

Mr MacDonell

EARTHQUAKE AND WAR DAMAGE AMENDMENT

ANALYSIS

Title
1. Short Title

2. Interpretation
3. Compensation for natural disaster
4. Principal Act applies

A BILL INTITULED

**An Act to amend the Earthquake and War Damage Act 1944
by making provision for compensation for loss or damage
consequent upon a natural disaster**

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

10 **1. Short Title**—This Act may be cited as the Earthquake
and War Damage Amendment Act 1979 and shall be read
together with, and deemed part of, the Earthquake and War
Damage Act 1944 (hereinafter referred to as the principal
Act).

15 **2. Interpretation**—In this Act, unless the context otherwise
requires,—
“Capital value” of land means the sum which the owner’s
estate or interest therein, if unencumbered by any
mortgage or other charge thereon, might be expected
20 to realise at the time of valuation if offered for sale
on such reasonable terms and conditions as a bona
fide seller might be expected to require:

No. 87—1

Price 15c

2 *Earthquake and War Damage Amendment*

“Natural disaster” includes tempest, storm, flood, encroachment of the sea, landslip or other movement of land (not caused by earthquake).

3. Compensation for natural disaster—(1) If, by reason of natural disaster,— 5

(a) The user of land is extinguished or made illusory; or

(b) A dwellinghouse is destroyed beyond reasonable repair or reinstatement; or

(c) Personal chattels are lost or damaged; or

(d) Any combination of the matters referred to in the preceding paragraphs of this subsection, 10

the insured person in relation to the property of which that land, or dwellinghouse, or chattels, forms part shall be entitled to have such loss or damage made good by payment from the Fund. 15

(2) The payment to which an insured person becomes entitled by virtue of subsection (1) of this section shall be—

(a) Where paragraph (a) of that subsection applies, the capital value of the land;

(b) Where paragraph (b) of that subsection applies, the indemnity value of the dwellinghouse; 20

(c) Where paragraph (c) of that subsection applies, the indemnity value of the chattels;

(d) Where paragraph (d) of that subsection applies, the sum of the amounts provided for in the preceding paragraphs of this subsection. 25

4. Principal Act applies—Except as is expressly provided by this Act, the principal Act shall apply in the same manner and to the same extent as if any claim lodged by reason of this Act were a claim in respect of earthquake damage or war damage. 30