

**MARRIED PERSONS (PROPERTY AND TORTS)  
AMENDMENT ACT, 1978, No. 53**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 53, 1978.**

An Act to amend section 16B of the Married Persons (Property and Torts) Act, 1901, in order to extend and clarify the application of that section. [Assented to, 3rd April, 1978.]

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*Married Persons (Property and Torts) Amendment.*

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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 :—

Short title.      **1.** This Act may be cited as the "Married Persons (Property and Torts) Amendment Act, 1978".

Saving.          **2.** This Act does not apply to an action for damages if the cause of action arose before the commencement of this Act.

Amendment of Act No. 45, 1901.  
Sec. 16B.  
(Actions by one spouse against the other for negligent use of motor vehicle.)      **3.** The Married Persons (Property and Torts) Act, 1901, is amended—

- (a) by omitting from section 16B (1) the words "the use of a registered motor vehicle" and by inserting instead the words "the use of a motor vehicle in New South Wales or elsewhere";
- (b) by omitting from section 16B (1) the words "In this subsection, 'registered motor vehicle' means a motor vehicle registered or required to be registered under the Motor Traffic Act, 1909, as amended by subsequent Acts, or the Transport Act, 1930, as amended by subsequent Acts and includes a motor vehicle to which is affixed a special number plate (known as a trader's plate) issued to a manufacturer or repairer of or dealer in motor vehicles in accordance with the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts.";

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*Married Persons (Property and Torts) Amendment.*

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- (c) by inserting after section 16B (1) the following subsection :—

(1A) In subsection (1), "motor vehicle" means motor car, motor carriage, motor cycle or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity, or by any means other than human or animal power, and includes a trailer, but does not include any vehicle used on a railway or tramway.

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