

What is a Nominal Defendant Claim?

A Nominal Defendant Claim arises when there has been a **motor vehicle accident** that results in injuries or death and the at fault driver cannot be identified or is uninsured.

As part of the **Compulsory Third Party (CTP) Insurance Scheme** when you pay for your car registration, a component of the registration fee gets paid toward the CTP Insurance. The CTP Insurance provides compensation for road users involved in a motor vehicle accident.

Car accidents can have a devastating impact on people involved in them. For those who have been injured in a car accident, and can prove that another driver was at fault for the happening of the accident, then you are able to make a claim for compensation under the CTP Scheme.

But what if you cannot identify the driver at fault? What happens when the at fault driver drives away and leaves the scene of the accident? You can still make a CTP claim, if you are able to satisfy certain criteria, and pursue what is known as a Nominal Defendant Claim. Nominal Defendant Claims arise where the driver at fault is either unidentified or uninsured (part 4 of the Motor Vehicles Act 1959 (SA)).

You will need to get your claim accepted under the Nominal Defendant Scheme to be eligible to make a claim for compensation. Therefore, it is important to seek legal representation as soon as possible, to assist in the claims process and to take the necessary steps required to establish eligibility for compensation.

Compensation can include the following:

- Pain and suffering (non-economic loss)
- Medical treatment
- Personal care service (eg nursing care)
- Home care service (eg cleaning services)
- Rehabilitation services
- Travel expenses associated with attending injury related treatment appointments
- Past and future economic loss

Where the identity of the vehicle is not know, the Nominal Defendant is only liable if the injured person has undertaken reasonable steps to try and identify the vehicle involved, by undertaking due enquiry and search. What is considered reasonable will depend on the individual circumstances of the accident.

How Can Andersons Help?

It is important to see a lawyer as soon as possible after the accident, who can advise on what steps need to be taken in your particular situation.
It is particularly important that appropriate notice of the claim is given as soon as possible in Nominal Defendant matters and a lawyer can assist in ensuring the appropriate notice is given.

If you are injured by a vehicle that is not registered, you are still able to make a claim for compensation against the Nominal Defendant. In these circumstances, the claim is made against the Nominal Defendant Scheme.

For more information or to make a free 30 minute initial meeting with one of Andersons' **personal injury lawyers**, please call us on 8238 6666 or email enquiry@andersons.com.au