

No. S 64

**ROAD TRAFFIC ACT
(CHAPTER 68)**

ROAD TRAFFIC (DEMERIT POINTS) REGULATIONS, 2013

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ROAD TRAFFIC ACT
(CHAPTER 68)

ROAD TRAFFIC (DEMERIT POINTS) REGULATIONS, 2013

In exercise of the power conferred by sections 47A(2) and 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 —

Citation and commencement.

1. These Regulations may be cited as the Road Traffic (Demerit Points) Regulations, 2013 and shall commence on the same date as the Road Traffic Act (Amendment) Order, 2013.

Interpretation.

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

“driving licence” means a driving licence issued under section 17;

“prohibition order” means the order against a foreign tourist made by the Director under regulation 7(1);

“scheduled offence” means an offence against any provision of the law as set out in the first and second columns of the Schedule.

Award of demerit points.

3. (1) Demerit points as set out in the third column of the Schedule shall be awarded against the holder of a driving licence or a foreign tourist who —

(a) has been convicted of a scheduled offence; or

(b) has paid the sum of money required to be collected towards compound in respect of the scheduled offence to which he is reasonably suspected of having committed.

(2) Any demerit points awarded under sub-regulation (1) shall take effect —

(a) in the case of sub-regulation (1)(a), from the date of conviction;

(b) in the case of sub-regulation (1)(b), from the date the holder of the driving licence or foreign tourist is reasonably suspected of having committed the scheduled offence.

(3) The Director shall keep a register setting out the names and other particulars of all holders of driving licences and foreign tourists against whom demerit points has been awarded.

Effect of award of less than 24 demerit points.

4. Where a person has been awarded a total number of less than 24 demerit points within 12 consecutive months subsequent to the last award of those demerit points against such person, the total demerit points so awarded shall be disregarded.

Suspension of driving licence.

5. (1) The Director may suspend, for a period of not exceeding 36 months, the driving licence of any person against whom, within a period of 24 consecutive months, a total number of 24 or more demerit points has been awarded.

(2) Subject to sub-regulation (3), where the driving licence of a person has been suspended under sub-regulation (1), then notwithstanding sub-regulation (1), whenever subsequent to the date of expiry of the suspension period, such person has been awarded, within a period of 12 consecutive months, a total number of 12 or more demerit points, the Director may suspend further the driving licence of that person for a period not exceeding 36 months.

(3) Sub-regulation (2) does not apply where the person referred to in that sub-regulation does not commit any scheduled offence for a period of 24 consecutive months subsequent to the date of expiry of the suspension period or the date of expiry of the period for which he is disqualified by an order of court made on or after the commencement of these Regulations from holding or obtaining a driving licence, as the case may be.

(4) For the purposes of sub-regulation (3), all demerit points awarded against such person before the starting date of the suspension period for which his driving licence is suspended or any period for which he is disqualified by an order of court made, shall be disregarded.

(5) In calculating the number of demerit points which will render such person's driving licence liable to suspension under sub-regulation (1) or (2), only such demerit points shall be taken into account as have been awarded against that person within a total period of 24 consecutive months or 12 consecutive months, as the case may be, and all demerit points awarded against him before that period shall be disregarded.

Revocation of licence.

6. (1) The Director may revoke —

(a) a driving licence, not being a provisional driving licence, if —

- (i) the driving licence has been further suspended under regulation 5(2); and
- (ii) the holder of such driving licence has been awarded, within a period of 12 consecutive months subsequent to the date of expiry of such suspension, a total of 12 or more demerit points;

(b) a driving licence of a probationary driver, if the holder of such driving licence has been awarded, within a period of 12 months from the date such licence is issued, a total of 13 or more demerit points.

(2) The holder of the driving licence revoked under sub-regulation (1) shall not be eligible to apply for a new driving licence within a period of one year of such revocation.

(3) In this regulation, “probationary driver” means a person who has held a driving licence for less than one year from the date of issue of the licence to him.

Prohibition order against foreign tourist.

7. (1) The Director may by order prohibit a foreign tourist who has been awarded a total of 24 or more demerit points within a period of 24 consecutive months from driving all classes of vehicles in Brunei Darussalam for a period not exceeding 36 months.

(2) Subject to sub-regulation 3, where —

(a) a prohibition order has been made against a foreign tourist; or

(b) an order has been made by a court on or after the commencement of these Regulations prohibiting a foreign tourist from driving any motor vehicle in Brunei Darussalam,

whenever subsequently the foreign tourist has been awarded a total of 12 or more demerit points within a period of one year, the Director may make a prohibition order against him for a period not exceeding 36 months.

(3) Sub-regulation (2) does not apply to a foreign tourist who has not committed any scheduled offence for a period of 24 consecutive months from —

(a) the date of expiry of the prohibition order; or

(b) the date of an order made by a court on or after the commencement of these Regulations prohibiting him from driving any motor vehicle in Brunei Darussalam,

as the case may be.

(4) In calculating the number of demerit points for the purposes of sub-regulation (1) or (2), only such demerit points shall be taken into account as have been awarded against the foreign tourist within the period of 24 consecutive months or 12 consecutive months, as the case may be, calculated from the date of the first award of demerit points within that period and all demerit points awarded before that period shall be disregarded.

(5) Where the holder, who has not been subjected to suspension and does not commit any scheduled offence for any period of 12 consecutive months, every demerit point awarded against him before that period shall be disregarded for the purposes of calculating the total number of demerit points under sub-regulation (1) or (2).

Director to send notice.

8. (1) The Director shall —

(a) notify the foreign tourist concerned by notice in writing, of the date on which the Director intends to make a prohibition order against him; and

(b) require the foreign tourist to show cause within 14 days from the date of the notice as to why a prohibition order should not be made against him.

(2) On the date specified in the notice, the Director shall, after taking into consideration such facts in mitigation as may be submitted by the foreign tourist, make such order as he thinks fit.

Notice of prohibited order.

9. (1) The Director shall, upon making a prohibition order against a foreign tourist, serve on him a notice of that order.

(2) A notice of the prohibition order shall be deemed to have been duly served if it is addressed to the foreign tourist and sent by registered post to the foreign tourist's last known address in Brunei Darussalam, if available, or to his last known address in another country or territory.

Appeal by foreign tourist.

10. (1) The foreign tourist may, if aggrieved by the prohibition order made against him under regulation 7, within 14 days of the receipt of the prohibition order, appeal to the Director whose decision shall be final.

(2) The Director may, after taking into consideration such facts in mitigation as may be submitted by the foreign tourist, revoke the prohibition order or shorten the effective period of the prohibition order.

SCHEDULE (regulations 2 & 3(1))

SCHEDULED OFFENCES AND DEMERIT POINTS TO BE AWARDED

PART I

ROAD TRAFFIC ACT

Offences			Demerit points
1.	Section 8(1)	Invalid motor vehicle licence	6
2.	Section 16	Driving motor vehicle without valid driving licence	6
3.	Section 24 First Schedule	Exceeding speed limit impose on road or on vehicle up to 30 km/h	8
	(a) Speed Limit	Exceeding speed limit impose on road or on vehicle by more than 30 km/h up to 40 km/h	9
	Direction and	Exceeding speed limit impose on road or on vehicle by more than 40 km/h up to 50 km/h	12
	(b) Speed Limit Area	Exceeding speed limit impose on road or on vehicle by more than 50 km/h up to 60 km/h	18
		Exceeding speed limit impose on road or on vehicle by more than 60 km/h	21
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SCHEDULE – *continued*

	Offences	Demerit points
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12.	Section 37 Offences in connection with stationary motor vehicle	3
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PART II

ROAD TRAFFIC REGULATIONS,
(Rg 1 of Chapter 68)

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2.	Regulation 31(2) Pneumatic tyre cord carcass fabric exposed	6
3.	Regulation 36 Motor vehicle left unattended	3

SCHEDULE – *continued*

		Offences	Demerit points
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5.	Regulation 106	Prohibition against red lights being shown to the front	6
6.	Regulation 107	Prohibition against white lights being shown to the rear	6
7.	Regulation 109	Obligatory front lamps to be white	6
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9.	Regulation 147	Failing to keep left	3
10.	Regulation 147A	Failing to give way to ambulance, fire brigade or police vehicle	3
11.	Regulation 148	Improper overtaking or passing	3
12.	Regulation 149	Parking	3
13.	Regulation 150	Turning or stopping without signals	3
14.	Regulation 151	Duty to obey direction of police officer on traffic duty	6
15.	Regulation 152	No person driving or in charge of a vehicle shall cause or permit any person stand or to sit in such manner or position as to hamper him in the control of the vehicle	3
16.	Regulation 152A	Driving etc. into yellow box	4

SCHEDULE – continued**PART III****MOTOR CYCLES (PROTECTIVE HELMETS) REGULATIONS, 1977**
(S 42/1977)

	Offence	Demerit points
Regulation 4	Rider failing to wear or wear insecurely on his head a protective helmet	9

PART IV**MOTOR VEHICLES (SEAT BELTS) REGULATIONS, 1988**
(S 14/1989)

	Offence	Demerit points
Regulation 8(1)	Driver and passenger to wear seat belt	9

PART V**ROAD TRAFFIC (PEDESTRIAN CROSSINGS) REGULATIONS, 2002**
(S 45/2002)

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(S 14/2004)

	Offence	Demerit points
Regulation 4	Use of seat-belts by children	6

SCHEDULE – *continued*

PART VII

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(S 32/2006)**

	Offence	Demerit points
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Made this 1st. day of Zulkaedah, 1434 Hijriah corresponding to the 7th. day of September, 2013.

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