

Serial Number 1951/239

**THE EARTHQUAKE AND WAR DAMAGE REGULATIONS 1944,
AMENDMENT NO. 4**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 24th day of
October 1951

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, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Earthquake and War Damage Regulations 1944, Amendment No. 4, 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. Regulation 8 of the principal regulations is hereby amended by omitting from subclause (2) the words "statutory declaration by the manager, secretary, or agent of the company", and substituting the words "certificate by an officer or agent of the company".

3. Part I of the Schedule to the principal regulations is hereby amended by inserting, after clause 4, the following heading and clause :—

"REDUCTION OF INSURANCE ON PAYMENT OF PARTIAL CLAIMS

"4A. On the payment by the Commission of any amount on account of any loss or damage to any of the insured property, the amount of the insurance shall be deemed to be reduced by the amount so paid for the unexpired term of the insurance."

4. Part I of the Schedule to the principal regulations is hereby further amended by repealing clause 18, and substituting the following clause :—

"18. If any difference arises out of the insurance between the Commission and the insured person, the difference shall be referred to one arbitrator if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by the Commission and one by the insured person, under the Arbitration Act 1908, and the obtaining of an award shall be a condition precedent to any right of action against the Commission."

* 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.

Amendment No. 3 : Statutory Regulations 1950, Serial number 1950/9, page 39.

5. Clause 20 of the Schedule to the principal regulations (as substituted by regulation 3 of the Earthquake and War Damage Regulations 1944, Amendment No. 1) is hereby amended by inserting in subclause (6), after the words "contained in a building classified in Class B or Class C", the words "or is not a building or contained in a building".

T. J. SHERRARD,
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 amend the Earthquake and War Damage Regulations 1944.

Regulation 2 enables an insurance company to verify duplicate bank receipts for earthquake and war damage premiums by certificates signed by an officer or agent, instead of having to furnish statutory declarations by the manager, secretary, or agent of the company.

Regulation 3 makes it clear that when any claim under any compulsory insurance is paid, the amount of the insurance is to be reduced by the amount paid for the unexpired term of the insurance.

Regulation 4 extends the arbitration clause to all differences arising out of any compulsory insurance. Hitherto the clause has been limited to differences as to the amount of any loss or damage.

Regulation 5 provides for a franchise to be fixed by the Commission in respect of property that is not a building or contained in a building. The franchise clause has hitherto related only to buildings and their contents.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25th day of October 1951.

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