



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VII

#### MISCELLANEOUS AND GENERAL

*Forgery, false statements, etc.*

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

- (1) If a constable has reasonable cause to believe that a document produced to him—
- (a) in pursuance of section 137 of this Act, or
  - (b) in pursuance of any of the preceding provisions of this Part of this Act,
- is a document in relation to which an offence has been committed under section 173, 174 or 175 of this Act or under section 115 of the <sup>M1</sup>Road Traffic Regulation Act 1984, he may seize the document.

[<sup>F1</sup>(1A) Where a licence to drive or a counterpart of a licence may be seized by a constable under subsection (1) above, he may also seize the counterpart or the licence, as the case may be, produced with it.]

- (2) When a document is seized under subsection (1) above, the person from whom it was taken shall, unless—
- (a) the document has been previously returned to him, or
  - (b) he has been previously charged with an offence under any of those sections, be summoned before a magistrates' court or, in Scotland, the sheriff to account for his possession of the document.

- (3) The court or sheriff must make such order respecting the disposal of the document and award such costs as the justice of the case may require.

[<sup>F2</sup>(3A) An order under subsection (3) above respecting the disposal of a licence to drive or a counterpart of a licence may include an order respecting the disposal of any document seized under subsection (1A) above.]

*Status: Point in time view as at 01/01/1996. This version of this provision has been superseded.*

*Changes to legislation: Road Traffic Act 1988, Section 176 is up to date with all changes known to be in force on or before 29 July 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)*

- (4) If a constable, [<sup>F3</sup>an examiner appointed under section 66A] of this Act has reasonable cause to believe that a document or plate carried on a motor vehicle or by the driver of the vehicle is a document or plate to which this subsection applies, he may seize it.
- For the purposes of this subsection the power to seize includes power to detach from a vehicle.
- (5) Subsection (4) above applies to a document or plate in relation to which an offence has been committed under sections 173, 174 or 175 of this Act in so far as they apply—
- (a) to documents evidencing the appointment of examiners [<sup>F4</sup>under s. 66A] of this Act, or
  - (b) to goods vehicle test certificates, plating certificates, certificates of conformity or Minister’s approval certificates (within the meaning of Part II of this Act), or
  - (c) to plates containing plated particulars (within the meaning of that Part) or containing other particulars required to be marked on goods vehicles by sections 54 to 58 of this Act or regulations made under them, or
  - (d) to records required to be kept by virtue of section 74 of this Act, or
  - (e) to international road haulage permits.
- (6) When a document or plate is seized under subsection (4) above, either the driver or owner of the vehicle shall, if the document or plate is still detained and neither of them has previously been charged with an offence in relation to the document or plate under section 173, 174 or 175 of this Act, be summoned before a magistrates’ court or, in Scotland, the sheriff to account for his possession of, or the presence on the vehicle of, the document or plate.
- (7) The court or sheriff must make such order respecting the disposal of the document or plate and award such costs as the justice of the case may require.
- [<sup>F5</sup>(8) In this section “counterpart”, in relation to a licence to drive under Part III of this Act, has the same meaning as in that Part.]

#### Textual Amendments

- F1** S. 176(1A) inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 12(a)**
- F2** S. 176(3A) inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 12(b)**
- F3** Words in s. 176(4) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 74(2)**; S.I. 1992/1286, art. 2, **Sch.**
- F4** Words in s. 176(5)(a) substituted (1.7.1992) by Road Traffic act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 74(3); S.I. 1992/1286, art. 2, **Sch.**
- F5** S. 176(8) inserted by S.I. 1990/144, regs. 2(1), 3, **Sch. 1 para. 12(c)**

#### Marginal Citations

- M1** 1984 c. 27.

**Status:**

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