



# 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- (a) a licence has been revoked by the Secretary of State under section 93 or 99 of this Act, and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.