

Can I Claim Compensation if the At-Fault Driver Leaves the Scene?

Have you been involved in a car accident and suffered an injury? Are you now facing medical treatment, time off work, and financial stress?

If you were involved in a collision with another vehicle and the driver left the scene without stopping or exchanging details, you may still be entitled to seek compensation. In certain circumstances, you can make a claim for damages against the Nominal Defendant.

What Is the Nominal Defendant?

Section 115 of the *Motor Vehicles Act 1959* provides a person injured in a motor vehicle accident with a statutory right to bring a claim against the Nominal Defendant.

The Nominal Defendant is a statutory construction that allows an injured person to pursue compensation when the identity of the at-fault vehicle or driver cannot be determined.

When Can I Make a Nominal Defendant Claim?

A Nominal Defendant Claim may be available if you have suffered injuries in a motor vehicle accident and the vehicle or driver responsible for the collision cannot be identified.

These claims are often made following serious hit-and-run incidents, where the injured person has been left without the information usually required to bring a Compulsory Third-Party (CTP) claim.

What Are the Requirements for a Nominal Defendant Claim?

There are strict legal requirements that must be met before a claim can be made against the Nominal Defendant.

Firstly, reasonable and thorough efforts must be made to identify the driver or vehicle responsible for the collision. This may involve reporting the accident to the police, obtaining witness information, and conducting other appropriate investigations.

Secondly, formal statutory notice of the claim must be provided to the relevant insurance company within the required timeframe.

Can Court Proceedings Be Commenced Against the Nominal Defendant?

Once the necessary investigations have been completed and the statutory notice requirements have been satisfied, it may be possible to take action in Court against the Nominal Defendant to pursue compensation for your injuries and losses.

Get Advice About a Nominal Defendant Claim

If you have been injured in a hit-and-run accident, obtaining legal advice as early as possible is important. Strict legal requirements and time limits apply to Nominal Defendant Claims, and early action can help protect your rights.

Our team at Andersons Solicitors can advise you on whether you may be eligible to make a Nominal

Defendant Claim and assist you throughout the claims process.

To contact our experienced team, call us on **8238 6666** or, alternatively, send your enquiry to **enquiry@andersons.com.au.**