

**Reprint
as at 3 June 2017**

**Liverpool and London and Globe Insurance Company
Act 1879**

Private Act 1879 No 5
Date of assent 19 December 1879

Liverpool and London and Globe Insurance Company Act 1879: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

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An Act to give effect in this Colony to the alteration of the name of “The Liverpool and London Fire and Life Insurance Company,” and to enable “The Liverpool and London and Globe Insurance Company” to sue and be sued in the name of the Company, and for other purposes connected therewith.

Preamble

Whereas in the year 1836 a company or association was established in England, by the name of “The Liverpool Fire and Life Insurance Company,” for the purposes of making and effecting insurances on houses, warehouses, and buildings, shipping in port, goods, wares, and merchandise, farming stock, utensils, and property of all descriptions against loss or damage by fire, insurances on lives and survivorships, the sale and purchase of annuities, reversions, and contingent interests, and the endowment of children, and generally to carry on the business usually called or known as fire and life insurance and all matters connected therewith; and upon the establishment of the said company or association a deed of settlement was made dated 21 May 1836:

And whereas, by an Act of the Imperial Parliament passed in the 11th year of the reign of her present Majesty intituled “An Act to change the name of “The Liverpool Fire Insurance Company” and for other Purposes relating thereto,” the name of the said Company was changed to “The Liverpool and London Fire and Life Insurance Company,” and a supplement deed of settlement was made by the said Company dated 24 February 1851:

And whereas, by virtue of the powers in that behalf given by the said supplementary deed of settlement to the Board of Directors for the time being of the said Company, a local Board of Directors of the said Company was, in the year 1853, duly appointed in the City of Sydney, in the Colony of New South Wales, for carrying on and managing in Australia, including New Zealand and Tasmania, the business of the said Company and all matters connected therewith, and for other purposes in connection with the affairs of the said Company:

And whereas the said Company has for many years carried on and still continues to carry on such business in New Zealand under the direction of the said local Board in the name of “The Liverpool and London and Globe Insurance Company:”

And whereas, by an Act of the Imperial Parliament passed in the 27th and 28th years of the reign of her present Majesty, intituled “An Act to confirm an Agreement for the Amalgamation of the Globe Insurance Company with the Liverpool and London Fire and Life Insurance Company, and to alter the name of the last-mentioned Company,

and for other Purposes,” the name and style of the said Company was changed into and became “The Liverpool and London and Globe Insurance Company:” And whereas it is expedient to enable the said Liverpool and London and Globe Insurance Company to sue and be sued in this colony, and to give effect in this colony to the said change of name of the said Company, and to remove all doubts as to the effect of the said change of name upon the existing contracts and engagements of the said Company in this colony:

1 Short Title

The Short Title of this Act is the Liverpool and London and Globe Insurance Company Act 1879.

2 New name of Company to apply to existing engagements

All contracts and engagements, and all policies, agreements, bonds, deeds, and assurances, and other instruments whatsoever wherein the Liverpool and London Fire and Life Insurance Company are named or referred to by or with reference to their name of the Liverpool Fire and Life Insurance Company or their name of the Liverpool and London Fire and Life Insurance Company shall be read and have effect as if they were named or referred to therein by or with reference to their new name of the Liverpool and London and Globe Insurance Company; and all rights of action or suit and other rights and privileges possessed or enforceable by or on behalf of or against the Liverpool and London Fire and Life Insurance Company, and all such contracts, engagements, rights of action and suit, and other rights and privileges shall and may be proceeded upon and enforced accordingly.

3 Actions by the Company

All actions, suits, and proceedings at law or in equity or in bankruptcy to be commenced, instituted, or carried on in this colony by or on behalf of the Liverpool and London and Globe Insurance Company, or wherein the said Company is or shall be concerned or interested, against any person, whether such person shall be a member or proprietor of or in the said Company or not, shall be commenced, instituted, presented, and prosecuted or carried on in the name of the said Company in the same manner as if the same had been incorporated by such name.

4 Actions against the Company

All actions, suits, and proceedings at law or in equity to be commenced or instituted in this colony against the said Company by any person, whether such person is or shall then be a member or proprietor of or in the said Company or not, shall be commenced, instituted, and prosecuted or carried on against the said Company by its name in the same manner as if the same had been so incorporated.

5 Criminal proceedings

Prosecutions to be brought, instituted, or carried on for fraud upon or against the said Company, or for embezzlement, robbery, or stealing any money, notes, bills, effects, securities, goods, chattels, or property of the said Company, or for any other offences against the said Company, shall be so brought or instituted and carried on in the name of the Company as if the same were incorporated. And in all informations it shall be lawful to state the property of the said Company to be the property of the said Company by its name as if incorporated; and any offences committed with intent to defraud or injure the said Company shall and lawfully may, in such prosecution, be laid to have been committed with intent to defraud or injure the said Company by its name as if incorporated, and any offender may thereupon be lawfully convicted of any such offence; and in all other allegations, informations, and other proceedings whatsoever in which, in the absence of legislative provision, it would have been necessary to state the names of the persons composing the said Company, it shall be lawful and sufficient to state the name of the Company, and no change in the persons composing the Company shall abate any such action, suit, proceeding, or prosecution.

6 No action against the Company to be affected in consequence of the plaintiff being proprietor

No action or suit against the said Company shall be in any wise affected or defeated by or by reason of the plaintiff therein, or of any other person in whom any interest may be averred or who may be in any wise interested or connected in such action or suit, being or having been a proprietor or a partner in the said Company, or of such action or suit arising out of the partnership relation of the plaintiff or other person as aforesaid and the Company; but any proprietor or partner, or late proprietor or partner, in the said Company shall and may have the same right of action or suit and remedy, to be proceeded in and enforced in the same manner against the said Company which he or they might have had if he or they had been a stranger and not a proprietor or partner in the said Company.

7 No action commenced by the Company to be affected in consequence of the defendant being a proprietor

No action or suit commenced by the said Company shall be in any wise affected or defeated by or by reason of the defendant therein or of any other person in whom any interest may be averred or who may be in any wise interested or concerned in such action or suit, being or having been a proprietor or partner in the said Company, or of such action or suit arising out of the partnership relation of the Company and the defendant or such other person; but the said Company shall and may have the same right of action or suit and remedy, to be proceeded in and enforced in the same manner against any proprietor thereof or partner, or late proprietor or partner, therein, either alone or jointly

with any other person or persons, which the said Company might have had if such cause of action or suit had risen with a stranger and not a proprietor or partner in the said Company.

8 Decrees against the Company to have effect against the Company

All and every judgment, decree, or order made or pronounced in any action, or suit, or proceeding in any Court of law or equity against the said Company shall have the like effect and operation upon and against the property and funds of the same Company, and upon and against the person and property of every proprietor thereof, as if all proprietors of such Company were parties before the Court to and in such action, suit, or proceeding; and it shall be lawful for any Court in which such judgment, order, or decree shall have been made to cause such judgment, order, or decree to be enforced against all and every or any proprietor of such Company in like manner as if all the proprietors of such Company were parties before such Court to and in such action, suit, or proceeding.

9 Affidavits

Where in any action, suit, or proceeding an affidavit or statutory declaration is required to be made by the plaintiff or defendant or any other party, and such plaintiff, defendant, or other party be the Company, such affidavit or statutory declaration may be made by one of the local trustees, or by the agent of the Company, and shall be deemed to be for all intents and purposes the affidavit of the Company.

10 Company not incorporated by this Act

Nothing herein contained shall extend to, or be deemed, constructed, or taken to extend to, incorporate the said Company, or to relieve or discharge the said Company or any of the proprietors thereof or subscribers thereto from any responsibilities, duties, contracts, or obligations whatsoever which by law they now are or at any time hereafter may be subject or liable to, either between the said Company and others, or between the individual proprietors of the said Company or any of them and others, or amongst themselves, or in any manner whatsoever, except so far as the same is affected by the provisions of this Act and the true intent and meaning thereof.

11 Power to appoint local trustees

It shall be lawful for the said Company, under the provisions contained in the said deed of settlement and supplemental deed of settlement, to appoint 3 persons residents of the said colony as local trustees of the property of the said Company in the said colony, in whose names any investments shall be made and taken.

12 Property to vest in such trustees

When such trustees shall be appointed as aforesaid, the trust moneys, securities, lands, tenements, and hereditaments of the said Company in this colony belonging to the Company as absolute owners thereof or as mortgagees or otherwise, or which may hereafter belong to or be acquired or obtained by this Company in this colony, whether as absolute owners thereof or otherwise, shall vest and be vested in the local trustees of the said Company for the time being by force of this Act and by virtue of their appointments merely, and of which appointments the memorial recorded in the office of the High Court as required by this Act shall be conclusive evidence without any assignment, transfer, or conveyance; and the said local trustees for the time being shall have the same powers and rights, both at law and in equity, with respect to the said trust moneys, securities, property, lands, tenements, and hereditaments, of the company so vested in them as aforesaid as they would have if the same had been duly assigned, transferred, or conveyed to them.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

13 Memorial of the names of local agents to be recorded

The said Company shall, within 60 days after the commencement of this Act, cause a memorial of the names of the agent of the said Company in Wellington for the time being, and, in case of the appointment of local trustees as hereinbefore mentioned, then within 60 days after the appointment of such trustees, cause a memorial of the names of such local trustees for the time being of the said Company, in the forms in the Schedule or to the like effect, to be delivered to the Registrar of the High Court at Wellington. And when and as often as any new agent in Wellington or new trustee shall be appointed, then the said Company shall, within 30 days after either of such occurrences, cause a like memorial of the names of the then agent and trustees, including such new agent or trustee in lieu of the agent or trustee in whose place he shall have been appointed, to be delivered as aforesaid. And every such memorial shall be verified by the solemn declaration of the agent of the Company in Wellington, or by a member of the said local Board.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

14 Fees to be paid on memorial

There shall be paid to the said Registrar, upon the delivery of every such memorial, the sum of 50 cents; and the said Registrar shall cause every such memorial to be filed and kept in his office, and any person or persons shall from time to time have liberty to search for and inspect such memorial on payment of the sum of 10 cents for every search.

The expressions “fifty cents”, and “ten cents” were substituted, as from 10 July 1967, for the expressions “five shillings”, and “one shilling” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

15 Memorial recorded to be conclusive evidence

The memorial or memorials last recorded shall be conclusive evidence against the Company of the persons named in such memorial as the agent and trustees in New Zealand thereof being such agent and trustees for the time being, and of the regularity of his or their appointment; and the acts and deeds of the persons or person so named in such memorial shall be binding on the Company notwithstanding that they shall not be the agent or trustees thereof. And all persons paying money to the persons named in such memorials as agent or trustees of the said Company shall be exonerated from all liability in respect of non-application or misapplication of such money.

16 Service of proceedings

Service upon such agent in Wellington, or upon any one of the local trustees, of any writ of summons, process, or other proceeding issued against the said Company shall be deemed good service thereof upon the Company.

Schedule

Memorial of the name of the agent [*or* of the names of the trustees, *or* of the agent and trustees, as the case may be] in New Zealand of the Liverpool and London and Globe Insurance Company to be filed in the High Court of New Zealand pursuant to “The Liverpool and London and Globe Insurance Company Act 1879.”

) Trustees.

)

) Agent at Wellington.

I, _____ of _____, do solemnly and sincerely declare that the above memorial contains the name of the present agent in Wellington [*or* of the trustees, *or* of the agent and trustees, as the case may be] of the above-named Company in New Zealand.

Declared at _____, before me, _____ this _____ day of _____, 18 ____.

) A Justice of the Peace for the Colony of New Zealand.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Eprint notes**1 *General***

This is an eprint of the Liverpool and London and Globe Insurance Company Act 1879 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)