



Australian Capital Territory

Married Persons (Torts) Act 1968 No 15 (repealed)

Republication No 3

Effective: 2 November 2002

Republication date: 4 November 2002

As repealed by Act 2002 No 40

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Married Persons (Torts) Act 1968* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 2 November 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Married Persons (Torts) Act 1968 (repealed)

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Australian Capital Territory

Married Persons (Torts) Act 1968 (repealed)

An Act to make provision in relation to rights of action in tort between married persons, and for purposes connected with them

1 Name of Act

This Act is the *Married Persons (Torts) Act 1968*.

4 Actions in tort by one spouse against the other

Subject to section 6, a party to a marriage has, after the commencement of this Act, the like rights of action in tort against the other party to the marriage as he or she would have had if the parties were not married to each other.

5 Actions in tort by a former spouse against the other

Subject section 6, a person who was a party to a marriage that has been dissolved or annulled has, after the commencement of this Act, the like rights of action in tort against the person who was the other party to the marriage as he or she would have had if the parties had never been married to each other.

6 Application

Sections 4 and 5 do not apply to or in relation to a cause of action that arose, or would, apart from the subsistence of a marriage, have arisen, before the commencement of this Act.

7 Questions between spouses about property may be decided in a summary way

This Act shall not be taken to affect the operation of section 22 of the *Married Women's Property Act 1901*, (NSW), section 22.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Married Persons (Torts) Ordinance 1968* No 15 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Married Persons (Torts) Act 1968 No 15

notified 22 August 1968

commenced 1 December 1968 (s 2 and Cwlth Gaz 1968 p 6880)

as amended by

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978

commenced 28 December 1978

Legislation after becoming Territory enactment

Legislation (Consequential Amendments) Act 2001 No 44 pt 243

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 243 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

as repealed by

Civil Law (Wrongs) Act 2002 sch 3, pt 3.1

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

sch 3, pt 3.1 commenced 1 November 2002 (s 2 (2) and CN2002-13)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.2809

s 3 om 1978 No 46

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1978 No 46	30 June 1991
2	Act 2001 No 44	20 August 2002

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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