NOTICE OF ACTION AND OTHER PRIVILEGES ABOLITION (AMENDMENT) ACT, 1978, No. 56

New South Wales



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Act No. 56, 1978.

An Act to amend the Notice of Action and Other Privileges Abolition Act, 1977, to remove provisions in the Motor Vehicles (Third Party Insurance) Act, 1942, relating to the giving of notice of action. [Assented to, 3rd April, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Notice of Action and Other Privileges Abolition (Amendment) Act, 1978".

Commencement. 2. This Act shall be deemed to have commenced on 19th August, 1977.

Amendment **3.** The Notice of Action and Other Privileges Abolition Act, 19, 1977. 1977, is amended—

Sec. 5. (a) by omitting section 5 (4) (b); (Amendment of other Acts.)

Sch. 1.

(b) (i) by inserting in Schedule 1 after the matter relating to Act No. 17, 1939, the following matter :---

1942, No. 15	Motor Vehicles (Third Party Insurance) Act, 1942.	Section 15 (2) (b)— Omit the paragraph. Section 25 (1)— Omit "Subject to subsection (2), where", insert instead "Where". Section 25 (2)— Omit the subsection. Section 26 (1)— Omit "Subject to subsection (2), where",
		insert instead "Where". Section 26 (2)— Omit the subsection. Section 26 (3) (a)— Omit "such action", insert instead "action under this section for the recovery of any amount referred to in this section".

Act No. 56, 1978.

Notice of Action and Other Privileges Abolition (Amendment).

1942, No. 15 —continued.	Motor Vehicles (Third Party Insurance) Act, 1942. —continued.	 Omit the following:— Where the date of the occurrence out of which any such claim arises is not earlier than three months after the commencement of the Motor Traffic (Amendment) Act, 1951, no action to enforce such claim shall lie against the nominal defendant unless notice of intention to make a claim is given by the claimant to the nominal defendant— (a) in the case of an action for the recovery of any amount referred to in subsection (1) of section 26 of the Act—within the time prescribed by subsection (2) of that section; (b) in any other case—within a period of three months after the occurrence out of which the claim arose, or within such further period as the nominal defendant or the court, upon sufficient cause being shown, may allow.
		Section 30 (2) (b)— Omit the paragraph.

(ii) by inserting after the word "Contribution" in Column 1 of Schedule 1 in the matter relating to Act No. 22, 1970, the word "Management".

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,

Governor.

Government House, Sydney, 3rd April, 1978.

> BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1978

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NOTICE OF ACTION AND OTHER PRIVILEGES ABOLITION (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are-

- (a) to remove provisions in the Motor Vehicles (Third Party Insurance) Act, 1942, relating to the giving of notice of action to an authorised insurer and to the nominal defendant (clause 3 (a) and (b) (i)); and
- (b) to correct a reference to an Act amended by the Notice of Action and Other Privileges Abolition Act, 1977 (clause 3 (b) (ii)).

The amendments made by the proposed Act are to take effect retrospectively from the date of commencement of the Notice of Action and Other Privileges Abolition Act, 1977.

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NOTICE OF ACTION AND OTHER PRIVILEGES ABOLITION (AMENDMENT) BILL, 1978

No. , 1978.

A BILL FOR

An Act to amend the Notice of Action and Other Privileges Abolition Act, 1977, to remove provisions in the Motor Vehicles (Third Party Insurance) Act, 1942, relating to the giving of notice of action.

[MR F. J. WALKER-8 February, 1978.]

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Notice of Action and Other Short title. Privileges Abolition (Amendment) Act, 1978".

2. This Act shall be deemed to have commenced on 19th Commence-August, 1977.

3. The Notice of Action and Other Privileges Abolition Act, Amendment of Act No. 19, 1977, is amended—

(a) by omitting section 5 (4) (b);

Sec. 5. (Amendment of other Acts.)

2

(b) (i) by inserting in Schedule 1 after the matter relating Sch. 1. to Act No. 17, 1939, the following matter :---

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15	Insurance)	Section 25 (1)-
	Act, 1942.	Omit "Subject to subsection (2), where", insert instead "Where".
		Section 25 (2)—
20		Omit the subsection.
		Section 26 (1)—
		Omit "Subject to subsection (2), where", insert instead "Where".
		Section 26 (2)—
25		Omit the subsection.
		Section 26 (3) (a)—
		Omit "such action", insert instead "action under this section for the recovery of any amount referred to in this section".

Act No. , 1978.

	1942, No. 15 —continued.	Motor Vehicles (Third Party Insurance) Act, 1942.	Omit the following:— Where the date of the occurrence out of which any such claim arises is not earlier
5		<i>—continued</i> .	than three months after the commencement of the Motor Traffic (Amendment) Act, 1951, no action to enforce such claim shall lie against the nominal defendant unless
10			notice of intention to make a claim is given by the claimant to the nominal defendant— (a) in the case of an action for the
			recovery of any amount referred to in subsection (1) of section 26 of the Act—within the time prescribed by
15			subsection (2) of that section;(b) in any other case—within a period of three months after the occurrence out of which the claim arose, or within
20			such further period as the nominal defendant or the court, upon sufficient cause being shown, may allow. Section 30 (2) (b)— Omit the paragraph.
25		Column 1 of	after the word "Contribution" in f Schedule 1 in the matter relating to 1970, the word "Management".

BY AUTHORITY D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES-1978

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- (b) to correct a reference to an Act amended by the Notice of Action and Other Privileges Abolition Act, 1977 (clause 3 (b) (ii)).

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2. This Act shall be deemed to have commenced on 19th Commence-August, 1977.

3. The Notice of Action and Other Privileges Abolition Act, Amendment of Act No. 1977, is amended— 19, 1977.

(a) by omitting section 5 (4) (b);

Sec. 5. (Amendment of other Acts.)

(b) (i) by inserting in Schedule 1 after the matter relating Sch. 1. to Act No. 17, 1939, the following matter :---

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Act	No.	,	1978.	

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Notice of Action and Other Privileges Abolition (Amendment).

	10.10		a
		Motor Vehicles	
	-continued.	(Third Party	Omit the following:—
		Insurance)	Where the date of the occurrence out of
		Act, 1942.	which any such claim arises is not earlier
5		-continued.	than three months after the commencement
			of the Motor Traffic (Amendment) Act,
			1951, no action to enforce such claim shall
			lie against the nominal defendant unless
			notice of intention to make a claim is given
10			by the claimant to the nominal defendant-
			(a) in the case of an action for the
			recovery of any amount referred to in
			subsection (1) of section 26 of the
			Act-within the time prescribed by
15	e (* 7		subsection (2) of that section;
15			(b) in any other case—within a period of
			three months after the occurrence out
			of which the claim arose, or within
			such further period as the nominal
20			defendant or the court, upon sufficient
20	,		cause being shown, may allow.
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