



Road Traffic Act 1991

1991 CHAPTER 40

PART I

GENERAL

Information

21 Information as to identity of driver etc.

For section 172 of the ^{M1}Road Traffic Act 1988 there shall be substituted—

“172 Duty to give information as to identity of driver etc in certain circumstances.

- (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 120,and to an offence under section 178 of this Act,
 - (b) to any offence under sections 25, 26 or 27 of the Road Traffic Offenders Act 1988,
 - (c) to any offence against any other enactment relating to the use of vehicles on roads, except an offence under paragraph 8 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, and
 - (d) to manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle.
- (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.
- (3) Subject to the following provisions, a person who fails to comply with a requirement under subsection (2) above shall be guilty of an offence.
- (4) A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was.
- (5) Where a body corporate is guilty of an offence under this section and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.
- (6) Where the alleged offender is a body corporate, or in Scotland a partnership or an unincorporated association, or the proceedings are brought against him by virtue of subsection (5) above or subsection (11) below, subsection (4) above shall not apply unless, in addition to the matters there mentioned, the alleged offender shows that no record was kept of the persons who drove the vehicle and that the failure to keep a record was reasonable.
- (7) A requirement under subsection (2) may be made by written notice served by post; and where it is so made—
 - (a) it shall have effect as a requirement to give the information within the period of 28 days beginning with the day on which the notice is served, and
 - (b) the person on whom the notice is served shall not be guilty of an offence under this section if he shows either that he gave the information as soon as reasonably practicable after the end of that period or that it has not been reasonably practicable for him to give it.
- (8) Where the person on whom a notice under subsection (7) above is to be served is a body corporate, the notice is duly served if it is served on the secretary or clerk of that body.
- (9) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section the proper address of any person in relation to the service on him of a notice under subsection (7) above is—
 - (a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or (if the body corporate is the registered keeper of the vehicle concerned) the registered address, and
 - (b) in any other case, his last known address at the time of service.
- (10) In this section—
 - “registered address”, in relation to the registered keeper of a vehicle, means the address recorded in the record kept under the Vehicles

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(Excise) Act 1971 with respect to that vehicle as being that person's address, and

“registered keeper”, in relation to a vehicle, means the person in whose name the vehicle is registered under that Act;

and references to the driver of a vehicle include references to the rider of a cycle.

- (11) Where, in Scotland, an offence under this section is committed by a partnership or by an unincorporated association other than a partnership and is proved to have been committed with the consent or connivance or in consequence of the negligence of a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence.”

Commencement Information

II S. 21 wholly in force at 1.7.1992 see s. 84 and S.I. 1992/1286, art. 2, Sch.

Marginal Citations

M1 1988 c. 52.

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