



**THE EARTHQUAKE AND WAR DAMAGE REGULATIONS 1984,
AMENDMENT NO. 3**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of July 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Earthquake and War Damage Regulations 1984, Amendment No. 3, and shall be read together with and deemed part of the Earthquake and War Damage Regulations 1984* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of January 1993.

2. Powers of Commission—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

*S.R. 1984/71
Amendment No. 1: S.R. 1984/145
Amendment No. 2: S.R. 1988/72

“2A. Without limiting any other powers of the Commission, the Commission may from time to time—

- “(a) Appoint, on such terms and conditions as it thinks fit, one or more insurance companies or other persons to act as the Commission’s agent or agents for the purpose of effecting contracts of insurance under section 15 of the Act; and
- “(b) Pay to any such agent such commission or other fee as the Commission may from time to time determine.”

3. Application of section 14 of Act—(1) Regulation 4 (1) of the principal regulations (as substituted by regulation 2 of the Earthquake and War Damage Regulations 1984, Amendment No. 2) is hereby amended by adding the following paragraph:

“(v) Any commercial property.”

(2) Regulation 4 of the principal regulations (as so substituted) is hereby amended by adding the following subclauses:

“(3) In this regulation, ‘commercial property’ means—

“(a) Any industrial, manufacturing, distribution, or processing plant or premises; including factory and warehouse premises, and plant or premises intended to be used for those purposes:

“(b) Premises occupied (or, if vacant, that were last occupied) for the purposes of conducting any trade or profession or for other commercial purposes; including premises intended to be used for those purposes:

“(c) All buildings, structures, and improvements appurtenant to, and all machinery, equipment, trading stock, and other property on or affixed to, any plant or premises of the kinds described in paragraph (a) or paragraph (b) of this subclause—

but does not include any dwelling (within the meaning of section 14 (7) of the Act) or any premises used for educational, religious, charitable, sporting, recreational, or community purposes.

“(4) Where any premises are used (or, if vacant, were last used) for more than one purpose they shall be deemed, for the purposes of subclause (3) of this regulation, to be used for the principal purpose for which they are (or were last) used and, where appropriate, the principal purpose may be determined by reference to the area of the premises used for that purpose as compared with the area or areas used for the other purpose or purposes.”

(3) This regulation shall not apply in respect of any commercial property which is insured under a contract of fire insurance entered into before the 1st day of January 1993 until the earliest of the following dates:

- (a) The 31st day of December 1993;
- (b) The date on which that contract of fire insurance expires or ceases to apply to that property;
- (c) The date on which a contract of insurance under section 15 of the Act commences in respect of that property.

BOB MacFARLANE,
Acting for 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, which come into force on 1 January 1993, amend the Earthquake and War Damage Regulations 1984.

Regulation 2 empowers the Earthquake and War Damage Commission to appoint agents for the purpose of effecting contracts of voluntary insurance under section 15 of the Earthquake and War Damage Act 1944.

Regulation 3 adds commercial property to the types of property not covered under section 14 of the Earthquake and War Damage Act 1944. Commercial property is defined.

The regulation will not apply in respect of any commercial property which is insured under a contract of fire insurance entered into before 1 January 1993 until the earliest of the following dates:

- (a) 31 December 1993;
- (b) The date on which the contract of fire insurance expires or ceases to apply to that property;
- (c) The date on which a contract of insurance under section 15 of the Earthquake and War Damage Act 1944 commences in respect of that property.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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