
LIFE ASSURANCE COMPANIES.

No. 12 of 1905.

An Act relating to Assurance on the Lives of
Children by Life Assurance Companies or
Societies.

[Assented to 23rd November, 1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

Interpretation.

1. In this Act unless the context or subject-matter otherwise
indicates—

“Life assurance company” means any company, society, or
body of persons (not being a friendly society) corporate or
unincorporate associated together with the object either
solely or amongst others of carrying on and in fact
lawfully under the laws of the State carrying on the
business of granting policies upon lives or entering into
contracts for future endowments by way of annuity or
otherwise ;

“Registrar of Deaths” means any person authorized by the law of any State relating to the registration of deaths to issue certificates of death in such State ;

“Register of Deaths” means any Register kept in any State under any law for the registration of deaths for the time being in force in such State ;

“Registered medical practitioner” means any person who, under the law of any State, is a legally qualified medical practitioner in such State ;

“Friendly society” means any society registered under any law in force in any State providing for the registration of friendly or benefit societies.

2. A life assurance company may contract to pay on the death of a child between the respective ages mentioned in the Schedule hereto any sum of money which, added to any amount payable on the death of that child by any other life assurance company or by any friendly society, does not exceed the amount specified in such Schedule as payable on the death of the child between such ages, and every policy issued under and by virtue of the provisions of this section shall set forth that the total sum or sums recoverable on the death of any child as assurance moneys or other benefits from any one or more life assurance companies or friendly societies shall not exceed the amount so specified in such Schedule.

Limitation of amount payable on death of children.

3. A life assurance company shall not pay any sum on the death of a child under ten years of age except to the parent of the child or to the personal representative of the parent, and shall not pay any such sum except upon the production by the parent or his personal representative of a certificate of death issued by a Registrar of Deaths and containing the particulars mentioned in this Act.

Person to whom payment may be made.

4.—(1.) Where application is made for a certificate of the death of a child for the purpose of obtaining a sum of money from a life assurance company, the name of the company and the sum sought to be obtained therefrom shall be stated to the Registrar of Deaths.

Certificates of death.

(2.) The Registrar of Deaths shall write on or at the foot of the certificate the words “To be produced to the society or company (*naming the same*) said to be liable for the payment of the sum of ” (*stating the same*).

(3.) All certificates of the same death shall be numbered in consecutive order.

(4.) No Registrar of Deaths shall issue any one or more certificates of death of a child under the age of ten years for the payment in the whole of any sum of money exceeding the amount for which such child may be insured under section two hereof.

(5.) No Registrar of Deaths shall issue any such certificate unless—

(a) the cause of death has been previously entered in the Register of Deaths on the certificate of a coroner or of a registered medical practitioner who attended the deceased child during its last illness ; or

- (b) a certificate of the probable cause of death under the hand of a registered medical practitioner is produced to him ; or
- (c) other satisfactory evidence thereof is furnished to him.

(6.) A life assurance company to which is produced a certificate which does not purport to be the first of the death of a child under the age of ten years shall before paying any money thereon inquire whether any and what sums of money have been paid on the same death by any other life assurance company or friendly society.

Saving as to insurable interests.

5. Nothing in this Act shall apply—

- (a) to any insurance on the life of a child of any age when the person insuring has an interest in the life of the person insured ;
- (b) to any insurance effected by a person *in loco parentis* as an advancement of the child in any case in which the amount payable to such person on the death of the child under twenty-one years of age does not exceed the total amount actually paid by such person in respect of premiums on such insurance, together with interest on such premiums at a rate not exceeding four per centum per annum.

Offences and penalties.

6.—(1.) It shall be an offence under this Act—

- (a) if a life assurance company pays money on any policy taken out after the passing of this Act on the death of a child under ten years of age otherwise than as provided by this Act ; or
- (b) if a parent or personal representative of a parent claiming money on the death of a child produces a certificate of the death other than as provided in this Act to the life assurance company from which the money is claimed, or produces a false certificate or one fraudulently obtained or in any way attempts to defeat the provisions of this Act ; or
- (c) if a policy issued under and by virtue of the provisions of section two shall not set forth that the total sum or sums recoverable on the death of any child as assurance moneys or other benefits from any one or more life assurance companies or friendly societies shall not exceed the amount so specified in the Schedule hereto.

Penalty : Forty-five pounds.

(2.) All offences and penalties under this Act may be prosecuted and recovered before any court of summary jurisdiction in the State in which such offence was committed.

(3.) The provisions of the law relating to summary proceedings before justices in force in the State where proceedings are instituted shall apply to the prosecution of offences under this Act before a court of summary jurisdiction in such State and an appeal shall lie from any such conviction or order of dismissal to the court, and in the manner provided by the law of the State where such conviction or order is made for appeals from convictions or orders of dismissal.

(4.) An offence committed by a life assurance company shall be deemed to have been committed at the principal office of such company in the State where such offence is committed.

7. This Act may be cited as the *Life Assurance Companies Act* Short title.
1905.

THE SCHEDULE.

Amount payable in case of death of child between ages—

Birth and one year	..	..	..	£
One year and two years	..	..	..	5
Two years and three years	..	..	..	6
Three years and four years	..	..	..	7
Four years and five years	..	..	..	8
Five years and six years	..	..	..	9
Six years and seven years	..	..	..	10
Seven years and eight years	..	..	..	28
Eight years and nine years	..	..	..	35
Nine years and ten years	..	..	..	40
				45
