



**THE EARTHQUAKE AND WAR DAMAGE REGULATIONS 1944,
AMENDMENT NO. 1**

B. C. FREYBERG, Governor-General

By his Deputy,
H. F. O'LEARY

ORDER IN COUNCIL

At the Government House at Wellington, this 7th day of
July, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Earthquake and War Damage Act, 1944, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Earthquake and War Damage Regulations 1944, Amendment No. 1, and shall be read together with and deemed part of the Earthquake and War Damage Regulations 1944* (hereinafter referred to as the principal regulations).

(2) These regulations shall be deemed to have come into force on the 1st day of June, 1947.

2. Regulation 5 of the principal regulations is hereby amended by inserting in paragraph (j), after the word "water-tank", the words "(other than a water-tank installed as part of the water-supply system of any dwelling or farm building)".

3. The Schedule to the principal regulations is hereby amended by omitting clause 20 thereof, and substituting the following new clause :—

" 20. (1) In respect of any loss or damage to the property occurring during any period of forty-eight consecutive hours as the direct result of earthquake (not including earthquake fire), the Commission shall not be liable to pay or contribute more than the amount by which that loss or damage exceeds the proportion of the loss or damage to be borne by the insured person (hereinafter referred to as the franchise).

" (2) For the purposes of this clause any one building or group of buildings with the contents thereof in the same ownership and located in one situation shall be deemed to be one property, and any group of buildings in the same ownership and located in one situation shall be deemed to be one building.

* Statutory Regulations 1944, Serial number 1944/173, page 467.

“(3) For the purposes of this clause the Commission, after causing a survey to be made of any building to determine its estimated resistance to earthquake shock, may classify that building into any one of the following classes :—

“Class A : Buildings with a good measure of earthquake resistance :

“Class B : Buildings with a fair measure of earthquake resistance :

“Class C : Buildings with little resistance to earthquake shock.

“(4) Until the Commission has classified any building under this clause, that building shall be deemed to be classified under Class A.

“(5) Where the property insured is a building classified in Class A, or is contained in a building classified in Class A, the amount of the franchise shall be computed by reference to the amount to which the property is insured and in accordance with the following scale :—

Amount of Insurance.	Franchise.
£1,500 and under	£5.
Over £1,500 but not over £5,900	£5, increased by £1 for every £100 or fraction of £100 over £1,500.
Over £5,900	£50.

“(6) Where the property insured is a building classified in Class B or Class C, or is contained in a building classified in Class B or Class C, the franchise shall be such amount as the Commission from time to time determines, either generally or in any particular case, but not exceeding in any case 25 per cent. of the amount of insurance.

“(7) The Commission may from time to time alter the classification of any building, but no such alteration which has the effect of increasing any franchise shall take effect until the expiration of thirty days after notice thereof in writing has been given by the Commission to each insured person named in the policy of insurance or in any endorsement thereon by posting the same addressed to him at his last known place of abode or business in New Zealand. That notice shall be deemed to have been received when in the ordinary course of post it would be delivered.

“(8) Every determination of the Commission clarifying or altering the classification of any building or determining the amount of any franchise shall for the purposes of this clause be final and conclusive.”

T. J. SHERRARD,
 Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
 Date of notification in *Gazette* : 8th day of July, 1948.
 These regulations are administered in the Office of the Earthquake and War Damage Commission.