



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 91 of 1973

An Act to amend the Motor Vehicles Act, 1959-1972.

[Assented to 13th December, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act, 1973". Short titles.

(2) The Motor Vehicles Act, 1959-1972, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1973".

(3) The Motor Vehicles Act, 1959-1972, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "articulated motor vehicle" and inserting in lieu thereof the following definitions:—

Amendment of
principal Act
s. 5—
Interpretation.

"articulated motor vehicle" means a motor vehicle consisting of two portions (each of which is equipped with wheels) as follows:—

(a) one portion (the prime-mover) provides the motive power of the vehicle;

(b) the other portion (the semi-trailer) is pivoted to and drawn by the prime-mover, part of it (not being a pole drawbar or similar device, or an accessory thereof) being superimposed upon the prime-mover:

“business name” means a name registered under the Business Names Act, 1963;:

and

(b) by striking out from the definition of “trailer” the passage “unless such rear portion is used in conjunction with a forward part which has been separately registered under the provisions of section 33a of this Act”.

Amendment of principal Act, s. 12—
Exemption of farmer's tractors and implements.

4. Section 12 of the principal Act is amended by striking out the passage “twenty-five miles” wherever it occurs in subsections (1), (2), (3) and (4) and inserting in lieu thereof in each case the passage “40 kilometres”.

Amendment of principal Act, s. 16—
Permits to drive pending registration.

5. Section 16 of the principal Act is amended by striking out from subsection (1) the passage “twenty-five miles” and inserting in lieu thereof the passage “40 kilometres”.

Enactment of s. 19a of principal Act—

6. The following section is enacted and inserted in the principal Act immediately after section 19 thereof:—

Vehicles registered, etc., in other States of the Commonwealth.

19a. (1) A motor vehicle that is owned by a person who ordinarily resides in another State or Territory of the Commonwealth, or by a body corporate that carries on business in another State or Territory of the Commonwealth may be driven in this State without registration under this Act if—

- (a) the vehicle is in this State for the purpose of temporary use;
- (b) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted, and in force, under the law of that other State or Territory of the Commonwealth;
- (c) any current registration label, certificate, card, permit, and plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth are duly affixed to the vehicle in accordance with that law;

and

(d) there is in force in relation to the vehicle a policy of insurance—

(i) which complies with the law of that other State or Territory of the Commonwealth;

and

(ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

(2) A motor vehicle that is owned by a person who has changed his place of residence from another State or Territory of the Commonwealth to this State may be driven in this State without registration under this Act if—

(a) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted and in force, under the law of that other State or Territory of the Commonwealth;

(b) any current registration label, certificate, card, permit, plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth, are duly affixed to the vehicle in accordance with that law;

(c) an application for registration of the motor vehicle under this Act has been, or is to be, made as soon as reasonably practicable after the date of the change in the owner's place of residence;

and

(d) there is in force in relation to the vehicle a policy of insurance—

(i) which complies with the law of that other State or Territory of the Commonwealth;

and

(ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

Amendment of
principal Act,
s. 20—
Application for
registration.

7. Section 20 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) An application to register a motor vehicle—

(a) must state correctly—

- (i) the full name of the owner of the vehicle;
- (ii) where the owner of the vehicle is a natural person, the address at which the owner is ordinarily resident, and in the case of an application for registration in a business name, the address of the principal place of business at which the owner carries on business in that business name;

and

- (iii) where the owner of the vehicle is a body corporate, the address of the principal place of business in this State of the body corporate;

and

(b) must be made in a manner and form determined by the Minister.

Amendment of
principal Act,
s. 26—
Duration of
registration.

8. Section 26 of the principal Act is amended by striking out from paragraph (b) the passage “the expiration of ten days from”.

Repeal of
s. 27 of
principal Act
and enactment
of section in
its place—

9. Section 27 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Power-weight
of vehicles.

27. (1) For the purpose of computing registration fees, the power-weight (indicated in this Act by the letters P.W.) of a motor vehicle propelled by an internal combustion piston engine shall be calculated as follows:—

$$P.W. = \frac{w}{50.8} + \frac{d^2n}{1\ 613}.$$

In this formula:—

w is the number of kilograms in the weight of the vehicle;

d is the number of millimetres in the internal diameter of the cylinders;

n is the number of pistons.

(2) For the purpose of computing registration fees, the power-weight of a motor vehicle propelled by an internal combustion engine, other than a piston engine, shall be calculated as follows:—

(a) where the weight of the vehicle does not exceed 1 780 kilograms:

$$\text{P.W.} = \frac{w}{25.4};$$

(b) where the weight of the vehicle exceeds 1 780 kilograms, but does not exceed 8 130 kilograms:

$$\text{P.W.} = 35 + \frac{w}{50.8} + \frac{w - 1\,780}{250};$$

(c) where the weight of the vehicle exceeds 8 130 kilograms:

$$\text{P.W.} = 60 + \frac{w}{50.8}.$$

In the above formulae:—

w is the number of kilograms in the weight of the vehicle.

(3) The power-weight of a motor vehicle propelled by steam or electricity shall be determined by the Registrar in such manner as he considers just and appropriate.

(4) For the purposes of this section, the power-weight of a motor vehicle shall be calculated to the nearest whole number.

(5) Where the power-weight of a motor vehicle has, prior to the commencement of the Motor Vehicles Act Amendment Act, 1973, been determined for the purpose of computing registration fees, the power-weight so determined shall subject to sections 44 and 45 of this Act remain unchanged.

10. Section 29 of the principal Act is amended—

- (a) by striking out from subsection (3) the passage “one hundredweight” wherever it occurs and inserting in lieu thereof in each case the passage “50 kilograms”;
- (b) by striking out from subsection (5) the passage “35 hundredweight” and inserting in lieu thereof the passage “1 780 kilograms”;

Amendment of
principal Act,
s. 29—
Registration
fees.

(c) by striking out from subsection (6) the passage “35 hundred-weight” and inserting in lieu thereof the passage “1 780 kilograms”;

and

(d) by striking out subsection (8) and inserting in lieu thereof the following subsection:—

(8) The registration fee for a trailer shall be—

	\$
If the weight of the trailer unladen does not exceed 1 020 kilograms	6.00
If the weight of the trailer unladen exceeds 1 020 kilograms but does not exceed 1 520 kilograms	8.00
If the weight of the trailer unladen exceeds 1 520 kilograms but does not exceed 2 030 kilograms	10.00
If the weight of the trailer unladen exceeds 2 030 kilograms	12.00

Where the trailer consists of a machine which is mounted on wheels and is constructed or adapted for being drawn by a motor vehicle, the fee shall be one-half of the amount which would otherwise be payable under this section.

**Amendment of principal Act, s. 33—
Registration fee for vehicles used in interstate trade.**

11. Section 33 of the principal Act is amended by striking out from paragraph (a) the passage “two dollars” and inserting in lieu thereof the passage “five dollars”.

Repeal of s. 33a of principal Act and enactment of section in its place—

12. Section 33a of the principal Act is repealed and the following section is enacted and inserted in its place:—

Separate registration for parts of articulated motor vehicles.

33a. If the owner of a prime-mover which is to be used in conjunction with two or more semi-trailers so as to form separate articulated motor vehicles applies for registration of the prime-mover and—

(a) states in his application for registration the combined weight in kilograms of the prime-mover and the heaviest semi-trailer to be used in conjunction therewith;

and

(b) pays—

(i) the appropriate registration fee calculated on the assumption that the vehicle for which registration is sought has the combined weight of the prime-mover and the heaviest of the semi-trailers to be used in conjunction with the prime-mover;

and

(ii) the appropriate insurance premium and stamp duty (if any) payable on the application,

the Registrar shall—

(c) register the prime-mover;

and

(d) register the semi-trailers that are to be used in conjunction with the prime-mover without any registration fee.

13. Section 35 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage “fifteen miles” and inserting in lieu thereof the passage “24 kilometres”.

Amendment of principal Act, s. 35—

Registration fees for primary producer's tractors.

14. Section 37 of the principal Act is amended—

Amendment of principal Act, s. 37—

(a) by striking out paragraph (b) of subsection (1) and inserting in lieu thereof the following paragraph:—

Registration fees for vehicles in outer areas.

(b) all other parts of the State which are not within a municipality, district council district or Iron Knob; ;

and

(b) by inserting after subsection (1) the following subsection:—

(1a) In subsection (1) of this section—

“Iron Knob” means all that portion of County of Manchester within a circle having a radius of 2 415 metres and its centre at the south-western corner of Allotment 270, town of Iron Knob.

15. Section 38a of the principal Act is amended by striking out from subsection (1) the passage “described in subsection (3), (4), (5) or (7) of section 29 of this Act”.

Amendment of principal Act, s. 38a—

Registration fee for certain pensioners.

Amendment of
principal Act,
s. 38b—
Registration
fee for
certain
incapacitated
persons.

16. Section 38b of the principal Act is amended by striking out from subsection (1) the passage “described in subsection (3), (4), (5) or (7) of section 29 of this Act”.

Amendment of
principal Act,
s. 43—
Short payment,
etc.

17. Section 43 of the principal Act is amended—

(a) by striking out subsection (5) and inserting in lieu thereof the following subsections:—

(5) If a cheque is given in purported payment of any amount payable to the Registrar for registration of, or a policy of insurance in respect of, a motor vehicle, the cheque is dishonoured upon presentation, and the amount payable to the Registrar is not paid within fourteen days after the cheque is dishonoured—

(a) the registration and policy of insurance shall be void as from the time at which the registration would have become effective;

and

(b) the applicant for registration shall be liable to pay to the Registrar a proportionate amount of the registration fee calculated in the ratio that the period between the time at which the registration would have become effective and the time at which the registration label is destroyed in pursuance of this Act, or the vehicle is subsequently registered (whichever is the earlier) bears to the total period for which registration was sought.

(5a) The Registrar may—

(a) recover any amount due under subsection (5) of this section as a debt in any court of competent jurisdiction;

and

(b) refuse to register any motor vehicle in the name of a person liable to pay any such amount while that amount in fact remains unpaid.

Amendment of
principal Act,
s. 46—
Duty to carry
number plates.

18. Section 46 of the principal Act is amended by striking out from paragraph (a) of subsection (7) the passage “not less than 10 feet or more than 60 feet” and inserting in lieu thereof the passage “not less than 3 metres or more than 18 metres”.

19. Section 48 of the principal Act is amended by striking out from subsection (1) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister".

Amendment of principal Act, s. 48—
Registration certificates and labels.

20. Section 50 of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage "25 miles" and inserting in lieu thereof the passage "40 kilometres".

Amendment of principal Act, s. 50—
Permits to drive when label lost or destroyed.

21. Section 56 of the principal Act is amended by striking out from paragraph (b) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister".

Amendment of principal Act, s. 56—
Duty of transferor on transfer of vehicle.

22. Section 57 of the principal Act is amended by striking out from subsection (1) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister".

Amendment of principal Act, s. 57—
Duty of transferee on transfer of vehicle.

23. Section 58 of the principal Act is amended by striking out the passage "one dollar" and inserting in lieu thereof the passage "four dollars".

Amendment of principal Act, s. 58—
Transfer of registration.

24. Section 61 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (2) and inserting in lieu thereof the following paragraph:—

(b) the hirer has lost any legal right that he may have to obtain the return of the vehicle;;

and

(b) by striking out subsection (3).

Amendment of principal Act, s. 61—
Hiring transactions.

25. Section 66 of the principal Act is amended by striking out the passage "thirty-five hundredweights" wherever it occurs in paragraphs (c) and (d) of subsection (2) and inserting in lieu thereof in each case the passage "1 780 kilograms".

Amendment of principal Act, s. 66—
Use of general trader's plates.

26. Section 72 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (2) the passage "thirty-five hundredweights" and inserting in lieu thereof the passage "1 780 kilograms";

and

Amendment of principal Act, s. 72—
Classification of licences.

(b) by inserting after subsection (9) the following subsection:—

(10) Notwithstanding the foregoing provisions of this section, if a motor omnibus is carrying no passenger, or if the only passenger carried by a motor omnibus is a person who holds a licence endorsed with the classification “Class 5” or is a person engaged to service or repair, or to assist in the servicing or repair of, the motor omnibus, it may be driven by—

(a) the holder of a licence endorsed with the classification “Class 3”;

(b) the holder of a licence endorsed with the classification “Class 2” provided that the motor omnibus is not an articulated motor vehicle;

or

(c) the holder of a licence endorsed with the classification “Class 1” provided that the weight of the motor omnibus does not exceed 1 780 kilograms and the motor omnibus is not an articulated motor vehicle.

Amendment of
principal Act,
s. 74a—
Tow-truck
certificates.

27. Section 74a of the principal Act is amended—

(a) by striking out from subsection (1) the passage “twenty miles” and inserting in lieu thereof the passage “32 kilometres”;

and

(b) by striking out from subsection (3) the passage “in the prescribed form” and inserting in lieu thereof the passage “in a form determined by the Minister”.

Amendment of
principal Act,
s. 75—
Issue and
renewal of
licences.

28. Section 75 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage “in the prescribed form” and inserting in lieu thereof the passage “in a form determined by the Minister”;

and

(b) by striking out from subsection (2) the passage “in the prescribed form” and inserting in lieu thereof the passage “in a form determined by the Minister”.

29. Section 75a of the principal Act is amended—

Amendment of
principal Act,
s. 75a—
Learners'
permits.

- (a) by striking out from paragraph (a) of subsection (1) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister";
- (b) by striking out from paragraph (a) of subsection (2) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister";

and

- (c) by striking out from subsection (6) the passage "of this Act" and inserting in lieu thereof the passage "and section 136 of this Act".

30. Section 79a of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 79a of
principal Act
and enactment
of section in
its place—

79a. (1) Subject to this Act, the Registrar shall not issue a licence to an applicant who has not previously held a licence, or who has not held a licence at any time during the three years preceding his application, unless the applicant produces to the Registrar a certificate signed by an authorized examiner certifying that the applicant has passed a practical driving test conducted by that examiner and appropriate to the class of the licence for which the application is made.

Practical
driving tests.

(2) In this section—

"authorized examiner" means—

- (a) a member of the police force appointed for the purpose of conducting practical driving tests by the Commissioner of Police;
- (b) a person appointed for the purpose of conducting practical driving tests by the Registrar;

or

- (c) a person appointed for the purpose of conducting practical driving tests by some other public authority and approved by the Registrar.

(3) The fee for conducting a practical driving test where that test is conducted by an examiner appointed under paragraph (a) or (b) of subsection (2) of this section shall be one dollar and an examiner so appointed shall not conduct any such test unless he is satisfied that the fee has been paid.

Amendment of
principal Act,
s. 83a—
Authority to
tow.

31. Section 83a of the principal Act is amended by striking out from subsection (1) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister".

Amendment of
principal Act,
s. 84—
Duration of
licence.

32. Section 84 of the principal Act is amended—

(a) by striking out the proviso from subsection (1);

(b) by inserting after subsection (1) the following subsection:—

(1a) Where a licence is due to expire on the thirtieth day of June, and the holder of the licence will, on that day be sixty-nine years of age or more, the Registrar may—

(a) if the anniversary of the birth of the holder of the licence occurs within the period commencing on the first day of July and ending on the thirtieth day of September, extend the date of expiry of the licence to the date of the next anniversary of his birth without fee;

and

(b) in any other case, upon application for renewal of the licence, renew the licence for a period expiring on the date of the next anniversary of the applicant's birth, in which event one-quarter of the licence fee prescribed by this Act shall be payable for each complete period of three calendar months in the period for which the licence is renewed.

and

(c) by striking out from paragraph (b) of subsection (3) the passage "more than one month".

Enactment of
s. 97a
of principal
Act—

Visiting
motorists.

33. The following section is enacted and inserted in the principal Act immediately after section 97 thereof:—

97a. (1) Where a person who is ordinarily resident outside the State—

(a) is temporarily within the State;

(b) holds—

(i) a current licence to drive a motor vehicle issued pursuant to the law of the Commonwealth or a State or Territory of the Commonwealth or of the country in which he ordinarily resides;

or

- (ii) a current International Driving Permit issued pursuant to the International Convention on Road Traffic, 1949, in a country other than Australia in which he is ordinarily resident;

and

- (c) he is not disqualified from holding or obtaining a licence in any State or Territory of the Commonwealth,

he shall be entitled, so long as the licence or permit remains in force, subject to any restrictions or conditions stated in the licence or permit, to drive in this State a vehicle of any class that the licence or permit authorizes him to drive.

(2) Every such person shall at all times while driving a motor vehicle in this State carry with him his driver's licence, and upon being requested by a member of the police force to produce that licence, shall forthwith comply with that request.

Penalty: Two hundred dollars.

34. Section 98a of the principal Act is amended by striking out from subsection (2) the passage "in the prescribed form" and inserting in lieu thereof the passage "in a form determined by the Minister".

Amendment of principal Act, s. 98a—
Instructors' licences.

35. Section 98b of the principal Act is amended—

- (a) by inserting in subsection (2) after the passage "the driver's licence" the passage "(if any)";

Amendment of principal Act, s. 98b—
Points demerit scheme.

- (b) by striking out from subsection (11) the passage "his licence has been suspended and he is disqualified from holding or obtaining a licence and the suspension" and inserting in lieu thereof the passage "the licence (if any) that he then holds has been suspended and that he is disqualified from holding or obtaining a licence and the suspension and disqualification";

and

- (c) by striking out subsection (12) and inserting in lieu thereof the following subsection:—

(12) Where a suspension or disqualification (or both) has or have taken effect in pursuance of subsection (11) of this section, the demerit points incurred by the person upon whom the notice was served in pursuance of that subsection up to the time at which he became liable to the suspension or disqualification shall be wholly extinguished, notwithstanding that the aggregate of those points, when he became liable to

the suspension or disqualification, exceeds that required for the purpose of the suspension or disqualification.

Amendment of
principal Act,
s. 99—
Interpretation.

36. Section 99 of the principal Act is amended by inserting after the definition of "policy of insurance" the following definition:—

"the nominal defendant" means a person appointed by the Minister to be the nominal defendant, and for the time being holding that appointment:.

Repeal of
s. 101 of
principal Act
and enactment
of section in
its place—

37. Section 101 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Approved
insurers.

101. (1) Any person or body of persons, corporate or unincorporate, carrying on, or intending to carry on, the business of insurance within the State may apply to the Minister for approval as an insurer under this Part.

(2) The Minister may grant or refuse any such application.

(3) An application for approval under this section must be made on or before the first day of April in any year, and the approval, if granted, shall be effective as from the first day of July in that year.

(4) Before approving of an insurer the Minister may require him to enter into an undertaking and an agreement by which he accepts duties and obligations relating to insurance under this Part and matters incidental thereto.

(5) If, at or before the first day of April in any year, an approved insurer applies to the Minister for the withdrawal of approval under this Part, the Minister may, as from the first day of July next ensuing, withdraw the approval of that insurer.

(6) Where the Minister is satisfied that there are special circumstances justifying him in so doing, he may, upon receipt of due application (which need not be made in conformity with the limitations of time stipulated by this section) grant approval as an approved insurer or withdraw approval from an approved insurer, and the grant or withdrawal of approval shall be effective as from a date determined by the Minister.

(7) The Minister may, by notice in writing served personally or by post upon an approved insurer, require him to furnish the Minister, within such time as may be stipulated in the notice, with such evidence of his financial position, and of his capacity to meet existing and future liabilities under policies of insurance under this Part as may be required in the notice.

(8) If—

- (a) an approved insurer commits a breach of a term or condition of a provision of this Part, or a term or condition on an undertaking or agreement entered into pursuant to this section;
 - (b) an approved insurer fails to comply with a requirement under subsection (7) of this section;
- or
- (c) the Minister, after considering evidence furnished by an approved insurer in compliance with a requirement under subsection (7) of this section, is not satisfied that the approved insurer has sufficient financial resources to continue properly to carry on business as an approved insurer,

the Minister may—

- (d) withdraw the approval of the insurer;
- or
- (e) suspend the approval of the insurer for such period as the Minister thinks fit.

(9) The withdrawal, suspension or non-renewal of the approval of an insurer shall not affect the validity of any policy of insurance.

38. Section 102 of the principal Act is amended—

- (a) by striking out from subsection (4) the passage “which is temporarily within the State”;
- and
- (b) by inserting in paragraph (a) of subsection (4) after the passage “State or Territory of the Commonwealth” the passage “or is otherwise permitted by the law of a proclaimed State or Territory of the Commonwealth to be driven on public roads within that proclaimed State or Territory”.

Amendment of principal Act, s. 102—
Duty to insure against third-party risks.

39. Section 115 of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) of the passage “the driver and”;
- (b) by striking out from subsection (1) the passage “a nominal defendant named by the Minister” and inserting in lieu thereof the passage “the nominal defendant”;

Amendment of principal Act, s. 115—
Claims against nominal defendant where vehicle not identified.

(c) by striking out from subsection (2) the passage "A nominal defendant" and inserting in lieu thereof the passage "The nominal defendant";

and

(d) by striking out from subsection (3) the passage "or the driver is not readily ascertainable give to the Minister" and inserting in lieu thereof the passage "is not readily ascertainable give to the nominal defendant".

Amendment of
principal Act,
s. 116—
Claim against
defendant
where vehicle
uninsured.

40. Section 116 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "the motor vehicle is registered as mentioned in subsection (4) of section 102 of this Act" and inserting in lieu thereof the passage "subsection (4) of section 102 of this Act applies to the motor vehicle";

(b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) A person claiming damages in respect of death or bodily injury caused by negligence in the use of an uninsured motor vehicle on a road may bring an action for the recovery of those damages against the nominal defendant.;

(c) by striking out subsections (3), (4) and (5) and inserting in lieu thereof the following subsection:—

(3) Where a person has brought an action against the nominal defendant under subsection (2) of this section—

(a) the claimant may recover against the nominal defendant the amount of the judgment which in the circumstances he could have recovered against the driver of the uninsured vehicle or a person liable for the negligence of that driver;

and

(b) no action for damages against the driver, or the person so liable, shall be commenced or proceeded with;

and

(d) by striking out from subsection (7) the passage "a nominal defendant" and inserting in lieu thereof the passage "the nominal defendant".

41. The following section is enacted and inserted in the principal Act immediately after section 116 thereof:—

Enactment of
s. 116a of
principal Act—

116a. (1) The Minister may, by instrument published in the *Gazette*, appoint a person to be the nominal defendant for the purposes of this Part.

Appointment
of nominal
defendant.

(2) The person for the time being holding the appointment as the nominal defendant may be designated or described (without specification of his actual name) as "The Nominal Defendant" in any legal process or other document.

42. Section 118a of the principal Act is amended—

Amendment of
principal Act,
s. 118a—

(a) by striking out from subsection (1) the passage "the Minister shall, by notice published in the *Government Gazette*, appoint a person to be the nominal defendant in relation to that insurer for the purposes of this section" and inserting in lieu thereof the passage "this section shall apply to that insurer in accordance with the declaration";

Nominal
defendant to
act where
approved
insurer is in
liquidation or
has made
compromise
with his
creditors.

(b) by striking out from subsection (3) the passage "a nominal defendant has been appointed under this section in relation to an insurer" and inserting in lieu thereof the passage "this section applies to an insurer";

(c) by striking out from subsection (4) the passage "Where a nominal defendant has been appointed under this section in relation to an insurer, the" and inserting in lieu thereof the word "The";

and

(d) by striking out from subsection (5) the passage "appointed in relation to an insurer".

43. Section 119 of the principal Act is amended—

Amendment of
principal Act,
s. 119—

(a) by striking out from paragraph (b) of subsection (1) the passage "nominal defendants" and inserting in lieu thereof the passage "the nominal defendant";

Scheme for
payment of
liabilities of
the nominal
defendant.

(b) by striking out from paragraph (b1) of subsection (1) the passage "nominal defendants are" and inserting in lieu thereof the passage "the nominal defendant is";

and

(c) by striking out from paragraph (c) of subsection (1) of the passage "such defendants" and inserting in lieu thereof the passage "the nominal defendant".

Amendment of principal Act, s. 120—
Satisfaction of judgment against nominal defendant where no scheme is in force.

44. Section 120 of the principal Act is amended by striking out from subsection (1) the passage “a nominal defendant” wherever it occurs and inserting in lieu thereof, in each case, the passage “the nominal defendant”.

Amendment of principal Act, s. 129—
Inquiries into premiums.

45. Section 129 of the principal Act is amended by striking out the word “two” wherever it occurs in paragraphs (c) and (d) of subsection (2) and inserting in lieu thereof in each case the word “three”.

Amendment of principal Act, s. 136—
Duty to notify change of address.

46. Section 136 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

(1) If the holder of a licence, or a person (other than a body corporate) registered as the owner of a motor vehicle changes the place at which he is ordinarily resident, he shall within fourteen days of so doing give written notice to the Registrar of the new place at which he is ordinarily resident.

Penalty: Fifty dollars.

(1a) Where a motor vehicle is registered in a business name, and the owner of the motor vehicle changes the principal place of business at which he carries on business in that business name, he shall within fourteen days of so doing give written notice to the Registrar of the address of the new principal place of business.

Penalty: Fifty dollars.

Enactment of s. 148 of principal Act—

47. The following section is enacted and inserted in the principal Act immediately after section 147 thereof:—

Duty of medical practitioners.

148. (1) Where a legally qualified medical practitioner, a registered optician, or a registered physiotherapist has reasonable cause to believe that—

(a) a person whom he has examined holds a driver's licence or a learner's permit;

and

(b) that person is suffering from a physical or mental illness, disability or deficiency such that, if he drove a motor vehicle, he would be likely to endanger the public,

the medical practitioner, registered optician or registered physiotherapist is under a duty to inform the Registrar in writing of the name and address of that person, and of the nature of the illness, disability or deficiency from which he is believed to be suffering.

(2) Where a medical practitioner, registered optician, or registered physiotherapist furnishes information to the Registrar in pursuance of subsection (1) of this section, he must notify the person to whom the information relates of that fact and of the nature of the information furnished.

(3) A person incurs no civil or criminal liability in carrying out his duty under subsection (1) of this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor