

No. S 36

**ROAD TRAFFIC ACT
(CHAPTER 68)**

**ROAD TRAFFIC (REMOVAL AND IMMOBILISATION OF VEHICLES)
REGULATIONS, 2000**

In exercise of the power conferred by subsection (1) of section 93 of the Road Traffic Act, the Minister of Communications with the approval of His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Regulations —

PRELIMINARY

Citation.

1. These Regulations may be cited as the Road Traffic (Removal and Immobilisation of Vehicles) Regulations, 2000 and shall commence on the 1st. day of June, 2000.

Interpretation.

2. (1) In these Regulations —

"immobilisation device" means any device or appliance of a type approved by the Commissioner of Police designed or adapted to be fixed to any part of a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

"relevant provision" means any provision of the Act or of any regulations made thereunder.

(2) Except in regulation 5, "vehicle" includes any load carried thereon.

REMOVAL OF VEHICLES

Police officer may require owner, etc., to remove vehicle.

3. Where a vehicle —

(a) has broken down, or has been parked or permitted to stand, on a road in such a position, in such condition or in such circumstances as to cause obstruction to any person using the road or as to be likely to cause danger to any such person; or

(b) has been parked or permitted to stand on a road in contravention of any relevant provision,

a police officer may require the owner, driver or other person in control or in charge of the vehicle to remove it or to arrange for it to be removed.

Power of police officer to remove vehicle.

4. (1) Where it appears to a police officer that a vehicle —

- (a) has broken down, or has been parked or permitted to stand, on a road in such a position, in such condition or in such circumstances as to cause obstruction to any person using the road or as to be likely to cause danger to any such person;
- (b) has been parked or permitted to stand on a road in contravention of any relevant provision; or
- (c) appears to have been abandoned on a road,

he may, subject to sub-regulation (2), take all reasonable steps to remove it or to arrange for it to be removed by another person under his direction, and where necessary may provide for its detention.

(2) The power conferred on a police officer by sub-regulation (1) shall not be exercised in the case of any vehicle by reason only that it is causing obstruction, unless he is of the opinion that, having regard to all the circumstances and the extent of the obstruction, it ought not to remain where it is.

Removal and storage charges.

5. Any vehicle removed pursuant to regulation 4 may be detained by the Commissioner of Police until there has been paid to him —

- (a) the removal charge prescribed in the Schedule; and
- (b) for each period of twenty-four hours or part thereof during which it is detained, such period to be reckoned from noon of the day after the day on which it was detained, the storage charge prescribed in the Schedule,

and during such detention it shall remain at the risk of the owner.

IMMOBILISATION AND REMOVAL OF VEHICLES

Power of police officer to prevent removal.

6. Where it appears to a police officer that a vehicle has been parked or permitted to stand on a road in contravention of any relevant provision, he may prevent its removal without his consent by fixing, or authorising another person to fix, to it an immobilisation device.

Notice relating to release of vehicle.

7. (1) Where an immobilisation device has been fixed to a vehicle, the police officer who fixed it, or authorised the fixing of it, shall forthwith give notice in writing to the owner, driver or other person in control or in charge of the vehicle as to the procedure by and the time within which he may secure its release, and such notice may be served by affixing it onto the windscreen or any other conspicuous part of the vehicle.

(2) No person shall, without the authority of a police officer, remove or tamper with a notice affixed to a vehicle under sub-regulation (1).

Removal of vehicle to which device has been fixed.

8. Where the owner, driver or other person in control or in charge of a vehicle to which an immobilisation device has been fixed does not secure the release of the vehicle within the time stipulated in the notice, a police officer may take all reasonable steps to remove it or to arrange for it to be removed by another person under his direction, and where necessary may provide for its detention.

Unlawful removal of vehicle or device.

9. No person shall, without the authority of a police officer, remove —

(a) any vehicle from any place at which it has been detained; or

(b) an immobilisation device fixed to any vehicle in accordance with these Regulations.

Charges for release of immobilised vehicle.

10. (1) Subject to sub-regulation (2), any vehicle to which an immobilisation device has been fixed shall not be released until there has been paid to the Commissioner of Police, a charge of three hundred and fifty dollars.

(2) Where such a vehicle has been subsequently removed pursuant to regulation 8, it shall not be released until there has been paid to the Commissioner of Police, in addition to the charge referred to in sub-regulation (1) —

(a) the removal charge prescribed in the Schedule; and

(b) for each period of twenty-four hours or part thereof during which it is detained, such period to be reckoned from noon of the day after the day on which it was detained, the storage charge prescribed in the Schedule,

and during such detention it shall remain at the risk of the owner.

MISCELLANEOUS

Method of removal of vehicle.

11. A police officer, or any other person with the authority of a police officer, removing a vehicle under these Regulations may do so by towing or driving it, or in such other manner as he may think necessary.

Sale or disposal of vehicle.

12. (1) Where a vehicle which has been removed and detained by the Commissioner of Police, or to which an immobilisation device has been fixed, in accordance with these Regulations, is not claimed by its owner within three months of the date of such detention or immobilisation, the Commissioner of Police may, after giving not less than one month's notice in the *Gazette*, and in writing to the owner (if his name and address are known to him), arrange for the vehicle to be sold by public auction or otherwise disposed of.

(2) The proceeds from such sale or disposal shall be applied in payment of any charges incurred in carrying out the provisions of, or payable under, these Regulations, and any surplus, shall be paid to the owner or, if not claimed by him within one year, shall be forfeited to the Government.

Offence.

13. Any person who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one month in default of payment.

Repeal of S 312/68.

14. The Removal of Vehicles Rules, 1968 are repealed.

SCHEDULE

(regulations 5 and 10(2))

REMOVAL AND STORAGE CHARGES

| Type of Vehicle | Removal Charge | Storage Charge |
|--|----------------|----------------|
| Motor vehicle not exceeding 6,720 lbs. | \$150 | \$50 |
| Motor vehicle exceeding 6,720 lbs. | \$350 | \$100 |
| Motorcycle | \$75 | \$25. |

30th. MAY, 2000

Made this 7th. day of Safar, 1421 Hijriah corresponding to the 11th. day of May, 2000.

PEHIN ORANG KAYA AMAR PAHLAWAN
DATO SERI SETIA AWANG HAJI ZAKARIA BIN
DATU MAHAWANGSA AWANG HAJI SULAIMAN
Minister of Communications,
Brunei Darussalam.