



**THE ACCIDENT COMPENSATION (DAMAGED OR LOST  
ARTIFICIAL LIMBS, AIDS, CLOTHING, AND SPECTACLES  
COSTS) REGULATIONS 1990**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of September 1990

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.

ANALYSIS

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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 1990.

(2) These regulations shall come into force on the 15th day of October 1990.

**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:

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

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

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

**3. Application**—(1) Subject to these regulations, these regulations shall apply in respect of any item repaired or replaced on or after the 15th day of October 1990, irrespective of—

(a) The date on which any costs of repair or replacement for any item were charged or paid; or

(b) The date on which the personal injury by accident occurred.

(2) These regulations (other than regulation 8 (2)) shall not apply in respect of any item repaired or replaced before the 15th day of October 1990 for a claimant in respect of personal injury by accident, irrespective of the date of the charging or payment of any costs for the repair or replacement.

**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 personal injury by 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 Corporation shall not pay any costs unless it has received such information and declarations as it may require in order to verify that the claimant has suffered personal injury by accident and that the item in respect of which the claim for payment is made was damaged or lost as a result of personal injury by accident.

(4) The Corporation shall not pay any costs unless it has been advised of the date on which the item was repaired or replaced and the specific nature of the repair or replacement.

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

(a) To the person who repaired the item or provided the replacement 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 replacement item accordingly.

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

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

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

**8. Revocation and savings**—(1) The Accident Compensation (Damaged or Lost Artificial Limbs, Aids, Clothing, and Spectacles Costs) Regulations 1989 (S.R. 1989/341) are hereby revoked.

(2) Notwithstanding regulation 3 (2) of these regulations and subclause (1) of this regulation, where an item has been repaired or replaced, at any time in the period beginning with the 1st day of December 1989 and ending with the close of the 14th day of October 1990, the regulations revoked by subclause (1) of this regulation shall continue to apply in respect of that repair or replacement of the item.

MARIE SHROFF,  
Clerk of the Executive Council.

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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 is to pay in respect of artificial limbs, aids, clothing, and spectacles damaged in an accident involving personal injury and repaired or replaced on or after 15 October 1990.

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.

Other changes are made to ensure consistency with other regulations relating to costs.



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These regulations are administered in the Accident Compensation Corporation.