

## EXPLANATORY STATEMENT

### AUSTRALIAN CAPITAL TERRITORY

#### MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 2) 1988

#### ORDINANCE NO. 10 OF 1988

The Motor Traffic (Amendment) Ordinance 1988 amends the Motor Traffic Ordinance 1936 (“the Principal Ordinance”) to ensure that there is no longer any doubt that the Nominal Defendant has the power to recover damages from the owner of an unregistered vehicle and costs and damages from vehicle owners and drivers. At present recovery of damages and costs is limited to the owner of a registered vehicle.

Section 1 and 2 deal with citation of the Amendment Ordinance and Principal Ordinance.

Section 3 amends section 4 of the Principal Ordinances by adding new paragraph (f) in subsection (1) so that the definition of “owner” is extended to include – in the case of an unregistered motor vehicle – a person who, solely or jointly with any other person, is entitled to immediate possession of a motor vehicle.

Section 4 amends section 87 of the Principal Ordinance so as to permit the Nominal Defendant to recover from the owner of a motor vehicle the amount of any costs and expenses properly incurred by the Nominal Defendant arising out of a claim defended by the Nominal Defendant or proceedings in which judgement was obtained against the Nominal Defendant.

ISSUED BY THE AUTHORITY OF  
THE MINISTER OF STATE FOR THE  
ARTS AND TERRITORIES