

No. 32 of 1971

An Ordinance to amend the *Motor Vehicles Ordinance 1949-1970*

[Assented to 16 June, 1971]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Motor Vehicles Ordinance 1971*.

Short title
and citation

(2.) The *Motor Vehicles Ordinance 1949-1970* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Motor Vehicles Ordinance 1949-1971*.

2. Section 9 of the Principal Ordinance is amended by inserting after sub-section (1.) the following sub-section:—

Provisions for
persons learning
to drive

“(1A.) Notwithstanding the provisions of the last preceding sub-section the Registrar may grant a permit licence for any period not exceeding twenty-eight days to a person if—

(a) the person is over the age of sixteen years; and

(b) the person produces a certificate under the hand of the Director of Education for the Northern Territory of the Department of Education and Science or a person authorized by him to the effect that the person is a member of a driving school sponsored by that department.”.

3. Section 10 of the Principal Ordinance is amended by inserting after sub-section (1.) the following sub-section:—

Granting of
licences

“(1A.) Notwithstanding the provisions of the last preceding sub-section the Registrar may grant a licence to drive a motor vehicle (other than a motor omnibus or public or private hire car) to a person who satisfies him that—

(a) he is not less than sixteen years of age;

(b) he is capable of driving a motor vehicle of that class with safety to the public;

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- (c) he understands the laws in force relating to the regulation of road traffic and is able to read or understand the meaning of notices, signs or devices in use from time to time for the purpose of regulating road traffic; and
- (d) he is the holder of a certificate under the hand of the Director of Education for the Northern Territory of the Department of Education and Science or a person authorized by him certifying that he has been trained in a driving school sponsored by the Department of Education and Science and is proficient in the driving of motor vehicles of that class.”.

Actions for
damages in case
of death or
bodily injury

4. Section 53 of the Principal Ordinance is amended by inserting after sub-section (1B.) the following sub-sections:—

“(1C.) Failure to comply with the provisions of sub-section (1.) of this section does not render any proceedings which have been commenced a nullity but, where that sub-section has not been complied with, the authorized insurer of the insured motor vehicle out of the use of which the cause of action arose—

- (a) may, at any stage of the proceedings, apply to the court for an order adjourning the proceedings for such time as may be necessary to enable him to exercise his rights under section 66 of this Ordinance; or
- (b) where judgment has been entered in the proceedings, may apply for orders setting aside that judgment and directing a retrial of the action on the ground that failure to comply with sub-section (1.) of this section has prejudiced the effective defence of the action.

“(1D.) The Court or Judge to which or to whom an application is made under the last preceding sub-section may make such order as to the costs of that application and of the proceedings had in the action prior to the application as shall seem to be appropriate.”.

Insurance of
public motor
vehicles against
damage to
property

5. Section 82 of the Principal Ordinance is amended by omitting from sub-section (1.) the word “shall” first occurring and inserting in its stead the word “may”.
