1669.

Rt. Hon. R. J. Seddon.

STATE FIRE INSURANCE,

ANALYSIS.

Title. Preamble.

1. Short Title.

2. Interpretation. 3. Act divided into Parts.

PART I.

THE STATE FIRE INSURANCE OFFICE. Office.

4. "The State Fire Insurance Office" established.

Manager constituted.

- 6. Power to appoint Deputy and to suspend either officer.
- 7. When Deputy to act. Power to act not to be questioned.

8. Governor may appoint staff.

9. To hold office during pleasure

- 10. Not to be subject to Civil Service Acts. Security to be given. Mutual Guarantee and Benefit Fund.
- 11. Power to establish branches and appoint agents.

Board.

- 12. State Fire Insurance Board constituted. Members thereof.
- 13. Provisions as to unofficial members and as to meetings of Board. Minute-books to be kept. By-laws may be made.

Business.

- 14. Insurance and reinsurance business of office.
- 15. Manager may enter into contracts therefor.
- 16. When Governor to declare office open for insurance business.
- 17. How contracts may be entered into. Attorney outside New Zealand for reinsurance of fire risks.
- 18. Mode of execution, &c., of documents.
- 19. Power of Manager to sue and be sued.
- 20. How actions, suits, &c., to be conducted. No abatement because action relates to office.
- 21. Local authorities and Government departments to furnish information to Manager. Power to inspect buildings or contents therein.
- 22. Payment of premiums and power to cancel policies.
- 23. Procedure if Board recommends insurance be discontinued.

Original Capital.

24. Sums not exceeding £250,000 may be raised. Agents to be appointed. Powers of Agents.
Delegation of powers. Removal of Agents.
Delegation of powers to Agent-General.
Sums may be raised in colony.

Supplementary Capital.

25. When supplementary capital may be raised. Requisition by Manager.

Securities in respect of Sums raised.

- 26. Rate of interest on debentures, scrip, &c.
- 27. Securities to be countersigned, and to be payable out of public revenues.
 28. Security for persons lending money.

- 29. Prior securities on revenues not to be affected.
- 30. Management Account.

Sinking Funds.

- 31. Sinking fund for redemption of original capital sums to be paid to Public Trustee.
- 32. Provision for redemption of supplementary capital.
- 33. Statements to be furnished by Public Trustee.
- 34. When annual payments to Sinking Fund to

Accounts and Audit.

- 35. Moneys to be paid to State Fire Insurance Account.
- Moneys payable out of State Fire Insurance Account.

- 37. All moneys to be property of Crown.38. Such moneys to be public moneys.39. Other accounts to be kept by Manager.
- 40. Investment of surplus moneys.
- 41. Payment into Public Account to meet interest.
- Annual balance-sheet and statement of accounts to be laid before Parliament.
- 43. Form of balance-sheet and statement of accounts.
- 44. Powers of Audit Office. 45. Powers of Treasurer.

Property.

- 46. Manager may acquire premises for transacting business.
- 47. Power to sell or lease same if not needed.

48. Office declared to be a public office,

State Fire Insurance. 2 Application of Profits. 61. When to apply to buildings already insured. 62. When premium payable. 49. Surplus profits to be used for Reserve Fund 63. Premiums may be collected by Council as if and payment of bonuses. 50. When division and payment to be made. 51. Statement to be submitted to Treasurer and 64. Liability when building already insured not laid before Governor in Council before shown as such on roll. 65. Liability for premium, and right to receive division. insurance money.
66. Governor may discontinue statutory insur-PART II. STATUTORY INSURANCE OF BUILDINGS. ance in any district. Adoption of this Part of this Act. 67. Provision for giving effect thereto. 52. Interpretation. 53. Provisions as to statutory insurance of build-PART III. ings not to apply in any district unless this Part adopted therein. GENERAL PROVISIONS. 54. Adoption by special order.
55. Adoption by poll of ratepayers. How vote to be taken. Form of voting-paper. Fire Brigades. 68. Fire brigades to be equipped and maintained. be taken. Form of voting-56. Result of poll to be published. 69. How expense to be provided for.
70. Special provisions. What to be credited to 57. When Act to be deemed to be adopted if poll and charged upon Fire Brigade Fund. carried. Contributions from insurance companies. Provisions to apply when adopting order made. Fire Insurance Roll. Contents. Effect thereof. Powers of amendment. 71. Mode of assessing and procuring payment of contributions from insurance companies. 72. How liability for portion of period to be as-59. Powers and duties of Manager as to insurance certained. of buildings. Regulations. Statutory Insurance of Buildings. 73. Regulations for purposes of this Act. 60. When buildings deemed insured in State Fire Insurance Office. Schedule. A BILL INTITULED An Act to establish a State Fire Insurance Office, and to make other Provisions for the Insurance and Protection of Insurable Property in New Zealand against Loss or Damage by Fire. WHEREAS it is expedient to lessen the cost of fire insurance, and 5 to make better provision for the insurance and protection of property against fire, by enabling the Government to undertake the business of fire insurance, and also by providing for the statutory insurance of buildings in certain cases, and the equipment and maintenance of fire brigades: BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 1. The Short Title of this Act is "The State Fire Insurance Act, 1901." 2. In this Act, if not inconsistent with the context,— "Financial year" means the year ending on the thirty-first day of March: "Prescribed" means prescribed by this Act or by regulations under this Act: "Regulations" means regulations made from time to time

Short Title.

Title.

Preamble.

Interpretation.

Act divided into Parts.

as or for the Colonial Treasurer. 3. This Act is divided into three Parts, namely,— Part I., relating to the State Fire Insurance Office, sections four to fifty-one; 30

Part II. of this Act:

under this Act by the Governor in Council, and gazetted: "Statutory insurance" means insurance of buildings under

"Treasurer" means the Colonial Treasurer, and includes any 25 member of the Executive Council for the time being acting

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Part II., relating to the statutory insurance of buildings, sections fifty-two to sixty-seven; and Part III., relating to general provisions, sections sixty-eight

to seventy-three.

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PART I.

THE STATE FIRE INSURANCE OFFICE.

Office.

4. For the purpose of carrying out the objects of this Act there is hereby established an office to be called "The State Fire Insuring office" established. 10 ance Office," and such office shall be administered and managed by an officer (hereafter called "the Manager"), who shall be appointed by the Governor in Council, and shall hold office during pleasure.

5. The Manager is hereby constituted a corporation sole under Manager the style of "The State Fire Insurance Manager," with perpetual constituted. 15 succession and a seal of office.

6. The Governor in Council may from time to time, as he thinks Power to appoint fit,-

Deputy and to suspend either

(1.) Appoint some person to be Deputy-Manager, who shall hold officer. office during pleasure;

(2.) Temporarily suspend the Manager or Deputy-Manager;

(3.) In the case of the death, removal, or resignation of the Manager or Deputy-Manager, appoint some person in his stead.

7. With respect to the Deputy-Manager, the following pro- When Deputy to 25 visions shall apply:—

(1.) He shall act during the illness, suspension, or absence of the Manager, or while the office of manager remains vacant by reason of death, resignation, or removal, and while so acting, shall have all the powers and perform all the duties of the Manager.

(2.) He may also act under authority delegated in that behalf by the Manager; and while so acting, he shall act in the

name and on behalf of the Manager.

(3.) The fact that he so acts shall be sufficient evidence of his Power to act not to authority so to do, and no person shall be concerned to inquire whether any occasion has arisen requiring or authorising him so to do, or be affected by notice or by the fact that no such occasion has arisen.

be questioned.

8. The Governor in Council may from time to time appoint Governor may 40 such officers, agents, valuers, clerks, and servants (hereinafter called appoint staff. "the staff") as he deems necessary for the business of the State Fire Insurance Office.

9. Every member of the staff shall hold office during the plea- To hold office sure of the Governor, and be subject to the orders and control of the 45 Manager.

10. With respect to the Manager, Deputy-Manager, and every Not to be subject to Civil Service Acts. member of the staff, the following provisions shall apply:—

(1.) They shall be paid such salary, commission, or other remuneration as is appropriated from time to time by

Parliament out of the State Fire Insurance Account hereinafter mentioned, and (except in such cases and to such extent as the Governor in Council by regulations or otherwise from time to time directs), shall not be subject to the laws for the time being in force affecting or regulating the Civil Service of the colony.

Security to be given.

(2.) Each of them whose fidelity is not guaranteed under "The Civil Service Officers' Guarantee Act, 1893," shall give such security for the faithful discharge of his duties, in such form, and to such amount as the Governor in Council, 10 by regulations or otherwise, from time to time directs.

Mutual Guarantee and Benefit Fund.

- (3.) With the approval of the Board, the Manager may establish a Mutual Guarantee and Benefit Fund, to which all members of the staff shall contribute, and in which they shall all share in accordance with regulations under this Act.
- 15 (4.) Such fund may be supplemented by payments out of the State Fire Insurance Account to such an extent as is prescribed by regulations.

Power to establish branches and appoint agents.

11. With the approval of the Board, the Manager may from time to time establish such branch offices or agencies for the purposes of 20 the aforesaid business, and appoint such agents (not being members of the staff) on such terms as to salary, commission, or other remuneration, as he thinks fit.

Board.

State Fire Insurance Board constituted.

Members thereof.

12. For the purpose of further carrying out the objects of this 25 Act there is hereby constituted a Board, under the style of "The State Fire Insurance Board" (herein called "the Board"), consisting of the Manager and four other persons: to wit, the two persons for the time being holding the respective offices of Treasurer and the Commissioner of Taxes, both of whom shall be members ex officio, and 30 two competent persons (not being members of the Civil Service) appointed by the Governor in Council.

Provisions as to unofficial members and as to meetings of Board.

13. With respect to the constitution, proceedings, and functions

of the Board, the following provisions shall apply:

(1.) The two members appointed by the Governor in Council 35 shall (subject to the right of the Governor in Council to remove them or either of them at any time) hold office for two years, but may be reappointed, and, while holding office, shall be paid such salary or other remuneration as is from time to time appropriated by Parliament. 40

(2.) At every meeting of the Board the quorum shall be three.

(3.) The Treasurer shall be Chairman ex officio.

(4.) In the absence of the Treasurer from any meeting, any member of the Executive Council, being a responsible Minister of the Crown, may attend such meeting in his 45 stead and as his substitute, and while so attending shall be deemed to be the Chairman of the Board.

(5.) In the absence of the Commissioner of Taxes from any meeting, the person for the time being holding the office of Deputy Commissioner of Taxes may attend such meet- 50

ing in his stead and as his substitute.

(6.) In the absence of the Manager from any meeting, the Deputy-Manager may attend such meeting in his stead and as his substitute.

(7.) While so attending every such substitute shall be deemed to be a member of the Board, and the fact that he so attends and acts at any such meeting shall be conclusive proof of his authority so to do.

(8.) In the absence of the statutory Chairman from any meeting, the members present shall appoint one of their number to

act as Chairman at that meeting.

(9.) The Chairman shall have a deliberative vote, and in the case of equality of voting a casting-vote.

(10.) The Board shall at all times cause proper minute-books Minute books to be to be kept, in which shall be entered in respect of each kept. meeting the names of the members present, and full and faithful minutes of all proceedings thereat.

(11.) Subject to the provisions of this Act, and any regulations By-laws may be made hereunder, the Board may from time to time, by made. by-laws or otherwise, regulate its own procedure, and also the general conduct of the business of the State Fire Insurance Office.

(12.) The Board shall co-operate with and assist the Manager in carrying out the objects of this Act.

(13.) A resolution of the Board shall be binding on the Manager.

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Business.

14. The business of the State Fire Insurance Office is to insure Insurance and or reinsure, against loss or damage by fire, insurable property of all reinsurance business of office. kinds situate in New Zealand, and generally to carry on in respect of such property, or of any insurable interest therein, the business of 30 fire insurance and reinsurance in all its branches.

15. Subject to the provisions of this Act and the regulations Manager may enter thereunder, the business of the State Fire Insurance Office shall be into contracts therefor. conducted by the Manager, who in his corporate style and capacity shall have power from time to time to enter into, perform, and enforce 35 any contracts which may be lawfully entered into by or with any person or company for the insurance or reinsurance of insurable property of all kinds situate in New Zealand, or of any insurable interest in such property, and generally to do whatever he deems necessary in connection with or incident to such business, including 40 the reinsurance of fire risks taken under this Act:

Provided that no contract of insurance or reinsurance shall be entered into by the Manager until the Governor, by notice in the Gazette, declares the State Fire Insurance Office to be open for the transaction of insurance business.

45 16. The Governor shall make such declaration when, but not When Governor to until,-

(1.) Satisfactory arrangements have been made in New Zealand business. or abroad as to the reinsurance of fire risks taken under Part II. of this Act; and

(2.) Part II. of this Act has been duly adopted in three or more boroughs and three or more counties having a total

declare office open

population of not less than sixty thousand inhabitants (exclusive of Maoris), according to the latest census returns, and containing buildings of a total value of not less than one million pounds, according to the valuation of the Valuer-General under "The Government Valuation of Land Act, 1896."

How contracts may be entered into. 17. The Manager may enter into such contracts as aforesaid either at the State Fire Insurance Office in Wellington or at branch offices or agencies throughout New Zealand, and either by himself or through the medium of such agents or other officers as, with the 10 approval of the Board, he from time to time appoints for that purpose:

Attorney outside New Zealand for reinsurance of fire risks Provided that, for the purpose of effecting with persons or companies out of New Zealand the reinsurance of fire risks under Part I. or Part II. of this Act, the Manager may from time to time enter into 15 or make arrangements for contracts for such reinsurances through the medium of attorneys or agents out of New Zealand, to be appointed by him with such powers as he thinks fit.

Mode of execution, &c., of documents.

18. With respect to all deeds, policies, instruments, and documents of any kind incident to the business of the State Fire Insurance 20 Office, or the purposes of this Act, the following provisions shall apply:—

(1.) The Manager shall be described therein by his corporate

(2.) Such of them as are to be signed by the Manager shall be 25 signed in his personal name, with the addition of his corporate style.

(3.) Such of them as are to be signed by the Deputy-Manager shall be signed by him thus: "For the State Fire Insurance Manager, A.B., Deputy-Manager."

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(4.) Such of them as are to be executed in New Zealand under seal shall be signed by the Manager or the Deputy-Manager, as the case may be, at a duly constituted meeting of the Board, and the seal shall be then and there affixed pursuant to a resolution of the Board, and 35 in the presence of one member thereof, who shall subscribe his name as witness thereto.

(9.) Policies and indorsements thereon need not be executed under seal, and may, with any other document not required to be executed under seal, be signed in the 40 name and on behalf of the Manager by the Deputy-Manager, or by any attorney, agent, or officer authorised

by the Manager in that behalf.

Power of Manager to sue and be sued.

How actions, suits, &c., to be conducted.

19. The Manager in his official style and capacity may sue and be sued in all actions, suits, and proceedings arising out of any act, 45 matter, or thing done or suffered in relation to himself or the State Fire Insurance Office, or the Board.

20. With respect to all such actions, suits, and proceedings, the following provisions shall apply:—

(1.) They shall be instituted, prosecuted, and defended by or 50 against the Manager in his corporate style and capacity only.

(2.) They shall not abate or be dismissed by reason only that No abatement the cause of action relates to the said office, or the Board, because action or the business or affairs thereof, and not to the Manager

(3.) No action shall lie against the Manager in respect of any fire loss unless such action is commenced within six months after the loss occurred.

(4.) The seal of the Manager, and the appointment and signature of the Manager, the Deputy-Manager, and every member of the Board shall be judicially noticed without proof until the contrary is shown.

21. For the purpose of minimising as far as possible the risk of Local authorities insurance under any Part of this Act, the following provisions shall departments to

apply:

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(1.) It shall be the duty of every local authority or other local governing body and also of the head of every Government department (including the Public Trust Office and the Government Life Insurance Department), and also of every other person, at all times to furnish to the Manager all such information and reports as he requests and such authority, body, department, or person can supply concerning any fact or circumstance in any way affecting the risk of insurance.

(2.) Any officer or other person authorised by the Manager in Power to inspect that behalf may at all reasonable times enter on any buildings or building for the purpose of inspecting the same, or the contents thereof; and every person who in any way hinders such entry or inspection, or refuses to give any information in his power relating to such building or its contents, or knowingly gives any false information, is liable to a penalty not exceeding fifty pounds.

22. With respect to every policy of insurance or reinsurance Payment of issued by the Manager, the following provisions shall apply: --

(1.) In the case of builders' risks or other policies for short policies. specified periods of less than a year, the premium shall be payable in advance.

(2.) In every other case the premium shall be payable annually in advance during the continuance of the policy.

(3.) The policy may, in the absolute discretion of the Manager, be cancelled by him at any time, and in such case he shall refund to the policyholder any sum paid in respect of premiums for the period subsequent to such cancellation.

23. In the event of the Board at any time reporting to the Procedure if Board Governor that in its opinion the business of the State Fire Insurance recommends insurance be 45 Office should be discontinued or wound up, or otherwise disposed of, discontinued. he may, by Order in Council, give such directions in the matter as he thinks fit, and such Order in Council shall be binding on the Manager and the Board:

Provided that if such report is made after Parliament has been 50 summoned for the despatch of business, or while Parliament is in session, the Governor, in lieu of making any such Order in Council, shall lay such report before Parliament for the signification of its

pleasure thereon.

furnish information to Manager.

contents therein.

Original Capital.

Sums not exceeding £250,000 may be raised.

24. (1.) In order to provide original capital for the business of the State Fire Insurance Office, the Governor in Council is hereby empowered to raise from time to time such sums, not exceeding in the whole the sum of two hundred and fifty thousand pounds, as he thinks fit.

Agents to be appointed.

(2.) For that purpose the Governor in Council may from time to time appoint any two or more persons as Agents for raising the sums hereby authorised to be raised, and may confer upon such Agents all such powers as he deems necessary in order to carry into 10 effect the purposes of this Act.

Powers of Agents.

- (3.) Irrespective of the powers conferred upon such Agents by the Governor in Council, they shall have full power from time to time.
 - (a.) To raise in Great Britain or elsewhere by debentures or 15 scrip, or by the issue of inscribed stock under "The New Zealand Consolidated Stock Act, 1877," or otherwise, such sum or sums not exceeding in the whole the sum of two hundred and fifty thousand pounds, as the Governor in Council from time to time authorises; and also

(b.) To prescribe the mode and conditions of repayment of the sums so raised, the rates of interest thereon, and the time and place of the payment of principal and interest; and also

(c.) To agree that debentures issued by them shall be converted 25 into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," and to either specify the terms of such conversion at the time when the sums are raised, or arrange that such terms shall be subsequently agreed upon.

Delegation of powers.

(4.) All the powers and authorities conferred upon such Agents by this Act, or by the Governor in Council, may be delegated by them from time to time, in all or in part, to two or more other persons, as delegated Agents, in such manner and subject to such conditions as the delegating Agents think fit.

Removal of Agents.

(5.) The Governor in Council may from time to time remove or accept the resignation of any Agent, whether appointed by him or by the aforesaid delegating Agents; and in any such case, or if any such Agent dies, the Governor in Council may appoint another person in his stead.

Delegation of powers to Agent-General.

- (6.) All or any of the powers conferred upon the Governor in Council by this section may be delegated by him to the Agent-General of New Zealand in London.
- (7.) Notice of any such delegation as last aforesaid may be given to the Agent-General by telegraphic message from the Treasurer, 45 and the fact that the Agent-General exercises any such powers shall be conclusive evidence of his authority so to do.

Sums may be raised in colony.

(8.) In the event of it being deemed convenient that any of the aforesaid sums should be raised in New Zealand, the Treasurer, upon being authorised by the Governor in Council so to do, may raise the 50 same accordingly, and for that purpose shall have all such powers as

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the Governor in Council confers upon him, and, in addition thereto, all the powers by this Act conferred upon the Agents hereinbefore mentioned.

Supplementary Capital.

25. (1.) In the event of the original capital at any time proving When supplemeninsufficient for the business of the State Fire Insurance Office, the tary capital may be raised. Governor in Council is hereby empowered to raise from time to time, as supplementary capital, such additional sums as are required:

Provided that the power conferred by this section shall not be 10 exercised save in the circumstances and to the extent hereinafter specified, that is to say,—

> (a.) If, after recourse has been had to the available funds and Requisition by securities, the balance in the State Fire Insurance Account is at any time insufficient to meet the charges thereon, the Manager, by requisition under his seal, shall apply to the Treasurer for whatever supplementary capital is deemed necessary for the purpose of meeting the deficiency, and also of supplying additional funds (not exceeding twenty thousand pounds at any one time) wherewith to carry on the business aforesaid until the pleasure of

Parliament is signified thereon. (b.) The Governor in Council may thereupon raise supplementary capital not exceeding the total amount named in such requisition.

(2.) Every such requisition shall, as soon as practicable, be laid before Parliament.

(3.) For the purpose of raising the supplementary capital authorised by this section the provisions of subsections two to eight of the last preceding section shall apply.

Securities in respect of Sums raised.

26. No debenture, scrip, or other security issued in respect of Rate of interest on any sum raised under this Act shall be sold or otherwise disposed debentures, scrip, &c. of at a price that will yield to the purchaser a higher rate of interest by the year than three pounds ten shillings for every hundred pounds of purchase-money; but such securities may, for the purpose of temporary advances pending the raising of such sums, be hypothecated or mortgaged upon such terms as to interest and otherwise as are deemed expedient.

27. (1.) Every such security shall be signed by the aforesaid Securities to be 40 Agents or (as the case may be) by the Treasurer raising the sum in countersigned, and to be payable out of respect whereof the same is issued, and shall be countersigned by the public revenues. Controller and Auditor-General, or by an officer of audit appointed from time to time for that purpose by the Controller and Auditor-General.

- 45 (2.) The fact that any officer of audit so countersigns shall be conclusive evidence of his authority so to do.
 - (3.) The sum of money named in any such security, together with all interest payable thereon, is hereby declared to be a charge upon and to be payable out of the public revenues of New Zealand.

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Security for persons lending money.

28. No person from whom any such sum is raised or by whom any such security is held shall be concerned to see or inquire whether or to what extent the powers conferred by or under this Act have been previously exercised, or are intended to be exercised; and all sums raised or purporting to be raised under this Act, and all securities issued or purporting to be issued under this Act in respect of such sums, shall, so far as concerns the lender or holder, be deemed to have been lawfully raised or issued within the powers by this Act conferred in that behalf.

Prior securities on revenues not to be affected. 29. Nothing in this Act shall be construed to alter or affect or 10 vary any security heretofore charged on the public revenues of New Zealand.

Management Account. 30. The proceeds of all securities issued in respect of original or supplementary capital shall, as and when received by the Government, be paid into the State Fire Insurance Account.

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Sinking Funds.

Sinking fund for redemption of original capital sums to be paid to Public Trustee. 31. In order to create a fund for the redemption at maturity of all securities issued in respect of original capital, the following provisions shall apply:—

(1.) At the expiration of twelve months from the issue of any 20 such securities, and annually thereafter during their currency, the Manager shall pay over to the Public Trustee, to the credit of an account called the "State Fire Insurance Original Sinking Fund Account," such sum as the Treasurer from time to time deems necessary 25 for the creation of a sinking fund for the redemption of such securities at maturity.

(2.) The sums so paid over to the Public Trustee, and all accumulations of interest thereon, shall be invested by him in such of the modes of investment sanctioned by 30 "The Public Trust Office Consolidation Act, 1894," as

will yield the highest rate of interest.

(3.) The moneys in the last-mentioned account, and the investments for the time being representing the same, and all accumulations of interest thereon, shall be held by the 35 Public Trustee at the disposal of the Treasurer for the purpose of redeeming such securities at maturity.

(4.) The Public Trustee shall, without further appropriation than this Act, pay to the Treasurer out of that account such sums as he, from time to time, requests for such 40

purpose.

Provision for redemption of supplementary capital. 32. In order to create a fund for the redemption at maturity of all securities issued in respect of supplementary capital, the following provisions shall apply:—

(1.) As soon as practicable after the close of each financial year 45 the Manager shall pay over to the Public Trustee, to the credit of an account called "The State Fire Insurance Supplementary Sinking Fund Account," the whole or a sufficient portion of the net profits of the State Fire Insurance Office for the year, until the total amount 50

so paid over, together with the accumulations of interest thereon, is equal to the total amount of all such securities

for the time being outstanding.

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(2.) The sums so paid over to the Public Trustee, and all accumulations of interest thereon, shall be invested by him in such of the modes of investment sanctioned by "The Public Trust Office Consolidation Act, 1894," as will yield the highest rate of interest.

(3.) The moneys in the last-mentioned account, and the investments for the time being representing the same, and all accumulations of interest thereon, shall be held by the Public Trustee at the disposal of the Treasurer for the purpose of redeeming such securities at maturity.

(4.) The Public Trustee shall, without further appropriation than this Act, pay to the Treasurer out of that account

such sums as he requests for such purpose.

33. (1.) The Public Trustee shall supply to the Treasurer, and statements to be also to the Manager, statements made up to the close of each finan-furnishe Trustee. cial year, and also for such other periods as are from time to time 20 requested, showing the accretions of sinking fund and the investments representing the same.

(2.) The Public Trustee shall, within fourteen days after the close of each financial year, lay a copy of such statement before Parliament if sitting, or, if not, then within fourteen days after the

25 commencement of the next ensuing session.

34. As soon as the Treasurer is satisfied that the accumulations When annual of sinking fund in respect of any securities will suffice to redeem payments to sinking fund to cease. such securities at maturity, he shall notify the Public Trustee and the Manager thereof, whereupon the annual payments of sinking 30 fund in respect of such securities shall thereafter cease, and all subsequent accretions of interest shall be paid into the State Fire Insurance Account, unless and until the Treasurer otherwise directs.

furnished by Public

Accounts and Audit.

35. All moneys payable to the Manager shall be paid into the Moneys to be paid 35 bank at which, for the time being, the Public Account of New to State Fire Insurance Account. Zealand is kept, to the credit of an account called "The State Fire Insurance Account," which shall be operated on only by cheque signed by the Manager and countersigned by the Audit Office.

36. There shall be payable out of the State Fire Insurance Moneys payable out 40 Account, and (except where otherwise specially provided) without of State Fire Insurance Account.

further appropriation than this Act,-

(1.) All costs and expenses incurred by the Government in raising original or supplementary capital under this Act;

(2.) All salaries, expenses, fire-losses, reinsurance premiums, and outgoings expended or incurred in the general management of the State Fire Insurance Office and the conduct of its business, including the interest payable on securities issued in respect of original or supplementary capital as aforesaid;

(3.) All other moneys payable for the purposes of this Act.

All moneys to be property of Crown.

37. All moneys in the State Fire Insurance Account, or payable into that account by any person, and also all debts and other moneys for the time being owing to the Manager by any person, whether on account of premiums, loans on mortgage, rents, or otherwise, and whether the same are accrued due or not, are hereby declared to be the property of the Crown and recoverable accordingly by the Manager as from debtors to the Crown.

Such moneys to be public moneys.

38. All such moneys are hereby declared to be public moneys within the meaning of "The Public Revenues Act, 1891."

Other accounts to be kept by Manager.

39. In addition to the State Fire Insurance Account, the 10 Manager shall keep such other accounts as he thinks fit or as are from time to time prescribed.

Investment of surplus moneys.

40. All moneys in the State Fire Insurance Account which, in the opinion of the Board, are for the time being not required for the purposes of that account, shall be invested in such manner and on 15 such securities as the Governor in Council from time to time prescribes:

Provided that for the purposes of that account the aforesaid securities may from to time be realised, hypothecated, or otherwise

disposed of as the Board thinks fit.

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Payment into Public Account to meet interest. 41. At least two months before any payment falls due in respect of interest on the securities issued in respect of original or supplementary capital, or, in the case of such of those securities as are disposed of in New Zealand, at such later date as the Treasurer from time to time prescribes, the Manager shall pay into the 25 Public Account, to the credit of the Consolidated Fund, a sum sufficient to meet such payment, together with all charges for exchange or otherwise in connection therewith.

Annual balancesheet and statement of accounts to be laid before Parliament.

42. The Manager shall, within sixty days after the close of each financial year, prepare a balance-sheet and statement of 30 accounts of the State Fire Insurance Office made up to the close of that year, together with a report on the year's business, and lay the same before Parliament if sitting, or, if not, then within fourteen days after the commencement of the next session.

Form of balancesheet and statement of accounts. 43. Such balance-sheet and statement of accounts shall be in 35 the form set forth in the Schedule hereto, or in such other form as the Governor in Council from time to time prescribes.

Powers of Audit Office. 44. The Audit Office shall have in respect of the Manager, the Deputy-Manager, the Board, the State Fire Insurance Office, the accounts thereof, and all persons employed therein, and all other 40 persons employed under this Act, all the powers which it possesses under "The Public Revenues Act, 1891."

Powers of Treasurer. 45. The Treasurer shall at all times have full access to all the books, accounts, and papers of the State Fire Insurance Office; and it shall be the duty of the Manager, and the Board, to furnish him 45 with all such returns and information as he from time to time requires.

Property.

Manager may acquire premises for transacting business. 46. The Manager, with the consent of the Board, may from time to time, but solely for the purpose of acquiring as the property 50 of His Majesty premises for the transaction of the business of the

State Fire Insurance Office, and in each instance out of such moneys in the State Fire Insurance Account as are appropriated for the purpose by Parliament,—

(1.) Purchase or take on lease in his official style and capacity

any land, with or without buildings;

(2.) Erect, alter, or add to buildings on land acquired by purchase or lease under this section.

47. With the like consent the Manager may from time to time Power to sell or sell or lease for any term not exceeding forty-two years any land or 10 buildings acquired under the last preceding section which are found not to be needed for the transaction of such business as aforesaid.

48. The State Fire Insurance Office is hereby declared to be a Office declared to public office within the meaning of "The Public Securities Act, be a public office. 1895."

Application of Profits. 15

49. Subject to the provisions of this Act, the net surplus profits Surplus profits to of the State Fire Insurance Office for the period ending the thirty- be used for Reserve Fund first day of March following the expiration of three years after the and payment of first statutory insurance is effected under Part II. of this Act, and bonuses. 20 for each triennial period thereafter, shall be applied in manner following, that is to say:—

(1.) As to one-half thereof, in making a Reserve Fund, which, with all accumulations of interest thereon, shall be held and invested by the Manager under the provisions for

investment hereinbefore contained; and

(2.) As to the other half thereof, in dividing amongst and paying to such persons as at the close of such period are actual insurers in the State Fire Insurance Office bonuses, bearing, in the case of each such person, the same proportion to the total sum to be divided as the total amount paid by him in premiums during that period bears to the total amount of premiums received during the same period from all such persons.

50. The periodical division and payment of bonuses shall, with- When division and 35 out further appropriation than this Act, be made as soon after the made. close of the period as is practicable, and in such manner as is prescribed by regulations.

Treasurer and laid

submitted to

51. For the purposes of each periodical application of net Statement to be surplus profits the following provisions shall apply:—

(1.) As soon as practicable after the close of each period the before Governor Manager shall prepare and submit to the Treasurer a division. report and statement of accounts made up to the close of such period, and approved by the Board and the Audit

Office, showing,-

(a.) The net surplus profits for the period, after making full and detailed provision for sinking funds, reserve fund, unearned premiums, depreciation of properties and securities, bad and doubtful debts, and all other deductions and contingencies for which, in the opinion of the Board or the Audit Office, provision should be made;

(b.) The proportion of net surplus profits respectively

available for reserve fund and for bonuses;

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(c.) The total amount of premiums paid during the period; and

(d.) Such other particulars as are prescribed by regu-

lations.

(2.) The Treasurer shall forthwith lay such report and state-

ment before the Governor in Council.

(3.) Subject to such modifications (if any) as is directed by the Governor in Council within twenty-eight days after such report and statement are so laid before him, the net surplus profits as therein appearing shall be applied in manner 10 therein specified.

PART II.

STATUTORY INSURANCE OF BUILDINGS.

Adoption of this Part of this Act.

Interpretation.

- 52. For the purposes of this and the next succeeding Part of 15 this Act,—
 - "Chairman" means the Chairman of a County Council, or the Mayor of a Borough Council;
 - "Council" means a County Council or a Borough Council;

"District" means a county or borough;

"Ratepayer" includes any elector qualified to vote on any

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proposal relating to loans or rates in the district.

53. The provisions of this Part of this Act relating to the statutory insurance of buildings shall apply only in districts wherein this Part of this Act has been adopted pursuant either to a special 25 order in that behalf duly made by the Council of the district, or to a poll of the ratepayers thereof duly taken under the provisions in that behalf herein contained:

Provided that the special order shall be superseded by the poll, if the request for the poll is made, as hereinafter provided, within 30

one month after the making of the special order.

54. If such special order is not superseded as aforesaid, then this Part of this Act shall be deemed to be adopted in the district at the expiration of one month after the date on which the special order is duly made.

55. With respect to the poll and the request therefor, the following provisions shall apply:—

(1.) Such request may be made at any time before the making of such special order, or not later than one month thereafter.

(2.) Such request shall be in writing, under the hands of not less than fifty ratepayers of the district, and shall be addressed to the Chairman.

(3.) Such request shall be deemed to be duly made if and when it is delivered at the principal office of the Council to the 45 Town or County Clerk or other officer for the time being acting as such Clerk or performing his duties; and it shall be the duty of the Clerk or officer to whom the request is delivered to note the fact and date of such delivery.

statutory insurance of buildings not to apply in any district unless this Part adopted therein.

Provisions as to

Adontion by special order.

Adoption by poll of ratepayers.

(4.) The poll shall be taken on a day to be fixed by the Chairman, being not less than twenty-one nor more than twentyeight clear days after the making of such request, and such day shall be forthwith notified by him in a newspaper circulating in the district:

> Provided that if, within seven days after the making How vote to be of such request, the Chairman fails to duly fix and notify taken the day on which the poll is to be taken, then the poll shall be taken on the twenty-eighth day after the making of such request, and the Clerk shall notify the

same in manner aforesaid.

(5.) Such poll shall be taken in the same manner as is prescribed Form of votingby "The Local Bodies' Loans Act, 1886," in the case of paper. a proposal to raise a loan in the district, and such of the provisions of that Act as are necessary for the poll under this Act are hereby incorporated, mutatis mutandis, with this Act.

(6.) The voting-papers for the purposes of such poll shall be

printed in the following form:-

"Proposal that Part II. of 'The State Fire Insurance Act, 1901,' providing for the statutory insurance of buildings, be adopted in the county [or borough]

"1. I vote for the above proposal.

"2. I vote against the above proposal." (7.) No such proposal shall be deemed to be carried unless a majority of the valid votes recorded are recorded in its favour, each ratepayer having one vote and no more.

(8.) The expenses of and incident to the poll shall be defrayed

by the Council out of its general funds.

56. Within fourteen days after the result of the poll has been Result of poll to ascertained, the Chairman shall cause a notice of the number of valid be published. votes recorded for and against the proposal, as hereinbefore provided, to be published in the Gazette, and also in one or more newspapers 35 circulating in the district; and in such notice he shall declare the proposal to be carried or rejected, as the case may be:

Provided that if the Chairman fails to duly comply with this section, then, within ten days after the expiration of the aforesaid fourteen days, the Clerk shall comply therewith in the Chairman's

40 name and stead.

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57. If such proposal is carried, then forthwith upon the gazetting When Act to be of the aforesaid notice of the result of the poll this Part of this Act deemed to be shall be deemed to be adopted in the district.

58. In every district wherein this Part of this Act has been Provisions to apply

45 duly adopted the following provisions shall apply:—

(1.) On or before such date as the Governor prescribes (being in Fire Insurance no case until the notice referred to in section fifteen Roll. hereof has been duly gazetted), and triennially thereafter, the Manager shall, according to the best of his skill and knowledge, prepare a roll to be called the "Fire Insurance Roll.

adopted if poll carried.

when adopting order made.

(2.) Such roll may be prepared in separate parts, for separate parts of the district, as the Manager thinks fit, and he shall submit the same for the approval of the Board.

(3.) Such roll shall be in the prescribed form, and shall be so prepared as to show in separate columns, in respect of every building situate in the district, whether rateable property or not, and whether belonging to His Majesty or any other person or body,—

(a.) The name, occupation, and address of the owner

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thereof; (b.) The capital value thereof:

(c.) The nominal insurable value thereof, being not

more than three-fourths of the capital value;

(d.) The actual insurable value thereof, being the amount (if any) for which the building becomes actually 15 insured under the provisions for statutory insurance hereinafter contained;

(e.) The classification thereof as hereinafter provided;

(f.) The annual rate and amount of premium payable in respect of the statutory insurance thereof, as herein-20 after provided;

(g.) Whether the building is already insured, and, if so, in what office, for what amount, and the date of the

expiry of the then current policy; and

(h.) Such other particulars as are prescribed.

(4.) For the purposes and subject to the provisions of this Part of this Act, and the regulations under this Act, the fire insurance roll shall be prepared, corrected, signed, amended, and dealt with, and shall have effect as provided by "The Rating Act, 1894," in the case of 30 the therein-mentioned valuation-list and valuation-roll; and all the provisions of that Act (with such modifications or additions as are from time to time prescribed)

shall, mutatis mutandis, apply accordingly:

Provided that, subject to regulations under this Act, 35 the decision of the Manager shall be final and conclusive as to the clasification of any building, the actual insurable value thereof, and the rate and amount of premiums payable in respect of the statutory insurance thereof.

(5.) For the purpose of the fire insurance roll the powers of 40 amendment conferred by "The Rating Act, 1894," are hereby extended to include cases where, during the currency of the roll, fresh buildings are erected or are in course of erection, or existing buildings are in course of extension, or are increased or reduced in value, or the 45 risk of insurance has been increased in respect of any building, and it shall be the duty of the Manager to amend the roll from time to time accordingly.

(6.) For the purpose of enabling such amendment to be duly made, it shall be the duty of the owner to forthwith 50 notify the Manager in every case where during the currency of the roll any fresh building is being erected.

Effect thereof.

Contents.

Powers of amendment.

of Manager as to

or any existing building is being enlarged, or is increased or reduced in value, or any circumstance has occurred increasing the risk of insurance in respect of any building.

59. For the purposes of the fire insurance roll and each separate Powers and duties 5 part therof the following provisions shall apply:—

(1.) In classifying the buildings shown therein the Manager shall buildings.

have regard to-

(a.) Their construction, and the materials of which they are built;

(b.) Their age, condition, locality, and surroundings;

(c.) The purposes for which they are used;

(d.) The width of the streets wherein they are situate;

(e.) Their position as regards other buildings;

(f.) The occupation and character of the owner, and also of the occupier;

(q.) The existence and efficiency of fire-extinguishing

appliances in the locality; and,

(h.) Generally, all other circumstances affecting the risk of insurance.

(2.) The Manager may put into a special class, called the "un-insurable class," any building which in his judgment is too hazardous a risk to be taken at all.

(3.) The provisions for statutory insurance hereinafter contained shall not apply to any building so long as it is in the un-

25 insurable class.

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(4.) The Manager shall fix the actual insurable value of every building at such sum (being in no case greater than the nominal insurable value), and at such rate of annual premium, as, having regard to all considerations of risk,

he is willing to grant insurance for.

(5.) The Manager may from time to time, in his absolute discretion, amend the fire insurance roll by removing any buildings from one class to another (including the aforesaid uninsurable class), or by altering the actual insurable value of any building, or the rate and amount of the premium payable in respect of the insurance thereof; and in any such case a due readjustment and, when necessary, a due refund of premiums shall be made according to the nature and effect of the amendment.

(6.) For the purpose of fixing the liability for premiums, every building upon first being entered on the roll shall, until the contrary is shown, be deemed to be uninsured elsewhere than under this Part of this Act, and it shall lie upon the owner, before the completion of the roll, to cause to be entered thereon the fact and amount of any existing insurance, the office in which it is effected, and the date of the expiry of the policy.

Statutory Insurance of Buildings.

60. Forthwith upon the coming into force of the fire insurance When buildings 50 roll in any district, and continuously thereafter, every building shown state Fire on such roll as not then insured elsewhere than under this Part of Insurance Office.

this Act shall, subject to the provisions of this Act, and without the issue of any policy, be deemed to be insured in the State Fire Insurance Office in the name of the owner, as shown on the roll, in a sum equal to the actual insurable value thereof (if any) as shown on the roll, at the rate and amount of premium appearing on 5 the roll:

Provided that in the event of the Manager at any time amending the fire insurance roll, then from the date of such amendment the rights and liabilities of the owner shall vary with and according to the nature of such amendment.

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When to apply to buildings already insured.

When premium payable.

- 61. (1.) With respect to every building which, upon the coming into force of the fire insurance roll, is shown thereon as already insured elsewhere than under this Part of this Act, the provisions of the *last preceding* section shall apply forthwith upon the date of the expiry or cancellation of the then current policy, being in no 15 case later than *twelve* months after the first coming into force of the roll.
- (2.) At the expiration of such period of twelve months every such policy not then expired shall be deemed to be cancelled, and the owner shall be entitled to a duly proportionate refund of premium 20 for the unexpired term thereof from the company that issued the policy.

62. The amount of the premium in respect of each building insured under this Part of this Act, as shown on the fire insurance roll, or as computed therefrom, shall be payable by the owner in 25 manner following, that is to say:—

(1.) In the case of builders' risks or other special insurances for short specified periods of less than a year, the whole premium shall be payable in advance;

(2.) In every other case the premium shall be payable in advance 30 up to the end of the then current financial year, and thereafter yearly in advance;

(3.) In every case the premium, until fully paid, shall be and be deemed to be a first charge on the building for the insurance of which the same is payable.

93. For the purpose of facilitating the collection of premiums in respect of the statutory insurance of buildings in any district the following provisions shall apply:—

(1.) Whenever requested by the Manager so to do, the Council of the district shall collect, sue for, and recover the 40 premiums in the same manner as rates; and in such case the Council shall have the same powers and remedies in respect of such premiums as it possesses in respect of rates duly levied by it;

(2.) The Council shall be entitled to deduct and retain from the 45 premiums collected and recovered by it such commission as is prescribed, and shall in the prescribed manner forthwith pay the residue into the State Fire Insurance Account without any deduction.

64. In any case where, on the coming into force of the fire 50 insurance roll, any building is in fact already insured elsewhere than under this Part of this Act, but the fact is not entered on the

Premiums may be collected by Council as if rates.

Liability when building already insured not shown as such on roll.

roll, the owner shall be liable for the full amount of the premiums as shown on the roll, but shall not be entitled to the benefit of the statutory insurance, except to the extent by which his insurable interest in the building exceeds the total amount of the prior in-5 surance.

65. Without affecting the primary liability of the owner whose Liability for name appears on the roll, for all premiums payable in respect of any premium, and right to receive insurance building insured under this Part of this Act, the following pro-money.

visions shall apply :—

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(1.) All persons having an insurable interest in the building at the time when any premium becomes payable are jointly and severally liable to pay the same, and the person actually paying the same shall, subject to any existing equity or contract, have a right of contribution from all other persons who are liable.

(2.) The insurance, though nominally effected in the name of the owner, shall enure for the benefit of all persons from time to time entitled thereto according to their insurable interests in the building and their rights amongst them-

- (3.) The Manager shall be deemed to be a stakeholder of all moneys payable by him under the insurance, and if at any time any question or dispute arises amongst persons claiming the same, or if for any other reason he deems it expedient so to do, he may pay the same into the Supreme Court, whereupon the Court, or a Judge thereof, may ascertain and determine the rights of the claimants on summons to show cause or motion in a summary way, without the issue of a writ; and all costs incurred by the Manager shall be payable out of the fund as a first charge
- (4.) In the absence of any express notification in writing that an insurable interest is claimed by any person other than the owner whose name appears on the roll, the Manager shall be justified in treating such owner as the possessor of the entire insurable interest, and in such case his receipt shall be a full and sufficient discharge for all moneys payable by the Manager in respect of the insurance.

40 66. In the event of the Governor deeming it expedient so to do, Governor may dishe may at any time by Order in Council gazetted discontinue the continue statutory insurance in any statutory insurance of buildings, either as to all districts or as to any district. specified district:

Provided that in every case such Order in Council shall take 45 effect on and from a date to be named therein, being in no case earlier than the thirty-first day of March next following the gazetting

67. Forthwith upon the taking effect of such Order in Council Provision for giving

the following provisions shall apply:—

(1.) The statutory insurance of buildings in every district to which such order in Council relates shall be deemed to be discontinued, and the Manager shall cease to be liable

in respect thereof, save as to claims arising prior to such discontinuance:

(2.) Every contract entered into by the Manager for the reinsurance of the risks under such statutory insurance shall be deemed to be cancelled, and the company or 5 person with whom such contract has been entered into shall cease to be liable thereunder, save as to claims arising prior to such cancellation:

(3.) All premiums paid or payable in respect of such statutory insurance or contract of reinsurance shall be apportioned 10 up to the date of the taking effect of such Order in Council, and all sums paid in respect of premiums for any period subsequent to such date shall be refunded to the person who paid the same.

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PART III.

GENERAL PROVISIONS.

Fire Brigades.

Fire brigades to be equipped and

68. The Council of any district (whether Part II. of this Act is adopted therein or not) may, if it thinks fit, and shall, if the Governor so prescribes, efficiently equip and maintain to his satis- 20 faction one or more fire brigades, with all necessary appliances, for service within the district, and the expenses thereby incurred shall be paid by the Council out of a separate account to be called the "Fire Brigade Fund."

How expense to be provided for.

maintained.

69. In order to enable the Fire Brigade Fund to meet the 25 charges thereon pending receipt and adjustment of the contributions hereinafter provided for, moneys, as from time to time required, shall be transferred from the County or District Fund.

Special provisions.

70. Within twenty-eight days after the first establishment of the Fire Brigade Fund in any district, the Council shall, by notice in 30 the Gazette, specify the fact and date of such establishment, and thereupon the following provisions shall apply:—

What to be credited to and charged upon Fire Brigade Fund.

(1.) For the period between the first establishment of the Fire Brigade Fund and the thirty-first day of March then next (being in no case earlier than that day in the year one 35 thousand nine hundred and three), and for each financial year thereafter, the Fire Brigade Fund shall be charged with the expenses of equipping and maintaining fire brigades, and shall be credited with-

(a.) Contributions from the County or District Fund 40 to the extent of one-half of the amount required in order to meet the charges on the Fire Brigade Fund; and also with

(b.) Contributions from all the fire insurance companies carrying on business in New Zealand (including, as 45 one of such companies, the State Fire Insurance Office) to the extent of the other half of the amount so required as aforesaid.

(2.) The contribution of each such company to such Fire Brigade Contributions from Fund shall be a sum bearing the same proportion to the insurance total amount of all the contributions of all such companies thereto as the total amount of all the fire premiums received by such company, in respect of its business in New Zealand, bears to the total amount of all the fire premiums so received by all such companies.

71. For the purpose of assessing and procuring payment of Mode of assessing such contributions as last aforesaid the following provisions shall and procuring pay-10 apply:-

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ment of contributions from

(1.) Within fourteen days after the close of each such period as insurance companies. aforesaid, the Council shall prepare and forward to the Treasurer a statement in the prescribed form, made up to the close of that period, and certified as correct by the Audit Office, showing for such period the charges on and credits to the Fire Brigade Fund, including in such credits the contribution from the County or District Fund, and showing as a debit balance the total amount to be contributed by such companies as aforesaid.

(2.) Within fourteen days after the close of each such period every such company shall forward to the Treasurer a return in the prescribed form, verified by the statutory declaration of the company's General Manager or other principal officer, attorney, or agent in New Zealand, setting forth the gross total of all fire insurance premiums received by or on behalf of the company during such

period in respect of its business in New Zealand.

(3.) If any such Council or company makes default for ten days in duly forwarding the prescribed statement or return, and such default is not explained to the satisfaction of the Treasurer, the defaulter (if the Council) shall be deemed to have forfeited all claim to such contributions for the period, or, (if the company) shall be liable to contribute as if it had furnished a return showing the receipt of premiums equal in amount to twice that of the company whose return shows the largest amount.

(4.) As soon as practicable after the expiration of twenty-eight days from the close of the period, the Treasurer shall compile from the statements and returns then available a table in the prescribed form, showing in respect of each Fire Brigade Fund the amount to be contributed to each

Council by each company.

(5.) Such table shall be gazetted, and thereupon the contributions specified therein shall be payable as therein set forth, and may be recovered by the respective Councils accordingly.

72. With respect to the liability of each such company to con- How liability for tribute to the Fire Brigade Fund for any such period, the following portion of period to be ascertained. provisions shall apply:—

(1.) Such liability shall attach from the commencement of such period.

(2.) If the company ceases to carry on business before the close of the period, the amount of its contribution for the expired portion of the period shall be apportioned on the basis of the table for the last preceding period, up to the date of its so ceasing to carry on business, and the apportioned amount may be recovered by the Council accordingly.

(3.) In the event of the Governor, by notice in the Gazette, declaring that the Council is not equipping or maintaining the fire brigade to his satisfaction, the liability of the 10 company shall cease on the date of such notice, and in such case its liability up to such date shall be apportioned in manner prescribed by the last preceding subsection.

Regulations.

Regulations for purposes of this 73. The Governor in Council may from time to time make 15 regulations for all or any of the following purposes, that is to say:—

(1.) The conduct of the business of the State Fire Insurance Office;

(2.) Prescribing the powers, functions, and duties of the Board;

(3.) Prescribing the functions and duties of all persons employed 20 under this Act, and the forms, amount, and nature of the securities to be furnished by them;

(4.) Exempting any person employed under this Act from the examinations prescribed or conditions imposed by any law for the time being in force affecting or regulating the 25 Civil Service:

(5.) Establishing a Mutual Guarantee and Benefit Fund, to be contributed to and shared in by the members of the staff, and prescribing the conditions and extent to which such fund may be supplemented out of the State Fire Insurance Account;

(6.) The custody and control of the moneys in the State Fire Insurance Account, and the payment of moneys to and the withdrawal of moneys from that account, the mode of keeping and rendering that account, and any other 35 account or balance-sheet in connection with the State

Fire Insurance Office:

(7.) The receipt and payment of moneys under this Act;

(8.) Determining what moneys under this Act shall be invested, and in what securities, and with what margin of value; 4

(9.) Fixing the maximum amount to be invested on mortgage from any one borrower, and the maximum amount to be advanced on any one security;

(10.) Prescribing what books and accounts shall be kept, and in what form:

(11.) Determining the principle and method to be adopted in valuing fire risks, and in accepting, rejecting, or cancelling such risks;

(12.) Classifying buildings and other risks for the purposes of insurance or reinsurance;

- (13.) Defining the conditions subject to which insurance or reinsurance may be effected;
- (14.) Prescribing the events on the happening whereof insurances or reinsurances shall be deemed to be void;
- (15.) Fixing the maximum risk to be taken, and the minimum margin of value to be required;

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- (16.) Prescribing the forms of policies and claims, proofs of loss, and all other documents issued under this Act or used in connection with the business of the State Fire Insurance Office;
- (17.) Prescribing whatever is deemed expedient with respect to the mode of granting insurance under Part I. or II. of this Act in the case of builders' risks and other insurances for short specified periods, and the terms and conditions thereof;
- (18.) The preparation, amendment, maintenance, custody, and inspection of the fire insurance roll;
- (19.) Protecting the interests of mortgagees, assignees, and others in respect of property insured under this Act;
- (20.) Giving effect to the charge created on buildings insured under Part II. of this Act;
- (21.) Levying, collecting, and recovering premiums, under Part II. of this Act, by the Council of the district;
- (22.) Prescribing the amount of commission which may be retained by the Council;
- (23.) Determining the mode in which shall be done anything by this Act expressed to be prescribed;
- (24.) Imposing a penalty not exceeding ten pounds for the breach of any such regulation; and generally for
- (25.) Any other purpose that the Governor in Council deems expedient for the efficient administration of this Act, or for which, in his opinion, regulations are contemplated or required by this Act.

Schedule.

SCHEDULE.

REVENUE ACCOUNT of the State Fire Insurance Office, for the Year ended 31st March.	
£ s. d. Amount of Fire Insurance Funds at the beginning of the year Premiums, after deduction of reinsurances Other receipts (details to be specified)	Losses by fire (after deduction of reinsurances Appropriated to Reserve Fund Appropriated to reserve for unearned premiums Interest on capital raised, guaranteed by Government Commission Salaries Expenses of management (details to be specified) Other payments (details to be specified Amount of Fire Insurance Funds at
BALANCE-SHEET of the State Fire	Insurance Office on the 31st March.
Liabilities. £ s. d. £ s. d. Capital authorised by "The State Fire Insurance Act, 1901" Less not raised Net Reserve Fund Reserve for uncarned premiums Fire Insurance Funds as per Revenue Account Other funds (to be specified) Outstanding fire lesses Other sums owing by the office (accounts to be specified)	
£	£

By Authority: John Mackar, Government Printer, Wellington.—1901.