

637

Hon. Mr. Ballance.

FOREIGN ASSURANCE AND INSURANCE COMPANIES.

ANALYSIS.

Title.	
1. Short Title.	5. Receipt of premiums in respect of past contracts only not deemed a continuance of business.
2. Interpretation.	6. Four per cent. interest to be paid on deposits.
3. Foreign life assurance companies to deposit with Public Trustee £25,000.	7. Foreign accident companies.
4. Foreign fire or marine insurance companies to deposit with Public Trustee £10,000.	8. Saving of "Life Assurance Companies Act, 1873."

A BILL INTITULED

AN ACT relating to Foreign Assurance and Insurance Companies. Title.

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

5

1. The Short Title of this Act is "The Foreign Assurance and Insurance Companies Act, 1892." It shall come into operation on the first day of November in the now current year. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

10

"Approved securities" mean—

(a.) Government securities of New Zealand ;

(b.) Debentures issued or mortgages executed by any local authority within the colony, under any law now or hereafter in force, secured upon general or special rates, or upon real estate within the colony held in fee-simple;

15

(c.) Mortgages on the security of any real estate held in fee-simple within the colony and free from all encumbrances ;

or any of such securities.

20

"Company" means any association, person, or persons, corporate or incorporate, who within the colony carry on the business of fire and marine insurance conjointly, or the business of fire insurance only or marine insurance only, or the business of life assurance ; and includes companies registered or established out of New Zealand, and mutual associations as well as proprietary ; but does not include the Government Insurance Department established under "The Government Insurance and Annuities Act, 1874 :"

25

“Foreign company” means a company, as hereinbefore defined, registered or established beyond the limits of the colony, and includes any company registered or established in New Zealand, but whose chief office is situate outside of New Zealand :

5

“Local company” means a company as hereinbefore defined, registered or established within New Zealand.

Foreign life assurance companies to deposit with Public Trustee £25,000.

3. (1.) Every foreign company established or to be established, which shall after the commencement of this Act begin to carry on the business of life assurance within the colony, and whether or not conjointly with the business of fire or marine or fire and marine insurance, shall and is hereby required to deposit with the Public Trustee the sum of *twenty-five* thousand pounds either in money or in approved securities, or partly in one and the other. 10

(2.) Every such company as aforesaid which before the passing of this Act had commenced to carry on or had carried on the business of life assurance in New Zealand, whether or not conjointly with any insurance business as aforesaid, if it be intended to continue, or if it continue to carry on, such business in New Zealand, shall and is hereby required to deposit, within six months from the commencement of this Act, with such Public Trustee as aforesaid, the sum of *twenty-five* thousand pounds either in money or in approved securities, or partly in one and the other. 15 20

(3.) Every deposit of moneys made with the Public Trustee under this section shall be deemed to be a deposit of securities within the meaning and for the purposes of sections nine to sixteen, eighteen, and nineteen of “The Life Assurance Companies Act, 1873,” which shall be read as if the word “moneys” had been inserted in the said sections respectively in lieu of the word “securities” where the said word occurs, and as if the words “twenty-five thousand pounds” had been inserted in lieu of the words “five thousand pounds” in section sixteen thereof. 25 30

(4.) Every policy of life assurance registered under section ten of “The Life Assurance Companies Act, 1873,” shall be deemed to be registered under this Act, and shall rank in priority under this Act according to the date of the registration thereof under that Act. 35

(5.) All compulsory securities deposited by any foreign company with the Public Trustee under sections four or five of “The Life Assurance Companies Act, 1873,” shall be credited to such company by the Public Trustee as part of the amount of the securities to be deposited by the said company under this Act. 40

Foreign fire or marine insurance companies to deposit with Public Trustee £10,000.

4. (1.) Every foreign company established or to be established, which shall after the commencement of this Act begin to carry on the business of fire and marine insurance conjointly, or who shall carry on the business of fire or marine insurance, within the colony, shall and is hereby required to deposit with the Public Trustee the sum of *ten* thousand pounds either in money or in approved securities, or partly in one and the other. 45

(2.) Every foreign company which before the passing of this Act had commenced to carry on or had carried on any such business as last aforesaid within the colony, if it be intended to continue or if it continue to carry on such business within the colony, shall and is 50

hereby required, within six months from the commencement of this Act, to deposit with the Public Trustee the sum of *ten* thousand pounds either in money or in approved securities, or partly in one and the other.

5 (3.) Provided, nevertheless, that every foreign company in this section mentioned which shall carry on or shall continue to carry on any such business as in this section mentioned in conjunction with the business of life assurance shall and is hereby required to deposit with the Public Trustee the sum of *twenty-five* thousand pounds either in
10 money or in approved securities, or partly in one and the other, in lieu of the aforesaid sum of *ten* thousand pounds.

(4.) Every sum of money deposited with the Public Trustee by a company under the provisions of this section shall be deemed to be part of the assets of such company.

15 5. Any company which had before the commencement of this Act commenced to carry on the business of life assurance, or fire or marine insurance, or fire and marine insurance, in New Zealand shall not be deemed to intend to continue or to continue to carry
20 on such business in New Zealand by reason only of receiving premiums in respect of policies or other contracts made before the commencement of this Act; but if any such company after the commencement of this Act, and within New Zealand, makes, grants, or issues any policy except a policy contracted for before the commencement of this Act, such company shall be subject to the provisions of sections *three* and *four* of this Act, as if it were a company
25 established in New Zealand after the commencement of this Act, and beginning to carry on such business in New Zealand after the commencement of this Act.

Receipt of premiums in respect of past contracts only not deemed a continuance of business.

30 6. Every sum of money deposited with the Public Trustee under this Act shall bear interest at the rate of *four* pounds per centum per annum.

Four per cent. interest to be paid on deposits.

7. Notwithstanding anything in this Act contained, every foreign company, not being a life assurance company, which issues or is liable upon policies of assurance against accidents to or contingencies upon
35 human life, shall be required to deposit with the Public Trustee, in manner as prescribed by "The Life Assurance Companies Act, 1873," the sum of *five* thousand pounds either in money or in approved securities, or partly in one and the other.

Foreign accident companies.

8. Nothing in this Act contained shall be construed to repeal or
40 effect any of the provisions of "The Life Assurance Companies Act, 1873," further than as herein is expressly provided, nor to release any local company from any liability for deposit of securities to which such company may be liable under the said Act.

Saving of "Life Assurance Companies Act, 1873."