



ANALYSIS

Title.
1. Short Title.

2. Application of principal Act to fire policies for replacement value or for excess over indemnity value.

1951, No. 42

AN ACT to amend the Earthquake and War Damage Act 1944. Title.
[1 December 1951]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Earthquake and War Damage Amendment Act 1951, and shall be read together with and deemed part of the Earthquake and War Damage Act 1944 (hereinafter referred to as the principal Act). Short Title.
1944, No. 15

2. (1) Section fourteen of the principal Act is hereby amended by inserting, after subsection two, the following subsections:— Application of principal Act to fire policies for replacement value or for excess over indemnity value.

“ (2A) Where the contract of fire insurance provides for settlement of any claim for damage to or destruction of the property upon a basis more favourable to the insured person than its indemnity value,—

“ (a) The property shall be deemed to be insured under this section to the amount of the indemnity value only:

“ (b) The earthquake and war damage premium in respect of each period of the insurance shall be computed on the amount of the indemnity

1948, No. 63
See Reprint
of Statutes,
Vol. I, p. 381

value of the property as approved by the Commission after being certified at the commencement of that period by a valuer approved by the Commission, being a registered member of the New Zealand Institute of Architects or by a valuer registered under the Valuers Act 1948 or an engineer registered under the Engineers Registration Act 1924:

“ Provided that if no such certificate is approved by the Commission in respect of any period the premium shall be computed on the amount to which the property is insured under the contract.

“(2B) This section shall not apply with respect to any contract of insurance that is limited to an excess over the indemnity value of the property.”

(2) Section fourteen of the principal Act is hereby further amended by omitting from subsection three the words “ any such contract of fire insurance ”, and substituting the words “ any contract of fire insurance to which this section applies ”.

(3) Section eighteen of the principal Act is hereby amended by inserting, after subsection one, the following subsections:—

“(1A) Where the insurance under this Act is limited to the indemnity value of the property or any part of the indemnity value, subsection one of this section shall not apply with respect to any contract made otherwise than under this Act except to the extent to which the contract relates to the indemnity value or any part thereof.

“(1B) Where the insurance under this Act is limited to an excess over the indemnity value of the property, subsection one of this section shall not apply with respect to any contract made otherwise than under this Act except to the extent to which the contract relates to such an excess.”