

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 2) 1985

ORDINANCE NO. 30 OF 1985

EXPLANATORY STATEMENT

The Motor Traffic (Amendment) Ordinance (No. 2) 1985 amends the Motor Traffic Ordinance 1936 (the principal Ordinance) to allow the Nominal Defendant and the Authorised Insurer to extend the time within which claims may be notified in respect of death or bodily injury. Previously a plaintiff was required to notify an intention to make a claim within three months after the occurrence giving rise to the claim. Any application to extend the period had to be made to the court.

The Ordinance also amends a reference to an originating process. The principal Ordinance contained a reference to a "writ of summons". However, actions in the Court of Petty Sessions are commenced by a summons or a claim. As the reference is intended to cover all forms of originating process it has been amended to refer to a writ of summons, claim or other originating process.

Details of the Ordinance are as follows:

Sections 1 and 2 deal with interpretation and citation.

Section 3 amends section 55 of the principal Ordinance to widen a reference to originating processes so that it refers to a writ of summons claim or other originating process.

Section 4 amends sections 61(3) and 61(4) of the principal Ordinance to insert a provision allowing the Authorised Insurer or the Nominal Defendant to extend the time for the making of a claim in cases involving an insured motor vehicle. The section also inserts a new sub-section 4(A) which will allow the court to extend the period further or to grant an extension where the Authorised Insurer or the Nominal Defendant refuses.

Section 5 amends section 85(5) of the principal Ordinance to allow the Nominal Defendant to extend the period within which a claim may be made in cases involving an uninsured motor vehicle. The section also inserts a new sub-section (6) which will allow the court to extend the period further or to grant an extension where the Nominal Defendant refuses.

The Australian Capital Territory House of Assembly has agreed to the making of the Motor Traffic (Amendment) Ordinance (No. 2) 1985.

Ord No 53/83Cat.