

- After receiving your instructions, the lawyer should draft court documentation and present the application to the court to decide.
- If an extension of time is granted by the National Court, written notice of intention to claim must be given within the extended time frame.
- If the application is refused by the National Court, the next option is to appeal to the Supreme Court if there is legal basis to do so.



Personal Injury Claims Arising From Motor Vehicle Accidents

For further information contact the Office of the Public Solicitor, P.O BOX 5812, BOROKO, NCD. Ph. 325 8866 and our other provincial offices.

Please note any further legal advice is subject to approval by the Public Solicitor.

*Providing access to justice
for impecunious persons in
Papua New Guinea*

PERSONAL INJURY CLAIMS ARISING FROM MOTOR VEHICLE ACCIDENTS

(This does not apply to State owned vehicles.)

Preliminary Legal Requirements:

A claim for compensation or damages can be made against the Motor Vehicles Insurance Limited where a claimant has sustained personal or bodily injuries in motor vehicle accidents (other than a state owned vehicles).

To claim for compensation or damages, a claimant is required by the **Motor Vehicles Insurance(Third Party) Act** to do the following:

1. To give written notice to the Claims Manager of his/her intention to claim within six months after the date of the incident giving rise to the claim as is required under Section 54 (6) of the **Motor Vehicles Insurance (Third Party) Act**.

Basic details:

The letter or notice should contain

- the date of the accident, place where the incident occurred including names of roads

- details of the claimant,
- particulars/details of the vehicle make, model, registration number, color etc;
- particulars of injury/death
- Attach relevant supporting documents like Police Accident Report, Medical Reports and Initial Treatment Notes.

2. If for any reason, Notice has not been lodged within the six month period, a claimant should do the following:

- To seek an extension of time from the Insurance Commissioner to give written notice as permitted under section 54(6)(a) of the **Motor Vehicles (Third Party) Insurance Act**, by way of written letter to the Insurance Commissioner.
- The letter should contain the following information:
 - Facts of the motor vehicle accident.
 - Date and Details of the accident.
 - Particulars of Death / Injury.

- Reasons for delay in not giving notice under section 54(6) **Motor Vehicles (Third Party) Insurance Act**.

- Attach relevant documents as stated above.
- If an extension of time is granted by the Insurance Commissioner, written notice of intention to claim must be given within the extended time frame.

- It is important therefore that a prospective claimant should not delay a potentially valid claim for damages or compensation.

3. If the request for Extension of Time is refused by the Insurance Commissioner or for some reason, the extension has not been complied with, the next available option is to apply to the National Court for the extension of time to give Notice:

- Seek assistance of a lawyer.
- When giving instructions to your lawyer, ensure you have the information stated above readily available.