



## ANALYSIS

Title

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| 1. Short Title           |
| 2. Limitation of actions |

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 1964, No. 40

**An Act to amend the Deaths by Accidents Compensation Act  
1952**
[11 November 1964]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Deaths by Accidents Compensation Amendment Act 1964, and shall be read together with and deemed part of the Deaths by Accidents Compensation Act 1952 (hereinafter referred to as the principal Act).

**2. Limitation of actions**—The principal Act is hereby amended by repealing section 10, and substituting the following section:

“10. (1) Except as provided in this section, no action shall be brought under this Act after the expiration of two years from the date of the death of the deceased person.

“(2) Application may be made to the Court, after notice to the intended defendant, for leave to bring such an action at any time within six years from the date of the death of the deceased person; and the Court may, if it thinks it is just to do so, grant leave accordingly, subject to such conditions (if any) as it thinks it is just to impose, where it considers

that the delay in bringing the action was occasioned by mistake or by any other reasonable cause or that the intended defendant was not materially prejudiced in his defence or otherwise by the delay.

“(3) Where any person who is under a disability at the date of the death of the deceased person is entitled, under the proviso to subsection (1) of section 6 of this Act, to bring an action in respect of that death, that action may be brought, without the leave of the Court, within two years from the date when he ceased to be under a disability or sooner died, or an application for leave to bring that action may be made under subsection (2) of this section within six years from the date when he ceased to be under a disability or sooner died, if when the action (without such leave) is commenced or the application is made, as the case may be,—

“(a) No other person has commenced an action under this Act in respect of the death of the deceased person or made an application for leave to bring such an action; and

“(b) No grant of administration and no order to or election by the Public Trustee to administer (other than a grant or order or election made more than five years from the date of the death of the deceased person) has been made in New Zealand in respect of the estate of the deceased person.

“(4) For the purposes of this section, a person shall be deemed to be under a disability while he is an infant or of unsound mind.”

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This Act is administered in the Department of Justice.