

No. S 23

**ROAD TRAFFIC ACT
(CHAPTER 68)**

ROAD TRAFFIC (DRIVING LICENCES) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY

1. Citation and commencement.
2. Interpretation.

PART II

APPLICATION FOR DRIVING LICENCE

3. Driving licence.
4. Applicants above age of 70 years old.
5. Disabilities.

PART III

DRIVING TEST

6. Nature of driving test.
7. Appointment of time and place for test.
8. Driving test to drive Class 4, 5, 6, 6A, 11 or 12 vehicle.
9. Exemption for applicant holding other recognised driving licence.

PART IV

DRIVING LICENCE

10. Particulars to be entered in driving licence.

11. Validity of driving licence.
12. Renewal of driving licence.
13. Renewal after lapse of time.
14. Register of driving licences.

PART V

PROVISIONAL DRIVING LICENCE

15. Issue of provisional driving licence.
16. Conditions of provisional driving licence.

PART VI

GENERAL

17. Transmission of court orders to licensing officer.
18. Fees.
19. Production of driving licence.
20. Replacement of lost or defaced driving licence.
21. Notification of change of name or address.
22. Penalties.
23. Amendment of Regulation 1 of Chapter 68.
24. Transitional and saving provisions.

FIRST SCHEDULE — FEES

SECOND SCHEDULE — “L” PLATE

**ROAD TRAFFIC ACT
(CHAPTER 68)**

ROAD TRAFFIC (DRIVING LICENCES) 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 and commencement.

1. These Regulations may be cited as the Road Traffic (Driving Licences) Regulations, 2013 and shall commence on the day that they are made.

Interpretation.

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

“articulated vehicle” means a motor vehicle drawing another vehicle in such a manner that part of that other vehicle is superimposed on the first-mentioned motor vehicle and when that other vehicle is uniformly loaded, not less than 20 *per cent* of the weight of its load is borne by that first-mentioned motor vehicle;

“driving licence” means a driving licence issued under regulation 3 and includes a provisional driving licence;

“driving test” means the driving test referred to in regulations 6 and 8;

“medical practitioner” means a medical practitioner registered under the Medical Practitioners and Dentists Act (Chapter 112);

“provisional driving licence” means a provisional driving licence issued under regulations 15 and 16.

PART II

APPLICATION FOR DRIVING LICENCE

Driving licence.

3. Any person who wishes to obtain or renew a driving licence shall make an application to the Director in such form and manner and shall furnish such particulars and produce such documents as the Director may require.

Applicants above age of 70 years old.

4. (1) The Director may require an applicant for a driving licence who has reached the age of above 70 years old to undergo a medical examination stating that he is fit to drive by a registered medical practitioner of his own choice, or by such registered medical practitioner as the Director may direct, at his own cost.

(2) Where the applicant fails to be certified physically and mentally fit by a registered medical practitioner, the Director shall not renew his driving licence for any of the classes of vehicles for which he was authorised to drive.

Disabilities.

5. (1) An applicant for a driving licence shall not be entitled to claim to be subjected to a test as to his fitness or ability to drive a motor vehicle under regulations 15 and 16 if —

(a) he is suffering from a mental disorder;

(b) he is suffering from epilepsy;

(c) he is liable to sudden attacks of disabling giddiness or fainting;

(d) he is not able to read at a distance of 23 metres (with visual aids, if applicable) a series of 6 letters and figures in white on a black reflective background of the same size and arrangement as those prescribed for the identification mark of a motor vehicle; or

(e) he is not able to distinguish the colours red, amber and green from a distance of 23 metres.

(2) In sub-regulation (1)(a), “mental disorder” includes idiocy and any mental disorder for which an order has been made under any written law with respect to mental disorder for his detention or his delivery to the care and custody of a relative or friend or, where he is a patient in a mental hospital, for his temporary absence from that hospital.

PART III

DRIVING TEST

Nature of driving test.

6. An applicant for a driving licence shall be considered to have passed the driving test and shall be issued with a driving licence, after payment of the fee prescribed in the First Schedule, if he satisfies the examiner that —

(a) he is able to read at a distance of 23 metres (with visual aids, if worn) a motor vehicle number plate containing letters and figures;

(b) he is able to distinguish the colours red, amber and green from a distance of 23 metres; and

(c) he has passed a driving test carried out in accordance with such written instructions as may be issued from time to time by the Director.

Appointment of time and place for test.

7. Any person who wishes to take a driving test shall make an application to the Director who, upon payment of the fee prescribed in the First Schedule, shall arrange a time and place for the test to be conducted.

Driving test to drive Class 4, 5, 6, 6A, 11 or 12 vehicle.

8. Any person who wishes to submit himself for a driving test to drive a Class 4, 5, 6, 6A, 11 or 12 vehicle shall satisfy the Director that he has already obtained a driving licence to drive a Class 3 vehicle.

Exemption for applicant holding other recognised driving licence.

9. (1) An applicant for a driving licence may be exempted from undergoing a driving test if —

(a) he is licensed or authorised to drive a motor vehicle of the class for which he desires a driving licence by the competent authority of a country or territory other than Brunei Darussalam; and

(b) he knows and understands the provisions of the Highway Code issued under section 95:

Provided that in the case of a person resident outside Brunei Darussalam, he must further satisfy the Director that he does not intend to permanently reside in Brunei Darussalam.

(2) The Director may, subject to such conditions as he thinks fit, issue to such applicant a driving licence, to drive a motor vehicle of the class for which he desires a driving licence on payment of the fee prescribed in the First Schedule.

PART IV

DRIVING LICENCE

Particulars to be entered in driving licence.

10. (1) A driving licence shall be in such form and shall contain such particulars as the Director may require.

(2) A driving licence may be issued subject to such conditions as the Director thinks fit.

(3) A driving licence may authorise the holder thereof to drive any one or more classes of motor vehicles as are specified in the driving licence.

(4) The holder of a driving licence shall not make any mark or entry upon, or erase, cancel or alter any mark or entry contained in his driving licence.

Validity of driving licence.

11. A driving licence shall be valid from the date of issue, unless sooner suspended, cancelled or revoked, for a period of one year, 3 years, 5 years, 10 years or such other period as may be determined by the Director:

Provided that —

(a) a provisional driving licence shall be valid for a period of not more than 3 months from the date of issue;

(b) a new driver's driving licence shall only be valid for a period of one year;

(c) a driving licence issued to an applicant who has reached the age of above 70 years old shall only be valid for a period of one year;

(d) a driving licence issued under regulation 9(2) shall only be valid for a period of not more than one year from the date of issue;

(e) for a foreign driver, the validity of his driving licence to drive any class of heavy vehicle or public service vehicle shall only be valid for a period of not more than one year from the date of issue;

(f) no class of heavy vehicle or public service vehicle shall be added or renewed unless the applicant is in possession of a satisfactory medical certificate;

(g) other than Class 2, 4, 5, 6, 6A, 11 or 12, a driving licence to drive an additional class of vehicle endorsed on an existing driving licence shall be valid for the same period as the existing driving licence;

(h) when a driving licence is limited to the driving of vehicles of a particular construction or design, particulars of such limitations shall be entered on such driving licence.

Renewal of driving licence.

12. (1) An application for renewal can be made before or on the expiry date of the driving licence, in which case the commencement date of the new driving licence is taken to run from the day immediately after the expiry date of the old driving licence.

(2) If an application for renewal is made after the expiry of the driving licence, the commencement date of the new driving licence runs from the day the driving licence is renewed.

(3) Where a person fails to renew the driving licence after a period of 60 days has lapsed since the expiry date of the driving licence, the Director may impose the late payment fee prescribed in the First Schedule in addition to the prescribed fee.

(4) A person applying for renewal must produce to the licensing officer any driving licence or provisional driving licence already held by him.

Renewal after lapse of time.

13. Where a driving licence has lapsed after a period of 3 years or more, the Director shall not renew the driving licence or grant a new driving licence to the person who held such a driving licence unless —

(a) he passes the test under regulation 6; or

(b) the Director is satisfied that, at some time within 3 years before the date of the application, the applicant has held a driver's certificate or driving licence issued by a competent authority in any country or territory authorising him to drive a motor vehicle of the class or description which he would be authorised to drive by the driving licence applied for.

Register of driving licences.

14. (1) The Director shall cause to be kept a register containing all particulars as determined by him of all driving licences issued.

(2) The Register shall include the particulars of any order of court transmitted to a licensing officer under regulation 17.

PART V

PROVISIONAL DRIVING LICENCE

Issue of provisional driving licence.

15. (1) A provisional driving licence to learn to drive a Class 3 vehicle shall not be issued to an applicant unless —

(a) he is able to read at a distance of 23 metres (with visual aids, if applicable) a motor vehicle number plate containing letters and figures; and

(b) he is able to distinguish the colours red, amber and green from a distance of 23 metres.

(2) An applicant shall not be issued with a provisional driving licence to drive a Class 4, 5, 6 or 6A vehicle, unless he is the holder of a driving licence authorising him to drive a Class 3 vehicle for not less than a year and has obtained the age of 21 years.

Conditions of provisional driving licence.

16. The holder of a provisional driving licence shall comply with the following conditions —

(a) he shall use the provisional driving licence while under the supervision of a driving instructor, as defined in regulation 2 of the Road Traffic (Driving Instructor and Driving School) Regulations, 1987 (S 3/1988);

(b) the driving instructor shall be present with him and, where the seating arrangement of the motor vehicle renders it practicable, shall be seated alongside him; and

(c) he shall, while the motor vehicle is being driven by him, clearly display in a conspicuous position at the front and at the rear of the vehicle a plate containing the red letter "L" on a white ground in the form as set out in the Second Schedule.

PART VI

GENERAL

Transmission of court orders to licensing officer.

17. Where upon the conviction of any person for any offence, the court orders that any person be disqualified from applying for or from holding a driving licence, or that the particulars of such conviction be endorsed on the driving licence held by that person, the court shall cause a copy of such order to be transmitted to the licensing officer concerned for registration for the purposes of regulation 14.

Fees.

18. (1) The fees prescribed in the First Schedule shall be paid in respect of the matters to which they relate.

(2) Such fees shall be payable in advance and shall not be refundable.

Production of driving licence.

19. The Director or any person authorised in writing by the Director may by notice require the holder of a driving licence to produce his driving licence for inspection at a time and place specified in the notice.

Replacement of lost or defaced driving licence.

20. (1) If the holder of a driving licence satisfies the Director that his driving licence has been lost or defaced, the Director shall on receipt of an application in such form as the Director may determine and on payment of the fee prescribed in the First Schedule, issue a replacement driving licence to him and the replacement driving licence so issued shall have the same effect as the original.

(2) If at any time after the issue of a replacement driving licence the original driving licence is found, the person to whom the original driving licence was issued shall immediately return it to the licensing officer or, if that driving licence is not in his possession, shall take all reasonable steps to obtain possession of it and shall immediately return it to the licensing officer.

Notification of change of name or address.

21. The holder of a driving licence shall notify the licensing officer of every change of —

(a) name, whether by marriage or by any other reason;

(b) address; or

(c) serial number of identity card issued under the National Registration Act (Chapter 19),

within one month of the date of such change or, if at the time of such change he is not in Brunei Darussalam, within one month of his return to Brunei Darussalam.

Penalties.

22. Any person who fails to comply with or who contravenes any provision 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.

23. Part IV, the Fifth Schedule, the Sixth Schedule, the Seventh Schedule, the Eighth Schedule and the Ninth Schedule to the Road Traffic Regulations are repealed.

Transitional and saving provisions.

24. Any driving licence issued to a person before the commencement date of these Regulations and which continues to be valid immediately before that date shall be deemed to be a licence issued under these Regulations for the remaining period of the driving licence and shall subsist until its expiry, and may be renewed, suspended or revoked or otherwise dealt with in accordance with the provisions of these Regulations.

FIRST SCHEDULE (regulations 6, 7, 9(2), 12(3),
18 and 20)

FEES

1. Endorsement other class of vehicle driving licence	\$ 10
2. Issue or renewal of —	
(a) driving licence valid for one year or less	\$ 10
(b) driving licence valid for 3 years	\$ 30
(c) driving licence valid for 5 years	\$ 50
(d) driving licence valid for 10 years	\$ 100

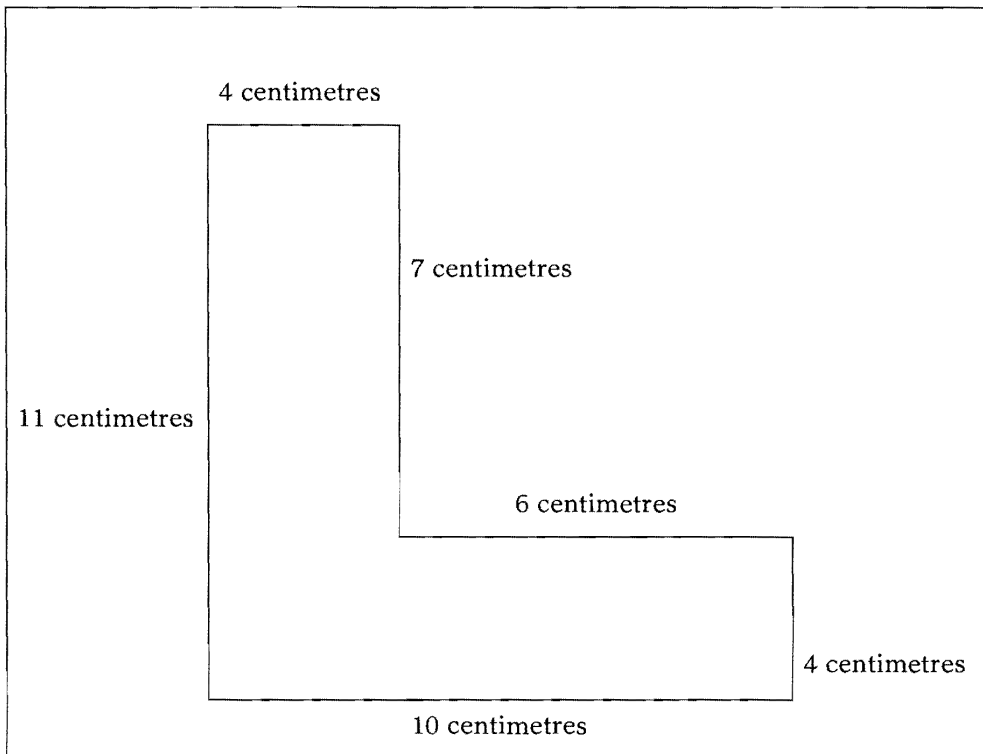
3. Practical driving test —	\$ 10
4. Provisional driving licence —	
(a) issue	\$ 5
(b) renewal	\$ 10
5. Replacement/Duplicate driving licence —	
(a) driving licence	\$ 10
(b) provisional driving licence	\$ 10
6. Late payment	\$ 10

SECOND SCHEDULE

(regulation 16(c))

“L” PLATE

18 centimetres



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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.