

LAWS OF BRUNEI

CHAPTER 68 ROAD TRAFFIC

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LAWS OF BRUNEI

REVISED EDITION 2022

CHAPTER 68

ROAD TRAFFIC

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ROAD TRAFFIC ACT

An Act to make provision for the regulation of traffic on roads and other matters with respect to roads and vehicles thereon, for the co-ordination and control of means of and facilities for transport, for the co-ordination and control of means of and facilities for construction and adaptation of vehicles, and for matters connected therewith or incidental thereto

Commencement: 1st January 1956
[S 61/1955]
(except for section 9 (S 39/2004))

PART 1

PRELIMINARY

Citation

1. This Act may be cited as the Road Traffic Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires —

“authorised analyst” in sections 26F and 26G, means a medical practitioner, scientific officer or chemist, who is employed in a hospital or laboratory to carry out analyses of blood;

“breath test” in sections 26C to 26E, means a test for the purpose of obtaining, by means of a breath-analyser or any other device approved by the Commissioner of Police, an indication whether the proportion of alcohol in person’s breath or blood is likely to exceed the prescribed limit;

“Code” means the Highway Code authorised under section 95;

“contract carriage” means a motor omnibus which carries passengers for hire or reward under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;

“dealer” means a person to whom a dealer’s general licence has been issued under Part 3;

“Director” means the Director of Land Transport and includes any Deputy Director appointed under section 3(2);

“driver”, in relation to a motor vehicle, means the person having control of the steering apparatus thereof, including, in relation to a motorcycle, the rider thereof, and in respect of trailer, means the person driving the motor vehicle by which the trailer is being drawn;

“driving licence” includes a provisional driving licence;

“examiner” means any person appointed to be an examiner under section 3(2);

“foreign tourist” means a person resident outside Brunei Darussalam who is temporarily in Brunei Darussalam and who holds a foreign driving licence;

[S 63/2013]

“franchise” includes —

(a) the grant either of an exclusive right to maintain a public service of road transport within a regulated area or part thereof, or the right to operate, within a regulated area or part thereof, a public service of road transport by a vehicle or vehicles for which a public service vehicle licence is required which is not available to all persons holding licences of the same class:

Provided that a right granted is deemed to be a franchise for the purpose of this part of this definition notwithstanding that it does not exclude the Government or persons to whom an exemption has been granted and notwithstanding that it may cease to be exclusive by virtue of the exercise by the Licensing Authority of the powers conferred by this Act or by any franchise issued hereunder; and

(b) whether or not paragraph (a) applies, the grant of the right under section 64 to operate within a regulated area or part thereof a stage carriage of any class or description of public service vehicle to which section 64 from time to time applies;

“goods service vehicle” means a motor vehicle ordinarily used for the carriage of goods for hire or reward;

“gross weight” means the net weight of a motor vehicle together with such weight of goods or passengers or both as the vehicle may be authorised in terms of this Act to carry;

“heavy vehicle” means a motor vehicle exceeding 8,000 lb gross weight;

“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 intoxicating;

[S 59/2008]

“Licensing Authority” means the Motor Transport Licensing Authority established under section 49;

“licensing officer” includes the Director, and any licensing officer appointed under section 3;

“local authority” includes any Municipal Board set up under section 3 of the Municipal Boards Act (Chapter 57);

“motorcycle” means a motor vehicle with less than four wheels the net weight of which does not exceed 896 pounds;

“motor omnibus” means a public service vehicle having seating accommodation for seven or more passengers;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads;

“net weight” means the actual weight of a motor vehicle when unladen, but inclusive of the weight of the body, the full amount of water, fuel and accumulators which can be normally carried and used for the purposes of propulsion, the normal full equipment of loose tools and accessories, and all water carried in the radiator;

“owner” means the person in whose name a motor vehicle is registered by a licensing officer:

Provided that in the case of a vehicle which is the subject of a hire-purchase agreement, the term means the person in possession of the vehicle under that agreement;

“passenger” does not include the driver or conductor of a motor vehicle;

“person” shall have the meaning assigned to it by the Interpretation and General Clauses Act (Chapter 4);

“police station” in sections 26C and 26D, includes any place or conveyance authorised by the Commissioner of Police to be used as a police station;

“prescribed limit” in sections 26, 26A, 26B, 26C and 26F, means —

[S 59/2008]

(a) 35 microgrammes of alcohol in 100 millilitres of breath; or

(b) 80 milligrammes of alcohol in 100 millilitres of blood;

“public service vehicle” means a motor vehicle ordinarily used, whether in part or in whole, for the purpose of conveying passengers or goods or both, for hire or reward, whether under contract to a person plying for hire or generally, and, in the case of a tractor, includes any trailer attached to it;

“regulated area” means any area declared to be a regulated area under section 48;

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes;

“stage carriage” means a motor vehicle that carries passengers for hire or reward at separate fares on a previously determined route;

“taxicab” means a motor vehicle licensed to carry not more than six passengers carrying passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole at or for a fixed agreed rate or sum;

“tractor” means a motor vehicle which is used for the purpose of drawing one or more trailers but which is not itself designed to carry any load;

“traffic” includes vehicles of every description, pedestrians, processions, and bodies of troops and all animals being ridden, driven or led;

“trailer” means any vehicle, which has no independent motive power of its own, and which is attached to or driven by a motor vehicle or is designed or intended to be so attached or drawn, but does not include a side-car in the case of a motorcycle;

“vehicle” means any vehicle, including a trailer, constructed, adapted or capable of being used on roads, whether mechanically propelled or not.

(2) For the purposes of sections 26C to 26G —

(a) a person does not provide a specimen of breath for a breath test for analysis unless the specimen is sufficient to enable the test or the analysis to be carried out and is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved;

(b) subject to section 26G, a person provides a specimen of blood only if he consents to it being taken by a medical practitioner and it is so taken.

PART 2

REGISTRATION OF MOTOR VEHICLES

Appointment of Director etc.

3. (1) There shall be a Director of Land Transport appointed by His Majesty the Sultan and Yang Di-Pertuan.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan appoint such number of Deputy Directors, Assistant Directors, licensing officers, enforcement officers, examiners and other officers as His Majesty the Sultan and Yang Di-Pertuan may consider necessary for the carrying out of the provisions of this Act and the regulations made thereunder.

[S 63/2013]

(3) All such officers when appointed shall be under the direction of the Director.

(4) All licences and registration books issued under this Act shall be issued by licensing officers on behalf of the Director.

Registers of motor vehicles and trailers

4. (1) The Director shall keep registers of motor vehicles and trailers in such form as may be prescribed and separate registers shall be kept by the licensing officer in any locality as directed by the Director.

(2) Every licensing officer shall forward to the Director a copy of every entry made in his local register.

(3) Any licensing officer shall, upon application being made to him by any other licensing officer, supply a copy of the entries in his register relating to any specified vehicle.

(4) Every licensing officer shall also upon application and upon payment of a prescribed fee supply to any person a copy of the entries relating to any specified vehicle.

Registration of motor vehicles and trailers

5. (1) Save as hereinafter provided, no person shall use or, being the owner, shall permit any other person to use a motor vehicle or trailer on a road unless such vehicle is registered under this Act and has affixed thereto in the prescribed manner the prescribed identification mark. Any person who contravenes this section is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for 3 months:

Provided that no person shall be liable to a penalty for a breach of this section if he proves that he has taken all reasonable steps to comply with its requirements.

(2) A registration book containing such particulars as are prescribed shall be supplied by the licensing officer to the owner of every vehicle so registered.

(3) If a vehicle does not bear on it an identification mark as provided by this section, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered, and any police officer in uniform may thereupon detain such vehicle until he has reason to believe that such vehicle has been registered under this section.

Exemptions from need for registration

6. The following classes of motor vehicles shall be exempted from the need for registration —

(a) new motor vehicles and trailers in the possession of manufacturers or dealers in motor vehicles, but subject to the provisions relating to dealers' general licenses hereinafter contained;

(b) motor vehicles and trailers brought into Brunei Darussalam by visitors, and exempted from registration in accordance with any regulations made under this Act.

Examination of vehicles

7. (1) Before registering any motor vehicle or trailer, the licensing officer shall verify all the particulars entered in the application form, and may, if he deems it necessary, send any vehicle to be examined by an examiner for the purpose of ensuring that it is of suitable construction and in suitable condition for the purpose for which it is sought to register the vehicle.

(2) Any police officer shall have power to send, in accordance with such regulations as may be prescribed, for examination by an examiner any motor vehicle or trailer which appears to him to be in such a state of disrepair as to constitute a danger to other users of the road or to any person carried in the motor vehicle.

(3) Every licensing officer shall have power to call up for examination at a specified time and place by an examiner at any time any motor vehicle or trailer for the purpose of ensuring that the vehicle or trailer is in a fit and proper state of repair and conforms with the provisions of this Act and the regulations made thereunder.

(4) If any owner of a motor vehicle or trailer is aggrieved at any decision of an examiner, he may within 30 days thereof require that the decision be confirmed by the Director who may confirm the decision or modify it in such respects as appear to him to be required.

(5) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for the examination, by any person authorised by the Minister, of any vehicle and for purposes connected therewith, and for the issue, where the vehicle is found on such examination

to comply with any prescribed requirements relating to its construction and condition, of a certificate that at the date of such examination those requirements had been complied with.

(6) Regulations made under subsection (5) may make different provision in respect of different vehicles or classes of vehicles.

PART 3

LICENSING OF MOTOR VEHICLES

Motor vehicles to be licensed

8. (1) No person shall use on a road a motor vehicle or trailer for which a motor vehicle licence is not in force, or use a motor vehicle for a purpose not authorised by the motor vehicle licence in force for the use thereof:

Provided that nothing in this section shall apply to —

(a) use of a motor vehicle or trailer by a dealer under and in accordance with a licence under section 11; or

(b) use by a registered owner solely on private roads.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of \$4,000 and imprisonment for 3 months.

(3) Where a licence has been granted in respect of a motor vehicle to be used for a certain purpose or purposes, and such motor vehicle is at any time during the period for which the licence is in force used for another purpose, the person so using the motor vehicle or causing or permitting the use thereof shall, if the fee chargeable in respect of a licence for a motor vehicle used for such other purpose is higher than the fee chargeable in respect of the licence held by such person, be guilty of an offence and liable on conviction to a fine of \$2,000.

Cancellation or refusal of licences [S 39/2004]

9. A licensing officer may revoke or refuse the renewal of a motor vehicle or trailer licence if —

(a) on an examination by an examiner in accordance with the provisions of section 7, he finds the motor vehicle or trailer to be so constructed or in such a condition as to be a source of danger to any person travelling in the vehicle or to other users of the road or to be damaging to the road, or contravening any provision of this Act or of any subsidiary legislation made thereunder; or

(b) he is satisfied that the applicant for such licence has been, at the time of the application for the renewal, has been indebted to the Government or a local authority for a period not exceeding 2 years in respect of such vehicle or trailer for the payment of any money (by whatsoever name so called) due under any provision of this Act or any subsidiary legislation made thereunder:

Provided that any aggrieved person may request that the decision of the licensing officer to revoke or refuse the renewal of the licence be confirmed by the Director who may confirm or rescind it or substitute therefor any decision that could lawfully have been made by the licensing officer.

Dealer's general licence

10. A licensing officer may issue to a dealer in or manufacturer of motor vehicles or trailers who makes application in the prescribed form a dealer's general licence which, subject to the provisions of sections 11 to 15 and to any other conditions which may from time to time be prescribed, shall authorise the use of any number of motor vehicles or trailers.

Use of dealer's general licence

11. (1) A dealer's general licence in the prescribed form shall authorise the use of any motor vehicle or trailer which is being driven to the dealer's place of business after delivery to him, or is being tested by the dealer, or is being tested or used for the purpose of effecting a sale.

(2) A dealer's general licence shall not authorise the carriage of passengers or goods for fee or reward, or the carriage of any passenger other than a person engaged in testing or inspecting the vehicle with a view to purchase and not more than two other persons.

Register of dealer's general licences

12. The licensing officer shall keep a separate register of all licences issued by him under section 10.

Dealer's identification plates

13. The licensing officer shall assign sufficient identification numbers to identify all vehicles used under the authority of a dealer's general licence, and shall enter such numbers in the licence and in the separate register. The plates bearing the assigned identification numbers shall be interchangeable between all vehicles or trailers in the dealer's possession when used for the purpose specified in section 11, and shall be fixed or suspended on the vehicle in the prescribed manner.

Cancellation of dealer's general licence

14. (1) A licensing officer may at any time revoke a dealer's general licence for a breach of any of the provisions of this Act or any regulations made thereunder.

(2) The licensing officer shall give notice of such cancellation to the person to whom such licence was issued.

(3) Any person whose licence has been cancelled in accordance with the provisions of this section or to whom a dealer's general licence has been refused may within 30 days require that the decision of the licensing officer be confirmed by the Director, and the Director may order that the cancellation shall be confirmed or that the licence be restored to the holder.

Dealer's general licence not to be transferred etc.

15. No dealer's general licence shall be used for any purpose not provided for in this Act, nor shall it be transferred or assigned to any other person without the authority of the licensing officer. Any person who contravenes this section is guilty of an offence and liable on conviction to a fine of \$4,000.

PART 4

DRIVING LICENCE

Necessary to hold driving licence

16. Save as provided in section 18, no person shall drive a motor vehicle on a road unless he is the holder of a driving licence authorising him to drive a vehicle of that class or description, and no person shall permit or employ any person to drive a motor vehicle on a road unless the person so employed is the holder of such a driving licence, and if any person contravenes this provision he is guilty of an offence and liable on conviction to a fine of \$2,000 and, in the case of a second or subsequent conviction, to a fine of \$4,000 and imprisonment for 6 months.

Issue of driving licence

17. Driving licences shall be issued by a licensing officer to applicants who pass a driving test to the satisfaction of such officer:

Provided that the licensing officer may dispense with such driving test if otherwise satisfied of an applicant's driving proficiency.

Provisional driving licences

18. (1) Notwithstanding the provisions of section 16, a licensing officer may, subject to the provisions of section 20(2), issue a provisional driving licence to any person who wishes to learn to drive a motor vehicle and who is not debarred from obtaining a driving licence by reason of the provisions of sections 19 and 21.

(2) A provisional driving licence shall, so long as the conditions hereinafter imposed are complied with, entitle the holder thereof for a period of 3 months, calculated from the date of issue, to drive upon any road a motor vehicle of the class in respect of which such licence is issued:

Provided that whilst so driving —

(a) the holder of such licence shall, unless such licence relates to a motorcycle or vehicle designed to carry not more than one person, be accompanied by and under the supervision of a person in possession of a licence to drive such vehicle (other than a provisional driving licence) issued under such section 17, and that no other passenger may be carried, and

(b) such plates as may be prescribed shall be displayed upon the vehicle.

(3) A provisional driving licence may subject to such conditions as may be prescribed, be renewed from time to time at the discretion of the Director upon payment of such fees as may be prescribed.

(4) A person who, being the holder of a provisional driving licence, contravenes any conditions thereof is guilty of an offence. Such person shall be charged with such contravention and not with a breach of section 16 but shall be liable to the penalties prescribed by section 16.

Physical fitness

19. A licensing officer shall not issue a driving licence to any person unless he is satisfied that the applicant does not suffer from any mental or physical disability such as to warrant the refusal of a driving licence:

Provided that the licensing officer may for such purpose accept a declaration in respect of the above matters made by the applicant or may require the production of a medical certificate of recent date in order to satisfy himself that the person is fit to be the holder of a driving licence:

Provided that if a licence is refused under this section, the applicant may claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of a particular class or description, or a motor vehicle of a particular form of construction and design, and if he passes such test and is not otherwise disqualified, the licence shall not be refused by reason of the provisions of this section:

Provided further that, except insofar as may be prescribed, this section does not apply to an applicant for a licence to drive any class of public service vehicle who is the holder of a prescribed medical certificate.

Classes of motor vehicles

20. (1) A driving licence unless expressed to be valid for all classes of motor vehicles, shall be valid only for the class or classes of vehicles specified therein, but may by endorsement of the licence by the licensing officer and on payment of any prescribed fee be extended to any other class of motor vehicle:

Provided that the licensing officer may, subject to confirmation by the Director, refuse endorsement for a public service vehicle on a driving licence if he considers that the conduct or character of the holder of the licence is such as to render him unfit to drive such vehicles, whether from the point of view of the safety of the public or otherwise.

(2) Notwithstanding the provisions of subsection (1), no driving licence shall be endorsed as valid for a public service vehicle nor shall a provisional driving licence be issued therefor unless the holder of the licence has passed a driving test to the satisfaction of a licensing officer.

(3) For the purpose of this section, motor vehicles shall be classified in accordance with the provisions of Schedule 2.

(4) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order signified in the *Gazette* amend Schedule 2.

Age of driver

21. A person shall be disqualified from obtaining a driving licence —

(a) to drive a motor vehicle or motorcycle, if he is under the age of 18 years;

(b) to drive a heavy vehicle or a public service vehicle, if he is under the age of 21 years;

(c) while another driving licence granted to him is in force, whether such licence is suspended or not:

Provided nevertheless that nothing in this paragraph is deemed to prevent the lawful renewal of any such licence;

(d) if he is by a conviction under Part 5 or by an order of the court under Part 6 disqualified from holding or obtaining the licence.

Revocation etc. of driving licences

22. Notwithstanding anything to the contrary in this Act, it shall be lawful for a licensing officer, subject to confirmation by the Director —

(a) to revoke the endorsement authorising the holder of a driving licence to drive a public service vehicle if in the opinion of

the licensing officer the conduct or character of the holder of the licence is such as to render him unfit to drive the vehicle, whether from the point of view of the safety of the public or otherwise;

(b) to revoke the driving licence of any person who appears, in the opinion of the licensing officer, to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public:

Provided that the holder of the driving licence in such cases may claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, or a particular class of vehicle, or a vehicle of a particular form or construction, and if he passes the test, the licence shall not be revoked but may be restricted to the driving of such particular class of vehicle or to a vehicle of such particular form or construction;

(c) to order a fresh driving test by an examiner in the case of any holder of a driving licence who appears to the licensing officer to be so deficient in driving ability as to be a source of danger to the public, and if the licence holder fails to pass or refuses to attend such test, the licensing officer shall have power to revoke his licence.

Production of licence to police officer

23. Any person driving a vehicle on a road who on being so required by a police officer in uniform fails to produce his driving licence for inspection, is guilty of an offence unless within 5 days thereafter he produces his licence at such police station as such person shall have specified is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for one month.

PART 5

DRIVING AND OTHER OFFENCES AND GENERAL CONDITIONS RELATING TO USE OF MOTOR VEHICLES ON ROAD

Speed

24. (1) Any person who drives a motor vehicle of any class or description on any road within an area specified in Schedule 1 at a speed greater than the speed specified in or by virtue of such Schedule as the maximum speed within such area for vehicles of that class or description is guilty of an offence and liable on conviction to a fine of not less than \$600

and not exceeding \$2,000 and, in the case of a second or subsequent conviction, to a fine of not less than \$600 and not exceeding \$4,000 and imprisonment for 6 months.

[S 63/2013]

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulations amend the provisions of Schedule 1 and the regulations therein contained.

(3) A person prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed under subsection (1) shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding that limit.

(4) Any person who aids, abets, counsels or procures any person who is employed by him to drive a motor vehicle on a road, whether as registered owner or as the temporary possessor of the use of a motor vehicle under a hiring agreement, to commit an offence under this section is guilty of an offence and liable on conviction to a fine of \$4,000 and, in the case of a second or subsequent conviction, to a fine of \$8,000 and imprisonment for 6 months.

(5) On a second or subsequent conviction under this section, the court shall order —

(a) particulars of such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted; and

(b) that such person be disqualified from holding or obtaining a licence to drive any motor vehicle for such period not being less than 3 months from the date of such conviction as the court may think proper unless the court, for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

Exemptions of fire engines etc. from speed limits

25. The provisions of this Act and of any other law imposing a speed limit on motor vehicles do not apply to any vehicle on any occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

Driving while under influence of drink and drugs

26. (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,

is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years and, in the case of a second or subsequent conviction, to a fine of \$20,000 and imprisonment for 4 years.

[S 59/2008]

(2) On a conviction under subsection (1), the court shall order —

(a) particulars of such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted; and

(b) that such person be disqualified from holding or obtaining a licence to drive any motor vehicle for such period not being less than 3 years from the date of such conviction as the court may think proper unless the court, having regard to the lapse of time since the date of the previous or last conviction or, where he is sentenced to imprisonment, from the date of his release from prison, or for any other special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

[S 59/2008]

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

[S 59/2008]

Immediate suspension of driving licence

26A. (1) Where a person drives or is in charge of a motor vehicle on a road or other public place —

(a) whilst under the influence of drink, a drug or an intoxicating substance in contravention of section 26(1);

[S 59/2008]

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

(c) without a policy of insurance or other security in respect of third party risks in contravention of section 3(1) of the Motor Vehicles Insurance (Third Party Risks) Act (Chapter 90),

and whilst so driving or being in charge causes death or serious injury to any other person, a licensing officer may, where the first-mentioned person has been charged for that offence, suspend his driving licence from the date he was charged, and such suspension shall remain in force until the offence has been tried and determined by the court.

(2) A licensing officer shall, when suspending a driving licence of a person under subsection (1), give to him a notice in writing informing him that it has been suspended until the charge has been tried and determined by the court and requiring him forthwith to surrender his driving licence.

(3) A person who without reasonable cause or excuse refuses or fails to surrender his driving licence to a licensing officer under subsection (2) is guilty of an offence and liable on conviction to a fine of \$5,000, imprisonment for 12 months or both and, in the case of a second or subsequent conviction, to a fine of \$10,000, imprisonment for 2 years or both.

(4) Any person whose driving licence has been suspended under this section shall not during the period of suspension drive or be in charge of a motor vehicle on a road or other public place under any other driving licence granted by any authority or otherwise.

(5) Any person who drives or is in charge of a motor vehicle on a road or other public place when his driving licence has been suspended under this section is guilty of an offence and liable on conviction to a fine of \$5,000, imprisonment for 12 months or both and, in the case of a second or subsequent conviction, to a fine of \$10,000, imprisonment for 3 years or both.

(6) A person to whom a notice has been given under subsection (2) may appeal against the notice to the Minister whose decision shall be final.

(7) In subsection (1), “serious injury” means any injury which cause or caused a person to be, for a period of at least 7 days, in severe bodily pain or unable to follow his ordinary pursuits.

Being in charge of motor vehicle while under influence of drink or drugs

26B. (1) Any person who, when in charge of a motor vehicle which is on a road or other public place but not driving the vehicle —

(a) whilst 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 vehicle; or

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

is guilty of an offence and liable on conviction to a fine of not less than \$500 and not more than \$2,000 or imprisonment for 3 months and, in the case of a second or subsequent conviction, to a fine of not less than \$1,000 and not more than \$5,000 and imprisonment for 6 months.

(2) For the purposes of subsection (1), a person is deemed not to have been in charge of a motor vehicle if he proves that —

(a) at the material time, the circumstances were such that there was no likelihood of him driving the vehicle so long as he remained so under the influence or so long as the proportion of alcohol in his breath or blood remained in excess of the prescribed limit; and

(b) between him becoming so under the influence and the material time, or between the time when the proportion of alcohol in his breath or blood first exceeded the prescribed limit and the material time, he had not driven the vehicle on a road or other public place.

(3) On a second or subsequent conviction for an offence under this section, the court shall order that such person be disqualified from holding or obtaining a licence to drive any motor vehicle for a period of 12 months from the last day of his imprisonment unless the court, for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

(4) Where a person convicted of an offence under this section has been previously convicted of an offence under section 26, he shall be treated

for the purpose of this section as having been previously convicted under this section.

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

Breath tests

26C. (1) Where a police officer has reasonable cause to suspect that —

(a) a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has so much alcohol in his body that the proportion of it in his breath or blood exceeds the prescribed limit, or has committed a traffic offence whilst the vehicle was in motion;

(b) a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his body and that person still has alcohol in his body;

(c) a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence whilst the vehicle was in motion; or

(d) a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place when an accident occurred —

(i) between that motor vehicle and one or more other motor vehicles; or

(ii) causing any injury or death to another person,

he may, subject to section 26E, require that person forthwith to provide a specimen of his breath for a breath test.

(2) A person may be required under subsection (1) to provide a specimen of his breath either at or near the place where the requirement was made or, if the requirement was made under paragraph (d) of that subsection and the police officer making the requirement thinks fit, at a police station specified by the police officer.

(3) A breath test required under subsection (1) shall be conducted by a police officer.

(4) A person who, without reasonable excuse, fails to provide a specimen of his breath when required to do so in pursuance of this section is guilty of an offence and liable on conviction to a fine of not less than \$1,000 and not more than \$5,000 or imprisonment for 6 months and, in the case of a second or subsequent conviction, to a fine of \$3,000 and not more than \$10,000 and imprisonment for 12 months.

(5) A police officer may arrest any person without warrant if —

(a) as a result of a breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit;

(b) that person has failed to provide a specimen of his breath for a breath test when required to do so in pursuance of this section and the police officer has reasonable cause to suspect that he has alcohol in his body; or

(c) he has reasonable cause to suspect that that person is under the influence of a drug or an intoxicating substance.

A person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.

Provision of specimen for analysis

26D. (1) In the course of an investigation whether a person arrested under section 26C(5) has committed an offence under section 26 or 26B, a police officer may, subject to this section and to section 26E, require him to provide —

(a) a specimen of his breath for a breath test for analysis; or

(b) at a hospital, a specimen of his blood for a laboratory test,

notwithstanding that he has already been required to provide a specimen of his breath for a breath test under section 26C.

(2) A breath test required under this section shall be conducted by a police officer at a police station.

(3) A requirement under this section to provide a specimen of blood shall not be made unless —

(a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required;

(b) at the time the requirement is made, the breath-analyser or other device is not available at the police station or it is for any other reason not practicable to use it; or

(c) the police officer making the requirement has reasonable cause to suspect that the person required to provide the specimen is under the influence of a drug or an intoxicating substance,

and may be made notwithstanding that the person required to provide the specimen has already provided or been required to provide a specimen of his breath.

(4) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section is guilty of an offence and if it is shown that at the time of any accident referred to in section 26C(1)(d) or of his arrest under section 26C(5) —

(a) he was driving or attempting to drive a motor vehicle on a road or any other public place, he shall be liable on conviction to be punished as if the offence charged were an offence under section 26; or

(b) he was in charge of a motor vehicle on a road or other public place, he shall be liable on conviction to be punished as if the offence charged were an offence under section 26B.

(5) A police officer shall, on requiring any person under this section to provide a specimen for a laboratory test, warn him that failure to provide a specimen of blood may make him liable to imprisonment, a fine and disqualification, and, if the police officer fails to do so, the court before which that person is charged with an offence under subsection (4) may dismiss the charge.

Protection of hospital patients

26E. (1) A person who is at a hospital as a patient shall not be required to provide a specimen for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case authorises it and the specimen is to be provided at the hospital.

(2) The medical practitioner referred to in subsection (1) shall not authorise a specimen to be taken where it would be prejudicial to the proper care and treatment of the patient.

Evidence in proceedings for offences under sections 26 and 26B

26F. (1) In proceedings for an offence under section 26 or 26B, evidence of the proportion of alcohol or of any drug or intoxicating substance in a specimen of breath or blood (as the case may be) provided by the accused shall be taken into account and, subject to subsection (2), it shall be assumed that the proportion of alcohol in the accused's breath or blood at the time of the alleged offence was not less than in the specimen.

(2) Where the proceedings are for an offence under section 26(1) or 26B(1)(a) and it is alleged that, at the time of the offence, the accused was unfit to drive in that he was under the influence of drink, or for an offence under section 26(1) or 26B(1)(b), the assumption referred to in subsection (1) shall not be made if the accused proves that —

(a) he consumed alcohol after he had ceased to drive, attempt to drive or be in charge of the motor vehicle on the road or other public place and before he provided the specimen; and

(b) had he not done so, the proportion of alcohol in his breath or blood —

- (i) would not have been such as to make him unfit to drive a motor vehicle in the case of proceedings for an offence under section 26(1) or 26B(1)(a); or
- (ii) would not have exceeded the prescribed limit in the case of proceedings for an offence under section 26(1) or 26B(1)(b).

(3) Subject to subsection (5) —

(a) evidence of the proportion of alcohol in a specimen of breath may be given by the production of a document or documents purporting to be either a statement automatically produced by the breath-analyser or other device and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) to the effect that the statement relates to a specimen provided by the accused at the date and time shown in the statement; and

(b) evidence of the proportion of alcohol or of any drug or intoxicating substance in a specimen of blood may be given by the production of a document purporting to be a certificate signed by an authorised analyst as to the proportion of alcohol, drug or intoxicating substance found in a specimen of blood identified in the certificate.

(4) A specimen of blood shall be disregarded unless it was taken from the accused with his consent by a medical practitioner; and evidence that a specimen of blood was so taken may be given by the production of a document purporting to certify that fact and to be signed by the medical practitioner.

(5) A document purporting to be such a statement or such a certificate, or both, as is mentioned in subsection (3) is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it has been handed to the accused when the document was produced or has been served on him not later than 7 days before the hearing, and any other document is so admissible only if a copy of it has been served on the accused not later than 7 days before the hearing.

(6) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than 3 days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecution requiring the attendance at the hearing of the person by whom the document purports to be signed.

(7) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecution may be served personally or sent by registered post.

Commissioner of Police may require blood specimen sent for laboratory test

26G. (1) Notwithstanding anything in section 26C or 26F, where a person —

(a) was the driver of, had attempted to drive or was in charge of a motor vehicle on a road or other public place when an accident occurred —

(i) between that motor vehicle and one or more other motor vehicles; or

(ii) causing any injury or death to another person; and

(b) is, for any reason, unable to provide a specimen of his breath under section 26C or to give his consent to a specimen of blood being taken from him for analysis,

any medical practitioner treating such person for his injury shall, if so directed by the Commissioner of Police, cause any specimen of blood taken by the medical practitioner from such person in connection with his treatment to be sent for a laboratory test to determine the proportion of alcohol or of any drug or intoxicating substance in the specimen.

(2) In proceedings for an offence under section 26 or 26B, evidence of the proportion of alcohol or of any drug or intoxicating substance in a specimen of blood analysed in pursuance of this section shall be taken into account.

(3) Evidence of the proportion of alcohol or of any drug or intoxicating substance in a specimen of blood analysed under this section may, subject to subsection (4), be given by the production of a document purporting to be a certificate signed by an authorised analyst as to the proportion of alcohol, drug or intoxicating substance found in the specimen of blood identified in the certificate.

(4) The provisions of section 26F(5), (6) and (7) apply, with any necessary modifications, to a certificate referred to in subsection (3) as they apply to a document or certificate referred to section 26F(3).

Causing death by reckless or dangerous driving

27. (1) Whoever, by the conduct described in section 28, causes the death of any person is guilty of an offence and liable on conviction to a fine of \$20,000 and imprisonment for 7 years and, in the case of a second or subsequent conviction, the same fine and imprisonment.

(2) The conviction of any person of an offence under section 28 shall not, in the event of a death subsequently occurring as a result of the commission of the said offence, be a bar to a subsequent prosecution of that person on the same facts for an offence under this section.

(3) On a conviction under subsection (1), the court shall order that such person be disqualified for life from holding or obtaining a licence to drive any motor vehicle from the date of the conviction, unless the court, for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

(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.

[S 59/2008]

Reckless or dangerous driving

28. (1) Any person who drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is, or which might reasonably be expected to be on the road at the time, is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 2 years and, in the case of a second or subsequent conviction, to a fine of \$20,000 and imprisonment for 4 years.

(2) On a first conviction under subsection (1), the court shall order —

(a) particulars of such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted; and

(b) that such person be disqualified from holding or obtaining a licence to drive a motor vehicle for such period not being more than 3 years from the date of such conviction as the court may think proper unless the court, for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

(3) On a second or subsequent conviction under subsection (1), the court shall order that such person be disqualified from holding or obtaining a licence to drive any motor vehicle for such period, not being less than 12 months from the date of such conviction, as the court may think proper unless the court, having regard to the lapse of time since the date of the previous or last conviction or for any other special reasons (which shall be set out in the order of the court), thinks fit to order otherwise.

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

[S 59/2008]

Careless driving

29. (1) Any person who drives a vehicle on a road without due care and attention or without reasonable consideration for other persons using the road is guilty of an offence and liable on conviction to a fine of not less than \$600 and not exceeding \$5,000 and imprisonment for 12 months.

[S 63/2013]

(2) On a second or subsequent conviction under subsection (1), the court shall order —

(a) particulars of such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted; and

(b) that such person be disqualified from holding or obtaining a licence to drive any motor vehicle for such period not being less than 18 months from the date of such conviction as the court may think proper unless the court, having regard to the lapse of time since the date of the previous or last conviction or for any other special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

Use of mobile telephone while driving

29A. (1) Any person who, being the driver of a motor vehicle on a road, uses a mobile telephone while the motor vehicle is in motion is guilty of an offence and liable on conviction to a fine of not less than \$600 and not exceeding \$1,000, imprisonment for 6 months or both and, in the case of a second or subsequent conviction, to a fine of not less than \$600 and not exceeding \$2,000, imprisonment for 12 months or both.

[S 63/2013]

(2) In this section —

“mobile telephone” includes any hand-held equipment which is designed or capable of being used for telecommunication;

“use”, in relation to a mobile telephone, means to hold it in one hand while using it to communicate with any person.

Warning to be given before prosecution

30. (1) Where a person is prosecuted for an offence under section 24, 28 or 29, he shall not, except as hereinafter prescribed, be convicted unless —

(a) he was warned at the time the offence was committed or within 24 hours thereafter that the question of prosecuting him for an offence under one or other of those sections would be taken into consideration;

(b) within 14 days of the commission of the offence a summons for the offence was served on him; or

(c) within that 14 days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that —

(i) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained

in time for a summons to be served or sent as aforesaid;
or

- (ii) the accused by his own conduct contributed to the failure.

(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.

[S 59/2008]

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

[S 59/2008]

(4) This section does 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.

[S 59/2008]

Failure of driver of vehicle to render assistance to injured person

31. Without prejudice to section 33, if any person who has injured any other person on a road, whether by negligence or not, as the result of driving a vehicle, fails to stop such vehicle and render such assistance to the injured person as he may be capable of rendering and as the injured person may need, he is guilty of an offence and liable on conviction to a fine of \$8,000 and imprisonment for one year and, in the case where the injury is caused by the driver of a motor vehicle, the court shall either suspend for a period not exceeding 2 years any driving licence held by the person convicted, or, if such person holds no driving licence, order that for the same period, he shall be disqualified from obtaining a driving licence, unless the court, for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

Information to be given in case of driving offences

32. If any person has reasonable grounds for believing that the driver of any motor vehicle has committed an offence under section 24, 26, 28, 29 or 31, he may, in the absence of a police officer, and either at the time of the occurrence of the event which gave rise to such belief or within a reasonable

time thereafter, require any person who is or was in any way connected with such vehicle at the time of such occurrence to furnish him his name and address, and, if such last-mentioned person fails to comply with such requirement or furnishes a false name and address, he is guilty of an offence and liable on conviction to a fine of \$2,000.

Duty to stop in case of accident [S 80/2017]

33. (1) Where an accident occurs owing to the presence of a motor vehicle on a road and the accident results in damage or injury to any person, vehicle, structure or animal, the driver of the motor vehicle shall stop the motor vehicle and shall do any of the following as may be applicable —

(a) the driver, if requested to do so by any person at the scene of the accident having reasonable grounds for so requesting the driver's particulars, provide the driver's particulars to that person;

(b) if no person referred to in paragraph (a) is present at the scene of the accident, the driver shall take reasonable steps to inform the owner (if any) of the damaged vehicle or structure, or injured animal, of the damage or injury caused to the vehicle, structure or animal (as the case may be), and provide that owner with the driver's particulars.

(2) The driver of the motor vehicle referred to in subsection (1) shall report the accident at a police station or to a police officer within 24 hours after the accident unless either of the following has occurred —

(a) the driver has provided the driver's particulars to a person referred to in subsection (1)(a);

(b) the owner referred to in subsection (1)(b) has contacted the driver;

(c) the driver was prevented from making a report by a cause which a court thinks sufficient in the circumstances.

(3) If, in any case owing to the presence of a motor vehicle on a road an accident occurs whereby any person is killed or any damage or injury is caused to any person, vehicle, structure or animal, the driver of the motor vehicle shall render such assistance as may be reasonably required by any police officer or in the absence of any police officer such assistance as it may reasonably be in the power of the driver to render.

(4) When, owing to the presence of a motor vehicle on a road, an accident occurs in consequence of which a person is killed or seriously injured or serious damage is caused to any vehicle or structure, no person shall, except under the authority of a police officer, move or otherwise interfere with any vehicle involved in the accident or any part of such vehicle or do any other act so as to destroy or alter any evidence of the accident except that —

(a) a vehicle or any part thereof may be moved so far as may be necessary to extricate persons or animals involved, remove mails, prevent fire or prevent damage or obstruction to the public; and

(b) goods and passengers' baggage may be removed from a vehicle under the supervision of a police officer.

(5) Subsection (4) does not apply where it is urgently necessary to remove any seriously injured person to hospital and no suitable means of conveyance other than a vehicle involved in the accident is at hand.

(6) If any person fails to comply with any of the provisions of this section, he is guilty of an offence.

(7) Any person who is guilty of an offence under subsection (6) arising from his failure to comply with subsection (3) is, if he had in driving or attempting to drive a motor vehicle at the time of the accident referred to in that subsection caused any serious injury or death to another person, liable on conviction to —

(a) a fine not exceeding \$3,000, imprisonment for a term not exceeding 12 months or both; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$5,000, imprisonment for a term not exceeding 2 years or both.

(8) Where a person is convicted of an offence under subsection (6) arising from his failure to comply with subsection (3), the court convicting him shall —

(a) if satisfied that he had in driving or attempting to drive a motor vehicle at the time of the accident referred to in subsection (3) caused any serious injury or death to another person; and

(b) unless the court for special reasons thinks fit to order otherwise,

make an order disqualifying him from holding or obtaining a driving licence —

(i) for a period of not less than 12 months from the date of his conviction or, where he is sentenced to imprisonment, from the date of his release from prison; or

(ii) for such longer period as the court thinks fit.

(9) Where at one trial the driver of a motor vehicle is convicted and sentenced to imprisonment for —

(a) an offence involving the use of the motor vehicle by him, whereby any serious injury or death is caused to another person; and

(b) an offence under subsection (6) arising from his failure to comply with subsection (3),

the court before which he is convicted shall order that the sentences for those offences shall run consecutively.

(10) Any police officer may arrest without a warrant any person who is reasonably suspected of having failed to comply with subsection (3).

(11) In this section —

“animal” means any horse, buffalo, cattle, donkey, mule, sheep, pig, goat or dog;

“particulars”, in relation to a driver of a motor vehicle, means the name and address of the driver of the motor vehicle, the name and address of the owner of the motor vehicle, and the identification marks of the motor vehicle.

Duty to give information

34. (1) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence under this Act or the regulations made thereunder —

(a) the owner of the motor vehicle shall give such information as he may be required by a police officer to give as to the identity and address of the person who was driving the motor vehicle at or about the time of the alleged offence, and as to the driving licence held by that person, and if he fails to do so within 7 days of the date on which the information was required from him, he is guilty of an offence unless he proves, to the satisfaction of the court, that he did not know and could not with reasonable diligence have ascertained the information required; and

(b) any other person who was or should have been in charge of the motor vehicle shall, if so required as aforesaid, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within 7 days of the date on which the information was required from him, he fails to do so, he is guilty of an offence.

(2) Any person who wilfully furnishes any false or misleading information under subsection (1) is guilty of an offence.

(3) A police officer may require any information to be furnished under subsection (1) to be in writing signed by the person required to furnish such information.

(4) Notwithstanding any other written law to the contrary, any information given under this section by any person charged with any offence under this Act or the regulations made thereunder or any offence in connection with the driving of a motor vehicle may be used as evidence without any proof of signature at the hearing of the charge.

(5) Notwithstanding any other written law to the contrary, any statement made by any person to any police officer that a motor vehicle was on a particular occasion being driven by or belonged to that person or that it belonged to a firm in which such person also stated that he was a partner or to a corporation of which such person stated that he was a director, officer or employee shall be admissible in evidence without any proof of signature for the purpose of determining by whom such motor vehicle was on that occasion being driven or who was in charge of it or to whom it belonged.

(6) Any person who is guilty of an offence under subsection (1) or (2) is liable on conviction to a fine of \$4,000 and imprisonment for 6 months.

Taking hold of or getting on motor vehicle in motion

35. Any person who without lawful authority or reasonable cause, takes or retains hold of or gets on a motor vehicle or trailer while in motion on any road for the purpose of being drawn or carried is guilty of an offence and liable on conviction to a fine of \$1,000.

Interfering with or taking motor vehicle without consent

36. (1) Any person who otherwise than with lawful authority or reasonable cause interferes with any motor vehicle or its accessories, or tampers with the brakes or any other part of its mechanism is guilty of an offence and liable on conviction to a fine of \$8,000 and imprisonment for 18 months.

(2) Any person, whether employed by the owner of such vehicle or not, who takes and drives away any motor vehicle without the consent of the owner thereof or other lawful authority is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 3 years:

Provided that if in proceedings under this subsection, the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would have, in the circumstances of the case, given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

Offences in connection with stationary motor vehicles

37. (1) Any person leaving on any road a motor vehicle unattended with the engine running, or without having taken proper precautions to prevent the vehicle from moving or being moved during the absence of the driver is guilty of an offence.

(2) Any person who —

(a) fills petrol into any motor vehicle, while the engine of such vehicle is running, or while any light, other than an electric light, is alight on the vehicle; or

(b) fills petrol into any public service vehicle while any passenger is within such vehicle,

is guilty of an offence.

(3) Any person guilty of an offence under this section is liable on conviction to a fine of \$2,000 and, in the case of a second or subsequent conviction, to a fine of \$4,000 and imprisonment for 6 months.

Competitions and speed trials

37A. (1) No competition or trial of speed involving the use of any vehicle shall take place on a road or other public place without the written approval of the Commissioner of Police.

(2) Any such written approval may be made subject to such conditions to be specified therein as the Commissioner of Police may think fit to impose.

(3) For the purpose of any duly approved competition or trial of speed, the Commissioner of Police may, by order published in the *Gazette*, regulate, restrict or prohibit to such extent and subject to such conditions or exceptions as may be specified therein, the use of a road or public place, or part thereof.

(4) No such order shall be made, unless not less than 7 days before the making thereof, a notice of intention to make the order, specifying its general nature and describing alternative routes, if any, available for traffic, animals and pedestrians, has been published by the Commissioner of Police in one or more newspapers circulating in Brunei Darussalam.

(5) So long as any order made under subsection (3) remains in force, a notice stating the effect of the order and describing any alternative routes available for traffic, animals and pedestrians shall be kept posted in a conspicuous manner at each end of the part of the road or public place to which the order relates and at the points at which it will be necessary for traffic, animals and pedestrians to diverge from the road or public place.

(6) The cost of every such notice and publication shall be paid in advance to the Commissioner of Police by the person promoting the competition or trial of speed.

(7) Any person who promotes or takes part in any competition or trial of speed without the written approval of the Commissioner of Police and any driver or person in charge of any vehicle used in or taking part in any such competition or trial of speed is guilty of an offence and liable on conviction to fine of not less than \$1,000 and not more than \$2,000 and imprisonment for 6 months and, in the case of a second or subsequent

conviction, to a fine of not less than \$2,000 and not more than \$3,000 and imprisonment for 12 months.

(8) Any police officer may arrest without a warrant any person committing an offence under subsection (7) and may seize and detain for the purpose of proceedings under this Act any vehicle used in or taking part in any competition or trial of speed without the written approval of the Commissioner of Police.

(9) On a conviction under subsection (7), the court shall order that the person convicted be disqualified from holding or obtaining a licence to drive any motor vehicle for such period not being less than 12 months from the date of such conviction as the court may think proper, unless the court for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise.

Forfeiture of vehicles used in competitions etc.

37B. (1) Where it is proved to the satisfaction of a court that a vehicle has been used in the commission of an offence under section 37A(7) and that the vehicle has been seized by the police, the court shall, on the written application of the Public Prosecutor, make an order for the forfeiture of the vehicle notwithstanding that no person may have been convicted of that offence.

(2) An order for forfeiture or for the release of a vehicle liable to forfeiture under this section may be made by the court before which the prosecution with regard to an offence under section 37A(7) has been or will be held.

(3) If there is no prosecution with regard to an offence under section 37A(7), the vehicle seized under subsection (8) of that section shall be forfeited at the expiry of one month from the date of the seizure unless a claim thereto is made before that date. Any person asserting that he is the owner of the vehicle may give written notice to the Commissioner of Police that he claims the vehicle.

(4) Upon receipt of a notice under subsection (3), the Commissioner of Police may direct that the vehicle be released or may refer the matter by information to a magistrate.

(5) The magistrate shall, on receipt of an information under subsection (4), or on the written application of the Public Prosecutor, hold an

inquiry and proceed to determine the matter and shall, on proof that the vehicle was used in the commission of an offence under section 37A(7), order it to be forfeited, or may in the absence of such proof order its release.

(6) No person shall, in any proceedings in any court in respect of the seizure of any vehicle seized in exercise or the purported exercise of any power conferred by this section, be entitled to the costs of such proceedings or to damages or any other relief, other than an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

Traffic signs

38. (1) The Director or any person authorised by him may cause or permit traffic signs to be placed on or near any road.

(2) Traffic signs shall be of such size, colour and type as may be prescribed, and after such signs have been prescribed, no traffic sign shall be placed on or near any road except under and in accordance with the provisions of this section:

Provided that any traffic sign erected or displayed before such signs had been prescribed, if approved (whether before or after the 1st day of December 1957) by the Director or any person authorised by him, is deemed for the purposes of section 39(1) to be of the prescribed size, colour and type and to have been lawfully placed on or near any road:

Provided further that any traffic sign so erected or displayed is deemed to have been approved by the Director or some person authorised by him unless the contrary is proved.

(3) The Director or any person authorised by him may at any time, by notice in writing, require the owner or occupier of any land on which there is any traffic sign which was placed there without authority, or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it, and, if any person fails to comply with such notice, the Director or any person authorised by him may effect the removal, doing as little damage as may be, and may recover from the owner or occupier thereof the expense incurred thereby as if the same were a civil debt due to the Government.

(4) The Director and any person authorised by him may enter upon any land and exercise such other powers as may be necessary for the purpose

of the exercise and performance of the powers and duties conferred and imposed under this section.

(5) In this Part, “traffic sign” includes all signals, warnings, signposts, direction posts, signs or other devices for the guidance or direction of persons using roads.

Neglect of traffic directions

39. (1) Where a police officer in uniform is for the time being engaged in regulation of traffic in a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic and being of the prescribed size, colour and type, has been lawfully placed on or near any road, any person who —

(a) driving or propelling any vehicle neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed to do so by the police officer in the execution of his duty; or

(b) fails to conform to any direction of any police officer in the execution of his duty or to the indication given or necessarily implied by any such sign,

is guilty of an offence and liable on conviction to a fine of not less than \$600 and not exceeding \$3,000 and imprisonment for 6 months.

[S 63/2013]

(2) For the purposes of this Act and of any regulations, rules and orders made thereunder, a traffic sign placed on or near a road is deemed to be of the prescribed size, colour and type, and to have been lawfully so placed, unless the contrary is proved.

PART 6

SUSPENSION, CANCELLATION AND ENDORSEMENT OF DRIVING LICENCES

Powers of court

40. Any court before which a person is convicted of an offence in connection with the driving of a motor vehicle may —

(a) if the person convicted holds a driving licence, suspend the licence for such time as the court thinks fit, or cancel the licence and declare the person convicted disqualified from obtaining another licence for a stated period, and, unless otherwise provided, shall endorse upon the licence, particulars of any order of the court made under this section, and also, whether such order is made or not, particulars of the conviction;

(b) if the person convicted holds a driving licence or permit granted in any other country which is valid in Brunei Darussalam by virtue of any regulations made under this Act, suspend the validity of the licence or permit in Brunei Darussalam, either permanently or for such time as the court thinks fit, and declare the person convicted disqualified from obtaining a driving licence in Brunei Darussalam for a stated period, and unless otherwise provided shall endorse upon the licence or permit particulars of any order of the court made under this section, and also, whether such an order is made or not, particulars of the conviction;

(c) if the person convicted does not hold a driving licence, declare him disqualified from obtaining a licence for a stated period;

(d) order that the person convicted be disqualified from holding or obtaining a driving licence until he has, since the date of the order, passed a driving test or satisfied a licensing officer as to his fitness to hold a driving licence in accordance with section 19:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

Right of appeal

41. A person who, by virtue of an order of a court under this Part, is disqualified from holding or obtaining a driving licence, may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit pending the appeal, suspend the operation of the order.

Production of driving licence for endorsement

42. Every person who is convicted before any court of any offence in connection with the driving of a motor vehicle shall, if he holds a driving licence, produce such licence within such time as the court may direct for the

purpose of endorsement, and if he is not then the holder of a driving licence, but subsequently obtains a licence, shall within 5 days after so obtaining the licence produce it to the court for the purpose of endorsement; and if he fails to do so he is guilty of an offence and liable on conviction to a fine of \$4,000 and imprisonment for 3 months.

Suspended licence to be of no effect

43. A driving licence suspended by a court shall, during the period of suspension, be of no effect, and a person whose licence is suspended shall during the period of such suspension be disqualified from obtaining a driving licence.

Application for removal of disqualification

44. (1) Any person who by virtue of a conviction or order under this Act is disqualified from holding or obtaining a driving licence may at any time after the expiration of 6 months from the date of the conviction or order, and from time to time, apply to the court before which he was convicted or by which the order was made, to remove the disqualification; and on any such application, the court may, if it thinks proper having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order, or refuse the application:

Provided that, when an application under this section is refused, a further application under subsection (1) shall not be entertained if made within 3 months after the date of the refusal.

(2) If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant, and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

Offences relating to application for driving licence

45. Any person who —

(a) being disqualified from holding or obtaining a driving licence, applies for or obtains such licence;

(b) being so disqualified, drives a motor vehicle on a road;

(c) drives on a road a motor vehicle of a class or description which he is disqualified from driving; or

(d) applies for or obtains a licence without disclosing that he has been refused such a licence,

is guilty of an offence and liable on conviction for a contravention of paragraph (a), (b) or (c) to a fine of \$6,000 and imprisonment for one year and for a contravention of paragraph (d), to a fine of \$4,000 and imprisonment for 6 months.

Applying for licence without disclosing endorsement

46. (1) If any person whose driving licence has been ordered to be endorsed, and who has not previously become entitled under the provisions of section 47 to have a licence issued to him free from endorsement, applies for or obtains a licence without giving particulars of the order, he is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for 3 months.

(2) Any licence so obtained shall be of no effect.

Issue of new licence free from endorsement

47. Where a person in respect of whom an order has been made under this Part requiring the endorsement of any driving licence held by him has during a continuous period of 3 years or upwards since the order was made had no such order made against him, he shall be entitled, on application and subject to payment of the prescribed fee and surrender of any subsisting licence, at any time to have issued to him a new licence free from endorsement:

Provided that, in reckoning the period of 3 years, any period during which the person was by virtue of the order disqualified from holding or obtaining a licence, shall be excluded.

Power of Director to suspend or revoke driving licence [S 63/2013]

47A. (1) Notwithstanding anything in this Act, the Director may suspend or revoke a driving licence of a person for a period not exceeding 3 years if —

(a) the person's record (as kept by the Director) as a driver of motor vehicles or his conduct or habits as such driver established that

it would not be in the interest of public safety for him to hold a driving licence; or

(b) that such person is not competent to drive a motor vehicle.

(2) For the purpose of establishing that it would not be in the interest of public safety for a person to hold a driving licence or that such person is not competent to drive a motor vehicle, the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations establishing a system of awarding points against a person for the commission of an offence against this Act or any regulations made thereunder.

(3) The regulations made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interests of public safety for him to hold a driving licence or that such person is not competent to drive a motor vehicle.

(4) The power conferred upon the Director by this section to suspend or revoke the driving licence of a person may be exercised at such time after the maximum number of points, referred to in subsection (3), has been awarded against such person as the Director thinks fit.

(5) Where the points awarded against a person under the regulations made under subsection (2) reach 50 *per cent* of the maximum number at which the Director may suspend or revoke the driving licence of such person under this section, the Director shall give notice thereof in writing to the person.

(6) Where a person is disqualified by an order of a court from holding or obtaining a driving licence for such period of time as may be specified in the order, every point awarded against him under the regulations made under subsection (2) shall thereupon be cancelled after 24 months with clean driving records.

(7) Where a holder of a driving licence commits on a single occasion more than one offence under this Act or any regulations made thereunder, points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against a person.

(8) In addition to the power conferred on the Director by subsection (1), if a person who holds a driving licence —

(a) fails to comply with any process of court issued against him in respect of any offence committed by him under this Act, any regulations made thereunder or any written law specified in Schedule 3; or

(b) is arrested under a warrant of court in connection with an offence against this Act, any regulations made thereunder or any written law specified in Schedule 3 and the offence has not been tried and determined by the court,

the Director may, as he thinks fit, suspend or revoke the driving licence held by that person until he is satisfied that that person has complied with the process of court referred to in paragraph (a) or until the offence referred to in paragraph (b) has been tried and determined by the court, as the case may be.

Licensee may show cause why driving licence should not be suspended or revoked [S 63/2013]

47B. (1) The Director shall, before suspending or revoking a driving licence of a person under section 47A, give the person concerned notice in writing, of his intention to do so —

(a) specifying a date, not less than 30 days after the date of the notice, upon which such suspension or revocation shall be made; and

(b) calling upon the person to show cause to the Director why the driving licence should not be suspended or revoked.

(2) Upon the person failing to show cause within the period referred to in subsection (1) and if the Director decides to suspend or revoke the driving licence of such person under section 47A, the Director shall immediately inform the person by notice in writing, of the suspension or revocation.

(3) A person may, within —

(a) 30 days of the receipt of the notice referred to in subsection (2); or

(b) such extended period of time as the Director may allow,

appeal in writing against the suspension or revocation to the Director whose decision shall be final.

(4) An order of suspension or revocation under section 47A shall not take effect until the expiration of a period of 30 days after the Director has informed the person concerned of the order.

(5) If within that period the person concerned appeals to the Director, the order shall not take effect unless the order is confirmed by the Director or the appeal is for any reason dismissed by the Director.

Surrender and return of driving licence [S 63/2013]

47C. (1) The Director shall, upon suspending or revoking a driving licence under section 47A, require the licence to be surrendered to and retained by him.

(2) Any person whose driving licence has been suspended under section 47A shall immediately surrender the driving licence to the Director.

(3) At the end of a period of suspension, a driving licence surrendered to the Director under subsection (2) shall be returned to the holder thereof, and in the case only of a driving licence suspended under section 47A(1), the points awarded against him shall be cancelled after 24 months with clean driving records.

(4) Any person whose driving licence has been suspended or revoked under section 47A shall not during the period of suspension or revocation drive a motor vehicle on a road under any other driving licence issued by any authority or otherwise.

(5) Any person who drives a motor vehicle on a road when his driving licence is suspended or revoked under section 47A is guilty of an offence and liable on conviction to a fine of not less than \$600 and not exceeding \$5,000, imprisonment for a term not exceeding one year or both and, in the case of a second or subsequent conviction, to a fine of not less than \$600 and not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Effect of suspension of driving licence by Director [S 63/2013]

47D. A driving licence suspended by the Director under section 47A for a period of one year or any other longer period shall be of no effect and the

holder of the driving licence shall not drive a motor vehicle after the period of suspension unless he passes his driving test.

Disqualification or suspension to continue in certain circumstances

[S 63/2013]

47E. (1) If any person —

(a) who is disqualified from holding or obtaining a driving licence; or

(b) whose driving licence is suspended under the provisions of this Act,

drives while he is so disqualified or his licence is under suspension and causes death or serious injury to any other person and is charged for an offence under this Act, the disqualification or suspension shall continue until that offence has been tried and determined by a court.

(2) In subsection (1), “serious injury” means any injury which causes a person to be during a period of 7 days in severe bodily pain or unable to follow his ordinary pursuits.

Prohibition order against foreign tourist [S 63/2013]

47F. (1) Where any provision of this Act empowers —

(a) a court to order that a person be disqualified from holding or obtaining a driving licence; or

(b) the Director to suspend or revoke a driving licence of any person,

such provision shall, in relation to a foreign tourist, be read as empowering the court or the Director to make a prohibition order which prohibits such foreign tourist from driving any motor vehicle in Brunei Darussalam for the same period for which the court or the Director may, by virtue of that provision, disqualify any person from holding or obtaining a driving licence or suspend or revoke the driving licence of any person, as the case may be.

(2) Any other provision of this Act which relates or which makes reference to the disqualification of persons from holding or obtaining a driving licence or to the suspension or revocation of driving licences, including any provision which provides for the punishment of any offence

committed by a person who has been disqualified from holding or obtaining a driving licence or whose driving licence has been suspended or revoked, shall, in relation to a foreign tourist, be read as if every reference in that provision to the disqualification of a person from holding or obtaining a driving licence or to the suspension or revocation of the driving licence of any person were a reference to the making of a prohibition order against the foreign tourist.

(3) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations for modifying, in such manner as he may consider necessary, any of the provisions of this Act which relates or refers to the disqualification of persons from holding or obtaining a driving licence or to the suspension or revocation of driving licences in order that such provision may appropriately apply in relation to a foreign tourist against whom a prohibition order has been made under this section.

PART 7

PUBLIC SERVICE VEHICLES AND FRANCHISES

Application

48. The provisions of this Part and Part 8 apply to any area of Brunei Darussalam which the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order signified in the *Gazette* declare to be a regulated area:

Provided that without prejudice to the transitional provisions hereinafter contained, no such order shall have effect before the expiration of 30 days after its publication in the *Gazette*.

Establishment of Motor Transport Licensing Authority

49. (1) There shall be established a Motor Transport Licensing Authority which shall consist of—

- (a) the Director, who shall be the chairman;
- (b) the Commissioner of Police;
- (c) the Director General of Public Works; and

(d) one other official and not less than four unofficial members (in this section referred to as appointed members) approved by His Majesty the Sultan and Yang Di-Pertuan.

(2) His Majesty the Sultan and Yang Di-Pertuan may appoint a person to be secretary to the Licensing Authority.

(3) The Director may, in his absence from any meeting, be represented by a public officer appointed by him in writing on that behalf; and such officer shall, if so appointed by the Director, act as chairman for that meeting.

Appointment of appointed members

50. An appointed member shall —

(a) on his appointment, declare in writing to His Majesty the Sultan and Yang Di-Pertuan whether he or any person employing him has any, and if so, what financial interest in any transport undertaking operating in Brunei Darussalam.

(b) after his appointment, declare in writing to His Majesty the Sultan and Yang Di-Pertuan any acquisition, whether by himself or by any person employing him, of any financial interest in any transport undertaking operating in Brunei Darussalam in respect of vehicles to which this Act applies, within 4 weeks after such interest has been acquired by him or, in the case of such acquisition by any person employing him, within 4 weeks after such acquisition has come to his knowledge,

and His Majesty the Sultan and Yang Di-Pertuan may, if he thinks fit, thereupon declare that such appointed member has vacated his office.

Disqualification of appointed members

51. (1) An appointed member of the Licensing Authority shall become disqualified to retain office, if he is absent from four consecutive meetings of the Licensing Authority without the leave of the chairman.

(2) If an application for a franchise or public service vehicle licence is made, or if objection to an application for such franchise or licence is made, by or on behalf of an appointed member or the person employing him, or any transport undertaking operating in Brunei Darussalam in which an

appointed member of the person employing him has any financial interest, the appointed member shall be disqualified from sitting or voting at the hearing of such application by the Licensing Authority.

Tenure of office of appointed members

52. (1) Every appointed member shall, subject to subsection (2), hold office for 3 years and shall be eligible for re-appointment to the Licensing Authority for a further period of 3 years at the expiration of each such period.

(2) His Majesty the Sultan and Yang Di-Pertuan may at any time remove any appointed member of the Licensing Authority from his office.

(3) If an appointed member of the Licensing Authority is removed from, or ceases to hold, his office under this section, or dies or resigns before the expiry of the period for which he was appointed, his place shall be filled by a person appointed by His Majesty the Sultan and Yang Di-Pertuan for the remainder of the period for which such appointed member would otherwise have held office.

(4) Where any appointed member is temporarily absent from Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan may appoint a temporary member in the place of the member so absent; and any person so appointed shall hold office until the return to Brunei Darussalam of the appointed member in whose place he has been appointed.

Proceedings of Licensing Authority

53. (1) At all meetings of the Licensing Authority, the chairman together with three other members of the Licensing Authority shall form a *quorum*.

(2) Meetings of the Licensing Authority shall be held at such times and places as the chairman may determine.

(3) The chairman shall have a deliberative vote and in the case of equality of votes shall also have a casting vote. A decision of the majority of the members present at a meeting of the Licensing Authority is deemed to be the decision of the Licensing Authority.

(4) The Licensing Authority shall conduct its business in accordance with such procedures as may be prescribed:

Provided that unless and until such procedure has been prescribed, the Licensing Authority shall conduct its business in such manner as the chairman may determine.

(5) All licences or franchises issued under this Part and all communications from the Licensing Authority shall be under the hand of the chairman or secretary or some other person duly authorised by the Licensing Authority.

(6) The chairman shall submit to the Minister an annual report of the proceedings of the Licensing Authority, and such report shall contain particulars with respect to such matters as the Minister may direct.

Release from liability for acts done in good faith

54. The chairman, members and secretary of the Licensing Authority and the officers and servants of the Licensing Authority shall not be personally liable for any act done or omitted to be done in good faith, in the execution or intended execution of the functions of the Licensing Authority under this Act or any regulations made thereunder.

District Licensing Authorities

55. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order signified in the *Gazette*, establish district Licensing Authorities for specified areas, and may give such directions as to the composition and proceedings of such district Licensing Authorities as he may see fit, and in particular may apply any of the provisions of sections 49, 50, 51, 52 and 53 to such district Licensing Authorities.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order signified in the *Gazette*, empower such district Licensing Authorities to carry out, under the general directions of the Licensing Authority, any such functions of the Licensing Authority under this Act as he may specify, including powers to hear and determine within specified areas applications for franchises and for public service vehicle licences, or for such class or classes of licences as he may specify, and to grant, refuse, revoke, suspend or attach conditions to such licences, and to exercise any of the powers of the Licensing Authority under sections 59, 68 and 69.

(3) In any area for which a district Licensing Authority has been established, all applications for franchises or for public service vehicle

licences, or for such class or classes of licences as the district Licensing Authority may be empowered to grant, and all objections to such applications, shall be made to the district Licensing Authority and all references in sections 54, 63, 65, 66 and 67 to the Licensing Authority are deemed to apply to such district Licensing Authority.

(4) Notwithstanding anything in this section, the powers of the Licensing Authority in any area specified under subsection (1) shall not be affected by any order under subsection (1) or (2) and in particular where the operation of any franchise or any public service vehicle licence extends or will, if any application therefor is granted, extend outside any one specified area, no district Licensing Authority shall deal with any application therefor or any matter affecting such franchise or public service vehicle licence except under and in accordance with the authority of the Licensing Authority.

Prohibition of use of unlicensed public service vehicles

56. (1) Subject to the provision of this Part, no person shall on any road in any regulated area, use a motor vehicle, or cause or permit a motor vehicle to be used, as a public service vehicle unless there is in force, in respect of such vehicle, a valid licence granted under this Part authorising such use, or otherwise than in accordance with such licence and any conditions attached thereto; and if he does so he is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 6 months:

Provided that a person shall not be convicted of an offence against this section if he proves to the satisfaction of the court that he used the motor vehicle, the subject of the charge, as a taxicab or hire car in an emergency for the purpose of conveying a sick or injured person to hospital or to bring medical aid to such person or for the purpose of making a police report to a police station and that he made all reasonable efforts to hire a taxicab or hire car for the purpose of the journey.

(2) On a conviction under subsection (1), the court shall order —

(a) particulars of such conviction to be endorsed on any licence to drive a motor vehicle held by the person convicted; and, either

(b) that if the person convicted holds a driving licence, his driving licence shall be suspended for such period not being less than 12 months from the date of such conviction as the court may

think proper unless the court for special reasons (which shall be set out in the order of the court) thinks fit to order otherwise; or

(c) that if the person convicted does not hold a driving licence, shall declare him disqualified from obtaining a licence for a period not being less than 12 months from the date of such conviction.

Persons deemed to be users of public service vehicles

57. (1) Where a public service vehicle is being used on any road in any regulated area, the driver of the vehicle, if it belongs to him or is in his possession under the agreement for hire, hire-purchase or loan, and in any other case the person whose agent or servant the driver is, shall for the purposes of this Act be deemed to be the person by whom the vehicle is being used.

(2) Where at any time passengers or goods are carried in a public service vehicle which has been let on hire by the person who at the time of the carriage of the passengers or goods is within the meaning of this Act the user of the vehicle, the passengers or goods are deemed to be carried by that person for hire or reward:

Provided that —

(a) the user of a vehicle shall not be convicted of an offence under section 56 if he proves to the satisfaction of the court that no act or omission on his part conduced to the commission of the offence; and

(b) in such case, the driver or other person responsible for the commission of the offence may be convicted of the offence as though he were the user of the vehicle.

Excepted vehicles

58. Section 56 does not apply to —

(a) the use of a vehicle for the purpose of funerals;

(b) the use of a vehicle employed by or with the authority of a local authority or of any person empowered to exercise the powers of a local authority for road cleansing, road watering, or the collection or disposal of refuse or night soil;

(c) the use of a vehicle for towing a disabled motor vehicle or for removing goods from a disabled vehicle to a place of safety;

(d) any vehicle owned by the Government;

(e) any vehicle hired by a public officer for use in the execution of his duties, for such time as it is so hired.

Classes of public service vehicle licences

59. (1) Public service vehicle licences shall be issued in respect of —

(a) stage carriages;

(b) motor omnibuses;

(c) contract carriages;

(d) taxicabs;

(e) goods service vehicles;

(f) such classes or description of public service vehicle as may be prescribed.

(2) A person who is a holder of a stage carriage licence may, subject and without prejudice to the conditions of any such licence and, if the stage carriage is subject to or regulated by a franchise, without prejudice to the conditions of any such franchise, use such vehicle as a contract carriage.

(3) Subject to any contrary direction in any regulations made under this Act, the Licensing Authority may in its discretion grant a goods service vehicle licence in respect of the same vehicle or vehicles in respect of which a public service vehicle licence to carry passengers has or is about to be issued.

(4) Except where application for a public service vehicle licence entails also application for a franchise, application shall be made to the Licensing Authority or to the district Licensing Authority, as the case may be, in the prescribed manner.

(5) Where such application entails also application for a franchise, the applicant may, *in lieu* of applying in the prescribed manner, apply to the

authority which has authority to grant the franchise indicating whether or not he desires a public service vehicle licence in respect of any vehicle if the franchise is not granted and shall thereafter comply in such regard with the directions of that authority:

Provided that nothing contained in this subsection is deemed to authorise such authority to direct the licensing of any vehicle to which such franchise as may be granted does not apply.

Duration of licences

60. (1) Subject to the provisions of section 59(2), every licence granted under this Part shall, unless previously revoked or suspended, remain in force for one year from the date upon which it is issued.

(2) Notwithstanding anything contained in this Part, with a view to enabling public service vehicles to be used temporarily —

(a) for the purpose of a seasonal business;

(b) for the purpose of the execution of a particular piece of work; or

(c) for any other purpose of limited duration,

a licence and if necessary a franchise may be granted for a period of less than one year, but not less than 3 months.

Licences and franchises not transferable

61. No franchise or licence granted under this Part shall be transferable except with the prior consent in writing of the Licensing Authority or of the district Licensing Authority which granted such franchise or licence.

Duration and effect of licence or franchise

62. (1) It is hereby declared that nothing in this Part is to be treated as conferring on the holder of a franchise or licence any right to the continuance after the expiration thereof, of any benefits arising from the provisions of this Part, or from such a franchise or licence, or from any terms or conditions attached to such a franchise or licence.

(2) The grant of a franchise or licence under this Part shall not relieve the holder from complying with the provisions of any written law in force in respect of motor vehicles.

Application for franchise

63. (1) Contemporaneously with or any time subsequent to the making of an order under section 48, the Licensing Authority may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by declaration published in the *Gazette* declare —

(a) the franchise or franchises in respect of which applications may be made to the Licensing Authority, and the time within which such applications shall be made;

(b) the premium, royalty, fee or other consideration which will become payable under the terms of any such franchise; and

(c) such of the terms and conditions under which it is proposed that the franchise shall be granted as to which the Licensing Authority considers information to the public should be given.

(2) The Licensing Authority may either in such declaration or, subject to such regulations as may be prescribed therefor in such other manner as it deems appropriate, stipulate the form and manner in which any application is to be made and the particulars and information to be supplied in connection therewith.

Grant of franchise

64. (1) The Licensing Authority, subject to the provisions of this section and section 67, upon application under section 63, may grant or refuse any franchise:

Provided that —

(a) no franchise shall be granted for a period exceeding 7 years, and shall in any case not exceed such period, if any, as may be prescribed for a franchise of a particular class or description;

(b) the Licensing Authority shall not without the consent of His Majesty the Sultan and Yang Di-Pertuan grant any franchise

inconsistent with the tenor of the declaration in respect thereof made under section 63;

(c) if it proposes to grant a franchise, the Licensing Authority shall first announce by notice published in the *Gazette* that the grant of a franchise to a particular person is proposed, together with such details of the terms thereof as shall in the opinion of the chairman suffice to enable objections to be made thereto and shall provide by such notice for the time within which and the manner in which objections shall be made to the grant of the proposed franchise;

(d) if any objection is made within due time, being an objection which the Licensing Authority is bound to take into consideration under subsection (2), the Licensing Authority shall hold a public inquiry consistent with the rules of natural justice or, if a specific procedure is prescribed, then in accordance therewith;

(e) if the Licensing Authority refuses any application for a franchise, it shall inform the applicant accordingly and also of his right of appeal under section 70.

(2) It shall be the duty of the Licensing Authority on any application to which subsection (1) applies to take into consideration any objection to the application which may be made —

(a) by any local authority having jurisdiction in and by any person resident in the regulated area; or

(b) by persons who are already providing facilities (whether by means of road transport or any other kind of transport) for the carriage of passengers for hire or reward in such regulated area,

on the ground that —

- (i) suitable transport facilities exist for the route in respect of which it is proposed to grant the franchise;
- (ii) if the franchise were granted, transport facilities for such route would be in excess of requirements;
- (iii) the applicant has failed to comply with the terms of a franchise held by him;

- (iv) the Licensing Authority has not exercised its discretion in accordance with the provisions of section 67; or
- (v) it is not necessary or desirable in the public interest —
 - (A) to grant the franchise; or
 - (B) if the franchise is to be granted to grant such franchise to the applicant.

(3) This section applies to every application for a short term franchise as provided by section 60(2), unless the Licensing Authority is of the opinion either —

(a) that, having regard to the trivial nature of the application, it is not necessary that any opportunity should be given for objecting; or

(b) that the application has been made with reasonable expedition and that the demand for the use of the vehicle to be authorised under the franchise is so urgent as to render compliance with the requirements of this section impracticable or inexpedient.

(4) Where, as provided for in this section, any person objects to the grant of a franchise, the burden of satisfying the Licensing Authority that such objection is well founded shall lie upon such person.

(5) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by regulations apply the provisions of this section to any class or description of public service vehicle in addition to a stage carriage.

Meetings of Licensing Authority

65. (1) The Licensing Authority shall from time to time hold meetings for the purpose of considering applications to which section 64 applies and any objections duly made to such applications.

(2) At any such meeting, the chairman may by writing under his hand require the attendance of any applicant or objection, and similarly may require any other person to attend who, in the opinion of the chairman, is able to furnish information or produce documents likely to be of assistance to the Licensing Authority.

Information required by Licensing Authority

66. Any person applying for a franchise or licence under this Part shall, in addition to the prescribed particulars which he is required to furnish with his application, give to the Licensing Authority any information which the Licensing Authority may require for the proper exercise of its functions under this Part, and in particular shall, if required by the Licensing Authority, submit to the Licensing Authority such particulars as the Licensing Authority may require with respect to any business as a carrier of passengers or goods for hire or reward carried on by the applicant at any time before the making of the application, and of the rates charged or proposed to be charged by the applicant.

Matters to be considered by Licensing Authority

67. On any application to which section 64 applies, the Licensing Authority in exercising its discretion to grant or refuse a franchise and to attach terms and conditions thereto shall have regard to the following matters —

(a) the extent to which the proposed service is necessary or desirable in the public interest;

(b) the maintenance of efficient transport services in a regulated area;

(c) the suitability of the roads on which a service is intended to be provided;

(d) the extent, if any, to which the transport needs of the proposed routes or areas or any of them are already served;

(e) the financial ability of the applicant to provide the proposed service, and whether the applicant is resident and carrying on business in Brunei Darussalam and whether the greater part of the capital required for operation is derived or to be derived from persons resident or operating in Brunei Darussalam;

(f) the previous conduct of the applicant in the capacity of a carrier of goods or passengers or as the holder of a public service vehicle licence;

- (g) the proposals of the applicant as to —
 - (i) the maximum and minimum charges for the carriage of goods and passengers;
 - (ii) the class or classes of goods to be carried;
- (h) the number and type of vehicles proposed to be used and the specifications thereof;
- (i) the facilities at the disposal of the applicant for carrying out vehicle maintenance and mechanical repairs and overhaul of vehicles;
- (j) the conditions of service of employees of the applicant;
- (k) the public purposes (if any) to which profits to be derived from the proposed service are to be applied.

Additional powers of Licensing Authority

68. (1) The Licensing Authority may from time to time, after such notice to the holder of any franchise as it may think proper, vary or add to the terms and conditions attached thereto.

(2) A franchise or licence granted under this Part may, after such notice to the holder thereof as the Licensing Authority may think proper, be revoked or suspended at any time by the Licensing Authority on the ground that any of the terms or conditions of the franchise or licence have not been complied with, or by reason of the fact that the holder of the franchise or licence has been convicted of an offence under this Act or any regulations made thereunder, or under any other Act relating to motor vehicles.

(3) The Licensing Authority may, *in lieu* of revoking or suspending a franchise, direct that any one or more of the vehicles to which the franchise relates shall be removed therefrom, or that the maximum number of vehicles to which the franchise relates shall be reduced and references in this or any other section of this Act to the revocation or suspension of a franchise shall be construed as including a reference to the giving of a direction made under this subsection.

Variation of franchise on application

69. (1) On the application of the holder of a franchise, the Licensing Authority may at any time during the currency of the franchise vary the franchise by directing that additional vehicles shall be specified therein, or that vehicles specified therein shall be removed therefrom, or that the maximum or minimum number of motor vehicles to which the franchise relates shall be increased or reduced.

(2) The foregoing provisions of this Part as to applications for franchise, as to the grant or refusal thereof, and as to the attaching of terms and conditions thereto, apply in relation to the variation of any such franchise:

Provided that the Licensing Authority shall be bound to grant an application for a variation consisting only of the removal of a specified vehicle from the franchise, but nothing contained in this proviso is deemed in any way to relieve the holder of any franchise from any condition of the franchise as to the minimum number of vehicles by which the service shall be operated.

(3) Where it comes to the knowledge of the Licensing Authority that a vehicle specified in a franchise has ceased to be used under the franchise for any reason other than a fluctuation in business, or is specified in another franchise, the Licensing Authority may vary the franchise by directing that the vehicle shall be removed from the franchise.

Appeals

70. (1) Any person who —

(a) being an applicant for the grant, renewal or variation of a franchise or licence to which this Part applies, is aggrieved by the decision of the Licensing Authority or a district Licensing Authority on the application;

(b) having duly made an objection to any such application, being an objection which the Licensing Authority or a district Licensing Authority is required by section 64 to take into consideration, is aggrieved by the decision thereon of the Licensing Authority or the district Licensing Authority, as the case may be; or

(c) being the holder of a franchise or licence to which this Part applies, is aggrieved by a decision of the Licensing Authority or a district Licensing Authority to vary, revoke or suspend such licence,

may, within 21 days of such decision, appeal to His Majesty the Sultan and Yang Di-Pertuan in Council in the prescribed manner.

(2) Without prejudice to any power from time to time conferred upon His Majesty the Sultan and Yang Di-Pertuan in Council by any written law, it shall be lawful for His Majesty the Sultan and Yang Di-Pertuan in Council —

(a) in any case in which the Licensing Authority has held a public inquiry under section 64(1)(d) to direct the Licensing Authority to grant a franchise to any person who may have applied for a franchise under section 63 and who is ready and willing to observe the terms of such franchise or any modified terms of which His Majesty the Sultan and Yang Di-Pertuan in Council may approve, and in such case it shall not be necessary or proper to comply anew with section 63 or 64 before proceeding to grant such franchise;

(b) in any case in which section 63 has been complied with, to direct the Licensing Authority to proceed under section 64, in which event it shall not be necessary or proper to comply anew with section 63; and

(c) to permit any person who may be prejudiced by the result of any appeal to appear before His Majesty the Sultan and Yang Di-Pertuan in Council on the hearing thereof whether in person or by a representative.

Notice to be given to Director of failure or damage to or alteration of vehicles

71. (1) It shall be the duty of the holder of a public service vehicle licence to report forthwith in writing to the Director any failure or damage to the vehicle subject to the licence of a nature calculated to affect the safety of passengers or of persons using the road.

(2) It shall be the duty of the holder of a public service vehicle licence on any material alteration (other than by way of replacement of parts) being made in the structure or fixed equipment of any vehicle in respect of

which the licence was issued forthwith to give notice in writing of the alteration to the Director.

(3) Any person who contravenes subsection (1) or (2) is guilty of an offence and liable on conviction to a fine of \$4,000 and imprisonment for 3 months.

Maximum number of passengers

72. (1) The maximum number of passengers allowed to be carried at any one time in a vehicle used under a licence issued under paragraphs (a) to (d) inclusive of section 59(1) shall be determined by an examiner appointed under section 3, and shall be specified in such licence and shall be legibly painted in a conspicuous position on such vehicle in such manner as may be prescribed.

(2) For the purposes of subsection (1), a child under 5 years of age and not occupying a seat shall not be counted as a person, and three children over 5 years of age and under 10 years of age shall be counted as two persons.

(3) If there is found in any public service vehicle more passengers than the vehicle is permitted to carry, then the driver of the vehicle and the conductor of the vehicle, if any, is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for one month.

(4) Any person who, on being required by the conductor or driver of a public service vehicle not to enter the vehicle or to leave such vehicle, enters or attempts to enter, or fails to leave such vehicle, when it is carrying without counting the passenger who has been so required the full number of passengers which it is permitted to carry is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for one month.

Avoidance of contracts so far as restrictive of liability in respect of death or injury to passengers

73. Any contract for the conveyance of a passenger in a public service vehicle, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering, or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, is void.

Prohibition of use of unlicensed vehicles as public service vehicles

74. (1) Any motor vehicle in respect of which there is reasonable cause to suspect that there has been committed any offence under section 56 may be seized by a police officer not below the rank of Assistant Superintendent.

(2) When a motor vehicle has been seized under subsection (1), a police officer not below the rank of Assistant Superintendent may, at his discretion, temporarily return such vehicle to the owner on security being furnished to the satisfaction of such officer that the vehicle will be surrendered to him on demand. In addition to any penalty imposed under section 56, the court by which the offender is convicted may order that any vehicle seized under subsection (1) which was used in the commission of the offence shall be forfeited. If it does not order the forfeiture of any such vehicle it shall direct that it be released from seizure.

(3) If there is no prosecution with regard to any motor vehicle seized under subsection (1), such vehicle shall, unless it has sooner been released, be released at the expiration of one month from the date of seizure.

Presumptions

75. In any proceedings for an offence under Part 7, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proved that —

(a) any conveyance of persons or goods in a motor vehicle was for hire or reward;

(b) the passengers carried in a motor vehicle were being carried in consideration of separate payments made by them;

(c) a vehicle is not a vehicle in relation to which any licence under Part 7 has been issued;

(d) any person is not the holder of a licence issued under the provisions of Part 7 in respect of a motor vehicle;

(e) any person is the owner of a motor vehicle; and

(f) any person is the holder of a licence under Part 7.

PART 8

CERTIFICATES OF FITNESS

Certificates of fitness

76. (1) No public service vehicle or heavy vehicle shall be used on any road in any regulated area unless there is in force in respect of such vehicle a valid certificate (hereinafter called a certificate of fitness) issued by an examiner; and such certificate of fitness shall be carried at all times on the vehicle in respect of which it was issued.

(2) A certificate of fitness shall state that the vehicle in respect of which it is issued complies with any conditions as to fitness prescribed at the time of the issue thereof and that the vehicle is in all respects fit for the purpose for which it is to be used.

(3) For the purposes of this section, a certificate of fitness shall be valid for such period not exceeding 2 years from the date of issue thereof as the examiner may approve.

(4) Such fees as may be prescribed shall be charged for an examination for a certificate of fitness.

(5) (a) Any licensing officer within any regulated area in which a public service vehicle or heavy vehicle is being used, who has reason to believe that any such vehicle has ceased to be fit for the purpose for which it is being used, may order that the vehicle be produced for examination by an examiner at a specified time and place, and if such order is not obeyed, the licensing officer may at his discretion prohibit the use of the vehicle until the order is obeyed.

(b) If, on examination the public service vehicle or heavy vehicle is found to be unfit for the purpose for which it is being used, the licensing officer shall prohibit the use of the vehicle until all necessary repairs, adjustments or alterations have been effected to the satisfaction of the examiner.

(6) Wherever an examiner finds a public service vehicle or heavy vehicle in any regulated area unfit for use by reason of remediable defects, he shall upon his examination thereof make a full list in writing of all such defects and shall give the owner of the vehicle a copy thereof; and if all such

defects are subsequently remedied to the satisfaction of the examiner, he shall issue a certificate of fitness:

Provided that if the examiner upon examining the vehicle to ascertain such defects have been remedied finds any further defects which have appeared or developed since the earlier examination, he shall require the owner to remedy such further defects before issuing the certificate of fitness, and such further fee shall be charged as may be prescribed for examining the vehicle to ascertain whether such further defects have been remedied.

(7) Wherever an examiner finds a public service or heavy vehicle in any regulated area to be unfit by reason of irremediable defects, he shall inform the Director accordingly and the owner shall not, without the written consent of the Director, apply to have the vehicle examined by any other examiner.

(8) An examiner shall at any time on production, if so required, of his authority, be entitled to enter and inspect any public service or heavy vehicle, and for that purpose may require any such vehicle to be stopped, and may at any time which is reasonable, having regard to the circumstances of the case, enter any premises upon which he has reason to believe that any public service or heavy vehicle is kept.

(9) If, upon any inspection made under the subsection (8), an examiner is satisfied that it is necessary to do so, he may, notwithstanding the provisions of subsection (3), order that the vehicle be taken off the road forthwith, or may issue such directions restricting the use of the vehicle as he may think fit, and the examiner shall forthwith notify the Director of any such order or directions.

(10) The decision of an examiner that a public service or heavy vehicle is fit for use shall be final. His decision that any such vehicle is unfit for use or should be subjected to restrictions affecting such use, shall, if any person aggrieved thereby so requires, be subject to confirmation by the Director, who may confirm the decision, or may make any such order or give any such direction as is authorised by this section.

(11) Any person who —

(a) causes or permits the use of any vehicle while a prohibition imposed under subsection (5) is in force;

(b) obstructs any examiner in the course of his duty; or

(c) fails to comply with any order or direction given to him under subsection (9) or (10),

is guilty of an offence and liable on conviction to a fine of \$4,000 and imprisonment for 3 months.

PART 9

TRAFFIC ON ROADS

Power to restrict traffic

77. The Minister may by order signified in the *Gazette* —

(a) prohibit absolutely or on certain roads or ports thereof the use of any particular description of vehicle which in his opinion is likely to cause excessive wear and tear of the road, or be dangerous or inconvenient to the public;

(b) prohibit or restrict the use of any vehicle or any class of vehicle on any specified road within any area, either generally or during particular hours;

(c) authorise the maintenance in force for any period not exceeding 3 months of any order made under section 78; or

(d) generally restrict or regulate the use of vehicles in such manner as circumstances may appear to require.

Power to restrict traffic etc. temporarily

78. (1) Without prejudice to the duties imposed on the constabulary under the Royal Brunei Police Force Act (Chapter 50) and to section 188 of the Penal Code (Chapter 22), the competent authority may when such authority considers that such action is necessary or expedient —

(a) to prevent danger to the public;

(b) to prevent damage to or obstruction of any road; or

(c) to maintain order or control traffic,

by order posted in a conspicuous manner and in such other manner as to such authority appears to be calculated to bring the same to the knowledge of persons likely to be affected thereby, control the use of any road or part thereof by traffic or by any description of traffic and without prejudice to the generality of the foregoing may appoint the routes entrances and exits by which traffic or any description thereof shall proceed on any particular occasion or approach and depart from any public place and appoint places (including, where the owner consents, alienated land) in which traffic or any description thereof shall park or be stationed.

(2) The competent authority shall be the Commissioner of Police and such other persons specified by name or office as the Commissioner of Police may by order published in the *Gazette* with the approval of the Minister, declare to be the competent authority for the purposes of this section in any particular area.

(3) Without prejudice to the provisions of section 77, no order made under subsection (1) shall remain in force for more than 14 days from the date of the making thereof.

Power to control traffic at assemblies and public resorts

78A. (1) The Commissioner of Police may issue orders, prescribing the routes, entrances and exits by which traffic shall approach or leave any place of assembly or public resort, and prescribing where and the order in which vehicles shall park while waiting at such places.

(2) An order issued under this section may prescribe a parking place upon land in private ownership if the owner or occupier of such land consents.

(3) The Commissioner of Police may, with the consent of the owner or occupier of any place of assembly or public resort, authorise any police officer in uniform to regulate the movement of traffic in such place.

(4) Any person who —

(a) contravenes or fails to comply with an order made under this section; or

(b) neglects or refuses to stop his vehicle or to make it proceed in or keep to a particular line to traffic or neglects or refuses himself

to proceed in or keep to a particular line of traffic when directed to do so by a police officer authorised under this section to regulate traffic, is guilty of an offence.

(5) Orders issued under this section shall be published in the *Gazette* and may be published in such other manner as the Commissioner of Police may think fit.

Powers of Director General of Public Works and local authority to close roads and to control traffic on bridges

79. (1) Wherever the Director General of Public Works or any local authority responsible for the maintenance of any road considers that such road or any part thereof —

(a) is unfit for use by any vehicle or class or description of vehicle; or

(b) is required for the purposes of construction, repair or reconstruction works,

the Director General of Public Works or the local authority or any person authorised by the Director General of Public Works or the authority may by notice posted in a conspicuous manner at each end of such road prohibit any vehicle or class or description of vehicle from using such road for any period not exceeding 3 months.

(2) Wherever the Director General of Public Works or any local authority responsible for the maintenance of any bridge is satisfied that any bridge over which a road passes is insufficient to carry vehicles of which the gross weights or dimensions exceed certain limits, the Director General of Public Works or authority or any person authorised by the Director General of Public Works or authority may by notice posted in a conspicuous manner on or near such bridge, or on or near the road leading thereto, prohibit the use of the bridge by any vehicle —

(a) of which the gross weight exceeds a maximum weight specified in the notice;

(b) of which the dimensions exceeds any maximum dimensions specified in the notice;

(c) at a speed in excess of any maximum speed specified in the notice.

Toll on vehicles using roads

79A. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make orders for the imposition of a toll on vehicles using any road, and any such orders shall specify the nature, amount, rate and the manner of payment of any such toll.

(2) Such orders may provide for different amounts and rates of toll for different types and categories of vehicle.

(3) The Minister may exempt any vehicle or class of vehicle from the provisions of subsection (2) on such conditions as he may impose.

(4) In this section, “toll” includes any levy, due or other charge to be paid to the Government for using the road.

Power to remove structures from roads

79B. (1) Where any structure has been erected or set up on or over any road or any road reserve otherwise than under the authority of any written law, the Director General of Public Works may, by notice in writing, require the person having control or possession of that structure to remove it within such period as may be specified in the notice or within such extended period as the Director General of Public Works may allow.

(2) If any structure in respect of which a notice has been served under this section is not removed, the Director General of Public Works may remove the structure:

Provided that the power of the Director General of Public Works under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice.

(3) Notwithstanding subsections (1) and (2), where there is a likelihood of immediate danger to traffic arising from any structure, the Director General of Public Works may take such action as is necessary to remove such structure without giving notice to any person.

(4) Where any structure has been removed by the Director General of Public Works under this section, and the expenses of the removal and

detention of the structure have not been paid within one week after the date of such removal, the Director General of Public Works may, after giving one month's notice in writing to the person having control or possession of the structure immediately before such removal, sell by public auction or otherwise dispose of such structure; and any proceeds from such sale or disposal shall be applied in payment of the expenses of such removal and detention and any surplus shall be paid to the person having the control or possession of the structure immediately before such removal or shall, if not claimed by such person within 3 months after the date of the sale or disposal, be forfeited to the Government.

(5) Nothing in subsection (4) shall prohibit —

(a) the disposal, as the Director General of Public Works may consider necessary, of any food or other perishable goods removed together with the structure, and any proceeds from any such disposal shall be applied in the manner provided in that subsection; and

(b) the recovery as a civil debt of the whole or part of the expenses of removal and detention from the person having the control or possession of the structure immediately before such removal.

(6) Notice under subsection (1) may be served either personally, by post or by affixing it to the structure to which the notice relates.

(7) In this section, “structure” includes any machine, pump, post and any other such object as is capable of causing obstruction or of endangering traffic.

Construction of access and drains and laying of public utility installations

79C. (1) No person shall —

(a) construct any access road (including paths, driveways or other means of access, whether public or private) to join any road;

(b) construct a drain to join a drain constructed alongside a road; or

(c) carry out any works of any description in, upon, over or under any road,

unless plans containing details of the layout thereof have been approved by the Director General of Public Works, who may refuse such application or allow it on such conditions as he may impose.

(2) Where in the opinion of the Director General of Public Works there is —

(a) a likelihood of danger to traffic;

(b) any flooding, interference or obstruction; or

(c) any failure to comply with any condition imposed under subsection (1),

in the course of or arising from any works referred to in subsection (1), the Director General of Public Works may, by notice in writing, require the person to whom approval was granted or the occupier of the premises or land, to take such action as may be necessary to remove the danger, to remove the interference or obstruction, to stop up any drain or to comply with the conditions imposed within the time specified in the notice, failing which the Director General of Public Works may take such action as is necessary to remove the danger of flooding, interference or obstruction or to ensure compliance with the conditions imposed.

(3) Subject to subsection (6), the Director General of Public Works may, by notice published in the *Gazette*, require the closure or diversion of or alterations to be made to any access road (whether constructed before or after 18th July 2002, being the commencement of the Road Traffic Act (Amendment) (No. 2) Order, 2002 (S 48/2002)).

(4) Where any action has been taken by the Director General of Public Works under subsection (2) or (3), the expenses incurred and certified in writing by the Director General of Public Works in taking such action shall be a debt due to the Government by the person to whom the approval was granted or by the occupier of the premises or land.

(5) Where any works under subsection (1) have been executed and it is found that they were executed for the purpose of making a direct connection of any public utility to any premises or for joining a drain to one constructed alongside a road for the purpose of drainage of the land on which the first-mentioned drain was constructed, the occupier of such premises or

land is deemed to be the person carrying out the works for the purpose of this section.

(6) Where as a result of a notice gazetted by the Director General of Public Works under subsection (3) an access road existing at the time of such gazetting would be totally closed and there would be no alternative access road, the Director General of Public Works shall, prior to the closure, provide an alternative access road:

Provided that where an alternative access road cannot be provided or cannot be provided without incurring an unreasonable amount of expenditure, the land so affected shall be acquired in accordance with the provisions of the Land Acquisition Act (Chapter 41) and such acquisition shall for the purpose of that Act, be deemed to be for a public purpose.

(7) Any person who contravenes subsection (1) or who fails to comply with any conditions imposed under that subsection is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both:

Provided that any punishment imposed under this subsection shall not affect any civil liability of the person to whom approval was granted or of the occupier of the premises or land.

(8) The Director General of Public Works may give directions to regulate and control the carrying out or construction of any of the works referred to in subsection (1).

Penalty and proof in relation to sections 77, 78 and 79

80. (1) Any person who contravenes the provisions of any order made under section 77 or 78 or of any notice posted under the provisions of section 79, or who removes, injures or tampers with any order or notice made or posted under the provisions of section 78 or 79, is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for one month.

(2) For the purposes of sections 78 and 79, an order or notice posted in a conspicuous manner on or near any road or bridge and purporting to have been placed by or in pursuance of the competent or appropriate authority is deemed to have been lawfully posted, unless the contrary is proved.

Recovery of damage to roads and bridges

81. If by reason of any offence under this Part any damage is caused to any road or bridge by any motor vehicle or trailer, the owner of the vehicle or trailer and the person driving the same shall be jointly and severally liable to the Government or the local authority responsible for the maintenance thereof for damage done thereby and the Director General of Public Works or the local authority or any person authorised by the Director General of Public Works or the local authority may cause such damage to be made good and may recover the cost thereof from such person or persons.

Pedestrian crossings

81A. (1) Crossings for pedestrians may be established on roads, on subways constructed under roads, or on bridges constructed over roads, in accordance with this section.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations with respect to the precedence of vehicles and pedestrians respectively and generally with respect to the movement of traffic (including pedestrians) at and in the vicinity of crossings.

(3) Without prejudice to the generality of subsection (2), regulations made thereunder may be made prohibiting pedestrian traffic on the roadway within 100 metres of a crossing and with respect to the indication of the limits of a crossing, by marks or devices on or near the roadway or otherwise, and generally with respect to the erection of traffic signs in connection with a crossing.

(4) Different regulations may be made under this section in relation to different conditions and, in particular, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by a police officer or by traffic signals or different kinds of traffic signals, and which is not controlled.

(5) Regulations may be made under this section applying only to a particular crossing or particular crossings specified in the regulations.

(6) Any person who contravenes any of the regulations made under this section is guilty of an offence and liable on conviction —

(a) if the offence was committed by him in his capacity as the driver of a vehicle, to a fine of \$1,000 or imprisonment for 3 months and, in the case of a second and subsequent offence, to a fine of \$2,000 or imprisonment for 6 months;

(b) in any other case, to a fine of \$500.

(7) In this section, “crossings” means crossings for pedestrians referred to in subsection (1).

PART 10

POWERS OF POLICE

Licences etc. to be produced on demand

82. (1) Any police officer or any examiner appointed under section 3 may demand from the owner of any motor vehicle the production of the licence and registration book in force at the date of such demand in respect of the motor vehicle and, in the case of a public service vehicle operating in a regulated area, the public service vehicle licence in respect thereof, and from any person driving any class of motor vehicle the production of a licence authorising him to drive a motor vehicle of that class.

(2) Any person who fails when demand is so made to produce any such licence, registration book or public service vehicle licence, shall, unless within 5 days thereafter he produces such licence, registration book or public service vehicle licence at a police station and explains to the police officer in charge thereof that the licence, registration book or public service vehicle licence is produced in compliance with the demand of a police officer, and names the place where such demand was made, is guilty of an offence and liable on conviction to a fine of \$2,500.

Powers of arrest, stoppage and detention

83. (1) A police officer in uniform, having reasonable grounds for believing that any person, not being the driver of a motor vehicle, has committed an offence under this Act or any regulations made thereunder, may stop and arrest such person without a warrant:

Provided that such person shall not be arrested unless the police officer has reasonable grounds for believing that he is unlikely to attend the court in answer to any summons served on him.

(2) A police officer may detain any bicycle or tricycle in respect of which an offence has been committed within his view.

(3) A police officer in uniform may stop any motor vehicle the driver of which has committed or is suspected of having committed an offence under this Act or any regulations made thereunder.

(4) Any person driving a motor vehicle shall stop the motor vehicle on being so required by a police officer in uniform, and if he fails to do so he is guilty of an offence.

(5) A police officer in uniform may, except as provided in this section, arrest without a warrant any person in charge of or driving a motor vehicle who has committed or is suspected of having committed an offence under this Act or any regulations made thereunder.

(6) The power of arrest under subsection (5) shall not be exercised if—

(a) such person on the demand of the police officer produces his driving licence to enable the police officer to ascertain his name and address, the date of issue and the authority by which it was issued; or

(b) such person, not being a paid driver, or the driver of motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods, gives the police officer his name and address in Brunei Darussalam:

Provided that if the police officer has reason to suspect that a name or address so ascertained or given is false, he may, notwithstanding anything to the contrary in this subsection, exercise the power of arrest under subsection (5).

(7) The Director or any person authorised in writing by him in that behalf on production of such authority, and any police officer, may stop any vehicle other than a motor vehicle, and any police officer in uniform may stop any motor vehicle, for the purpose of examining the licence of any such vehicle and the person driving the vehicle shall stop it on being so required

by the Director or such officer or police officer, and if he fails to do so he is guilty of an offence.

(8) Any police officer in uniform may, when exercising any of the powers conferred by subsection (3), (5) or (7), require any person, who appears to him to be or to have been a passenger in the motor vehicle in relation to which he is exercising those powers, to furnish to him his name and address.

(9) When any person referred to in subsection (8) refuses to furnish his name and address, he may be arrested by the police officer in order that his name and address may be ascertained, and he shall, within 24 hours of the arrest, be taken before a court, unless before that time his name and address have been ascertained, in which case he shall forthwith be released on his executing a bond with or without a surety for his appearance before a court, if so required.

(10) When any person is taken before a court under subsection (9), the court shall require him to execute a bond with or without a surety for his appearance before it, if so required.

Removal of vehicles from roads etc.

84. (1) The competent authority may make rules to provide for the removal from roads and the safe custody of vehicles (including any loads carried thereby) which have broken down, or which have been permitted to remain at rest on a road in such a position or condition or in such circumstances as to be likely to cause danger to traffic using the road, or which appear to have been abandoned.

(2) The competent authority may detain any vehicle so removed until the expenses of removal and charges for detention have been paid, and any such vehicle shall remain at the risk of the owner thereof until such expenses and charges have been paid.

(3) If any vehicle so detained has not been claimed by the owner within 3 months from the date of detention, the competent authority may after due notice published in the *Gazette* and after giving not less than one month's notice in writing to the owner (if the name and address of such person is known to the authority) sell by public auction or otherwise dispose of such vehicle.

(4) Any proceeds from the sale or disposal of any vehicle so detained shall be applied in payment of any charges incurred in carrying out the provisions of this section and any surplus shall be paid to the owner of the vehicle or, if such person cannot be traced or fails to claim such surplus within 12 months from the date of such sale or disposal, shall be forfeited to the Government.

(5) In this section, “competent authority” has the same meaning as in section 78(2).

Power to inspect premises

84A. (1) A police officer may, for the purpose of examining any vehicle in respect of which he has reason to believe that an offence under this Act has been committed, enter at any time any place in which he suspects that such vehicle is kept.

(2) Any police officer in conducting an investigation into any seizable offence in connection with which a vehicle is suspected to be concerned may enter any place to search for and examine such vehicle.

(3) If any person obstructs a police officer in the exercise of his powers under this section, that person is guilty of an offence.

Power to examine vehicles

84B. Any police officer in uniform may at any time examine any vehicle which is being used and the licence thereof to see if it complies with the provisions of this Act or any subsidiary legislation made thereunder, and if any person obstructs any such officer in the exercise of his power under this section, that person is guilty of an offence.

Weighing of vehicles

84C. (1) Subject to this Act, it shall be lawful for any police officer authorised in writing in that behalf by the Commissioner of Police to require the person in charge of any motor vehicle to allow it or any trailer drawn thereby to be weighed either laden or unladen and the weight transmitted to the road by any part of the motor vehicle laden or unladen in contact with the road to be tested and for the purpose forthwith to proceed to a weighbridge or other machine for weighing vehicles, and if any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he is guilty of an offence.

(2) Subject to this Act, it shall be lawful for any police officer so authorised to require the person in charge of a motor vehicle to unload it or any trailer drawn thereby for the purpose of being weighed unladen.

(3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the motor vehicle by the officer who required it to be weighed.

Power to seize vehicles

84D. (1) When a person is found or is reasonably believed to be using a vehicle in contravention of any provision of this Act or of any subsidiary legislation, order or prohibition made thereunder, or in contravention of the terms of the licence for the vehicle, any police officer, the Director, and any person authorised in writing by the Director on production of his authority, may, whenever it appears that the vehicle or its driver cannot be sufficiently identified or that such action is necessary to cause a discontinuance of the offence, take or cause to be taken, or require the person in charge of the motor vehicle to take it and any trailer attached thereto to a place directed by him to be kept there until released by order of a magistrate, the Commissioner of Police or the Director, and if any person refuses or neglects to comply with any such requirement, he is guilty of an offence.

(2) Any unauthorised person removing or causing any such vehicle to be removed from that place pending the order of a magistrate, the Commissioner of Police or the Director is guilty of an offence.

(3) If the owner of the vehicle is convicted of or has been permitted to compound an offence under this Act or under any subsidiary legislation made thereunder, the expenses incurred by the Commissioner of Police, police officer, Director or other authorised person in carrying out the provision of this section, shall be recoverable by or on behalf of the Commissioner of Police and, in case of dispute or neglect to pay, be summarily ascertained by any Court of a Magistrate and may be recovered in the same manner as if they were fines imposed by that court.

(4) When any vehicle is detained under this section, the Commissioner of Police shall forthwith give notice in writing to the owner (if his name and address are known to him) of the seizure and if it is not claimed by such owner within one month of the date of its detention, the Commissioner of Police may, after giving one month's notice published in the *Gazette* of his intention to do so, sell it by public auction or otherwise dispose of it.

(5) The proceeds, if any, from such sale or disposal shall be applied in payment of any licence fees which may be due in respect of the vehicle and of any charges incurred in carrying out the provisions of this section and thereafter shall be applied in any damage caused to property of the Government by the unlawful use of the vehicle, and the surplus, if any, shall be paid to the owner of the vehicle, or if not claimed by him within 12 months after the date of the sale or disposal, shall be forfeited to the Government.

Police officer not in uniform to produce identification card

84E. (1) Every police officer when acting against any person under this Act or any regulations made thereunder shall, if not in uniform, declare his office and produce to the person against whom he is acting such identification card as the Commissioner of Police may direct to be carried by police officers.

(2) Any person who refuses to comply with any request, demand or order made by a police officer not in uniform who had declared his office and produced his identification card on any demand being made by him is guilty of an offence.

Additional powers of police

85. (1) In addition to the powers conferred by this Act, any police officer in uniform may at any time —

(a) require the driver of any vehicle to stop such vehicle;

(b) require the driver of any vehicle to furnish his name and address and give any other particulars required as to his identification;

(c) require any person in any motor vehicle to furnish his name and address and give any other particulars required as to his identification and to give such information as it is in his power to give and may lead to the identification of the driver or owner of such vehicle;

(d) inspect the brakes or any part of any vehicle or the equipment thereof with a view to ascertaining whether the same complies with the provisions of any regulations made under this Act;

(e) ascertain the dimensions of any motor vehicle or the laden weight or the net weight thereof, and for this purpose require any persons or goods to be removed from such vehicle;

(f) drive any motor vehicle when necessary in the execution of his duties:

Provided that no police officer may drive any motor vehicle in the exercise of any powers and duties conferred and imposed on him under this Act unless he is the holder of a driving licence.

(2) Whenever the driver of any vehicle is alleged to be guilty of an offence under this Act —

(a) the owner of the vehicle shall give such information as he may be required by a police officer to give as to the identity of the driver and, if he fails to do so, is guilty of an offence, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so he is guilty of an offence.

(3) Any person who fails to comply with a requirement lawfully made under subsection (1) or (2) is guilty of an offence and liable on conviction to a fine of \$2,000 and imprisonment for 3 months.

PART 11

GENERAL

Extension of owner's common law liability

86. (1) In addition to any liability imposed by the common law upon the owner of a motor vehicle for any injury or damage that may be caused by, or by reason of the use of such motor vehicle, such owner shall be liable for any injury or damage caused by any accident which occurs through the negligent driving of such motor vehicle by any person employed by him as a driver of such motor vehicle when not acting within the scope of his employment, or by any other person permitted by him to drive such vehicle, or by any person

deputed or permitted by such driver or other person to drive such motor vehicle:

Provided that no proceedings shall lie against an owner by virtue of this section unless the act or omission complained of would apart from this section have given rise to proceedings in tort against the person employed by such owner and that in any such proceedings such owner may avail himself of any defence and any right to require reduction of damages because of the plaintiff's share of responsibility therefor as would have been available to the person employed by such owner:

Provided also that this provision shall not exempt from liability any other person who at common law is also liable for such injury or damage.

In this section, "owner" includes the registered owner and the person in whom the property in the motor vehicle is vested.

Liability of driver and owner for offences

87. If—

(a) any vehicle is used which contravenes the provisions of this Act or of any regulations or order made under this Act;

(b) any vehicle is used in such a state or condition or in such manner as to contravene any such provision; or

(c) anything is done or omitted in connection with a vehicle in contravention of any such provisions,

then, unless otherwise expressly provided by this Act—

- (i) the driver of the vehicle at the time of the offence is guilty of an offence, unless the offence was not due to any act, omission, neglect or default on his part; and
- (ii) owner of the vehicle is also guilty of an offence, if present at the time of the offence, or, if absent, unless the offence was committed without his consent and was not due to any act or omission on his part, and he had taken all reasonable precautions to prevent an offence.

Certificates to be admissible in evidence

88. (1) If in any proceedings under this Act any question arises whether a motor vehicle does or does not comply with any provisions of this Act or any regulations made thereunder, a certificate purporting to be signed by any examiner appointed under section 3(2) that he has examined the vehicle and as to the result of his examination, shall be admissible in evidence and shall be *prima facie* evidence of any fact or opinion stated therein relating to the matter in question; and the court shall not permit such examiner to be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers cross-examination to be necessary in the interests of justice.

(2) Any certified copy of any extract from any register of motor vehicles kept under section 4 and purporting to be signed by the Director or by a licensing officer shall be admissible in evidence.

Offences in respect of applications for franchise or licences and in connection with identification marks or licences

89. Any person who —

(a) for the purpose of obtaining the grant of a franchise or licence in accordance with the provisions of this Act to himself or to any other person, or the refusal, suspension or revocation of any such franchise or licence, or the variation of any term or condition subject to which any such franchise or licence was granted, or the attachment of any term or condition to any such franchise or licence, makes a statement which is false or in any material respect misleading;

(b) furnishes any particulars in relation to the registration or licensing in accordance with the provisions of this Act of any vehicle, or of any change of possession or ownership thereof, which is false or in any material respect misleading;

(c) makes or has in his possession or uses or displays on a vehicle any identification mark, plate, licence or document which closely resembles an identification mark, plate, licence or document prescribed by regulations made under section 93(2) as to be calculated to deceive;

(d) uses or exhibits on any vehicle any identification mark, plate, licence or document prescribed by regulations made under section 93(2) which has been altered, defaced or mutilated; or

(e) alters, defaces, mutilates or obliterates any part of any licence granted in accordance with the provisions of this Act or document or identification mark or plate prescribed,

is guilty of an offence and liable on conviction to a fine of \$8,000 and imprisonment for 6 months.

Offences

90. Any person who contravenes any provision of this Act or any order, requirement or direction sanctioned hereby or the conditions of any franchise or licence issued is guilty of an offence, and if no penalty is otherwise provided by this Act is guilty of an offence and liable on conviction to a fine of \$2,000 and, in the case of a second or subsequent conviction, to a fine of \$4,000 and imprisonment for 3 months:

Provided that nothing in this section shall authorise criminal proceedings against any public officer upon whom any duty is imposed by this Act in respect of such breach of duty.

Composition of offences [S 63/2013]

91. (1) The Commissioner of Police or any police officer authorised by him in writing in that behalf, or the Director or any person authorised by him in writing in that behalf, may in his discretion compound any such offences against any Act or against any rules or regulations made thereunder as may be prescribed as an offence which may be compounded, and in his discretion compound such offence by collecting from the person reasonably suspected of having committed the same a sum of money not less than \$50 and not exceeding \$500.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to prescribe the offences which may be compounded and the method and procedure thereof.

Power of local authorities to make rules

92. (1) Notwithstanding the provisions of any other law regulating the powers and duties of such local authority, a local authority may, with the approval of the Licensing Authority, make rules not inconsistent with this

Act or any regulations made thereunder to provide whether by prohibition, control or regulation for —

(a) parking of vehicles, the use of parking places, the vehicles or class or description of vehicles which may be entitled to use any parking place, and the conditions upon which (including payment of a fee) and the times at which a parking place may be used;

(b) places where vehicles of various kinds may or may not stop, wait or take up or set down passengers;

(c) the routes to be followed by vehicles or any particular class or description of vehicles and the use of specified roads by any vehicles or any particular class or description of vehicle;

(d) pedestrian crossings, the precedence of vehicles and foot passengers respectively on or in the vicinity of any pedestrian crossing, and limiting pedestrian crossings by marks on the roadway or otherwise;

(e) traffic lights.

(2) Any such rules may provide that specified contraventions thereof shall constitute an offence and may provide for the punishment thereof by a fine not exceeding \$2,000.

Regulations

93. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations of general or particular application for carrying this Act into effect.

(2) In particular and without prejudice to the generality of the power under subsection (1), such regulations may, whether by way of prohibition, control or regulation provide for —

(a) the number of vehicles of any specified type or class which may be granted a licence in any area or which may be used in any specified area or on any specified road or roads;

(b) the classes or description of public service vehicles which shall be subject to the provisions of section 59 in addition to or by further subdivision of those therein specified;

(c) the registration of vehicles and notification of any change in particulars of registration, transfer, surrender or cancellation of registration;

(d) the licensing of vehicles and drivers and the production, transfer, surrender and cancellation of licences;

(e) the conditions subject to which any power conferred upon any person by this Act or any subsidiary legislation made thereunder shall be exercised;

(f) the conditions on which motor vehicles licensed in any place outside Brunei Darussalam may be used within Brunei Darussalam without being registered or licensed therein, and on which persons holding driving licences or permits issued in any place outside Brunei Darussalam may be exempted from taking out a driving licence under this Act;

(g) the extent to which the provisions of Part 7 do not apply to public service vehicles registered and licensed in any place outside Brunei Darussalam and used in Brunei Darussalam in accordance with any agreement entered into by the Government with the government of any other place in which such vehicles are registered and licensed;

(h) the issue with licences of pamphlets explaining or calling attention to the duties of the licensee and to the provisions of the Act and regulations;

(i) the procedure on applications for and the determination of questions in connection with the grant, variation, suspension and renewal of franchises and public service vehicle licences;

(j) the notification to the Licensing Authority and district Licensing Authorities of public service vehicles which have ceased to be used under a public service vehicle licence, and the returns to be made to such authorities;

(k) the construction, equipment and use of public service vehicles, the conduct of the drivers, conductors and passengers of public service vehicles and the safe-custody and re-delivery or

disposal of any property accidentally left on a public service vehicle and fixing the charges to be made in respect thereof;

(*l*) the hours, conditions of service and identification by uniform or otherwise of the drivers and conductors of public service vehicles;

(*m*) fares to be charged for the carriage of passengers and goods by any public service vehicle;

(*n*) the possession or user of vehicles by dealers in or repairers of vehicles;

(*o*) identification marks to be affixed on or to vehicles and the manner in which such marks shall be displayed and rendered easily distinguishable, whether by day or by night;

(*p*) the construction and equipment of vehicles;

(*q*) the procedure to be followed by persons in possession or demand to be in possession of vehicles who desire temporarily not to use such vehicles and the disposition of such vehicles during such period of non-user;

(*r*) the settlement of disputes relating to the ownership of motor vehicles and the determination of the absolute ownership of motor vehicles for the purposes of this Act;

(*s*) the implementation of any international convention applicable in Brunei Darussalam relating to road traffic and in particular relating to the international circulation of motor vehicles or licensing of drivers;

(*t*) traffic on roads, limit areas, the speed at which any vehicle may be driven, the parking of vehicles, stopping places and stands for vehicles;

(*u*) the lights to be displayed by vehicles;

(*v*) anything to be done or the precautions to be taken by persons in charge of vehicles and the reporting of accidents by persons in charge of vehicles to which section 33 does not apply;

(w) the width, height, wheelbase, length and overhang of motor vehicles and trailers and the load carried thereby, the diameter of wheels and the width, nature and condition of tyres of motor vehicles and trailers and the use of any tyres likely to cause damage to the roads;

(x) the towing or drawing of vehicles by other vehicles; the maximum weight unladen of vehicles and the maximum weight laden of motor vehicles and trailers and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;

(y) the loads which may be carried on vehicles and the manner in which vehicles in or passing along any road shall be loaded, and the precautions to be taken for ensuring the safety of the public in connection therewith;

(z) the conditions subject to which and the times at which articles of exceptional heavy weight or exceptionally large dimensions may be carried along roads;

(za) the method to be adopted for determining the weight of vehicles and trailers;

(zb) the appliances to be fitted for signalling the approach of a motor vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear or for intimating any intended change of speed or direction of a motor vehicle, and the use of any such appliance and securing that they will be efficient and kept in proper working order;

(zc) rules of the road, and the signals to be given by the drivers of motor vehicles and to be observed by them;

(zd) the number of persons who may be carried upon pedal bicycles and pedal tricycles while on any road;

(ze) traffic signs and signs closely resembling such signs;

(zf) form necessary for the implementation of this Act and the particulars thereof including photographs and fingerprints in connection therewith;

(zg) fees to be paid for the various documents, examinations and services specified in this Act;

(zh) the removal from roads, detention and immobilisation, of stationary vehicles (including any load carried thereby) and for their subsequent disposal or forfeiture;

(zi) the authorisation of measures for the control of traffic, at places where children cross roads on their way to or from school, by persons other than police officers;

(zj) the repealing of Order in Council No. 2 of 1931;

(zk) anything which requires to be prescribed.

(3) Whenever any by-law, regulations, rule or order of any local authority is inconsistent with or repugnant to the provisions of any regulations, rule or order made or licence issued under this Act, the provisions of the Act shall prevail.

(4) Any regulations made under subsection (2) may declare that a contravention of any licence or instrument issued under this Act or the regulations or under the joint effect of both or of any requirement imposed by virtue of the regulations shall constitute an offence and may provide for the punishment thereof by penalties not exceeding a fine of \$5,000 and imprisonment for 12 months.

Court of a Magistrate to have full jurisdiction

94. A conviction for any offence under this Act or any order or regulations made thereunder may, notwithstanding the provisions of the Criminal Procedure Code (Chapter 7), be had before any Court of a Magistrate, which shall have jurisdiction to impose any penalty provided by this Act or any order or regulations made thereunder.

[S 63/2013]

Highway Code

95. (1) The Minister may cause to be prepared a Code, to be known as the Highway Code, containing such directions as appear to him to be proper for the guidance of persons using roads, and may give such directions as to the publication and issue thereof to members of the public as may appear to him to be expedient.

(2) Failure on the part of any person to observe any provision of the Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Exemption

96. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by order signified in the *Gazette* exempt any person or class or description of person, or any vehicle or class or description of vehicle, from all or any of the provisions of this Act or of any regulations or rules made thereunder, subject to any such conditions as may be specified in such order.

Appeals

97. (1) Any person who —

(a) is dissatisfied with the exercise of any discretion conferred on any officer other than the Director by this Act or any regulations made thereunder other than a discretion the exercise of which such person may require the Director to confirm;

(b) is dissatisfied with any decision confirmed by, or any order, action or decision of the Director either as to the carrying out of or the meaning of any of the provisions of this Act or any regulations made thereunder; or

(c) is dissatisfied with any decision of the Licensing Authority or of a district Licensing Authority to which the provisions for appeal contained in section 70 are inapplicable or with the decision of any other person or body in whom a discretion may be vested by any regulations or rules made under section 92 or 93 respectively,

may within 21 days thereof appeal to His Majesty the Sultan and Yang Di-Pertuan in Council in the prescribed manner.

(2) For the purposes of this section, “prescribed” means prescribed by any written law including any Act replacing the Interpretation and General Clauses Act (Chapter 4) or if no manner is so prescribed then by petition in writing.

Refund of proportionate part of licence fee in certain cases

98. Where a licence has been revoked or cancelled otherwise than for an act or omission which constitutes an offence, the licensee shall on demand be paid a sum calculated to the nearest dollar equivalent to one twelfth of the annual licence fee in respect of every complete month for which the licence would have been valid but for such revocation or cancellation.

SCHEDULE 1

(section 24(2))

1. ROAD TRAFFIC (SPEED LIMIT DIRECTIONS) REGULATIONS*Commencement: 18th October 2004***Citation**

1. These Regulations may be cited as Road Traffic (Speed Limit Directions) Regulations.

Interpretation

2. In these Regulations —

“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;

“limit area” has the same meaning as in the Road Traffic (Limit Area) Regulations;

“maximum permissible gross weight” means such weight as the Director may determine as a gross weight which is suitable for a specific vehicle using a road;

“pneumatic tyre” means a tyre which complies with all of the following requirements —

(a) it shall be provided with, or shall provide with the wheel on which is mounted, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but it is not subjected to any load;

(b) it shall be capable of being inflated and deflated without removal from the wheel or vehicle;

(c) it shall be such that, when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

“speed limit direction” means the speed limit direction referred to in regulation 3.

SCHEDULE 1 — (continued)

Speed limit directions

3. The speed limit directions set out in the second and third columns of the Schedule hereto against the class or description of vehicle set out in the first column thereof shall be applicable in Brunei Darussalam and shall be printed on a plate fixed at the rear elevation of such vehicle.

Motor vehicles not to be driven in excess of speed limit direction

4. Notwithstanding any speed limit prescribed for any road under any other written law, no motor vehicle set out in the first column of the Schedule hereto shall be driven on any road at a speed in excess of the speed limit direction in relation thereto.

SCHEDULE

(regulation 3)

SPEED LIMIT DIRECTION

Class or description of vehicle	Maximum speed within limit area (kilometre per hour)	Maximum speed outside limit area (kilometre per hour)
Motor vehicle fitted with pneumatic tyres —		
(a) drawing trailer excluding motorcycle	60	75
(b) public service vehicle —		
(i) not drawing trailer	60	80
(ii) drawing trailer	60	75
(c) goods service vehicle —		
(i) not drawing trailer and of maximum permissible gross weight not exceeding 7,500 kilogrammes	60	80

SCHEDULE 1 — (continued)

(ii) not drawing trailer and of maximum permissible gross weight exceeding 7,500 kilogrammes	60	75
(iii) drawing trailer	60	75
(iv) articulated vehicle	60	75
(d) heavy vehicle	60	75.

2. ROAD TRAFFIC (LIMIT AREA) REGULATIONS

Commencement: 1st January 1956

Citation

1. These Regulations may be cited as Road Traffic (Limit Area) Regulations and shall have effect in relation to limit areas.

Interpretation

2. In these Regulations —

“Act” means the Road Traffic Act (Chapter 68);

“Director” means the Director of Land Transport;

“limit area” means any area which the Director may by notice published in the *Gazette* declare to be a limit area and any length of road which the Director may by such traffic signs as may be prescribed indicate as being a limit area as regards the length of road between such traffic signs.

Director may delegate power to prescribe limit area to local authority

3. The Director may delegate to a local authority the power to prescribe a limit area by the affixing of the prescribed traffic signs and the prescribed traffic signs may be established by the direction of the Director or in the case of delegation by the direction of the local authority.

Director may require local authority to establish signs

4. (1) The Director may require any local authority to establish and maintain within the area subject to its jurisdiction any prescribed signs in such places as he may direct and in any event the expense of establishing and maintaining any such traffic signs in an area subject to the jurisdiction of a local authority shall be borne by the local authority.

SCHEDULE 1 — (continued)

Director and local authority to be subject to direction of His Majesty the Sultan and Yang Di-Pertuan in Council

5. The Director and any local authority to whom the power to prescribe a limit area may have been delegated shall be subject to the directions of His Majesty the Sultan and Yang Di-Pertuan in Council who may —

- (a) direct the delimiting of any length of road which has been limited or any part thereof;
- (b) direct that any length of road be limited;
- (c) direct that the maximum speed indicated by the prescribed sign be increased or reduced.

A direction under this section shall not require publication in the *Gazette* and for the purposes of any prosecution under section 24, it shall be assumed until the contrary is proved that any direction given has been complied with.

Speed limit

6. The speed limit in a limit area is deemed to be 50 kilometres per hour unless a greater or lesser speed is indicated by any prescribed traffic sign:

Provided that where the maximum speed of any specified class of vehicle is limited by virtue of the Speed Limit Directions, nothing in these Regulations or in any prescribed sign is deemed to authorise a speed for a vehicle of such class in excess of such maximum speed.

SCHEDULE 2

[S 63/2013]

(section 20(3) and (4))

CLASSES OF VEHICLES

All weights refer to Maximum Authorised Mass unless stated otherwise

DESCRIPTION	CLASS	OTHER CLASSES
1. Motorcycle		
(a) Motorcycle with cubic capacity 500 cubic capacity and over	1	1A and 1B
(b) Motorcycle with cubic capacity below 500 cubic capacity	1A	1B
(c) Motorcycle with cubic capacity not exceeding 250 cubic capacity	1B	
2. Trailer		
(a) Articulated vehicle unladen weight 6,000 kilogrammes and over	2	2A and 2B
(b) Articulated vehicle unladen weight between 3000 kilogrammes and below 6,000 kilogrammes	2A	2B
(c) Articulated vehicle unladen weight below 3000 kilogrammes	2B	
3. Motor vehicle		
(a) All private motor vehicle	3	
(b) Commercial motor vehicle net weight below 3,000 kilogrammes	3	
(c) Commercial motor vehicle net weight 3,000 kilogrammes and over	4	
(d) Heavy commercial motor vehicles net weight between 4,500 kilogrammes and over	5	3 and 4

SCHEDULE 2 — *(continued)*

DESCRIPTION	CLASS	OTHER CLASSES
4. Buses		
(a) Any bus with more than 16 passenger seats	6	3
(b) Mini bus with not more than 16 passenger seats	6A	3
Invalid carriage and pedestrian controlled vehicle	7	
Road Roller	8	
Steam driven vehicle	9	
Track Laying vehicle	10	
Wheeled tractor	11	
Taxi cab	12	

SCHEDULE 3

[S 63/2013]

(section 47A(8))

SPECIFIED LAW

1. Road Traffic (Bandar Seri Begawan Municipal Board) (Parking Places) Rules (R 3).
2. Road Traffic (Bandar Seri Begawan) (Private Parking Places) Rules (R 5).