

No. S 24

**ROAD TRAFFIC ACT  
(CHAPTER 68)**

**ROAD TRAFFIC (LICENSING OF MOTOR VEHICLES AND TRAILERS)  
REGULATIONS, 2013**

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**ROAD TRAFFIC ACT  
(CHAPTER 68)**

**ROAD TRAFFIC (LICENSING OF MOTOR VEHICLES AND TRAILERS)  
REGULATIONS, 2013**

In exercise of the power conferred by section 93 of the Road Traffic Act, the Minister of Communications, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

**PART I**

**PRELIMINARY**

**Citation.**

1. These Regulations may be cited as the Road Traffic (Licensing of Motor Vehicles and Trailers) Regulations, 2013.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires —

“dealer” means a person to whom a dealer’s general licence has been issued under section 10 of the Road Traffic Act (Chapter 68) hereinafter referred to as the Act;

“Director” has the same meaning as in section 2;

“licence” means a motor vehicle or trailer licence issued under regulation 4;

“register” means the register kept by the Director under section 4.

**PART II**

**LICENSING OF MOTOR VEHICLES AND TRAILERS**

**Conditions to be satisfied.**

3. A licensing officer shall not issue or renew a motor vehicle or trailer licence until the motor vehicle or trailer has been duly registered under section 5 and he is satisfied that the motor vehicle or trailer does not differ in any respect from the particulars in the register.

**Issue of licence.**

4. (1) Every motor vehicle or trailer licence issued shall be in a form determined by the Director.

(2) Motor vehicle and trailer licences shall be issued by the Director or any person authorised in writing by him.

**Application for licence.**

5. (1) A person who wishes to obtain or renew a licence shall make an application to the Director in such form as he may determine and furnish such particulars as required therein.

(2) Every application for a licence shall, unless otherwise directed by the Director, be submitted to the licensing officer not exceeding 3 months before the date upon which the licence is intended to take effect.

(3) Every late application for renewal of licence beyond the last day of the expiry date shall incur a late payment fee as set out in the Third Schedule.

**Conditions of licence.**

6. A motor vehicle or trailer shall not be used in contravention of any conditions stipulated in the licence or under the Act or any regulations made thereunder.

**Alteration in conditions.**

7. (1) A person shall apply for a new licence if —

(a) the holder of a motor vehicle or trailer licence desires to use the motor vehicle or trailer for a purpose otherwise authorised by the licence; or

(b) after the issuance of a licence, a motor vehicle or trailer is altered so that a higher duty or a duty of different class is required and the licence thus becomes void.

(2) If a new licence is issued in the circumstances stated in sub-regulation (1), the Director or any person authorised by him shall duly amend the register and the registration book.

**Vehicles to conform to Act.**

8. (1) No motor vehicle or trailer shall be licensed unless it conforms in all respects to the conditions laid down in the Act and these Regulations.

(2) The Director may exempt in writing any motor vehicle or trailer from the requirements in sub-regulation (1) subject to such conditions as he may impose.

**Illegible licence not to be exhibited.**

9. No person shall exhibit on any motor vehicle or trailer any licence on which the figures or particulars have become illegible or the colour has become altered by fading or otherwise.

**Duplicate licence.**

10. (1) Whenever it appears to the satisfaction of the licensing officer that the vehicle or trailer licence issued to any person has been lost or destroyed, or the essential particulars accidentally defaced, it shall be competent for the licensing officer, on payment of a fee of \$10 to issue a duplicate of such vehicle or trailer licence with the word "Duplicate" written thereon.

(2) Any person who knowingly retains or have in his possession both an original and a duplicate licence is guilty of an offence and liable on conviction to a fine of not exceeding \$500.

**Duration of licence.**

11. A motor vehicle or trailer licence, unless revoked earlier, shall be valid for a period of 12 months from the date specified in the licence, except for a public service vehicle when a licence may be issued for a period of not less than 3 months from the date specified in the licence:

Provided that the Director may at his discretion approve any such shorter period as he deems necessary, such lesser period not being less than one month.

**Non-user.**

12. (1) A registered owner claiming to be exempt from the payment of any licence fee on account of the non-use of any motor vehicle or trailer shall give notice of such non-use in such form as the Director may determine.

(2) A motor vehicle or trailer declared as non-user shall not be used on a public road.

(3) The registered owner of the motor vehicle or trailer shall give prior notice to the Director if the motor vehicle or trailer is required to be moved from one place to another during the period of non-use.

(4) A motor vehicle or trailer reported stolen shall not be required to comply with the requirements of this regulation.

(5) Any person who —

(a) in his notice of non-use under sub-regulation (1) furnishes as the address at which the motor vehicle or trailer is kept an address at which the motor vehicle or trailer is not in fact so kept; or

(b) fails to notify the Director if a motor vehicle or trailer put on non-user notice is moved from one place to another during the period of non-use,

is guilty of an offence.

(6) An application for exemption from the payment of licence fee shall be made for a period not exceeding one year.

(7) A fresh application shall be made after the expiry of one year if exemption for a further period is required.

(8) A fee of \$5 shall be payable for every notice given under sub-regulation (1).

(9) The decision of the Director on every such application shall be final.

(10) Failure to comply with this regulation —

(a) may disqualify the owner for refund or exemption of the licence fee; and

(b) shall require the owner to pay all outstanding licence fees from the last date of expiry of the licence.

#### **Fees on licence.**

13. (1) The fees to be charged on licences are set out in the First Schedule:

Provided that —

(a) the fee on a licence issued valid for a period of 6 months shall be 55 *per cent* of the annual fee;

(b) the fee on a licence issued valid for a period of less than 6 months shall be at a rate of 10 *per cent* of the annual fee for each month.

(2) The holder of a motor vehicle or trailer licence other than a licence which is issued for a period valid for less than 6 months, on surrendering it for cancellation to a licensing officer, shall be entitled to a refund calculated to the nearest dollar of 1/12 part of the annual fees payable on the licence for each completed calendar month of the licence period still to run.

(3) To obtain the refund under sub-regulation (2), the holder shall, in addition to the requirement under that regulation, at least 14 days prior to such surrender, send to the licensing officer a notice of non-user together with the registration book in respect of which the licence is surrendered.

**Report of examining officer to licensing officer.**

14. (1) Whenever an examining officer examines a motor vehicle or trailer in accordance with section 7, he shall make a report in a form as may be determined by the Director and forward a copy of the report to the licensing officer.

(2) On receipt of the report, the licensing officer shall consider and decide whether or not the motor vehicle or trailer is so constructed or is in such condition as to be a source of danger to any persons travelling in the vehicle, or to other users of the road, or to be injurious to the roads themselves, or contravening the provisions of the Act or any of the Regulations made thereunder.

(3) Where as result of a report forwarded to him under sub-regulation (1), a fee as set out in the Second Schedule shall be payable in respect of any examination of a motor vehicle or trailer under this regulation.

(4) The licensing officer shall not accept any further application for a licence in respect of such motor vehicle or trailer unless and until the fee under sub-regulation (3) is paid:

Provided that if subsequently the Director, under the proviso to section 9, rescinds the decision of the licensing officer revoking or refusing to renew such licence, the fee that have been paid under sub-regulation (3) shall be refunded.

(5) The payment of fee under sub-regulation (4) shall not prejudice any criminal proceedings which may be brought against such owner of motor vehicle or trailer.

**Furnishing of evidence as to specifications of motor vehicle.**

15. Every owner of a motor vehicle or trailer shall, if so required by a licensing officer, furnish such evidence as may be reasonably available to or obtainable by him with regard to the specifications of a motor vehicle or trailer when such vehicle is being licensed.

**Furnishing of evidence by dealer.**

16. Every dealer shall, upon request, furnish any licensing officer with all specifications of any motor vehicle or trailer bought or sold by him together with the names and addresses of any person to whom he may have sold or from whom he may have bought such motor vehicle or trailer.

**PART III**

**AFFIXING OF LICENCES**

**Position of licence.**

17. Every motor vehicle or trailer licence shall be carried on the vehicle —

*(a)* in the case of a motorcycle, in a conspicuous position on the left side of the vehicle in front of the driving seat;

*(b)* in the case of a motorcycle with a side-car, in a conspicuous position on the left side of the handlebar of the vehicle or the left side of the combination in front of the driving seat;

*(c)* in the case of a trailer, on the windscreen of the motor vehicle to which it is attached;

*(d)* in the case of a motor vehicle used under a dealer's licence, on the front identification plate;

*(e)* in the case of all motor vehicles, on the left lower corner of the windscreen facing forward so as to be clearly visible from the front at all times whether the vehicle is moving or stationary.

**Licence to be visible when affixed to motor vehicle or trailer.**

18. The licence shall be affixed in such manner that it is facing upwards and shall be clearly visible at all times in daylight to a person standing in front of the motor vehicle or trailer or to the left or near side thereof.

**Form of holder of licence.**

19. In the case of a motorcycle, a motorcycle with a side-car and a motor cycle used under a dealer's licence, the licence shall be mounted in a weatherproof tray of suitable dimensions and shall be affixed to the vehicle as already defined.

**Penalty.**

20. Any person who uses a motor vehicle or trailer on any road without a valid licence affixed in the manner defined, is guilty of an offence and punishable with a fine of \$200, imprisonment for 2 months or both.



**PART IV**

**DEALER'S GENERAL LICENCE**

**Purpose for which dealer's general licence shall be issued.**

21. The holder of a dealer's general licence may in addition to using a motor vehicle or trailer under such licence for purposes specified under section 11, use a motor vehicle under such licence for the purpose of towing a motor vehicle which has broken down.

**Validity period of dealer's general licence.**

22. A dealer's general licence is valid for a period of one year from the date it was issued:

Provided that the licence shall cease to be valid if the dealer ceases to carry on the business for which the licence was issued.

**Fee for dealer's general licence.**

23. For each separate identification mark included in a dealer's general licence, an annual fee shall be charged as set out in the First Schedule.

**Record of motor vehicle used under authority of dealer's general licence.**

24. (1) The holder of a dealer's general licence shall keep in a form as determined by the Director a record of every occasion on which a motor vehicle or trailer is used under the authority of such licence.

(2) A record kept under sub-regulation (1) shall be produced for inspection upon request by a police officer, licensing officer or examining officer.

**PART V**

**GENERAL**

**Penalties.**

25. A person who fails to comply with or who contravenes any provisions of or any requirements of these Regulations is guilty of an offence and liable on conviction to a fine not exceeding \$500 and, in the case of a second or subsequent conviction, a fine not exceeding \$1,000.

**Amendment of Regulation 1 of Chapter 68.**

26. Part III, the Second, Third and Twelfth Schedules to the Road Traffic Regulations are repealed.

**FIRST SCHEDULE**  
(regulations 13 and 23)

**Taxes payable on Annual Licence Fees**

Autocycles, motorcycles and private cars - - - - -	\$2.25 (minimum tax \$3) <i>per annum</i>	} Tax per 100 cubic/ centimetres or part thereof of cylinder capacity.
Taxicabs - - - - -	\$4.50 <i>per annum</i>	
Commercial - - - - -	\$4.50 <i>per annum</i>	
Motor omnibuses - - - - -	\$6 <i>per annum</i>	
Trailers - - - - -	\$10 <i>per annum</i>	
Dealer's general licence - -	\$100 <i>per annum</i> in respect of each identification mark.	

1. Odd cents shall be counted as \$1 in calculating the tax payable.

2. The cubic capacity of a motor vehicle shall be that shown in the maker's specification, or, if there is no such specification, shall be calculated by the licensing officer.

**SECOND SCHEDULE**  
(regulations 14(3) and (4))

**Fees payable on examination**

First Test —	
Motor vehicle or trailer	\$5
Motor cycle	\$2
Subsequent Test —	
Motor vehicle or trailer	\$10
Motor cycle	\$4

**THIRD SCHEDULE**  
(regulation 5{3})

**Annual Fee payable on late application**

Late	Fees
1 month	10%
2 month	20%
3 month	30%
4 month	40%
5 month	50%
6 month	55%

Made this 6th. day of Jamadilakhir, 1434 Hijriah corresponding to the 17th. day of April, 2013.

**PEHIN ORANG KAYA HAMZAH PAHLAWAN**  
**DATO SERI SETIA AWANG HAJI ABDULLAH**  
**BIN BEGAWAN MUDIM DATO PADUKA HAJI BAKAR**  
Minister of Communications,  
Brunei Darussalam.