

LIMITATION OF ACTIONS.

No. 46 of 1954.

AN ACT to amend certain enactments relating to the time within which legal proceedings are to be commenced and the giving of notices of action or notices of injury before actions are commenced, and to make provision for matters incidental thereto.

[23 November, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Limitation of Actions Act* 1954. Short title.

2 The enactments that are specified in the first schedule are repealed to the extent specified in that schedule. Repeal of certain enactments.

3—(1) Section two hundred and thirty-one of the *Local Government Act* 1906 is amended— Amendment of certain enactments.

(a) by omitting paragraphs I and II of subsection (2); and

(b) by omitting subsections (3) to (5) and subsections (8) and (9).

(2) The enactments that are specified in the second schedule are amended as respectively specified in that schedule.

THE FIRST SCHEDULE.

(Section 2.)

ENACTMENTS REPEALED.

Year and number of enactment.	Title of enactment.	Extent of repeal.
12 Geo. V No. 60	<i>Marine Act</i> 1920	Section 166A
26 Geo. V No. 33	<i>Railway Management Act</i> 1935	Section 78
4 & 5 Geo. VI No. 91	<i>Launceston Corporation Act</i> 1941	Section 338
7 Geo. VI No. 48	<i>Employers' Liability Act</i> 1943	Section 7
8 Geo. VI No. 22	<i>Hydro-Electric Commission Act</i> 1944	Sections 51 and 52, and subsections (2) and (3) of section 53

THE SECOND SCHEDULE.

(Section 3.)

ENACTMENTS AMENDED.

Evidence Act 1910 (1 Geo. V No. 20).

After section 24 the following Division is inserted:—

“Division IV—Medical examinations of injured persons.

Right of
defendant to
have injured
person
medically
examined in
certain cases.

“25.—(1) Where proceedings are taken against a person (in this section referred to as ‘the defendant’) in respect of any injury sustained by another person (in this section referred to as ‘the injured person’), a legally qualified medical practitioner appointed by the defendant shall be entitled, on demand of the defendant, to examine the injured person, and the injured person and all other parties (if any) to the proceedings shall give to that medical practitioner all such facilities and information as may be necessary to enable him to ascertain fully the nature and extent of the injury.

(2) If the injured person fails—

I To submit himself to an examination by a medical practitioner appointed by the defendant for the purposes of this section:
or

II To give to a medical practitioner so appointed all such facilities and information as he is required by this section to give to that medical practitioner,

the court in which any proceedings are taken by the injured person against the defendant (whether the proceedings are commenced before or after making of a demand under subsection (1) of this section) may, on the application of the defendant, order that those proceedings shall be stayed until the injured person submits himself to the examination, or gives the facilities and information, as the case may be.”

Public Officers Protection Act 1934 (25 Geo. V No. 65).

Section 4 is amended—

(a) by omitting paragraph I; and

(b) by omitting from paragraph II the word “six” (twice occurring) and substituting therefor, in each case, the word “twelve”.

After section 6 the following section is inserted:—

Repeal of
certain enact-
ments.

“6A. So much of any Act passed before the commencement of the *Limitation of Actions Act 1954* as provides that in any proceedings to which this Act applies—

(a) the proceedings shall be commenced within any particular time; or

(b) notice of action or notice of injury shall be given before the proceedings are commenced,

shall cease to have effect on the date of the commencement of this section and shall be deemed to have been repealed on that date.”

Testator’s Family Maintenance Act 1912 (3 Geo. V No. 7).

Section 11 is amended—

(a) by omitting the word “The” (at the commencement of the section) and substituting therefor the words “Except as provided by subsection (2) of this section, the”;

(b) by inserting after the words “taken out” the words “before or”; and

(c) by adding at the end thereof the following subsections:—

“(2) Notwithstanding anything in subsection (1) of this section, upon application being made in that behalf by a person claiming the benefit of this Act, the Court or a judge may, after hearing such of the persons affected or likely to be affected by that application as it or he may think fit, extend the time limited by that subsection for the taking out of a summons for such further period as the Court or judge may think necessary.

“(3) The powers conferred on the Court or a judge by subsection (2) of this section may be exercised notwithstanding that the time limited by subsection (1) of this section for the taking out of a summons may have expired (whether that time expired or expires before or after the commencement of this subsection).

“(4) An application under subsection (2) of this section shall be made before the final distribution of the estate of the deceased person, and no distribution of any part of the estate made before the making of an application under that subsection shall be disturbed by reason of that application or of any order made thereon or in consequence thereof.”

WHEAT INDUSTRY STABILIZATION.

No. 47 of 1954.

AN ACT relating to the stabilization of the wheat industry. [23 November, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Wheat Industry Stabilization Act 1954*. Short title.

2 This Act shall commence on the day on which the *Wheat Industry Stabilization Act 1954* of the Commonwealth comes into operation. Commencement.

3—(1) The *Wheat Marketing Act 1948*, the *Wheat Industry Stabilization Act 1951*, and the *Wheat Marketing Act 1953* are repealed. Repeal.