

Serial Number 1950/9

**THE EARTHQUAKE AND WAR DAMAGE REGULATIONS 1944,
AMENDMENT NO. 3**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 7th day of
February, 1950

Present :

THE HON. K. J. HOLYOAKE PRESIDING 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. 3, 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 February, 1950.

2. Regulation 3 of the Earthquake and War Damage Regulations 1944, Amendment No. 2, is hereby amended by omitting the words "made after the commencement of these regulations".

3. Regulation 5 of the principal regulations is hereby amended by adding to paragraph (k) the words "(other than a water or gas reticulation pipe which, in the opinion of the Commission, constitutes a structural part of any building)".

4. The Schedule to the Earthquake and War Damage Regulations 1944, Amendment No. 2, is hereby amended by revoking subclause (3) of clause 23, and substituting the following subclause:—

"(3) 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.
£3,000 and under	5 per cent., but not less than £10.
Over £3,000.	£150, increased by £1 for every £10 or fraction of £10 over £3,000. ³

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

Amendment No. 1: Statutory Regulations 1948, Serial number 1948/105, page 314.

Amendment No. 2: Statutory Regulations 1949, Serial number 1949/123, page 518.

5. Regulation 14 of the principal regulations is hereby revoked, and the following new regulation substituted therefor :

“ 14. (1) The Travelling-allowance Regulations 1949* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Commission and its members.

“ (2) The rate of the subsistence allowance referred to in Regulation 5 of the Travelling-allowance Regulations 1949 shall be £1 15s. a day, plus 2s. where a hotel room is occupied for only one night.

“ (3) The rate of the mileage-allowance referred to in Regulation 13 of the Travelling-allowance Regulations 1949 for journeys performed in a motor-vehicle shall,—

“ (a) Where the horse-power of the vehicle does not exceed $9\frac{1}{2}$, be $5\frac{1}{2}$ d. for every mile or part of a mile :

“ (b) Where the horse-power exceeds $9\frac{1}{2}$, but does not exceed $14\frac{1}{2}$, be $6\frac{1}{4}$ d. for every mile or part of a mile :

“ (c) Where the horse-power exceeds $14\frac{1}{2}$, be 7d. for every mile or part of a mile.

“ (4) The amount payable for actual garage expenses as provided in Regulation 13 of the Travelling-allowance Regulations 1949 shall not exceed 2s. 6d. a night.”

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

* Statutory Regulations 1949, Serial number 1949/94, page 387.

EXPLANATORY NOTE

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

These regulations make various amendments to the Earthquake and War Damage Regulations 1944, made under the Earthquake and War Damage Act, 1944.

The effect of Regulation 2 is that the cover against extraordinary disaster damage will, in respect of damage occurring on or after 1st February, 1950, extend to every property insured against earthquake damage and war damage by virtue of a contract of fire insurance made *at any time*. Previously the cover only applied in the case of contracts of fire insurance made on or after 1st November, 1949.

Regulation 3 extends the cover against earthquake and war and disaster damage under section 14 of the Act to water and gas reticulation pipes forming part of a building.

Regulation 4 alters the franchise for disaster damage (which was formerly 10 per cent., with a minimum of £10) to 5 per cent. (with a minimum of £10), where the amount of insurance is £3,000 or under and to £150 in other cases, increased by £1 for every £10 or fraction of £10 by which the amount of insurance exceeds £3,000.

Regulation 5 provides amended rates of travelling-allowances for members of the Earthquake and War Damage Commission.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 9th day of February, 1950.

These regulations are administered in the office of the Earthquake and War Damage Commission.