

MOTOR ACCIDENTS ACT 1988—REGULATION

(Relating to the commencement of proceedings concerning certain claims)

NEW SOUTH WALES



[Published in Gazette No. 58 of 15 April 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Motor Accidents Act 1988, has been pleased to make the Regulation set forth hereunder.

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The Motor Accidents Regulation 1989 is amended by inserting after clause 11 the following clause:

Commencement of proceedings concerning certain claims

12. A claimant is taken to have provided a full and satisfactory explanation to the court for the purposes of section 52 (3) of the Act if:

- (a) the claim was made in compliance with section 43 of the Act between 30 June 1992 and 31 December 1993; and
- (b) proceedings in respect of the claim are commenced before 31 December 1994.

EXPLANATORY NOTE

Before its amendment by the Motor Accidents (Amendment) Act 1993, the Motor Accidents Act 1988 allowed a claimant for damages under that Act a maximum period of 6 months from the date of the relevant motor accident (or the death of a person caused by the accident) in which to make the claim and a further 12 months in which to commence court proceedings. If court proceedings were not commenced within the 18-month period, the claimant was required to provide a full and satisfactory explanation to the court for the delay. The amendments made to

section 52 by the 1993 Act reduced the period in which court proceedings could be commenced without having to provide an explanation for delay to the period of 12 months from the date on which the claim was actually made. This has had the result that some claimants caught by the changes will now be required to give an explanation for delay.

The purpose of this Regulation is to make it clear that claimants adversely affected by this change have a full and satisfactory explanation.

The Regulation is of a savings and transitional nature and is made under clause 1 of Schedule 4 to the Act (as amended by Schedule 1 (16) (a) to the 1993 Act).
