

Reprint
as at 19 April 2016



**Canterbury Earthquake (Earthquake Commission Act)
Order 2012**
(SR 2012/63)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 2nd day of April 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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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.

This order is administered by the Treasury.

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Order

1 Title

This order is the Canterbury Earthquake (Earthquake Commission Act) Order 2012.

2 Commencement

This order is deemed to have come into force on 4 September 2011.

3 Revocation of this order

This order is revoked on the close of 30 June 2021.

Clause 3: replaced, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

4 Interpretation

(1) In this order, unless the context otherwise requires,—

Act means the Earthquake Commission Act 1993

Commission means the Earthquake Commission constituted under the Act.

(2) A term used but not defined in this order that is defined in the Act or the Canterbury Earthquake Recovery Act 2011 has the meaning given by the relevant Act.

5 Purposes of order

This order is made for the purposes stated in section 3(d) and (f) of the Canterbury Earthquake Recovery Act 2011.

6 Exemption from 1-year time limit in Act if settling claims by reinstatement

[Revoked]

Clause 6: revoked, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

7 Modification to Act to allow Commission to invoice claimants to recover excesses if settling claims by reinstatement

- (1) If the Commission decides to settle by reinstatement a claim relating to a residential building or residential land affected by the Canterbury earthquakes, the Commission may—
 - (a) enter into an agreement with the claimant relating to the payment (or deduction) of the amount of any excess due to the Commission as a condition of the insurance provided by the Commission; or
 - (b) demand payment from the claimant of the amount of that excess by issuing an invoice.
- (2) If payment has been demanded under subclause (1)(b), the amount of the excess is recoverable as a debt due to the Commission in any court.
- (3) For the purpose of this order, **excess** is the amount determined in accordance with regulation 4 of the Earthquake Commission Regulations 1993.

8 Order does not limit Commission's discretion as to settlement of claims

This order does not limit the Commission's discretion under the Act to settle any claim by payment, replacement, or reinstatement.

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Earthquake Commission Act) Order 2012 that incorporates all the amendments to that order as at the date of the last amendment to it.

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*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 147