

No. S 63

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2013

ARRANGEMENT OF SECTIONS

Section

1. Citation.
 2. Amendment of section 2 of Chapter 68.
 3. Amendment of section 3.
 4. Amendment of section 24.
 5. Amendment of section 29.
 6. Amendment of section 29A.
 7. Amendment of section 39.
 8. Insertion of new sections 47A, 47B, 47C, 47D, 47E and 47F.
 9. Substitution of section 91.
 10. Amendment of section 94.
 11. Substitution of Second Schedule.
 12. Addition of new Third Schedule.
-

CONSTITUTION OF BRUNEI DARUSSALAM

{Order made under Article 83(3)}

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2013

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Road Traffic Act (Amendment) Order, 2013.

Amendment of section 2 of Chapter 68.

2. Section 2 of the Road Traffic Act in this Order referred to as the principal Act, is amended by inserting the following new definition immediately after the definition “examiner” —

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

Amendment of section 3.

3. Section 3 of the principal Act is amended by repealing subsection (2) and by substituting the following new subsection therefor —

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

Amendment of section 24.

4. Section 24 of the principal Act is amended by repealing subsection (1) and by substituting the following new subsection therefor —

“(1) Any person who drives a motor vehicle of any class or description on any road within an area specified in the First Schedule 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: Penalty, a fine of not less than \$600 and not exceeding \$2,000, and in the case of a second or subsequent conviction, imprisonment for 6 months and a fine of not less than \$600 and not exceeding \$4,000.”.

Amendment of section 29.

5. Section 29 of the principal Act is amended by repealing subsection (1) and by substituting the following new subsection therefor —

“(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: Penalty, imprisonment for 12 months and a fine of not less than \$600 and not exceeding \$5,000.”.

Amendment of section 29A.

6. Section 29A of the principal Act is amended by repealing subsection (1) and by substituting the following new subsection therefor —

“(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: Penalty, 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, a fine of not less than \$600 and not exceeding \$2,000, imprisonment for 12 months or both.”.

Amendment of section 39.

7. Section 39 of the principal Act is amended by repealing subsection (1) and by substituting the following new subsection therefor —

“(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: Penalty, a fine of not less than \$600 and not exceeding \$3,000 and imprisonment for 6 months.”.

Insertion of new sections 47A, 47B, 47C, 47D, 47E and 47F.

8. The principal Act is amended by inserting the following six new sections immediately after section 47 —

“ Power of Director to suspend or revoke driving licence.

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 establishes that it would not be in the interests 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 interests 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 against 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 the Third Schedule; 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 the Third Schedule 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.

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 such 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.

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.

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 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.

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.

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.”.

Substitution of section 91.

9. Section 91 of the principal Act is repealed and the following new section substituted therefor —

“Composition of offences.

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.”.

Amendment of section 94.

10. Section 94 of the principal Act is amended —

(a) by deleting “, with the exception of an offence under section 27,” from the first line;

(b) by deleting the semicolon and by substituting a fullstop therefor;

(c) by deleting the proviso.

Substitution of Second Schedule.

11. The Road Traffic Act is amended by repealing the Second Schedule and by substituting the following new Second Schedule —

"SECOND SCHEDULE

(section 20)

CLASSES OF VEHICLES

All weights refer to Maximum Authorised Mass unless stated otherwise.

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

SECOND SCHEDULE – *continued*

DESCRIPTION	CLASS	OTHER CLASSES
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	3
Wheeled tractor	11	3
Taxi-cab	12".	

Addition of new Third Schedule.

12. The Road Traffic Act is amended by adding the following new Third Schedule –

“THIRD SCHEDULE (section 47A(8))

SPECIFIED LAW

Road Traffic (Bandar Seri Begawan Municipal Board) (Parking Places) Rules, 1972 (S 128/72)

Road Traffic (Bandar Seri Begawan) (Private Parking Places) Rules, 1997 (S 13/97)”.

Made this 26th. day of Syawal, 1434 Hijriah corresponding to the 2nd. day of September, 2013 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM