



Road Traffic Act 1988

1988 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Powers of constables and other authorised persons

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 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 [^{F1}and its counterpart]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 [^{F2}they were]issued.

- (2) Such a person must in prescribed circumstances, on being so required by the constable, state his date of birth.

Status: Point in time view as at 13/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 164 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) If—
- (a) a licence has been revoked by the Secretary of State under section 93 or 99 of this Act, and
 - ^{F3}(a) the Secretary of State has—
 - (i) revoked a licence under section 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]
 - (b) the holder of the licence fails to deliver it ^{F4}and its counterpart]to the Secretary of State ^{F5}or the traffic commissioner, as the case may be]in pursuance of ^{F6}the section in question][^{F6}section 93, 99 or 118 (as the case may be)],

a constable may require him to ^{F7}produce the licence and its counterpart], and upon ^{F7}their]being produced may seize ^{F8}them]and deliver ^{F8}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 ^{F9}and its counterpart]to him.
 - ^{F10}(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 section 27 of the ^{M1}Road Traffic Offenders Act 1988 to produce a licence ^{F11}and its counterpart]to the court and fails to do so, a constable may require him to produce ^{F12}them]and, upon ^{F12}their]being produced, may seize ^{F12}them]and deliver ^{F12}them]to the court.
 - (6) If a person required under the preceding provisions of this section to produce a licence ^{F13}and its counterpart]or state his date of birth ^{F14}or to produce his certificate of completion of a training course for motor cyclists]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 ^{F15}and its counterpart]—
 - (a) produces on that occasion a current receipt for the licence ^{F16}and its counterpart]issued under section 56 of the ^{M2}Road Traffic Offenders Act 1988 and, if required to do so, produces the licence ^{F16}and its counterpart]in person immediately on ^{F17}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 ^{F18}and its counterpart]in person immediately on ^{F19}their]return at that police station.
 - (8) In proceedings against any person for the offence of failing to produce a licence ^{F20}and its counterpart]it shall be a defence for him to show that—

Status: Point in time view as at 13/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 164 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) within seven days after the production of his licence [F20 and its counterpart] was required he produced [F21 them] in person at a police station that was specified by him at the time [F22 their] production was required, or
- (b) he produced [F21 them] in person there as soon as was reasonably practicable, or
- (c) it was not reasonably practicable for him to produce [F21 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.
- (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 ^{M3} 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" [F23], "counterpart" [and "provisional licence" [F24 and "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

- F1** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**
- F2** Words substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(a)(i)(ii)**
- F3** S. 164(3) para. (a) commencing "the Secretary of State" substituted (1.4.1991) for para. (a) commencing "If—" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(i)**
- F4** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(i)**
- F5** 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)**
- F6** Words commencing "section 93" substituted (1.4.1991) for "the section in question" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(a)(ii)**
- F7** Word(s) substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(ii)(iii)**
- F8** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(b)(iv)**
- F9** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(c)**
- F10** 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)**
- F11** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**
- F12** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(d)(i)(ii)(iii)**
- F13** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(e)**
- F14** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22, SIF 107:1), s. 7, **Sch. 3 para. 18(c)**

Status: Point in time view as at 13/02/1991. This version of this provision has been superseded.

Changes to legislation: Road Traffic Act 1988, Section 164 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F15** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(i)**
- F16** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
- F17** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(ii)**
- F18** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
- F19** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(f)(iii)**
- F20** Words inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(i)**
- F21** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
- F22** Word substituted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(g)(ii)**
- F23** Word inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 9(h)**
- F24** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 18(d)**

Modifications etc. (not altering text)

- C1** 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)**)
- C2** S. 164(1) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
- C3** 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)**)
- C4** 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)**)
- C5** S. 164(6) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
- C6** 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** 1988 c. 53.
- M3** 1978 c. 30.

Status:

Point in time view as at 13/02/1991. This version of this provision has been superseded.

Changes to legislation:

Road Traffic Act 1988, Section 164 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.