

Reprint
as at 1 July 2019



Earthquake Commission Regulations 1993 (SR 1993/345)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 20th day of October 1993

Present:

The Right Hon W F Birch presiding in Council

Pursuant to section 36 of the Earthquake Commission Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Treasury.

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Earthquake Commission Regulations 1993.
- (2) These regulations shall come into force on 1 January 1994.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means the Earthquake Commission Act 1993.

Expressions defined in the Act have the same meanings in these regulations.

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Regulation 2A: inserted, on 7 September 2017, by regulation 4 of the Earthquake Commission Amendment Regulations 2017 (LI 2017/170).

3 Premiums

- (1) The premium payable in respect of the insurance of any residential building under the Act is,—
 - (a) where the period of insurance is 1 year, 20 cents (plus goods and services tax) for every \$100 of the relevant amount:
 - (b) in the case of any other period of insurance, a pro rata proportion (on a daily basis) of the amount calculated in accordance with paragraph (a), rounded to the nearest 5 cents.

(1A) *[Revoked]*

- (2) In subclause (1), **relevant amount** means the amount to which the property is insured under section 18(1) of the Act.
- (3) No premium is payable in respect of the insurance of any residential land under the Act.
- (4) Subject to subclauses (1) to (3), the Commission may from time to time make and issue determinations relating to the method of calculation of premiums in respect of any class of insurance, class of property, or clauses or wordings contained in contracts of insurance.

Regulation 3(1): substituted, on 1 December 2011, by regulation 4 of the Earthquake Commission Amendment Regulations 2011 (SR 2011/379).

Regulation 3(1): amended, on 1 July 2019, by regulation 4(1) of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

Regulation 3(1)(a): amended, on 7 September 2017, by regulation 5(1) of the Earthquake Commission Amendment Regulations 2017 (LI 2017/170).

Regulation 3(1A): revoked, on 7 September 2017, by regulation 5(2) of the Earthquake Commission Amendment Regulations 2017 (LI 2017/170).

Regulation 3(2): replaced, on 1 July 2019, by regulation 4(2) of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

4 Excess

- (1) For the purposes of clause 1 of Schedule 3 of the Act, the excess is—
 - (a) residential building—\$200 multiplied by the number of dwellings in the building, or 1% of the amount payable under section 29 of the Act, whichever is greater;
 - (b) residential land—\$500 multiplied by the number of dwellings in the residential building which is situated on the land, or 10% of the amount payable under section 29 of the Act, whichever is greater, to a maximum of \$5,000.
 - (c) *[Revoked]*
- (2) *[Revoked]*
- (3) For the purposes of this regulation, the number of dwellings in a residential building is the number determined in accordance with section 18(3) of the Act.

Regulation 4(1): amended, on 1 July 2019, by regulation 5(1) of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

Regulation 4(1)(c): revoked, on 1 July 2019, by regulation 5(2) of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

Regulation 4(2): revoked, on 1 July 2019, by regulation 5(3) of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

5 Reinstatement of insurance on payment of claim

For the purposes of clause 6 of Schedule 3 of the Act, the amount which the Commission is entitled to charge an insured person (or deduct from a payment to an insured person in respect of a claim under the Act) for the continuation of the insurance, after making a payment in respect of a claim, shall be calculated in accordance with the following formula:

$$\frac{a \times c \times d}{365 \times b}$$

where—

- a is the amount of that payment; and
- b is the maximum amount for which the property is insured under the Act; and
- c is the amount of premium paid for the insurance under the Act; and
- d is the number of days from the date of the claim to the date on which the insurance expires.

6 Longer time for reporting of claims

[Revoked]

Regulation 6: revoked, on 11 April 2019, by regulation 6 of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

Schedule 1 Transitional, savings, and related provisions

r 2A

Schedule 1: inserted, on 7 September 2017, by regulation 6 of the Earthquake Commission Amendment Regulations 2017 (LI 2017/170).

Part 1 Provisions relating to Earthquake Commission Amendment Regulations 2017

1 Savings and related provision for contracts of insurance made before 1 November 2017

- (1) Subclause (2) applies in the case of a premium that is payable—
 - (a) in respect of the insurance of any residential building or personal property under the Act; and
 - (b) under a contract of fire insurance made before 1 November 2017 that provides cover for a period of insurance that commences before 1 November 2017.
- (2) Regulation 3(1)(a), as in force immediately before the amendment made by regulation 5(1) of the Earthquake Commission Amendment Regulations 2017, continues to apply in respect of the premium payable.
- (3) The Commission's power under regulation 3(4) is subject to this clause.

Part 2 Provisions relating to Earthquake Commission Amendment Regulations 2019

Schedule 1 Part 2: inserted, on 1 July 2019, by regulation 7 of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

2 Personal property

- (1) Regulations 3 and 4, as in force before the commencement date, continue to apply as part of the old regime, in relation to any contract to which the old regime applies under clause 3 of Schedule 1AA of the Act.
- (2) In this clause, **commencement date**, **contract**, and **old regime** have the same meanings as in clause 3 of Schedule 1AA of the Act.

Schedule 1 clause 2: inserted, on 1 July 2019, by regulation 7 of the Earthquake Commission Amendment Regulations 2019 (LI 2019/50).

Diane Wilderspin,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 22 October 1993.

Reprints notes

1 *General*

This is a reprint of the Earthquake Commission Regulations 1993 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Earthquake Commission Amendment Regulations 2019 (LI 2019/50)
Earthquake Commission Amendment Regulations 2017 (LI 2017/170)
Earthquake Commission Amendment Regulations 2011 (SR 2011/379)