

MOTOR VEHICLE (THIRD PARTY INSURANCE) (No. 2).

12° Elizabeth II., No. LXXI.

No. 71 of 1963.

AN ACT to amend the Motor Vehicle (Third Party Insurance) Act, 1943-1962.

[Assented to 17th December, 1963.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Motor Vehicle (Third Party Insurance) Act Amendment Act (No. 2), 1963.*

Short title
and citation.

(2) In this Act the Motor Vehicle (Third Party Insurance) Act, 1943-1962 is referred to as the principal Act.

Reprinted
as approved
for reprint
2nd March,
1961, and
amended by
Acts No.
70 of 1961
and Acts Nos.
57 and 72
of 1962.

(3) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act, 1943-1963.

S. 3
amended.

2. Section three of the principal Act is amended—

- (a) by substituting for the passage, “Act.”, being the concluding passage of paragraph (b) of the interpretation, “Participating approved insurer”, the passage, “Act; or”; and
- (b) by adding after the paragraph mentioned in paragraph (a) of this section, the following paragraph—
 - (c) any insurer that becomes a participating approved insurer, pursuant to the provisions of section three L of this Act.

S. 3L
amended.

3. Section three L of the principal Act is amended—

- (a) by repealing subsection (1) and re-enacting it with amendments, as follows—
 - (1) Subject to any determination and apportionment made under this section, the interest in the Fund of each participating approved insurer (other than a transferee insurer) shall,—
 - (a) as from the commencement of the Fund, until the date mentioned in paragraph (b) of this subsection, be in the same proportion as the aggregate of the gross premiums received by it, in the year ended the thirtieth day of June, one thousand nine hundred and forty-eight, bears to the aggregate of the gross premiums received by all the participating approved insurers, in that year; and

- (b) on the thirtieth day of June, one thousand nine hundred and sixty-four, be such as is shown in the books of account of the Trust, as at that date; and
 - (c) after the date mentioned in paragraph (b) of this subsection, be such as is determined under the provisions of subsection (4) of this section. ;
- (b) by inserting, immediately after the subsection designation, "(3)", in line one of subsection (3), the passage, "Subject to any determination made under the provisions of subsection (4) of this section,";
- (c) by adding, immediately after subsection (3), the following subsections—
- (3a) On and after the first day of July, one thousand nine hundred and sixty-four, the Trust may, upon such terms, and subject to such conditions, as it may stipulate, but so that the admission takes effect on the first day of July in any year, admit, as a participant in the Fund, any person requesting admission that carries on the business of insurance and that is not then a participant.
 - (3b) A person upon being admitted, under the provisions of subsection (3a) of this section, as a participant in the Fund, becomes a participating approved insurer, for the purposes of this Act; and the interest of each participating approved insurer shall thereupon be determined, under the provisions of subsection (4) of this section, having regard to any terms and conditions stipulated by the Trust under subsection (3a) of this section. ;

and

- (d) by repealing subsection (4) and re-enacting it with amendments, as follows—

(4) (a) The percentage of each interest mentioned in subsections (1) and (3b) of this section shall be determined by the Chairman of the committee appointed under section thirty-one of this Act; and the determination of the Chairman shall be certified by him, in writing, to the Trust.

(b) The Trust, after considering a determination made under paragraph (a) of this subsection, may accept or reject it; and, where accepting the determination, shall put it into effect, and, where rejecting it, shall report that fact to the Minister who shall, thereupon, finally determine the percentage of each interest.

(c) Where the Chairman mentioned in paragraph (a) of this subsection, fails to make a determination, pursuant to that paragraph, within twenty-one days after being requested by the Trust so to do, the Trust shall report that fact to the Minister who shall, thereupon, finally determine the percentage of each interest.
