



**THE ACCIDENT COMPENSATION (DAMAGED OR LOST
ARTIFICIAL LIMBS, AIDS, CLOTHING, AND SPECTACLES
COSTS) REGULATIONS 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of November 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 120 (1) (f) of the Accident Compensation Act 1982, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Accident Compensation (Damaged or Lost Artificial Limbs, Aids, Clothing, and Spectacles Costs) Regulations 1989.

(2) These regulations shall come into force on the 1st day of December 1989.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Compensation Act 1982:

“Claimant” means a person who has suffered personal injury by accident to which the Act applies:

“Corporation” means the Accident Compensation Corporation:

“Hospital” has the same meaning as in the Hospitals Act 1957:

“Item” means any artificial limb, aid, clothing, or spectacles being used or worn by a claimant at the time the claimant suffers personal injury by accident:

“Personal injury by accident” means personal injury by accident to which the Act applies:

“Private hospital” means a licensed hospital as defined in section 118 of the Hospitals Act 1957:

“Public hospital” means any hospital that is not a private hospital and is operated by the Crown or an area health board:

“Social Security benefit” means any benefit payable under Part II of the Social Security Act 1964 or any regulations made under that Act.

3. Application—Subject to these regulations, these regulations shall apply in respect of any item repaired or replaced on or after the 1st day of December 1989, and shall not apply in respect of any such item repaired or replaced before that date, irrespective of—

- (a) The date on which any costs of repair or replacement were incurred or paid; or
- (b) The date on which the personal injury by accident occurred.

4. Corporation to pay certain costs—(1) Subject to these regulations, the Corporation shall pay the costs of repair or replacement of any item damaged or lost as a result of an accident.

(2) The Corporation shall pay the cost of the repair of the item, or contribute to the replacement of the item an amount no greater than the value of the item immediately before the accident, or the cost of actual replacement, whichever is the least (less in each case any Social Security benefit).

(3) The costs payable by the Corporation, as required or permitted under these regulations, shall be paid—

- (a) To the person who repaired or provided the item; or
- (b) If they have already been paid by the claimant, then to the claimant.

5. Second opinions—(1) The Corporation shall decline to make any payment in respect of any item that it considers may not be necessary or appropriate or that it considers may have exceeded the number necessary or appropriate in the particular case until it has obtained a second opinion on the matter.

(2) Where the Corporation, after having obtained the second opinion, believes that the item was unnecessary or inappropriate it shall decline to make any payment in respect of the item and shall advise the claimant and the person who repaired or provided the item accordingly.

(3) Nothing in this regulation shall apply in any case where the item concerned has been provided with the prior approval of the Corporation.

6. Costs not payable in respect of public hospital provisions—No payment shall be made by the Corporation under these regulations in respect of any item provided—

- (a) In a public hospital; or
- (b) To any claimant as an out-patient of a public hospital; or
- (c) By any person acting in the course of employment by the Crown or an area health board.

7. Contact lenses—Nothing in these regulations shall restrict or affect the application of section 77 (2) of the Act.

8. Application of regulations to certificates and treatments provided overseas—Nothing in these regulations shall limit or restrict section 75 (8) of the Act.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations specify the costs that the Accident Compensation Corporation shall pay in respect of artificial limbs, aids, clothing, and spectacles damaged in an accident and repaired or replaced on or after 1 December 1989.

The Corporation is required to pay the costs of the repair or replacement, whichever is the lesser (less in each case any Social Security benefit).

Payment in respect of replacement is limited to the value of the item immediately before the accident.

By virtue of the Accident Compensation Act 1982 and these regulations, the Corporation is not authorised to make any payment until a claim has been verified, and it is satisfied that the service provided relates to the claim.

The specific provisions in section 77 (2) of the Act relating to payment for contact lenses are not affected by these regulations.

By virtue of section 77 (3) of the Act, a claim can be made for the items to which these regulations apply only if—

- (a) The claimant required medical or hospital treatment or compensation is payable in respect of the personal injury by accident; and
- (b) The expense of the repair or replacement is incurred in the lifetime of the claimant; and
- (c) Notice of the damage or loss is given as soon as practicable.

Other regulations deal with the provision of artificial limbs, aids, or prosthetic appliances required as a result of personal injury by accident.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 November 1989.

These regulations are administered in the Accident Compensation Corporation.