Section 185
Motor tractor	Section 185
Motor vehicle	Sections 185, 186(1), 187, 188, 189
Owner	Section 192
Plating certificate	Section 49(2)(a)
Prescribed	Section 192

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<i>Expression</i>	<i>Relevant provision</i>
Public road	Section 192
Road	Section 192
Roads authority	Section 192
Road Traffic Acts	Section 192
Special road	Section 192
Statutory	Section 192
Test certificate	Section 45(2)
Traffic Acts	Section 192
Traffic sign	Section 192
Trailer	Section 185
Tramcar	Section 192
Trolley vehicle	Section 192
Trunk road	Section 192
Unladen weight	Section 190

*Supplementary*

**195 Provisions as to regulations**

- (1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument.
- (2) Before making any regulations under this Act (other than regulations under section 88(3) or Part V) the Secretary of State must consult with such representative organisations as he thinks fit.
- (3) A statutory instrument whereby any power conferred by this Act upon the Secretary of State to make regulations is exercised (other than the power conferred by sections 8(3), 11(2), 14, 15 (where exercisable for the purposes of subsection (3) of that section) or 189) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Secretary of State must not make any regulations under section 8(3), 11(2), 14 or (where made for the purposes of subsection (3) of that section) 15 of this Act unless a draft of the regulations has been approved by both Houses of Parliament.
- (5) Regulations under section 189 of this Act shall not have effect unless approved by resolution of each House of Parliament.

**196 Provision, etc., of weighbridges**

- (1) A highway authority may—
  - (a) provide, erect, maintain and operate, or join with another highway authority in providing, erecting, maintaining and operating, weighbridges or other machines for weighing vehicles, or

- (b) contribute towards the cost of the provision, erection, maintenance and operation of any such weighbridge or other machine by any other authority or person.
- (2) The Secretary of State may exercise the powers conferred by subsection (1) above whether or not in his capacity as highway authority, but may provide, erect, maintain and operate any such machine on a road for which he is not the highway authority only with the consent of the highway authority.
- (3) Accordingly the presence of any such machine on a road in consequence of the exercise of those powers by virtue of subsection (2) above (as in any other case) shall not be taken to be an obstruction of the road.
- (4) The provision or erection, or the making of a contribution towards the provision or erection, of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow.
- (5) In relation to Scotland, references in this section to a highway authority are to be read as references to a roads authority.

#### **197 Short title, commencement and extent**

- (1) This Act may be cited as the Road Traffic Act 1988.
- (2) This Act shall come into force, subject to the transitory provisions in Schedule 5 to the Road Traffic (Consequential Provisions) Act 1988, at the end of the period of six months beginning with the day on which it is passed.
- (3) This Act, except section 80 and except as provided by section 184, does not extend to Northern Ireland.