

Serial Number **1953/35**

**THE EARTHQUAKE AND WAR DAMAGE REGULATIONS 1944,  
AMENDMENT NO. 5**

C. W. M. NORRIE, Governor-General  
**ORDER IN COUNCIL**

At the Government House at Wellington, this 1st day of April 1953  
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. (1) These regulations may be cited as the Earthquake and War Damage Regulations 1944, Amendment No. 5, 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 April 1953.

**EARTHQUAKE AND WAR DAMAGE**

2. 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 revoking subclause (5), and substituting the following subclause:—

“(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 of the loss or damage (to the extent to which it does not exceed the amount of the insurance) and in accordance with the following scale:—

Amount of Insured Loss or Damage.	Franchise.
£3,000 and under	£20.
Over £3,000 but not over £5,900	£20, increased by £1 for every £100 or fraction of £100 over £3,000.
Over £5,900	£50.”

\* 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 316.  
 Amendment No. 3: Statutory Regulations 1950, Serial number 1950/9, page 39.  
 Amendment No. 4: Statutory Regulations 1951, Serial number 1951/239, page 882.

**DISASTER DAMAGE**

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

“(3) The amount of the franchise shall be computed by reference to the amount of the loss or damage (to the extent to which it does not exceed the amount of the insurance) and in accordance with the following scale:—

Amount of Insured Loss or Damage.	Franchise.
£3,000 or under .....	5 per cent, but not less than £20.
Over £3,000 .....	£150, increased by £1 for every £10 or fraction of £10 over £3,000.”

(2) Regulation 4 of the Earthquake and War Damage Regulations 1944, Amendment No. 3, is hereby consequentially revoked.

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 alter the basis of calculating the franchise (or proportion of the loss to be borne by the insured person) in the case of claims under the Earthquake and War Damage Act 1944 in respect of loss by earthquake or war damage or by disaster damage.

In each case the franchise is to be computed by reference to the amount of the insured loss, instead of the amount of the insurance. Also the minimum franchise is to be £20 in all cases, instead of £5 for earthquake and war damage and £10 for disaster damage.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 April 1953.

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