

No. S 59

**CONSTITUTION OF BRUNEI DARUSSALAM  
(Order under Article 83(3))**

**ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2008**

**ARRANGEMENT OF SECTIONS**

**Section**

1. Citation.
  2. Amendment of section 2 of Chapter 68.
  3. Amendment of section 26.
  4. Amendment of section 26A.
  5. Amendment of section 27.
  6. Amendment of section 28.
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(Order under Article 83(3))

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2008

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Road Traffic Act (Amendment) Order, 2008.

Amendment of section 2 of Chapter 68.

2. Section 2 of the Road Traffic Act, in this Order referred to as the Act, is amended, in subsection (1) —

(a) by deleting the definition of "intoxicating substance" and by substituting the following new definition therefor —

"intoxicating substance" in sections 26, 26A, 26B, 26C, 26D, 26F and 26G means any substance having the property of releasing toxic vapours or fumes which contain toluene and which when inhaled induces or causes a state of intoxication;"

(b) in the definition of "prescribed limit", in the first line by inserting "26," immediately after "sections".

Amendment of section 26.

3. Section 26 of the Act is amended —

(a) by repealing subsection (1) and by substituting the following new subsection therefor —

"(1) Any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place —

(a) is under the influence of drink, a drug or an intoxicating substance to such an extent as to be incapable of having proper control of such motor vehicle; or

(b) has so much alcohol in his body that the proportion of it in his breath or blood exceeds the prescribed limit,

shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for 2 years, and in the case of a second or subsequent conviction a fine of \$20,000 and imprisonment for 4 years.";

(b) in subsection (2)(b), by inserting "or, where he is sentenced to imprisonment, from the date of his release from prison," immediately after "conviction" in the third line;

(c) by adding the following new subsection —

"(3) Any police officer may without a warrant arrest any person committing an offence under this section."

**Amendment of section 26A.**

4. Section 26A of the Act is amended, in subsection (1)(a), by deleting "or a drug" and by substituting ", a drug or an intoxicating substance" immediately after "drink" therefor.

**Amendment of section 27.**

5. Section 27 of the Act is amended by adding the following the new subsection —

"(4) If upon the trial of a person for an offence under this section the court is not satisfied that his driving was the cause of death, but is satisfied that he is guilty of driving as specified in subsection (1), it shall be lawful for the court to convict him of an offence under section 28, whether or not the requirements of section 30 have been satisfied as respects that offence."

**Amendment of section 28.**

6. Section 28 of the Act is amended by adding the following new subsection —

"(4) Any police officer may without a warrant arrest any person committing an offence under this section."

**Amendment of section 30.**

7. Section 30 of the Act is amended by repealing subsections (2), (3) and (4) and substituting the following 3 new subsections therefor —

"(2) Notwithstanding subsection (1), an accused person in whose case the requirements of this section have been satisfied or do not apply, as respects an alleged offence under section 28 may be convicted of an offence under section 29.

(3) The requirements of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) This section shall not apply in any case in which the person prosecuted was, in connection with the incident in respect of which a charge against him is preferred, arrested either on the day on which the incident occurred or within 30 days of that date."

Made this 21st. day of Jamadilawal, 1429 Hijriah corresponding to the 27th. day of May, 2008 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY  
THE SULTAN AND YANG DI-PERTUAN  
BRUNEI DARUSSALAM