

No. S 18

**ROAD TRAFFIC ACT
(CHAPTER 68)**

**ROAD TRAFFIC (PUBLIC SERVICE VEHICLES)
(VOCATIONAL LICENCES AND CONDUCT OF DRIVERS,
CONDUCTORS AND PASSENGERS) REGULATIONS, 2004**

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In exercise of the power conferred by 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 —

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Road Traffic (Public Service Vehicles) (Vocational Licences and Conduct of Drivers, Conductors and Passengers) Regulations, 2004.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"authorised officer" means any person authorised by the Director to carry into effect the provisions of these Regulations;

"authorised person" means a licensee of a vehicle, employee of the owner of a vehicle or a person acting as a driver or conductor of a vehicle while it is being used for the conveyance of passengers for the purpose of gain;

"conductor" means any person issued with a licence to act as a conductor of a vehicle;

"driver" means any person issued with a licence to drive a vehicle;

"licence" means a vocational licence issued under sub-regulation (1) of regulation 6;

"licensee" means the holder of a licence;

"vehicle" means any public service vehicle.

PART II

VOCATIONAL LICENCE

Vocational licence.

3. (1) No person shall drive or act as a driver or conductor of a vehicle unless he is the holder of a vocational licence.

(2) Sub-regulation (1) do not apply to a person who drives a private hire car or a private omnibus, in the course of his employment or otherwise.

(3) Any person who contravenes sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both.

Application for licence.

4. (1) An application for a licence under sub-regulation (1) of regulation 3 shall be made to the Director.

(2) An application under sub-regulation (1) shall be —

(a) made in writing in such form as the Director may require and signed by the applicant;

(b) accompanied by 2 recent passport photographs of the applicant.

Consideration of application for licence.

5. (1) No licence shall be issued unless the Director is satisfied that the applicant is a fit and proper person.

(2) In considering an application for a licence, the Director may make such inquiries as he thinks fit and may require the applicant to furnish —

(a) evidence of the applicant's age;

(b) a certificate from a medical practitioner in the public service that the applicant is fit physically for the vocation in respect of which an application is made under regulation 4;

(c) in the case of an application for a licence to be a driver, evidence that the applicant holds a driving licence issued under Part IV of the Act to

drive the class of vehicle in respect of which an application is made under regulation 4;

(d) in the case of an application for a licence to be a driver of a taxicab, evidence that the applicant holds a driving licence to drive Class 3 vehicles for more than a year; and

(e) in the case of an application for a licence to be a driver of an air-conditioned taxicab, in addition to the requirements specified in sub-paragraphs (b) and (d), a certificate from a medical practitioner in the public service stating that the applicant is not suffering from tuberculosis.

Issue of licence and age limit.

6. (1) The Director may, if he is satisfied with the matters referred to in regulations 4 and 5 and that the applicant has paid a fee of \$50, issue a licence to the applicant to act —

(a) as a conductor of a motor omnibus, if he is above the age of 18 years;

(b) as a driver of a motor omnibus, if he is above the age 21 years; and

(c) as a driver of a vehicle other than a motor omnibus, if he is above the age of 21 years,

and subject to such conditions as the Director may think fit to impose.

(2) No licence to act as a driver of a vehicle shall be issued to any person who has attained the age of 70 years.

Form and validity of licence.

7. (1) The licence shall be in such form as the Director may determine.

(2) The licence shall be valid for a period of one year or such shorter periods as the Director may determine.

Renewal of licence.

8. (1) Regulations 4, 5, 6 and 7 shall also apply to the renewal of a licence.

(2) The Director may, in the case of an application for the renewal of a licence to drive a taxicab, require the licensee to have satisfactorily completed a taxicab driver's refresher course conducted by the Director.

(3) A renewed licence shall have effect from the first day of the month in which it is renewed or from the day following the expiry of the previous licence whichever is the later.

(4) No licence which has ceased to be valid for a continuous period of more than one year shall be renewed unless the Director decides otherwise.

Cessation of validity of licence.

9. (1) A licence to drive a vehicle shall cease to be valid —

(a) from the day the licensee is disqualified by any court or otherwise from holding a driving licence issued under Part IV of the Act; or

(b) from the date of the expiry, suspension or revocation of that driving licence under the Act,

and the licensee shall return the licence to the Director on the date of such disqualification, expiry, suspension or revocation, as the case may be.

(2) Notwithstanding sub-regulation (1), the Director may allow the licensee to hold the licence to drive a vehicle if the disqualification, expiry, suspension or revocation is not in respect of the class of vehicle to which the licence relates.

Licence not to be altered.

10. No person shall make any mark or entry on, or erase or alter any entry on, any licence.

Change of address.

11. A licensee shall notify the Director in writing of any change in his address within 7 days of such change.

Extract of record.

12. The Director may provide, on an application being made therefor and upon payment of a fee of \$25, a copy of the particulars of or an extract from a licence.

Replacement licence.

13. If a licence has been lost, destroyed defaced or altered so that any entry in the licence is illegible or not easily legible, the licensee therefor shall immediately apply to the Director for a replacement licence, who being satisfied that it has

been lost, destroyed, defaced or altered shall, upon payment of a fee of \$25, issue to the licensee a replacement licence, endorsing thereon the particulars contained in the original licence, and the replacement licence so issued shall have the same effect as the original:

Provided that no replacement licence shall be issued —

(a) in the case of a licence that has been lost or destroyed, unless a statutory declaration and a police report of the loss or destruction are produced to the Director or any authorised officer; and where the original licence is found during the currency thereof, the licensee shall return the original licence as soon as possible to the Director;

(b) in the case of a licence that has been defaced or altered, unless the original licence is surrendered to the Director or any authorised officer.

Effect of suspension or cancellation of licence.

14. (1) In the event of a suspension or cancellation of a driving licence under the Act, the licensee shall immediately deliver any licence to drive a vehicle to the Director.

(2) Upon the termination of any period of suspension under the Act, the Director shall on the written request of the licensee, return the licence to him unless it has ceased to be valid by effluxion of time.

Display of licence.

15. (1) A licensee shall at all times when acting as a driver or conductor of a vehicle, as the case may be, wear the licence over the left breast in such manner that the particulars endorsed thereon are clearly exposed to view.

(2) Sub-regulation (1) do not apply to any licensee whose licence has been lost, destroyed, defaced or altered if he has notified the Director to that effect and applied for a replacement licence under regulation 13.

Possession of licence.

16. A licensee shall at all times retain the licence in his possession when acting as a driver or conductor of a vehicle until he is required to return or deliver it up to the Director as provided for under these Regulations and shall not cause or permit it to be used by or be in the possession of, any other person.

Requirement to appear.

17. The Director may require the licensee to appear before him or any authorised officer for the purpose of ascertaining whether or not the licensee has complied with Part V of the Act and these Regulations.

Only licensee may use etc. licence.

18. Except as provided in these Regulations, no person, other than the licensee shall use, wear or have in his possession, the licence.

PART III

CONDUCT OF DRIVERS, CONDUCTORS AND PASSENGERS

Conduct of drivers and conductors.

19. A licensee, when acting as a driver or conductor of a vehicle which is to be or being hired out or used for the conveyance of passengers for the purpose of gain, shall —

(a) behave in a civil and orderly manner;

(b) take reasonable precautions to ensure the safety of passengers in or entering or alighting from the vehicle;

(c) not wilfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for which the vehicle has been hired or for any journey to be travelled by the vehicle;

(d) not smoke in or on the vehicle during any journey;

(e) produce his licence upon demand by a police officer, the Director or any authorised officer;

(f) wear such apparel or uniform and shoes as may be approved by the Director, and shall at all times keep them neat, clean and in good condition;

(g) be in a clean, neat and tidy condition and shall not be in such a condition as to be offensive to any passenger; and the condition of his clothing shall not be in such condition that it might reasonably be expected to soil or damage the linings or cushions of the vehicle or the clothing of any passenger;

(h) not at any reasonable time, obstruct or neglect to give all reasonable information and assistance to any person having the authority under these Regulations or other written law to examine the vehicle;

(i) permit no article, which is likely to soil or damage the vehicle or which projects beyond the roof or sides thereof, to be brought into or carried by the vehicle;

(j) not allow any person to act in his place, as a driver or conductor of the vehicle without the written consent of the licensee's employer or the owner of the vehicle;

(k) not leave any passenger before the completion of any journey for which the vehicle has been hired or to be travelled by the vehicle;

(l) not importune or annoy any person for the purpose of getting any passenger;

(m) not by carelessness or wilful misbehavior, cause hurt or damage to any person or property in the vehicle; and

(n) not ply for hire such vehicle if the vehicle or any of the accessories or appurtenances of the vehicle are not clean or in proper repair, good order or condition.

Conduct of drivers.

20. A licensee, when acting as a driver of a vehicle, shall —

(a) upon any road, remain in the driver's seat unless there is a reasonable cause to do otherwise;

(b) not hinder or obstruct the driver of any other vehicle from having that other vehicle hired or from picking up any passengers;

(c) stop the vehicle driven by him whenever directed to do so by the Director or any authorised officer;

(d) for the purpose of picking up or setting down passengers, stop the vehicle as close as possible to the verge of the road way and parallel thereto; and where a bus bay is provided, the vehicle if it is a motor omnibus, shall stop therein;

(e) not cause the vehicle to remain stationary on any road longer than is necessary to pick up or set down passengers unless there is a reasonable cause to do otherwise;

(f) in the case of a motor omnibus, not stop his vehicle at any place for the purpose of picking up or setting down passengers other than at a bus terminal or a bus stop provided for such purpose;

(g) in the case of a motor omnibus, when the vehicle is in motion not speak to any person unless there is a reasonable cause to do;

(h) in the case of a motor omnibus, not refuel the vehicle whilst it has any passengers in it; and

(i) in the case of a motor omnibus, stop the vehicle at the next bus stop provided therefor whenever signalled to do so by a passenger in the vehicle or by any person at the bus stop unless there is a reasonable cause to do otherwise.

Conduct of taxicab drivers.

21. A licensee, when acting as a taxicab driver, shall —

(a) display within such taxicab, the registered number of the vehicle in such manner and position as the Director may direct;

(b) not stop the taxicab within 20 metres of a bus stop except when the vehicle breaks down owing to a defect in the vehicle;

(c) in the absence of any reasonable cause to do otherwise, proceed to the destination named by a hirer or passenger of the taxicab by the shortest and most direct route;

(d) not set the mechanism of the taximeter in motion before the taxicab is hired and shall stop the taximeter as soon as the hiring of the taxicab is terminated;

(e) subject to paragraph (f), during any hiring of the taxicab or conveyance of any passenger, keep the taximeter in motion and shall not stop the taximeter or cause or permit the taximeter to be stopped until the hiring is terminated or the last passenger has alighted;

(f) when the taxicab conveying any passenger for the purpose of gain stops on any road or any other place owing to a shortage of fuel or to any defect of the vehicle or its tyre, immediately cause the flag or sign of the taximeter to show "STOPPED", and shall not set the mechanism of the taximeter in motion again until the taxicab is able to resume the journey;

(g) under any circumstances, not cover or obscure the face of the taximeter when the taxicab is being hired, being plied for hire, or conveying any passenger for the purpose of gain;

(h) not charge any passengers separate fares for the same journey;

(i) without reasonable excuse, not terminate the hiring of the taxicab or require any passenger who is being conveyed for the purpose of gain to leave the taxicab before the passenger is conveyed to his destination;

(j) without reasonable excuse, not use the taxicab for the conveyance of any person suffering from an infectious disease or for the conveyance of a corpse;

(k) during any hiring of the taxicab, not permit any person or article to be carried in or upon the taxicab without the consent of the hirer;

(l) in the case of a radio taxicab, only set the mechanism of his taximeter in motion after picking up his fare;

(m) without invitation or permission, not enter the compound of any private property or private road;

(n) not demand or accept from any passenger more than the fare which has been approved by the Licensing Authority;

(o) not solicit passengers in a persistent or disorderly manner;

(p) without reasonable cause or excuse, not leave his taxicab unattended; and

(q) not display any "NOT FOR HIRE" or "ON CALL" sign when the taxicab is not conveying any passenger.

Taximeter to be sealed.

22. A licensee, when acting as a taxicab driver, shall not ply a taxicab for hire or for the conveyance of passengers for the purpose of gain unless the taximeter —

(a) has been sealed by the Director or any authorised officer and every seal which has been affixed to the taximeter is intact and every part thereof is in good order and condition;

(b) is adjusted such that it will register the fare or hiring charges as approved by the Licensing Authority correctly.

Maximum rates of hired taxicab.

23. A licensee, when acting as a taxicab driver, shall have a table of the authorised maximum rate of hire which has been approved by the Licensing Authority and keep it therein in such manner or position as the Director may direct.

Conduct of conductors.

24. A licensee, when acting as a conductor of a vehicle, shall —

(a) in the case of a motor omnibus, take all reasonable precautions to ensure that every means provided for indicating the route, fares and destination of the vehicle are displayed in such manner and position as Director may direct;

(b) in the case of a motor omnibus, not demand or accept from any passenger more than the fare which has been approved by the Licensing Authority;

(c) in the case of a motor omnibus, give a ticket of the correct denomination for the journey covered by a fare upon payment of the fare by a passenger;

(d) in the case of a motor omnibus, without undue delay signal to the driver to stop the vehicle at the next bus stop provided thereof upon an indication given by any passenger of his intention to alight from the vehicle;

(e) when the vehicle is in motion, not distract the driver's attention or speak to him unless there is reasonable cause to do so;

(f) prohibit every passenger from standing on the steps of the vehicle while it is in motion; and

(g) prohibit the carriage of more passengers than those which the vehicle is allowed to carry.

Carriage of luggage and animal in a motor omnibus.

25. (1) No conductor of a motor omnibus shall permit any package, parcel or luggage of any description to be carried on the roof, mudguard or at the back of the motor omnibus except with the prior written permission of the Director.

(2) Subject to sub-regulation (3), a conductor of a motor omnibus may permit light hand luggage to be carried in a motor omnibus.

(3) No conductor of a motor omnibus shall permit any article or animal, which from its nature is likely to soil the motor omnibus, cause injury or discomfort to any passenger or projects beyond the sides, rear or roof of a motor omnibus, to be carried therein.

Persons prohibited from entering or alighting from a motor omnibus except at bus stop or terminal.

26. No person shall enter or alight from a motor omnibus except at a bus stop or bus terminal provided for such purpose if the motor omnibus is being driven for the purpose of gain.

Ticket obligations of passengers in a motor omnibus.

27. (1) No passenger on a motor omnibus shall use or attempt to use —

(a) any ticket which has been altered or defaced, with intent to avoid payment of a fare;

(b) any ticket which has been issued to another person if such ticket bears thereon an indication that it is not transferable; or

(c) any period or season ticket which has expired with intent to avoid payment of a fare.

(2) Every passenger on a motor omnibus shall —

(a) unless he is the holder of a ticket in respect of that journey, immediately upon demand, declare the journey he intends to take or has taken and pay the conductor the fare for the whole of the journey and accept the ticket provided therefor;

(b) if required by the conductor, leave the vehicle on the completion of the journey covered by that ticket;

(c) if required by any authorised person, show his ticket, if any, or if he fails to show it, pay the fare for the journey taken or to be taken by him;

(d) if required to do so by any authorised person, surrender his ticket to that authorised person on the completion of the journey covered by that ticket;

(e) if required to do so by any authorised person, surrender any period or season ticket held by him to that authorised person, at the expiry of the period for which it was issued to him; and

(f) if required to do so by any authorised person, surrender any ticket held by him to that authorised person, either on the completion of the journey covered by that ticket or in exchange for a new ticket covering the journey he is entitled to take.

(3) No passenger shall leave or attempt to leave a motor omnibus without paying the fare for the journey he has taken or with intent to avoid payment thereof.

Prohibition on persons standing on carriage-way whilst waiting for motor omnibus or taxicab at bus stop etc.

28. No person shall, at a bus stop, bus terminal or taxicab stop, stand on or be present in any part of an area of a carriage-way if —

(a) such area is meant for a motor omnibus or taxicab to pick up or set down passengers, and marked on the road by means of yellow lines; and

(b) a bus stand or pavement is adjacent to such area.

Queuing at taxicab stop.

29. No person shall, at any taxicab stop where railings for queuing up are provided, stand on or be present on any part of the taxicab stop except in a queue.

Passengers prohibited from smoking in vehicles.

30. No passenger shall smoke in any vehicle.

Vehicle to be searched immediately before or on termination of journey.

31. (1) Immediately before or on the termination of any journey, the conductor or where there is no conductor, the driver of a vehicle, as the case may be, shall as far as practicable search the vehicle for any property accidentally left therein and shall, as soon as possible and in any case within 24 hours, hand over the property in the state in which it came into his possession to the Director or any authorised officer or a police officer at a police station who shall give the conductor or the driver, as the case may be, a receipt for the property.

(2) Any property handed to a police officer pursuant to sub-regulation (1) shall immediately be deposited at the office of the Director who shall give the police officer a receipt for the property.

(3) The Director having the custody of the property in pursuance of this regulation shall retain the property in safe keeping until claimed by the owner or disposed of in accordance with sub-regulations (5) and (6).

(4) Where the name and address of the owner of any property handed over to or deposited at the office of the Director are readily ascertainable, the Director shall immediately notify the owner that the property is in his possession and may be claimed.

(5) If any property so retained by the Director is not proved to the satisfaction of the Director to belong to a claimant within 3 months of the date when it was handed over pursuant to sub-regulation (1) by the conductor or driver of a vehicle, as the case may be, it may thereupon be sold by public auction.

(6) If any property so retained by the Director appears to him to be of a perishable nature and it is not claimed within 48 hours from the time it was found, he may thereupon destroy or otherwise dispose of it in such manner as he thinks fit; and if such property is sold, the proceeds thereof shall be dealt within the manner provided by sub-regulations (8) and (9).

(7) Where any property is contained in a package, bag or other receptacle, the Director or any authorised officer may cause such package, bag or other receptacle to be opened and the contents examined if he considers it necessary to do so for the purpose of —

(a) identifying and tracing the owner of the property; or

(b) ascertaining the nature of its contents.

(8) The money obtained from any sale under sub-regulations (5) and (6) shall, after payment of any expenses of the conductor or driver, as the case may be, in carrying out the provisions of sub-regulation (1), be paid into the Consolidated Fund.

(9) Where any property is forwarded to a claimant all costs of carriage reasonably incurred by the conductor or driver, as the case may be, in carrying out the provisions of sub-regulation (1) shall be paid to the conductor or driver, as the case may be, by the claimant.

(10) The Director shall keep a register of all money and other property handed over to or deposited with him under sub-regulations (1) and (2), as the case may be, and of the disposal of such money and property under sub-regulations (5) and (6).

Penalty.

32. Any person who contravenes any of the provisions of these Regulations for which no penalty is specifically provided or who is in breach of any condition subject to which any licence has been issued is guilty of an offence and liable on conviction to a fine not exceeding \$250, and in the case of a second or subsequent conviction, to a fine not exceeding \$500, imprisonment for a term not exceeding 6 months or both.

Made this 16th. day of Zulhijah, 1424 Hijriah corresponding to the 7th. day of February, 2004.

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