

*Draft Code of Recommended Practice No. D 6548 for the Use of Industrial Safety Gloves*

NOTICE is hereby given that the above draft code of recommended practice is being circulated for technical comment and criticism.

All persons who desire to comment thereon may, on application, obtain copies on loan from the New Zealand Standards Institute, 201 Lambton Quay, or P.O. Box 195, Wellington C. 1.

The closing date for the receipt of comment is 15 February 1962.

Dated at Wellington this 7th day of November 1961.

G. LAURENCE,

Acting Executive Officer, Standards Council.

(S.I. 114/2-80)

*Agreement as to Motor Vehicles Insurance (Third Party) Risks*

THE agreement, the text of which appears below, is hereby published for general information. It has been entered into by the Minister of Transport on behalf of the Crown with the several companies and corporate bodies which carry on business as insurers under Part V of the Transport Act 1949; and the agreement is, therefore, effective according to its terms on and after the date of this *Gazette*.

The text of the agreement is as follows:

ARTICLES of AGREEMENT made the 30th day of October 1961 between Her Majesty the Queen acting through the Honourable the Minister of Transport of the one part and the Several Companies and corporate bodies carrying on in New Zealand the business of Accident Insurers by or on behalf of which these presents are executed (hereinafter called "the Insurers") of the other part.

WHEREAS by Articles of Agreement made the 8th day of August 1956 and published in the *New Zealand Gazette* (23 August 1956, Vol. II, page 1145) provision was made in connection with claims in respect of death or bodily injury caused by the use in New Zealand of motor vehicles that cannot be identified and by uninsured motor vehicles and WHEREAS it is expedient to revise the said agreement now therefore it is hereby agreed between the parties hereto as follows:

(1) In and for the purposes of these Articles of Agreement—

"Insurers" shall mean and include the Several Companies and corporate bodies carrying on business in New Zealand as Insurers under Part V of the Transport Act 1949 and by and on behalf of which these Articles of Agreement are executed.

"Uninsured Defendant" shall mean a Defendant in an action brought in New Zealand by a Plaintiff suing for damages in respect of bodily injury to or death of the Plaintiff or some other person caused by or through or in connection with the use in New Zealand of a motor vehicle owned by the Uninsured Defendant but in respect of which motor vehicle the Uninsured Defendant has failed to take the steps necessary to obtain Motor Vehicle (Third Party Risks) Insurance available at the time of the accident giving rise to the said action pursuant to Part V of the Transport Act 1949 and in respect of which said accident the Uninsured Defendant would have been indemnified had he or she or it taken the appropriate steps prescribed by Part V of the Transport Act 1949 for the obtaining of such insurance.

"Year" shall mean a period of 12 calendar months commencing on 1 July in each year.

The singular of any word or expression shall include the plural.

PART I—PERSON UNKNOWN

(2) Where any person (hereinafter called "the Claimant") alleges—

(a) That a person unknown would, if ascertainable, be under a legal liability to him by way of damages indemnity contribution or otherwise on account of the death of any person or of bodily injury to any person, and that such death or bodily injury was sustained or caused by or through or in connection with the use of a motor vehicle in New Zealand; and

(b) That it is impossible to identify such motor vehicle; then the insurers who are parties hereto agree that the matter shall be dealt with in accordance with the provisions hereinafter set out.

(3) The Claimant shall, within 21 days of the date of the accident transmit by registered post, and addressed to the Commissioner of Transport at Wellington, a statement in writing signed by him or his solicitor, or some other person on his behalf.

(4) In special circumstances the Minister of Transport may extend the period of 21 days prescribed by clause (3) hereof for such times as he may think equitable, but so that in no case shall the period within which the statement is to be transmitted to the Commissioner exceed 42 days from the date of the accident.

(5) Such statement shall set forth full particulars of the circumstances upon which the claimant relies to show that his claim is one that should be dealt with under the provisions hereof, including such particulars of time, place, names, and addresses of persons, employment of the complainant and whether in course of employment at the time of the accident, and other circumstances as will suffice to inform the insurers of the particular grounds of legal liability alleged, such as the particular respects in which the claimant alleges that the person in charge of the motor vehicle was negligent, and also setting forth the amount and full details of his claim.

(6) Where the claim is made on account of the death of any person the statement shall also contain full particulars of the person or persons for whom and on whose behalf the claim is made.

(7) In every case such statement shall contain an undertaking that the claimant and the other persons (if any) for whom and on whose behalf the claim is made—

(a) Will accept the award of the arbitrators hereinafter referred to and the amount (if any) payable under such award in full satisfaction and discharge of all existing or subsequent claims or demands on the part of such claimant and other persons (if any) in respect of or arising out of the accident mentioned in such statement against the driver of and the owner of such motor vehicle, and against any other person who may be liable in respect of the accident, and whether the identity of such driver, owner, or other person is known or not; and

(b) Will, upon the publication of the said award and the payment of the amount (if any) payable thereunder, execute an agreement with the Commissioner of Transport as provided by clause (20) hereof.

(8) The Commissioner shall forthwith send a copy of the statement to the State Fire Insurance General Manager on behalf of the insurers and the claim shall thereupon be referred to arbitration in accordance with the provisions hereinafter set out. The reference shall be to three arbitrators who, after the receipt from the Commissioner by the said General Manager on behalf of the insurers of the statement referred to in clause (3) hereof, shall be appointed in the manner hereinafter provided before any step is taken in the reference.

(9) One arbitrator shall be appointed by the claimant provided that in the event of there being more than one claim arising out of the bodily injury to or death of any person the said arbitrator shall be appointed by the person injured or by the person or persons claiming as or on behalf of the dependants of the deceased one arbitrator shall be appointed for the insurers in the manner hereinafter provided, and the third arbitrator shall be a Stipendiary Magistrate who shall be appointed by the Minister of Transport. If the three arbitrators cannot all agree, an award made by any two of them shall be sufficient. The reference to the arbitrators shall be deemed to be a submission within the meaning of the Arbitration Act 1908 and the provisions of that Act shall, so far as applicable, apply to the arbitration and all proceedings thereunder. For the purpose of giving or receiving any notice or taking any steps in the arbitration proceedings, the parties shall respectively be deemed to be the claimant and the committee hereinafter referred to.

(10) If either party shall refuse or neglect to appoint an arbitrator within 28 days after the other party shall have appointed an arbitrator, and served a written notice upon such first-named party requiring him to appoint an arbitrator, then, upon such failure, the party making the request and having himself appointed an arbitrator may appoint another arbitrator to act on behalf of the party so failing to appoint, and the arbitrator so appointed may proceed and act in all respects as if he had been appointed by the person so failing to make such appointment.

(11) The arbitrator to be appointed for the insurers shall be appointed by a committee of three persons, of which committee one member shall be appointed by the Council of Fire and Accident Underwriters' Associations of New Zealand, one member by the State Fire Insurance General Manager, and one member by the Non-Tariff Insurance Association of New Zealand.

(12) The appointments of members of the said Committee shall be made from time to time by notice in writing to the Minister of Transport and every person so appointed shall continue a member until the appointment of a person to supersede him has been made as hereby provided, and the declaration of the Minister as to the validity or regularity of any appointment shall be final and conclusive. In the case of the members to be appointed by the said Council and the said non-tariff association the instruments of appointment shall be executed by the chairman or vice chairman thereof.

(13) The arbitrators shall first determine whether the claimant has proved to their satisfaction all the matters referred to in clause (2) hereof and has complied with all the provisions contained in clauses (3) to (7) hereof inclusive, so far as applicable, and if they determine that he has proved all such matters to their satisfaction and has complied with all such provisions, they shall then determine as being their award under the reference the amount (if any) for which the owner of the vehicle would (if the vehicle were identifiable) be legally liable to the claimant or claimants provided that no greater amount shall be awarded than would be the measure of the legal liability of such owner by way of damages indemnity contribution or otherwise if the vehicle were identifiable.