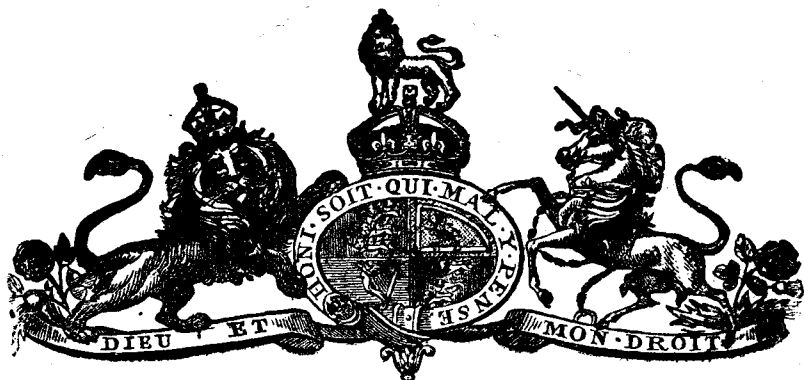


T A S M A N I A.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 10.



AN ACT relating to Actions against "The <sup>A.D.</sup> 1906.  
General Manager of Railways" as Carrier  
of Passengers. [25 October, 1906.]

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 Railway Passengers' Actions Act, Short title and  
1906," and shall come into operation on the First day of *January*, One commencement.  
thousand nine hundred and seven.

2 In this Act—

"Judge" means and includes—

- i. Any Judge of the Supreme Court of *Tasmania* :
- ii. Any Commissioner appointed to hold any Court under "The Local Courts Act 1896," and also includes any 60 Vict. No. 48.  
substitute for a Commissioner appointed under that Act : and

Interpretation.

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iii. Any Chairman of any Court of General Sessions of the Peace appointed a Court for the purposes of "The Local Courts Act, 1896."

"The General Manager of Railways" means "The General Manager of Railways" for the time being appointed under "The Railway Management Act, 1891."

55 Vict. No. 40.

Application of Act.

**3** The following provisions of this Act shall apply only to any action which after the commencement of this Act is brought against "The General Manager of Railways" for injuries occasioned by any wrongful act, neglect, or default of such General Manager as carrier of passengers, wherein the defendant within Ten days after the service of the writ of summons or summons under "The Local Courts Act, 1896," as the case may be, shall have given to the plaintiff written notice that the cause of action is admitted by the defendant, but that the amount of the defendant's liability thereon is disputed by him.

Plaintiff to furnish particulars.

Schedule.

**4** On the defendant delivering to the plaintiff a written notice as provided in the last preceding Section, the action shall be stayed until the plaintiff delivers to the Crown Solicitor a statement setting forth the particulars mentioned in the Schedule to this Act, unless a Judge for good reasons orders that any of the said particulars may be omitted from such statement, such statement to be verified by a statutory declaration made by the plaintiff, or if the plaintiff is physically unable to make such declaration, then by some credible person on his behalf, unless a Judge for good reasons shall dispense with such declaration.

Medical practitioners to render account when demanded.

**5** After action brought every medical practitioner attending the plaintiff for the injuries aforesaid, shall within Seven days after being so required in writing, or within such further time as a Judge may order him so to do, deliver to the person injured a full statement of his fees, setting out each attendance, with dates thereof, and the amount charged for each attendance, and if any operation or operations has or have been performed, the nature thereof, and the amount charged for such operation or operations.

Amendment of medical fees.

**6** In the event of the said action being heard before a Judge alone, or a Judge and Jury, the Judge alone or the Jury, as the case may be, on the hearing of the case shall assess the amount to be paid to such practitioner.

When defendant may offer settlement.

**7** Within Ten days after receiving the said statement of the plaintiff as required by Section Four of this Act, the defendant shall be at liberty to make an offer in writing to the plaintiff of an amount in full satisfaction of the cause of action, and if such offer is accepted judgment shall be entered forthwith for the amount thereof and costs.

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- 8** If the defendant's offer is not accepted by the plaintiff within Ten days, or such further time as a Judge may order, after the same is delivered to him or his attorney or solicitor, the action may then be proceeded with as if no such offer had been made. A.D. 1906.  
As to acceptance of defendant's offer.
- 9** When an action as aforesaid is tried by a Judge with a Jury no communication to the Jury shall be made of the amount of the offer in the preceding Section mentioned. Offer not to be communicated to Jury.
- 10** Unless the plaintiff recovers more than the amount offered he shall pay the costs of the said action, but if the plaintiff recovers more than the amount offered the defendant shall pay the costs of the said action. Provision as to costs.

**SCHEDULE.**

Section 4.

- A. Plaintiff's occupation for Three years preceding the commencement of the action.
- B. Nature of the injury, and if plaintiff believes it to be permanent, reasons and grounds of such belief.
- C. Net annual earnings or income for Three years preceding the commencement of action.
- D. The amount claimed for injury irrespective of all other claims arising out of or in consequence of the injury.
- E. The name or names of the medical practitioner or practitioners who attended the plaintiff in consequence of the injury.
- F. Particulars of the respective amounts claimed for medical necessities, comforts, nursing, medicines, medical appliances, and other claims arising out of the said injury; and
- G. A copy of the full statement of fees provided for in Section Five of "The Railway Passengers' Actions Act, 1906."

