Notice of Action and Other Privileges Abolition Act 1977 No 19

[1977-19]

New South Wales

Status Information

Currency of version

Historical version for 3 December 1999 to 31 December 2005 (accessed 28 December 2024 at 18:13)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
  Defamation Act 2005 No 77 (not commenced — to commence on 1.1.2006)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 26 October 2005

Notice of Action and Other Privileges Abolition Act 1977 No 19

New South Wales

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Notice of Action and Other Privileges Abolition Act 1977 No 19

New South Wales

An Act to amend certain Acts in so far as they provide for the giving of notice of action, special limitation periods, tender of amends and related matters.

1 Name of Act

This Act may be cited as the *Notice of Action and Other Privileges Abolition Act 1977*.

2 Commencement

This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3 Savings

The amendments made by this Act do not affect any proceedings on a cause of action accrued before the commencement of this Act.

4 (Repealed)

5 Amendment of other Acts

(1) In this section, a reference to an action is a reference to an action of a kind for the bringing of which a limitation period is fixed by or under the *Limitation Act 1969*, whether or not a different limitation period for a particular action of that kind is fixed by or under an Act other than that Act.

(2) This section applies to an Act other than:

(a) the *Limitation Act 1969*, and

(b) an Act specified in Schedule 1,

and applies to an Imperial Act in force in New South Wales which Parliament has power to amend in relation to its operation in New South Wales.

(3) Subject to subsection (4), in so far as an Act or Imperial Act to which this section applies provides in any form:

(a) that notice is to be given before an action may be commenced,

(b) that the notice shall be in a specified form or state specified matters,

(c) that an action may not be commenced until the expiration of a specified period after the giving of the notice,

(d) that an authorised person shall:

(i) be permitted to inspect damage or injury specified in the notice, or

(ii) be given all facilities and information necessary to ascertain the nature and extent of damage or injury so specified and any expenditure or loss relating thereto,

(e) that, where the notice has been given, the plaintiff is not permitted to go into evidence of any cause of action not specified in the notice,

(f) that, where the notice has not been given, the plaintiff is not entitled to maintain the action,

(g) that a court may amend any defect in the notice,

(h) that a court may direct that any non-compliance, or insufficient compliance, with a provision referred to in paragraph (a), (b), (c) or (d) is not a bar to the maintenance of an action,

(i) that an action shall be commenced within any period,

(j) that a court may extend a period referred to in paragraph (i), or

(k) for a tender of amends before action to be a defence,

the Act is hereby amended so that it ceases so to provide.

(4) Subsection (3) does not amend an Act so as to affect the operation of:

(a) section 63 of the *Workers' Compensation Act 1926*,

(b) (Repealed)

(c) Division 8 of Part 3 of the *Defamation Act 1974*, or

(d) the general law relating to tender before action of a debt or liquidated sum.

Schedule 1 (Repealed)