

No. S 48

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

ROAD TRAFFIC ACT (AMENDMENT) (NO. 2) 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) (No. 2) Order, 2002.

Insertion of new sections 79B and 79C into Chapter 68.

2. The Road Traffic Act (Chapter 68) is amended by inserting the following two new sections immediately after section 79A —

"Power to remove structures from roads.

79B. (1) Where any structure has been erected or set up on or over any road or any road reserve otherwise than under the authority of any written law, the Director General of Public Works may, by notice in writing, require the person having control or possession of that structure to remove it within such period as may be specified in the notice or within such extended period as the Director General of Public Works may allow.

(2) If any structure in respect of which a notice has been served under this section is not removed, the Director General of Public Works may remove the structure:

Provided that the power of the Director General of Public Works under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice.

(3) Notwithstanding subsections (1) and (2), where there is a likelihood of immediate danger to traffic arising from any structure, the Director General of Public Works may take such action as is necessary to remove such structure without giving notice to any person.

(4) Where any structure has been removed by the Director General of Public Works under this section, and the expenses of the removal and detention of the structure have not been paid within one week after the date of such removal, the Director General of Public Works may, after giving one month's notice in writing to the person having control or possession of the structure immediately before such removal, sell by public auction or otherwise dispose of such structure; and any proceeds from such sale or disposal shall be applied in payment of the expenses of such removal and detention and any surplus shall be paid to the person having the control or possession of the structure immediately before such removal or shall, if not claimed by such person within 3 months after the date of the sale or disposal, be forfeited to the Government.

(5) Nothing in subsection (4) shall prohibit —

(a) the disposal, as the Director General of Public Works may consider necessary, of any food or other perishable goods removed together with the structure, and any proceeds from any such disposal shall be applied in the manner provided in that subsection; and

(b) the recovery as a civil debt of the whole or part of the expenses of removal and detention from the person having the control or possession of the structure immediately before such removal.

(6) Notice under subsection (1) may be served either personally, by post or by affixing it to the structure to which the notice relates.

(7) In this section, "structure" includes any machine, pump, post and any other such object as is capable of causing obstruction or of endangering traffic.

Construction of access and drains and laying of public utility installations.

79C. (1) No person shall —

(a) construct any access road (including paths, driveways or other means of access, whether public or private) to join any road;

(b) construct a drain to join a drain constructed alongside a road;
or

(c) carry out any works of any description in, upon, over or under any road,

unless plans containing details of the layout thereof have been approved by the Director General of Public Works, who may refuse such application or allow it on such conditions as he may impose.

(2) Where in the opinion of the Director General of Public Works there is —

(a) a likelihood of danger to traffic;

(b) any flooding, interference or obstruction; or

(c) any failure to comply with any condition imposed under subsection (1),

in the course of, or arising from any works referred to in subsection (1), the Director General of Public Works may, by notice in writing, require the person to whom approval was granted or the occupier of the premises or land, to take such action as may be necessary to remove the danger, to remove the interference or obstruction, to stop up any drain or to comply with the conditions imposed within the time specified in the notice, failing which the Director General of Public Works may take such action as is necessary to remove the danger of flooding, interference or obstruction or to ensure compliance with the conditions imposed.

(3) Subject to subsection (6), the Director General of Public Works may, by notice in the *Gazette*, require the closure or diversion of or alterations to be made to any access road (whether constructed before or after the commencement of the Road Traffic Act (Amendment) (No. 2) Order, 2002).

(4) Where any action has been taken by the Director General of Public Works under subsection (2) or (3), the expenses incurred and certified in writing by the Director General of Public Works in taking such action shall be a debt due to the Government by the person to whom the approval was granted or by the occupier of the premises or land.

(5) Where any works under subsection (1) have been executed and it is found that they were executed for the purpose of making a direct connection of any public utility to any premises or for joining a drain to one constructed alongside a road for the purpose of drainage of the land on which the first-mentioned drain was constructed, the occupier of such premises or land shall be deemed to be the person carrying out the works for the purpose of this section.

(6) Where as a result of a notice gazetted by the Director General of Public Works under subsection (3) an access road existing at the time of such gazetting would be totally closed and there would be no alternative access

road, the Director General of Public Works shall, prior to the closure, provide an alternative access road:

Provided that where an alternative access road cannot be provided or cannot be provided without incurring an unreasonable amount of expenditure, the land so affected shall be acquired in accordance with the provisions of the Land Acquisition Act (Chapter 4) and such acquisition shall for the purposes of that Act, be deemed to be for a public purpose.

(7) Any person who contravenes subsection (1) or who fails to comply with any conditions imposed under that subsection shall be guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding one year or both:

Provided that any punishment imposed under this subsection shall not affect any civil liability of the person to whom approval was granted or of the occupier of the premises or land.

(8) The Director General of Public Works may give directions to regulate and control the carrying out or construction of any of the works referred to in subsection (1).".

Made this 7 day of Jamadilawal, 1423 Hijriah corresponding to the 18th. day of July, 2002 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM