

No. S 3

**THE ROAD TRAFFIC ACT
(CHAPTER 68)**

**ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL)
REGULATIONS, 1987**

In exercise of the power conferred by Section 93 of the Road Traffic Act (Cap. 68), the Minister of Communications with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam hereby makes the following Regulations :—

1. These Regulations may be cited as the Road Traffic (Driving Instructor and Driving School) Regulations, 1987, and shall have come into force on the 1st day of March 1987. Citation and Commencement.

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

"Driving School" means any organisation which provides driving instructors, with motor vehicles for the purpose of giving instruction to pupils in driving motor vehicles ;

"Driving Instructor" means any person who engages for profit in giving instruction to pupils in driving a motor vehicle ;

"Pupil" means any person who is given instruction in driving a motor vehicle by a driving instructor.

3. (1) There shall be established the Motor Vehicles (Driving School Permits) Committee (hereinafter referred to as "the Committee") which shall consist of the following members, that is : Establishment of Committee.
 - (a) the Permanent Secretary or his representative who shall be the Chairman ;
 - (b) the Commissioner of Police or his representative ;
 - (c) the Director of Land Transport Department or the Deputy Director.

(2) The Committee shall determine its own procedure.

(3) Subject to the provisions of these Regulations the Committee on an application for a permit to which Regulations 4 and 6 apply shall have full power in its discretion either to grant or to refuse the application.

(4) The decision of the Committee shall be final.

Driving School or Instructor not to operate without a permit.

4. (1) (a) No person shall operate a driving school unless there is in relation thereto a permit granted in Form 2 of Schedule II hereto, issued in accordance with these Regulations.

(b) No driving instructor shall provide instruction to any pupils in driving a motor vehicle unless such instructor holds a certificate granted in Form 4 of Schedule IV hereto issued in accordance with these Regulations.

(2) Every application for a permit or a certificate shall be made to the Committee.

(3) Every such application shall be in Form 1 of Schedule I and shall be accompanied by a certificate of Registration as required under the Business Names Registration Act (Cap. 92) or a certificate of incorporation under the Companies Act (Cap. 39).

(4) Every application for a permit under this Regulation shall be signed by a Director of the company or a partner of the firm, as the case may be, who is duly authorised to sign on its behalf.

(5) Every application for a certificate under this Regulation shall be signed by the person requiring the certificate.

(6) The Committee may require an applicant to furnish documents or evidence as it may consider necessary for the purposes of considering an application under this Regulation.

Duration of permits and certificates.

5. (1) Every permit that is granted after 1st day of March 1987 shall unless cancelled continue in force for a period of not less than one year and not more than three years with effect from the date on which it is expressed to take effect.

(2) Every certificate that is granted after 1st day of March 1987 shall unless cancelled continue to be in force for a period of one year with effect from the date on which it is expressed to take effect.

Statutory condition of permits.

6. Every permit granted under these Regulations shall be subject to the following conditions which shall be endorsed thereon :

(a) that the permit shall be used only for the district/s for which it is issued ;

(b) a driving school which engages in driving tuition shall prominently display a permit as manifested in Form 2 of Schedule II hereto ; and

(c) that the permit is valid only for the firm or company in whose name it is and shall not be transferable.

7. A person who operates a driving school shall cause, on every vehicle that is to be used for purposes of providing instruction, to display on the back of such vehicle, the name and address of the driving school on a flat rectangular plate or on a flat unbroken rectangular surface forming part of the vehicle which conforms as to lettering and numbering or otherwise as stipulated under the provisions set out in Schedule VII. **Marking on Motor Vehicle.**
8. The permit in Form 3 of Schedule III shall be attached and carried as prescribed on every motor vehicle that is used for providing instruction at all times when such vehicle is in use. **Display of permits.**
9. Every driving instructor who is providing instruction in a motor vehicle on a road shall, on being so required by any police officer not below the rank of Inspector or any Land Transport Department Officer, produce the certificate in Form 4 of Schedule IV issued under these Regulations. **Duty to produce certificates.**
10. (1) Every application for renewal of a permit shall be sent to the Committee at least two calendar months before the expiry date and the provisions of sub-regulations (2), (3), (4) and (5) of Regulation 4 shall accordingly apply in relation to such application. **Application for renewal.**
- (2) If on the date of the expiration of a permit there is pending before the Committee an application by the holder of such permit to be issued to him of a new permit, such permit shall remain in force until the application is disposed of but without prejudice to the exercise in the meantime of the powers of cancellation conferred by these Regulations.
11. The Committee may cancel a permit or certificate without assigning any reason for doing so. **Cancellation of permits.**
12. When a permit ceases to have effect due to effluxion of time or is being cancelled, a holder shall within fourteen days after a notice has been sent or delivered to him, submit the said permit to the Chairman for cancellation. **Return of permits to the Chairman.**
13. If the holder thereof changes his address he shall within seven days from the date of such change notify such change to the Committee. **Notification of change of address.**
14. If a permit or certificate has been lost, destroyed or defaced the holder of a permit or a certificate as the case may be, shall forthwith notify the Chairman who, if satisfied that it has been so lost, destroyed or defaced shall issue a duplicate so marked and the duplicate so issued shall have the same effect as the original permit or certificate. **Issue of duplicate permits.**

Provided that, in the case of a permit or certificate that has been defaced, the duplicate shall be so issued only after the surrender of the original permit or certificate to the Chairman.

- Records and returns.** 15. (1) Every driving school shall maintain records in Forms 5 and 6 of Schedules V and VI respectively.
- (2) Such records shall on request be made available for inspection by any police officer not below the rank of Inspector or to any Licensing Officer or Enforcement Officer.
- (3) Form 5 of Schedule V shall be entered on the date the tuition fee was paid or the date the tuition begins, whichever is the earlier.
- (4) Form 5 of Schedule V shall be kept for a period of three years from the date of the last entry therein.
- Qualification of driving instructors.** 16. (1) No person shall be issued a certificate under Regulation 4 (1) (b) unless :—
- (a) he holds a driving licence authorising him to drive a motor vehicle of the group in which he is to give instruction ;
- (b) he has held such driving licence for a period of not less than five years immediately prior to the date of his engagement as a driving instructor ; and
- (c) he has never been convicted of an offence under the Act or any Regulations made thereunder when he had his driving licence endorsed or when he was suspended from driving for any period.
- (2) The Committee may require a driving instructor to attend courses or to pass a test of competency in such a form as may be prescribed.
- (3) The Committee may withdraw a certificate issued under Regulation 4(1)(b) in the event of an instructor's failure to pass the test of competency.
- Driving tests and driving licences.** 17. No person operating a driving school or his authorised representative shall on behalf of any pupil, have any communication with any Land Transport Department Officer below the rank of Licensing Officer or Enforcement Officer in any matter concerning driving tests or driving licences.
- Times and places of instruction on road.** 18. Any officer-in-charge of a Police Station after consultation with a Licensing Officer or Enforcement Officer may prescribe for any driving school or driving instructor in regard to the times and places when instruction to pupils may be given on any specified road and the driving instructor shall comply therewith.
- Offences.** 19. Any person who contravenes or fails to comply with the provisions of Regulations 4, 6, 7, 8, 9, 10, 12, 16 and 17 or any of the conditions and restrictions subject to which any permit or certificate is issued under these Regulations shall be guilty of an offence : Penalty, imprisonment for 6 months or a fine of \$4,000.00 or both.

20. The Minister may, if and when he is satisfied that it is in the public interest to do so, exempt any driving instructor from the provisions of all or any of the provision of the Regulations. **Exemption.**

Made this 1st day of March 1987.

BY COMMAND

PEHIN ORANG KAYA LAILA WIJAYA
DATO SERI SETIA AWANG HAJI ABDUL AZIZ UMAR
Minister of Communications,
Brunei Darussalam.

SCHEDULE I
ROAD TRAFFIC ACT (CAP. 68)

FORM 1

ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 4 (3))

APPLICATION FORM FOR PERMIT TO OPERATE A DRIVING SCHOOL

1. (a) Name of Driving School :
-
- (b) Address :
-
- Tel. No. :
2. Business Registration Certificate No. :
- or Certificate of Incorporation No. :
3. The name of every Driving Instructor employed or engaged by the applicant : ...
-
-
4. Particulars of the Licence of the Driving Instructor/s :
-
-
5. Particulars of every vehicles used by the applicant :
-
-
6. Remarks (if any) :
-

.....
(Signature of Applicant)

(For Official Use)

1. Permit Exemption by the Minister ref. no. :
- dated :
2. Instruction from OCPD/DLTD (if any) :

**SCHEDULE II
ROAD TRAFFIC ACT (CAP. 68)**

FORM 2

**ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 4 (1)(a))**

THE MOTOR VEHICLES (DRIVING SCHOOL PERMITS) COMMITTEE hereby
authorises :

.....

whose address is :

to use vehicle Registration No. for purposes of providing
instruction in driving motor vehicle category subject to
the provisions of the Road Traffic Act (Cap. 68) and any subsidiary legislation made
thereunder.

Date :

Expiry Date :

.....

**Chairman
Motor Vehicle (Driving
School Permits) Committee**

CONDITIONS :

SCHEDULE III
ROAD TRAFFIC ACT (CAP. 68)

FORM 3

ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 8)

THE MOTOR VEHICLES (DRIVING SCHOOL PERMITS) COMMITTEE hereby
authorises :

.....

whose address is :

to use vehicle Registration No. for purposes of providing
instruction in driving motor vehicle category subject to
the provisions of the Road Traffic Act (Cap. 68) and any subsidiary legislation made
thereunder.

Date :

Expiry Date :

.....
Chairman
Motor Vehicles (Driving
School Permits) Committee

NOTE : This is to be kept inside the vehicle.

SCHEDULE IV
ROAD TRAFFIC ACT (CAP. 68)

FORM 4

ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 9)

CERTIFICATE FOR DRIVING INSTRUCTOR

NO. : DATE :

LAND TRANSPORT DEPARTMENT,
BRUNEI DARUSSALAM.

CERTIFICATE FOR DRIVING SCHOOL (UNDER REGULATION 16 (1)),
ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL)
REGULATIONS, 1987

NAME :

ADDRESS :

I/C NO. :

DATE OF BIRTH :

NATIONALITY :

is hereby appointed as Driving Instructor to teach learners driving a vehicle under
class

.....
Chairman
Motor Vehicles (Driving
School Permits) Committee

.....
(Owner's Signature)

CONDITIONS : This Certificate MUST always be kept inside vehicle.

**SCHEDULE V
ROAD TRAFFIC ACT (CAP. 68)**

FORM 5

**ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 15(1))**

DRIVING TUITION RECORD

Name of Pupil : Sex : Age : Identity Card No. :
(In Block Letters)

Full Address : Telephone No. (if any) :

Particulars of Provisional Driving Licence :

No. : Date of Issue : Place of Issue : Date of Expiry :

Vehicle groups applied for Fees agreed (Full course per lesson)

Date pupil tested by LTD Date of passing test :

FEES PAID			TUITION GIVEN				
Date	Receipt No.	Amount	Date	From	To	Instructor's Name	Instructor's Report on Progress

**SCHEDULE VI
ROAD TRAFFIC ACT (CAP. 68)**

FORM 6

**ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL) REGULATIONS, 1987
(Regulation 15(1))**

REGISTER OF ALL EMPLOYERS/EMPLOYEES

Name	Address	Identity Card No.	Designation	If Driving Instructor, Driving Licence No. and Date of First Issuance of Licence	Date of Appointment	Date Terminated

SCHEDULE VII
ROAD TRAFFIC ACT (CAP. 68)

ROAD TRAFFIC (DRIVING INSTRUCTOR AND DRIVING SCHOOL), 1987
(Regulation 7)

The name and address of a driving school shall be clearly painted or formed in letters or numbers not less than 30 mm high onto a flat white rectangular plate or surface 250 mm high and 350 mm wide. (The corners of the plate or surface may be rounded off, if necessary).