

No. S 80

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

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2017

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement
 2. Substitution of section 33 of Chapter 68
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CONSTITUTION OF BRUNEI DARUSSALAM
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ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2017

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 and commencement

1. This Order may be cited as Road Traffic Act (Amendment) Order, 2017 and shall be deemed to have commenced on 14th August 2017.

Substitution of section 33 of Chapter 68

2. Section 33 of the Road Traffic Act is repealed and the following new section substituted therefor —

“Duty to stop in case of accident

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 or 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, 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 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.”.

11th. OCTOBER, 2017

Made this 20th. day of Muharram, 1439 Hijriah corresponding to the 11th. day of October, 2017 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM