

No. S 21

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))**

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2002

ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Amendment of section 2 of Chapter 68.
3. Amendment of section 7.
4. Amendment of section 26.
5. Insertion of new sections 26A to 26G.
6. Amendment of section 27.
7. Amendment of section 28.
8. Amendment of section 29.
9. Insertion of new section 29A.
10. Amendment of section 33.
11. Amendment of section 36.
12. Insertion of new sections 37A and 37B.
13. Amendment of section 39.
14. Amendment of section 44.
15. Insertion of new section 78A.
16. Insertion of new section 81A.
17. Amendment of section 82.
18. Substitution of section 83.

19. Insertion of new sections 84A to 84E.
20. Amendment of section 91.

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

ROAD TRAFFIC ACT (AMENDMENT) ORDER, 2002

In exercise of the power conferred by subsection (3) of section 83 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, 2002.

Amendment of section 2 of Chapter 68.

2. Section 2 of the Road Traffic Act, in this Order referred to as the Act, is amended —

- (a) by inserting "(1)" immediately before "In" in the first line;
- (b) by inserting in their appropriate alphabetical positions the following three new definitions —

"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 a person's breath or blood is likely to exceed the prescribed limit;

"intoxicating substance", in sections 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 intoxication;

"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 26A, 26B, 26C and 26F, means —

- (a) 35 microgrammes of alcohol in 100 millilitres of breath; or
- (b) 80 milligrammes of alcohol in 100 millilitres of blood.

(c) by adding the following new subsection —

"(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."

Amendment of section 7.

3. Section 7 of the Act is amended by adding the following two new subsections —

"(5) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may 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".

Amendment of section 26.

4. Section 26 of the Act is amended —

(a) in subsection (1), by deleting everything after the colon in the fifth line and by substituting the following therefor —

"Penalty, a fine of \$10,000 and imprisonment for 2 years and, in the case of a second or subsequent conviction, a fine of \$20,000 and imprisonment for 4 years.";

(b) in subsection (2), in paragraph (b) —

(i) by deleting "12 months" from the third line and by substituting "3 years" therefor;

- (ii) by deleting "for" from the fifth line and by substituting "having regard to the lapse of time since the date of the previous or last conviction or for any other" therefor.

Insertion of new sections 26A to 26G.

5. The Act is amended by inserting the following seven new sections immediately after section 26 —

"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 or a drug in contravention of subsection (1) of section 26;

(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 subsection (1) of section 3 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) shall be guilty of an offence: Penalty, a fine of \$5,000, imprisonment for 12 months or both, and in the case of a second or subsequent conviction, 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 shall be guilty of an offence: Penalty, a fine of \$5,000, imprisonment for 12 months or both, and in the case of a second or subsequent conviction, 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 causes 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,

shall be guilty of an offence: Penalty, 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, a fine of not less than \$1,000 and not more than \$5,000 and imprisonment for 6 months.

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

(a) that at the material time the circumstances were such that there was no likelihood of his 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) that between his 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 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 shall be guilty of an offence: Penalty, 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, 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 subsection (5) of section 26C has committed an offence under sections 26 or 26B, a police officer may, subject to this section and to section 26E, require him —

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

(b) to provide 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 shall be guilty of an offence and if it is shown that at the time of any accident referred to in paragraph (d) of subsection (1) of section 26C or of his arrest under subsection (5) of section 26C —

(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 subsection (1) of section 26 or paragraph (a) of subsection (1) of section 26B 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 subsection (1) of section 26 or paragraph (b) of subsection (1) of section 26B, the assumption referred to in subsection (1) shall not be made if the accused proves —

(a) that 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) that 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 subsection (1) of section 26 or paragraph (a) of subsection (1) of section 26B; or

(ii) would not have exceeded the prescribed limit in the case of proceedings for an offence under subsection (1) of section 26 or paragraph (b) of subsection (1) of section 26B.

(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 sections 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 sections 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 subsections (5), (6) and (7) of section 26F shall apply, with any necessary modifications, to a certificate referred to in subsection (3) of this section as they apply to a document or certificate referred to subsection (3) of section 26F."

Amendment of section 27.

6. Section 27 of the Act is amended —

(a) in subsection (1), by deleting everything after the colon in the second line and by substituting the following therefor —

"Penalty, 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.";

(b) in subsection (3), by deleting everything after "shall" in the second line and by substituting the following therefor —

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

Amendment of section 28.

7. Section 28 of the Act is amended —

(a) in subsection (1), by deleting everything after the colon in the seventh line and by substituting the following therefor —

"Penalty, a fine of \$10,000 and imprisonment for 2 years, and in the case of a second or subsequent conviction, a fine of \$20,000 and imprisonment for 4 years.";

(b) in subsection (2), by deleting "12 months" from the fourth line of paragraph (b) and by substituting "3 years" therefor.

Amendment of section 29.

8. Section 29 of the Act is amended —

(a) in subsection (1), by deleting "6 months and a fine of \$4,000" from the last two lines and by substituting "12 months and a fine of \$5,000" therefor;

(b) in subsection (2), in paragraph (b) —

(i) by deleting "6" from the third line and by substituting "18" therefor;

(ii) by deleting "for" from the fifth line and by substituting "having regard to the lapse of time since the date of the previous or last conviction of for any other" therefor.

Insertion of new section 29A.

9. The Act is amended by inserting the following new section immediately after section 29 —

"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 shall be guilty of an offence: Penalty, a fine of \$1,000 and imprisonment for 6 months or both, and in the case of a second or subsequent conviction, a fine of \$2,000 and imprisonment for 12 months or both.

(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."

Amendment of section 33.

10. Section 33 of the Act is amended by adding the following four new subsections —

"(5) When owing to the presence of a vehicle on a road an accident occurs whereby any person is killed or seriously injured or serious damage is caused to any property or vehicle, no person shall, except with 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, 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:

Provided that this subsection shall not apply where it is immediately necessary to remove any seriously injured person to hospital or for medical attention and no suitable means of conveyance other than a vehicle involved in the accident is at hand.

(6) 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.

(7) Any person who is guilty of an offence under subsection (6) shall, if he had in driving or attempting to drive a motor vehicle at the time of the accident caused any serious injury or death to another person, be liable on conviction —

(a) to a fine of \$3,000 or imprisonment for 12 months; and

(b) in the case of a second or subsequent conviction, to a fine of \$5,000 or imprisonment for 2 years.

(8) 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 (as defined in subsection (7) of section 26A) or death is caused to another person; and

(b) an offence under subsection (6),

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

Amendment of section 36.

11. Section 36 of the Act is amended —

(a) in subsection (1), by deleting everything after the colon in the fourth line and by substituting the following therefor —

"Penalty, a fine of \$8,000 and imprisonment for 18 months.";

(b) in subsection (2), by deleting "Penalty, imprisonment for 12 months and a fine of \$8,000." from the fourth and fifth lines and by substituting the following therefor —

"Penalty, a fine of \$10,000 and imprisonment for 3 years:".

Insertion of new sections 37A and 37B.

12. The Act is amended by inserting the following two new sections immediately after section 37 —

"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.

(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 shall be guilty of an offence: Penalty, a 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, 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 subsection (7) of section 37A, 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 subsection (7) of section 37A has been or will be held.

(3) If there is no prosecution with regard to an offence under subsection (7) of section 37A, 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 (7), 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 subsection (7) of section 37A, 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."

Amendment of section 39.

13. Section 39 of the Act is amended, in subsection (1), by deleting "\$1,000 and imprisonment for one month" from the last two lines and by substituting "\$3,000 and imprisonment for 6 months" therefor.

Amendment of section 44.

14. Section 44 of the Act is amended, in subsection (1), by deleting "Part" from the second line and by substituting "Act" therefor.

Insertion of new section 78A.

15. The Act is amended by inserting the following new section immediately after section 78 —

"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 of 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,

shall be 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."

Insertion of new section 81A.

16. The Act is amended by inserting the following new section immediately after section 81 —

"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, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may 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 shall be 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 to imprisonment for 3 months and, in the case of a second and subsequent offence, to a fine of \$2,000 or to 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)."

Amendment of section 82.

17. Section 82 of the Act is amended, in subsection (2), by deleting "\$500" from the last line and by substituting "\$2,500" therefor.

Substitution of section 83.

18. Section 83 of the Act is repealed and the following new section substituted therefor —

"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 shall be guilty of an offence.

(5) A police officer in uniform may, except as hereinafter 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 a 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 within Brunei:

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 shall be 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."

Insertion of new sections 84A to 84E.

19. The Act is amended by inserting the following five new sections immediately after section 84 —

"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 shall be 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 shall be 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 that 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 shall be 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 shall be 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 shall be 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 provisions 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, after giving one month's notice in the *Gazette* of his intention to do so, may 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 shall be guilty of an offence."

Amendment of section 91.

20. Section 91 of the Act is amended, in subsection (1), by deleting "\$50" from the last line and by substituting "\$500" therefor.

Made this 10th. day of Safar, 1423 Hijriah corresponding to the 23rd. day of April, 2002 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM