



# STATUTORY RULES.

1949. No. .

## REGULATIONS UNDER THE WAR SERVICE HOMES ACT 1918-1948.\*

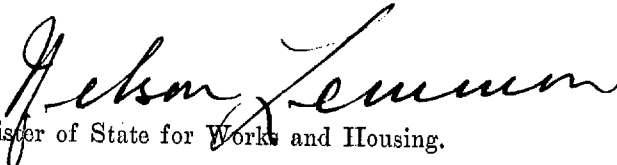
**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *War Service Homes Act 1918-1948*.

Dated this TWENTY - THIRD

day of FEBRUARY, 1949.

W. J. MCKEEL  
Governor-General.

By His Excellency's Command,

  
Minister of State for Works and Housing.

### AMENDMENTS OF THE WAR SERVICE HOMES REGULATIONS.†

1. Regulation 4 of the War Service Homes Regulations is amended Definitions. by omitting from sub-regulation (2.) the word "sub-regulation" and inserting in its stead the word "sub-section".

2. Regulation 45 of the War Service Homes Regulations is amended Definitions. by adding at the end of sub-regulation (1.) the following definition:—  
"voluntary insurance" means insurance in accordance with regulation 45A of these Regulations."

3. After regulation 45 of the War Service Homes Regulations the following regulation is inserted:—

"45A.—(1.) The Director may, on application by the owner of a Voluntary insurance. dwelling-house referred to in sub-section (1A.) of section thirty-eight of the Act, insure the dwelling-house against fire and prescribed risks.

"(2.) The obligation of the Director under an insurance in accordance with this regulation shall be, subject to these Regulations, to indemnify the assured, by payment or, at the option of the Director, by reinstatement or repair, against loss of or damage to the insured property (to the extent of the amount of the insurance) by any of the risks covered by the insurance.

"(3.) Any reference in these Regulations to insurance in pursuance of the Act shall, unless the contrary intention appears, be read as including a reference to insurance in accordance with this regulation."

4. Regulation 47 of the War Service Homes Regulations is amended Inspections and valuations of property. by adding at the end thereof the following sub-regulation:—

"(2.) The assured shall permit an authorized officer at any reasonable time to enter and inspect the insured property."

\* Notified in the *Commonwealth Gazette* on 1949.  
† Statutory Rules 1936, No. 74, as amended by Statutory Rules 1945, No. 202; 1946, No. 66; and 1947, No. 93.

5. Regulation 49 of the War Service Homes Regulations is amended by omitting the words "purchaser or borrower" and inserting in their stead the word "assured".

Value of property stated by authorized officer conclusive.

6. Regulation 50 of the War Service Homes Regulations is amended by inserting after the word "shall" (second occurring) the words "or may".

Amount of insurance and premium.

7. Regulation 51 of the War Service Homes Regulations is amended by inserting after the words "in pursuance of" the words "sub-section (1.) of section thirty-eight of".

Determination of amount of insurance.

8. Regulation 52 of the War Service Homes Regulations is repealed.

Water tanks and outbuildings.

9. Regulation 53 of the War Service Homes Regulations is amended by omitting from paragraph (a) of sub-regulation (1.) the words "purchaser or borrower" and inserting in their stead the word "assured".

Special danger to property.

10. Regulation 55 of the War Service Homes Regulations is amended by omitting the words "purchaser or borrower" (wherever occurring) and inserting in their stead the word "assured".

Notice of carrying on trade in dwelling-house.

11. Regulation 56 of the War Service Homes Regulations is amended by omitting the words "purchaser or borrower" (wherever occurring) and inserting in their stead the word "assured".

Notice of alterations or additions to dwelling-house.

12. Regulation 57 of the War Service Homes Regulations is amended by adding at the end thereof the following sub-regulations:—

Certificate of insurance in case of compulsory insurance.

"(4.) The terms of the certificate of insurance shall be conditions of the insurance (in addition to any other conditions specified in these regulations).

"(5.) This regulation shall not apply in respect of voluntary insurance."

13. After regulation 57 of the War Service Homes Regulations the following regulation is inserted:—

"57A.—(1.) Where the Director decides to accept an application for voluntary insurance, he shall sign, and forward to the assured, a certificate of insurance in accordance with Form A in the Schedule to these Regulations (with any necessary modifications), and upon the signing of the certificate the property shall be deemed to be insured in accordance with regulation 45A of these Regulations against the risks and for the amount stated in the certificate for the benefit of the person named in the certificate.

Certificate of insurance in case of voluntary insurance.

"(2.) The terms of the certificate of insurance shall be conditions of the insurance (in addition to any other conditions specified in these Regulations).

"(3.) Upon the making of an application to the Director for the voluntary insurance of a dwelling-house, the Director may issue a cover note in respect of the insurance, and thereupon the dwelling-house shall be deemed to be insured, in accordance with regulation 45A of these Regulations, for the period and subject to the conditions specified in the cover note (in addition to the conditions specified in these Regulations).

"(4.) Where the interest of the Director in a dwelling-house which is insured in pursuance of sub-section (1.) of section thirty-eight of the Act ceases, and thereupon the dwelling-house becomes a dwelling-house mentioned in sub-section (1A.) of that section, then, unless and until the Director cancels the insurance, the insurance shall, subject to these Regulations, continue as, and be deemed to be, a voluntary insurance for the amount, and in accordance with the terms and conditions, specified in the certificate of insurance issued under regulation 57 of these Regulations."

14. Regulation 59 of the War Service Homes Regulations is amended by adding at the end thereof the words "and shall not (unless he waives his rights under this regulation) be liable under the insurance in respect of that destruction or damage". Failure of assured to notify damage.

15. Regulation 61 of the War Service Homes Regulations is amended by adding at the end thereof the following sub-regulation:— Assured to bear damage to extent of Ten pounds.

"(4.) The foregoing provisions of this regulation shall not apply in a case of voluntary insurance, but in such a case—

(a) the assured shall have no claim in respect of damage or loss from flood or tempest not exceeding Two pounds in value; and

(b) the Director may, if he thinks fit, in the case of such damage or loss which exceeds Two pounds in value, deduct Two pounds from the amount otherwise payable to the assured."

16. Regulation 64 of the War Service Homes Regulations is amended— Existing insurances to be notified.

(a) by inserting in sub-regulation (1.), after the word "advance" (twice occurring), the words "or voluntary insurance"; and

(b) by omitting from sub-regulation (2.) the word "directs" and inserting in its stead the word "permits".

17. Regulation 65 of the War Service Homes Regulations is amended by omitting the words "the purchaser or borrower" and inserting in their stead the words "a person other than the Director". Avoidance of insurance for failure to occupy dwelling-house.

18. Regulation 66 of the War Service Homes Regulations is amended by omitting the words "purchaser or borrower" and inserting in their stead the word "assured". Duty of assured to protect property.

19. Regulation 67 of the War Service Homes Regulations is amended by omitting from paragraph (a) the words "purchaser or borrower" (twice occurring) and inserting in their stead the word "assured". Destruction or damage arising from negligence.

20. Regulation 68 of the War Service Homes Regulations is amended by inserting after the word "property" the words "in which the Director has an interest". Property deemed to be insured for benefit of Director.

21. Regulation 70 of the War Service Homes Regulations is amended— Avoidance of insurance for non-payment of premium.

(a) by omitting from sub-regulation (2.) the words "purchaser or borrower as the case may be" and inserting in their stead the words "person who was the assured"; and

(b) by inserting in sub-regulation (3.), after the word "premiums", the words "(other than premiums in respect of voluntary insurance)".

22. Regulation 71 of the War Service Homes Regulations is repealed and the following regulation inserted in its stead:—

"71.—(1.) Subject to sub-regulation (3.) of regulation 57A of these Regulations, every insurance in pursuance of sub-section (1.) of section thirty-eight of the Act shall forthwith cease and be of no effect when the Director ceases to have an interest in the insured property. Cessation of insurance.

"(2.) Every voluntary insurance shall forthwith cease and be of no effect when the insured property ceases to be a dwelling-house mentioned in sub-section (1A.) of section thirty-eight of the Act."

23. Regulation 72 of the War Service Homes Regulations is amended by omitting paragraphs (a) and (b) and inserting in their stead the following paragraphs:— Rights against third persons.

"(a) refuse any payment or other benefit under the insurance to the assured until the assured has recovered from the other person all damages and compensation to which the assured is entitled; or

(b) carry out his obligations to the assured under the insurance and recover for his own benefit from the other person all damages and compensation to which the assured is entitled."

24. The Schedule to the War Service Homes Regulations is amended by adding at the end of paragraph 14 of Form A the following words:— The Schedule.

"This condition shall not apply to an insurance affected or continued with the consent of a Deputy Director of War Service Homes, but if, at the time of any destruction, damage or liability arising under this insurance, there is any other insurance covering that destruction, damage or liability, or any part thereof, the Director of War Service Homes shall not be liable for more than his ratable proportion thereof."